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# State of New Jersey

## HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL

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## **DRAFT** CONSISTENCY REVIEW AND RECOMMENDATIONS REPORT

**PETITION FOR PLAN CONFORMANCE:  
BOROUGH OF MILFORD, HUNTERDON COUNTY**

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

**8/24/2026**

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

**PETITION SUMMARY**

|                                     |                                         |
|-------------------------------------|-----------------------------------------|
| <b>Municipality:</b>                | <u>Borough of Milford</u>               |
| <b>Date of Petition Submission:</b> | <u>August 5, 2026</u>                   |
| <b>Conformance Area:</b>            | <u>Planning Area</u>                    |
| <b>Staff Recommendation:</b>        | <u>Approve Petition with Conditions</u> |

**A. REVIEW OF ADMINISTRATIVE SUBMITTALS**

1. Resolution No. RE2026-094, Resolution of the Borough of Milford, County of Hunterdon, State of New Jersey, Submission of Petition for Plan Conformance to the Highlands Water Protection and Planning Council for Land in the Planning Area.
2. Milford Borough Initial Assessment Report, July 20, 2026. (Appendix B)

**B. SUBSTANTIVE REVIEW**

The Borough of Milford is a small community of about 1,232 residents located in western Hunterdon County. The Borough is approximately 1.28 square miles in area and is located entirely in the Highlands Planning Area. The Borough completed a Conformance Assessment Report in July 2026 and adopted a resolution to “Submission of Petition for Plan Conformance to the Highlands Water Protection and Planning Council for Land in the Planning Area” in August 2026 to bring all lands within the Borough into conformance with the Highlands Regional Master Plan.

Milford Borough is characterized by its small downtown and residential development surrounded by rural uplands and rolling hills. The Borough is essentially built out with remaining vacant land consisting of environmentally constrained areas and isolated small parcels. Neighboring communities include the Township of Holland in Hunterdon County to the north and east; Alexandria to the south, and the Delaware River and Pennsylvania to the west.

The Borough has a limited transportation network with County Routes 519 traversing east-west and 619 from north to south. Bridge Street connects the Borough to Pennsylvania via the Upper Black Eddy-Milford Bridge over the Delaware River. The majority of the Borough’s residential development characterized by single-family homes served by interconnected local roads.

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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)                                            | 302   | 42%       | Along all borders 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)                                          | 0     | 0%        | N/A                                                                                                             | Consists of areas with significant agricultural lands, woodlands, and environmental features. Preservation when possible; limited non-agricultural development. |
| Conservation-Environmentally Constrained Subzone (CZ-EC)        | 14    | 2%        | Northern border                                                                                                 | Consists of significant environmental features that should be preserved and protected from non-agricultural development.                                        |
| Existing Community Zone (ECZ)                                   | 380   | 53%       | Primarily located along the central business district and surrounding neighborhoods in the core of the Borough. | Consists of areas with significant concentrated development of existing communities. Limited environmental constraints.                                         |
| Existing Community-Environmentally Constrained Subzone (ECZ-EC) | 22    | 3%        | Southwestern portion of the Borough along the Delaware River.                                                   | Consists of environmental features within the ECZ that should be protected from further fragmentation.                                                          |
| Lake Community Subzone (ECZ-LC)                                 | 0     | 0%        | N/A                                                                                                             | 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.*

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The Highlands LUCZ designations largely reflect the Borough's Zoning Map. The Existing Community Zone is primarily located along the Route 519 and 619 corridors where most of the Borough's residential development and commercial uses surround the corridor. These areas include numerous zones including Low-Density Residential, Medium Density Residential, Downtown Business, and Corridor Business districts. The Protection Zones mostly correlate with the Borough's Rural Residential Zone. While the Existing Community Zone is the largest LUCZ designation, much of the remaining area of the Borough is designated with a LUCZ where development may be limited by environmental constraints.

The Conformance Assessment reviewed the environmental constraints within Milford Borough. The Borough is rich in natural resources. Over 400 acres, or 49.28%, of the Borough is located within a Riparian area. Nearly half of the municipality (47.8%) is located within an Open Water Protection Area and more than half of the Borough contains critical wildlife habitat.

According to NJDEP Land Use/Land Cover (2020) data, only 65.7 acres or 8% of the Borough is in agricultural use with the majority classified as Urban (313.4 acres) and Forest (304.9 acres). 32.7% of the Borough is severely constrained with steep slopes, with the majority along the various waterways traversing the Borough. Milford Borough is located within three subwatersheds. The net water availability ranges from -0.99 to 0.0 million gallons per day.

A total of 417.1 acres, or 51%, of Milford Borough is located within the sewer service area. The sewer service area is largely confined to the downtown and residential districts. There are no plans to expand the Sewer Service Area beyond what has been already approved and/or constructed. Milford Borough STP is the wastewater treatment facility for the Borough with extensions north into Holland Township. The permitted flow is 0.4 MGD which is currently at capacity. New development in the Borough would need to rely on septic systems absent a significant and costly upgrade to the Borough's treatment plant.

The Borough's public water system faces similar constraints with deficit in FIRM Capacity of -0.32 MGD. Accordingly, no new water main extensions or connections will be issued by DEP. Furthermore, the Borough's two public wells in operation with another well, Well 5, under "violation" for secondary contaminants which will necessitate a new well.

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 Milford Borough those densities are 32 acres for the Protection Zone, 12 acres for the Conservation Zone, and 11 acres for the Existing Community Zone.

The Conformance Assessment notes broad consistency with Borough zoning and the RMP. According to the Conformance Assessment, there are limited undeveloped parcels available for significant new projects that would exceed the applicability threshold of the Conformance Ordinance. However, as the Assessment notes, parcels in the GU District as well as the I-District/ Curtis Redevelopment Area may face some limitation based on Highlands Conformance Ordinance requirements and warrant further investigation. Specifically, the Curtis Paper Mill site is subject to environmental remediation due to known contamination where a Redevelopment designation has been granted and is appropriate.

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

#### **Conclusion**

Plan conformance impacts to development potential and existing land uses will likely be minimal due to the nature of preexisting development and 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.

The Borough's Third Round and Fourth Round Affordable Housing obligation is met through a series of mechanisms including durational adjustments due to lack of infrastructure capacity and the RA-1 Redevelopment Overlay Zone.

It is recommended that the Borough 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 for the Borough of Milford be approved with conditions as outlined below. Other conformance tasks may arise in future years, such as specific resource management ordinances 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

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Highlands Regional Master Plan along with other Highlands Resource protections. Adoption 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 Borough 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 \$46,000 for FY2027 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 Milford Borough Petition for 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 September 24, 2026 and October 24, 2026. The comment/response document is attached to this document, at Appendix D.

## **APPENDIX A**

### **Implementation Plan and Schedule (IPS) Borough of Milford, Hunterdon County**

**Borough of Milford, Hunterdon County, New Jersey**  
Highlands Implementation Plan and Schedule

| PLAN CONFORMANCE TASK                                                            | Proposed<br>Cost Fiscal<br>Year 2027 | Future Projects<br>(requires future<br>HC Approval) | Status and Comments                                                                                                                                                      |
|----------------------------------------------------------------------------------|--------------------------------------|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Housing Element and Fair Share Plan</b>                                       |                                      |                                                     |                                                                                                                                                                          |
| <b>Adoption of Implementing Ordinances</b>                                       |                                      |                                                     |                                                                                                                                                                          |
| <b>Highlands Interactive Environmental Resource Inventory</b>                    | \$ 5,000.00                          |                                                     | Review Highlands Interactive ERI, propose amendments as necessary, and adopt.                                                                                            |
| <b>Highlands Element of Municipal Master Plan</b>                                | \$ 10,000.00                         |                                                     | Adoption of Highlands element and reexamination report.                                                                                                                  |
| <b>Municipal Master Plan Elements</b> (as applicable)                            |                                      |                                                     |                                                                                                                                                                          |
| a. Land Use Plan Element                                                         |                                      | TBD                                                 |                                                                                                                                                                          |
| b. Land Preservation and Land Stewardship Plan Element                           |                                      |                                                     |                                                                                                                                                                          |
| c. Sustainable Economic Development Plan Element                                 |                                      | TBD                                                 |                                                                                                                                                                          |
| d. Historic Preservation Plan Element                                            |                                      |                                                     |                                                                                                                                                                          |
| e. Trails Planning                                                               |                                      |                                                     |                                                                                                                                                                          |
| <b>Adoption of Highlands Conformance Ordinance</b>                               | \$ 5,000.00                          |                                                     | Adoption of Highlands Land Use Ordinance serves to protect municipal resources; future land use ordinance amendments may follow to update existing municipal ordinances. |
| <b>Update Municipal Land Use Ordinances</b>                                      |                                      |                                                     |                                                                                                                                                                          |
| <b>Zoning Map Update</b>                                                         |                                      |                                                     |                                                                                                                                                                          |
| <b>Resource Management Plans and Programs</b>                                    |                                      |                                                     |                                                                                                                                                                          |
| a. Water Use and Conservation Management Plan                                    |                                      | TBD                                                 |                                                                                                                                                                          |
| b. Habitat Conservation and Management Plan                                      |                                      | TBD                                                 |                                                                                                                                                                          |
| c. Stream Corridor Protection/Restoration Plan                                   |                                      | TBD                                                 |                                                                                                                                                                          |
| d. Wastewater Management Plan                                                    |                                      |                                                     |                                                                                                                                                                          |
| e. Municipal Stormwater Management Plan                                          | \$ 25,000.00                         |                                                     | Update existing Municipal Stormwater Management Plan to meet new MS4 requirements                                                                                        |
| f. Open Space, Recreation, and Historic Preservation Plan                        |                                      |                                                     |                                                                                                                                                                          |
| k. Forest Stewardship Plan                                                       |                                      |                                                     |                                                                                                                                                                          |
| <b>Board of Health Ordinances</b>                                                |                                      |                                                     |                                                                                                                                                                          |
| a. Septic System Maintenance                                                     |                                      |                                                     |                                                                                                                                                                          |
| <b>Implementing Ordinances for Management Plans and Programs</b>                 |                                      |                                                     |                                                                                                                                                                          |
| a. Right to Farm Ordinance (if applicable)                                       |                                      |                                                     |                                                                                                                                                                          |
| <b>Redevelopment and Brownfields Opportunities</b>                               |                                      |                                                     |                                                                                                                                                                          |
| a. Highlands Redevelopment Area Planning                                         |                                      | TBD                                                 |                                                                                                                                                                          |
| <b>Highlands Center Planning</b>                                                 |                                      | TBD                                                 |                                                                                                                                                                          |
| <b>Public Outreach/Education</b>                                                 |                                      |                                                     |                                                                                                                                                                          |
| <b>RMP Updates</b>                                                               |                                      |                                                     |                                                                                                                                                                          |
| <b>Attendance at Highlands Council Training Sessions</b>                         | \$ 500.00                            |                                                     |                                                                                                                                                                          |
| a. Municipal Exemption Determinations                                            | \$ 500.00                            |                                                     | Adopt Municipal Exemption Determination Ordinance                                                                                                                        |
| b. Ordinance Administration: Application Procedures, Implementation, Enforcement |                                      |                                                     |                                                                                                                                                                          |
| <b>Estimated Total</b>                                                           | \$ 46,000.00                         |                                                     |                                                                                                                                                                          |

**APPENDIX B**

**Conformance Assessment Report  
Petition for Plan Conformance  
Borough of Milford, Hunterdon County**



Community Planning  
Land Development and Design  
Landscape Architecture

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

Principals:  
*Joseph H. Burgis PP, AICP*  
*Edward Snieckus, Jr. PP, LLA, ASLA*  
*David Novak PP, AICP*

## Highlands Plan Conformance Initial Assessment Report

Borough of Milford  
Hunterdon County, New Jersey

Prepared for the Borough of Milford  
Joint Land Use Board and Mayor and Common Council

BA# 4255.03

Date: July 20, 2026

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Allison Fahey, AICP, PP  
Professional Planner #6406

## Members of the Borough of Milford Land Use Board

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Brenda O'Shea

Jeffrey Livingston

Regina Stem

Al-Musin Parham

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Vacant, Class II

Helen Livingston, Class III

Jef Betz, Alternate

Joseph David, Alternate

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## Borough of Milford Mayor and Council

Henri Schepens, Mayor

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## Planning Board Planning Consultant

Allison Fahey PP, AICP

Burgis Associates, Inc.

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# Executive Summary

The following Highlands Initial Assessment Report has been prepared for the Borough of Milford, in Hunterdon County, New Jersey. This Report was requested and authorized by the Milford Borough Common Council, by Resolution RE2025-059, which was passed unanimously by Milford's Common Council on April 21, 2025.

By way of background, the Highlands Water Protection and Planning Act (the "Highlands Act" or "the Act") was enacted on August 10, 2004 with the intent of preserving open space and protecting the state's greatest diversity of natural resources, including water resources which supply drinking water to more than half of New Jersey's families. The Highlands Region, which encompasses eighty-eight separate and distinct municipalities throughout seven counties, consists of more than 850,000 acres of land throughout the northerly half of the state. The Act essentially delineated this region within two major areas: the Planning Area, wherein municipal and county conformance with the Highlands Regional Master Plan (RMP) is encouraged; and the Preservation Area, wherein the municipal and county conformance with the Highlands RMP is required.

To develop a comprehensive approach in guiding the protection of the region's natural resources, the Highlands Act set forth the establishment of the New Jersey Highlands Water Protection and Planning Council (the "Highlands Council") which was tasked to develop the RMP. The Highlands RMP was adopted on July 17, 2008 and sets forth the framework for implementing the Highlands Act at the local level as well as outlines a program to guide municipalities in the region through the conformance process.

The entirety of Borough of Milford is located within the westerly portion of the Highlands Region. The entirety of the Borough is located within the Planning Area wherein conformance with the Highlands RMP is optional. In recognition of its location within the Highlands Region as well as the unique challenges this presents for future development, the Borough now seeks to conform with the Highlands Planning Area. Accordingly, the following analysis identifies changes necessary to align the Borough's local planning documents and land development regulations with the Highlands RMP. These changes, as well as additional considerations, are summarized on the following page and are discussed in greater detail herein.

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## Relationship to the Highlands RMP

The entirety of the Borough (818 acres) is located within the Planning Area. An analysis of its underlying Land Use Capability Zones (LUCZs) indicates that future development opportunities are significantly limited.

As discussed in greater detail in Section 2.2, LUCZs are designated areas which identify those lands which are best suited for different types of development and those lands where special consideration is required to protect regionally significant resources. Approximately 42% of the Borough is located within the Protection Zone (PZ), while 2% is located in the Conservation Zone - Environmentally Constrained Subzone (CZECZ). The Highlands RMP indicates that land acquisition and preservation are high priorities in both of these LUCZs, and thus development activities should be extremely limited. Meanwhile, approximately 53% of the Borough is located within the Existing Community Zone (ECZ) and another 3% located within the Existing Community - Environmentally Constrained Subzone. The ECZ typically has existing infrastructure that can support development and redevelopment.

To support Highlands conformance, the Borough must take into consideration the overarching goals and objectives of these LUCZs in relation to its local zoning regulations. This is discussed in greater detail below and in Section 3.

---

## Borough Planning Program

The Borough will need to amend its local planning program to better conform with the Highlands RMP. This is summarized below and discussed in greater detail in Section 3.

|                                |                                                                                                                                                                                                                                                                                 |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Master Planning Documents      | The Borough should consider adopting a new land use plan element. This can be conducted in tandem with the adoption of a new Master Plan Highlands Element.                                                                                                                     |
| RR District                    | The Borough should discuss with Highlands whether or not the list of permitted uses should be refined to reflect the policies of the Highlands RMP.                                                                                                                             |
| R-1 District                   | The Borough should discuss with Highlands the appropriateness of zoning for the areas within this zone which are located within the PZ and the CZECZ to ensure the zoning for these areas reflects the Highlands RMP.                                                           |
| I District / RA-1 Overlay Zone | The Borough should discuss with Highlands whether mapping adjustments are needed or if the Borough would need to explore other means to address its affordable housing obligation due to lack of water/sewer infrastructure within this zone if necessary for plan conformance. |
| Zoning Code                    | The Borough will need to amend its zoning code to include regulatory language pertaining to forested areas, scenic areas and critical wildlife habitats to reflect the Highlands RMP.                                                                                           |

# Section 1: Borough Overview

The Borough of Milford is located on the western edge of Hunterdon County. It is bounded by two (2) municipalities: the Borough of Holland to the north and east and the Borough of Alexandria to the south. Milford has a land area of 1.28 square miles. According to the 2020 United States Census, the borough's population was 1,232.

As summarized in the following table and on Map 2, the Borough is a charming river village with a distinct and quaint downtown surrounded by rural uplands and rolling hills. The Borough is characterized by a mix of detached single-family dwellings around a commercial core concentrated along Bridge Street. The central business district extends from the intersection of County Routes 519 and 619 westerly toward the Upper Black Eddy-Milford Bridge over the Delaware River and is typified by its small lot development and mix of retail and service commercial uses.

In terms of residential development, single-family residential uses account for 418 parcels of land comprising approximately 238 acres. Commercial uses account for an additional 41 parcels of land comprising approximately 12 acres of land.

Milford is effectively a fully built-out community. There are approximately 690 acres of remaining vacant land, much of which is environmentally constrained, and thus undevelopable, or consists of isolated lots that are too small to accommodate future development.

Table 1: Existing Land Uses

| Land Use                   | Parcels | Parcels % | Acres  | Acres % |
|----------------------------|---------|-----------|--------|---------|
| Residential: Single Family | 418     | 72.07%    | 237.79 | 34.46%  |
| Residential: Multifamily   | 1       | 0.17%     | 9.83   | 1.42%   |
| Commercial                 | 41      | 7.07%     | 12.17  | 1.76%   |
| Industrial                 | 2       | 0.34%     | 11.29  | 1.64%   |
| Farmland                   | 10      | 1.72%     | 94.65  | 13.72%  |
| Public                     | 21      | 3.62%     | 137.8  | 19.97%  |
| Public School              | 3       | 0.52%     | 4.51   | 0.65%   |
| Church & Charitable        | 9       | 1.55%     | 14.01  | 2.03%   |
| Cemetery / Graveyard       | 1       | 0.17%     | 13.5   | 1.96%   |
| Other Exempt               | 11      | 1.90%     | 8.59   | 1.24%   |
| Rail Line                  | 2       | 0.34%     | 8.5    | 1.23%   |
| Vacant                     | 61      | 10.52%    | 137.33 | 19.90%  |
| Total                      | 580     | 100%      | 690    | 100%    |

Source: ArcGIS Calculations

## A map of Upper Black Eddy, Pennsylvania, displaying individual land parcels as light gray polygons. A thick black dashed line outlines the municipal boundary. The map includes numerous road names such as Mt. Negro Rd., Park Ave., York Rd., Hill Crest Dr., and others. To the west is Spring Garden Township, to the south is Alexandria Township, and to the east is Holland Township. A legend in the bottom left corner identifies the symbols used. Source information is provided at the very bottom of the page.

Cheng, M. H. et al.

|             |          |             |
|-------------|----------|-------------|
| Project ID: | Date:    | Owner:      |
| 4255.03     | 04.28.26 | AF          |
| Notes:      |          | Dep. Title: |
| 1" = 1,042' |          | map 1       |



**BURGIS ASSOCIATES, INC.**  
Community Planning | Land Development and Design | Landscape Architecture  
25 Winwood Avenue p 201 666 1881  
Westwood, New Jersey 07675 p 201 666 2566

# Highlands Initial Assessment Report

**Upper Black Eddy**

**Legend**

**Existing Land Use**

- Vacant
- Residential - Single Family
- Residential - Multifamily
- Commercial
- Industrial
- Farm (Qualified)
- Public School Property
- Public Property
- Church & Charitable
- Cemetery & Graveyard
- Other Exempt
- Rail Class I

**Holland Township**

**Alexandria Township**

**Map Labels:** Spring Garden St, Mt. Nero Rd, Willow St, Walnut St, Cedar St, Elm St, Pine St, Oak St, Birch St, Spruce St, Fir St, Cypress St, Juniper St, Redwood St, Sycamore St, Magnolia St, Dogwood St, Hawthorn St, Lilac St, Rose St, Tulip St, Daffodil St, Iris St, Peony St, Pansy St, Marigold St, Zinnia St, Aster St, Verbena St, Salvia St, Lavender St, Hydrangea St, Geranium St, Fuchsia St, Begonia St, Impatiens St, Dianthus St, Petunia St, Nicotiana St, Solanum St, Capsicum St, Solanum St, Capsicum St, Solanum St, Capsicum St.

|                                                                                                                                                                                                                                                                                            |  |                                                                                                                 |                             |                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------|
| <b>Map 2: Existing Land Use</b>                                                                                                                                                                                                                                                            |  | Project No.<br><b>4255.03</b>                                                                                   | Date<br><b>04.28.26</b>     | Sheet<br><b>AF</b>        |
|  <b>BURGIS ASSOCIATES, INC.</b><br>CONSULTING PLANNERS   LAND DEVELOPMENT AND DESIGN   LANDSCAPE ARCHITECTURE<br>25 Westwood Avenue<br>Westwood, New Jersey 07675<br>p. 201.666.1811<br>f. 201.666.2559 |  | Project Title<br><b>Highlands Initial Assessment Report</b><br>Borough of Millard, Hunterdon County, New Jersey | Scale<br><b>1" = 1,042'</b> | Sheet No.<br><b>map 1</b> |

# Section 2: Highlands RMP

The following section provides an overview of the Highlands Regional Master Plan (RMP) as it relates to the Borough. It offers an overview of the Planning Area throughout the Borough as well as the Land Use Capability Zones (LUCZs) established by the RMP.

---

## 2.1: Preservation and Planning Areas

The Highlands RMP broadly separates the Highlands Region into two general areas: the Preservation Area and the Planning Area. These areas are summarized as follows.

### The Preservation Area

The Highlands RMP establishes that one of the overarching goals of the Preservation Area is to preserve extensive and, to the maximum extent possible, contiguous areas of land in its natural state in order to ensure the continuation of the Highlands environment which contains the unique and significant natural, scenic, and other resources representative of the region. Accordingly, the Preservation Area seeks to prohibit or limit, to the maximum extent possible, construction or development which is incompatible with the preservation of this region. The Preservation Area also promotes compatible agricultural, horticultural, recreational, and cultural uses and opportunities within the framework of protecting the Highlands environment.

### The Planning Area

While the Highlands RMP also seeks to preserve to the maximum extent possible any environmentally sensitive lands and other lands needed for recreation and conservation purposes, it nevertheless supports appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth in or near areas already utilized for such purposes. Instead of piecemeal, scattered, or inappropriate development, the Planning Area envisions local and regional growth and economic development to be conducted in an orderly way which protects the Highlands environment from individual and cumulative adverse impacts. The Planning Area also promotes the continuation and expansion of agricultural, horticultural, recreational and cultural uses and opportunities as well as a sound, balanced transportation system.

The entirety of the Borough is within the Planning Area.

Map 3: Highlands Planning and Preservation Area



Map Title

Map 3: Highlands Planning and Preservation Area

Project No.

4255.03

Date

04.28.26

Drawn

AF



**BURGESS ASSOCIATES, INC.**

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Westfield, New Jersey 07090  
P: 201.666.1811  
F: 201.666.2599

Project Title

Highlands Initial Assessment Report

(borough of Millard) Hamilton County, New Jersey

Scale

1" = 1,042'

Map No.

map 1

---

## 2.2: Land Use Capability Zones

In addition to the general delineations established by the Planning Area and the Preservation Area, the Highlands RMP further divides the Highlands Region into more refined Land Use Capability Zones (LUCZs). The overarching goal of these LUCZs is to address the requirements of the Highlands Act and provide regional guidance for the implementation of the policies contained within the Highlands RMP.

LUCZs are designated areas which identify lands best suited for different types of development and other lands where special consideration is required to protect regionally significant resources. While they are referred to as zones, LUCZs do not replace existing municipal zoning. Rather, they build upon municipal zoning by establishing additional standards and criteria. They are intended to provide a means to address issues of special interest (such as watershed management areas, open space and historic preservation, urban enterprise zones, etc.) which underlying zoning may not otherwise take into consideration.

The Highland Council has established three primary overlay zones and four sub-zones. These are identified below. Additional insights into the LUCZs are provided on the following pages. The breakdown of land within the Borough and how it is designated among these zones and subzones is shown in Table 2 below. See Map 4 which presents the primary and sub zones within the Borough on page 10.

### Primary Zones

Protection Zone  
Conservation Zone  
Existing Community Zone

### Sub-Zones

Wildlife Management Sub-Zone  
Conservation Zone – Environmentally  
Constrained Sub-Zone  
Existing Community Zone –  
Environmentally Constrained Subzone  
Lake Community Sub-Zone

Table 2: LUCZ Summary

| Land Use Capability Zone  | Acres  | %       |
|---------------------------|--------|---------|
| Conservation Zone         | 0      | 0.00%   |
| Conservation Zone - ECSZ  | 14.31  | 1.99%   |
| Existing Community Zone   | 379.73 | 52.90%  |
| Existing Community - ECSZ | 21.7   | 3.02%   |
| Lake Community Subzone    | 0      | 0.00%   |
| Protection Zone           | 302.07 | 42.08%  |
| Total                     | 717.81 | 100.00% |

*Note: LUCZs does not include waterbodies*

### Conservation Zone – Environmentally Constrained Subzone (CZECZ)

The Conservation Zone – Environmentally Constrained Subzone consists of significant environmental features within the Conservation Zone that should be preserved and protected from non-agricultural development. Development activities are limited and subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands. The CZECZ land within the Borough consists of a little more than 14 acres which is just two percent of the overall land area. It is made up of two smaller areas in the northern end of the Borough, one along the easter side of Water street just before the municipal boundary with Holland Borough and the other area has no frontage but is farther west and situated at the end of Mt. Nebo Road. See the areas shaded in brown on Map 4 below.

### The Existing Community Zone (ECZ)

The Existing Community Zone consists of areas with regionally significant concentrated development which are representative of existing communities. These areas tend to have limited environmental constraints due to their preexisting development patterns. They also typically have existing infrastructure that can support development and redevelopment, provided that such development is compatible with the Highlands environment and is at a level which is appropriate to maintain the character of the established community. The ECZ comprises a significant portion of the Borough (approximately 380 acres) representing more than half of the land area. See the areas shaded in yellow on Map 4 below.

### The Existing Community Zone – Environmentally Constrained Subzone (ECECSZ)

The Existing Community Zone – Environmentally Constrained Subzone consists of significant and contiguous areas of critical habitat, steep slopes, and forested areas 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. The extent of the ECECSZ area within the Borough is fairly limited. It includes approximately 22 acres, or just three percent of total land area. The lands in this subzone include a portion of the Curtis Paper Mill Site as well as two lots along the western side of Honeysuckle Lane. See the areas shaded in orange on Map 4 below.

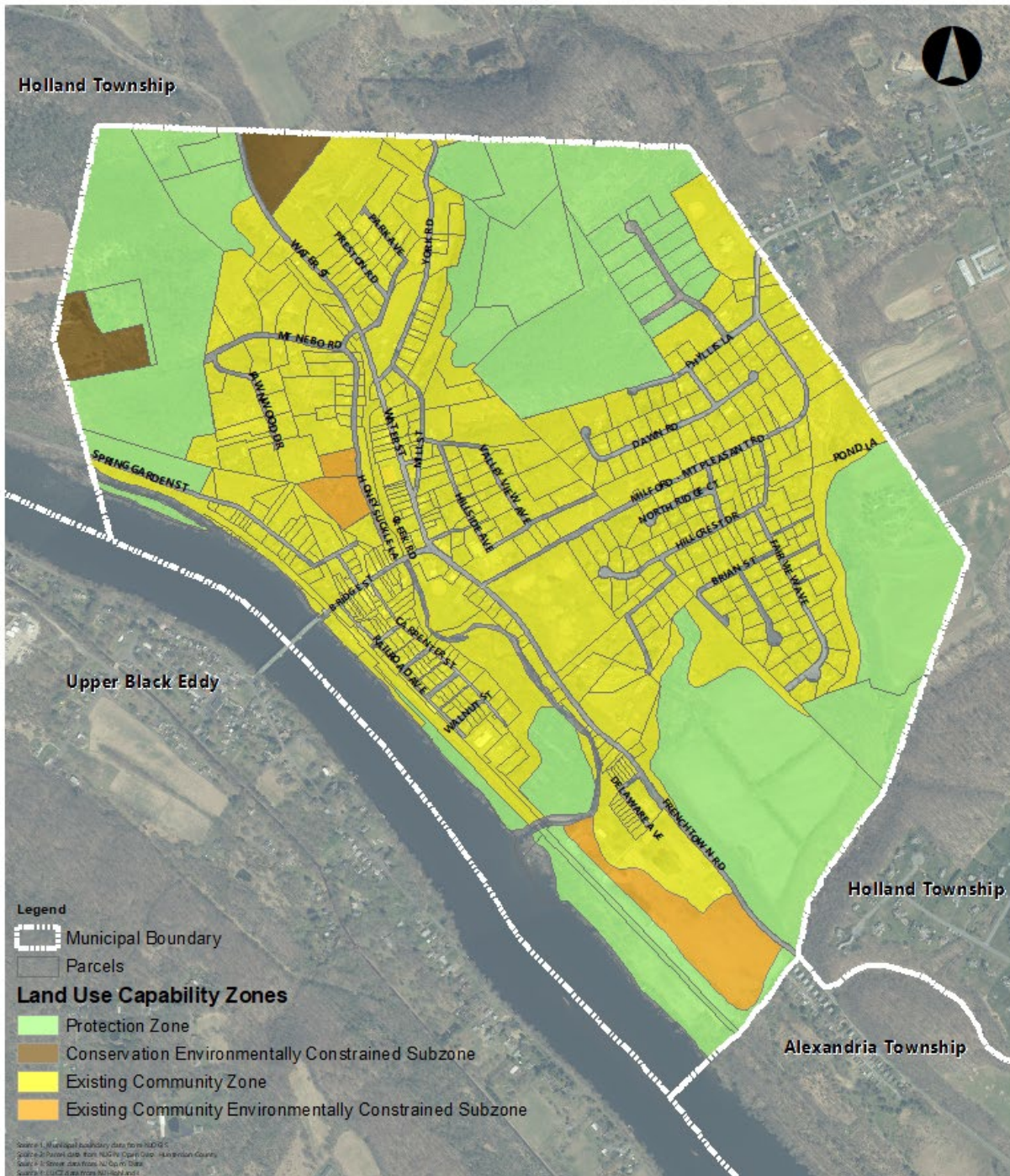
### Protection Zone

The Protection Zone consists of high natural resource value lands that are important to maintain water quality, water quantity, and sensitive ecological resources and processes. Land acquisition is a high priority in the PZ and development activities are extremely limited. Any development within the PZ is typically subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands. There are 302 acres of Borough land designated as PZ, approximately forty two percent of land area within the Borough. See the areas shaded in green in Map 4 below.

### Conservation Zone & Lake Community Subzone (LCZ)

The Conservation Zone consists of areas with significant agricultural lands interspersed with associated woodlands and environmental features that should be preserved when possible. The Lake Community Subzone consists of patterns of development that are within the Existing Community Zone while also within 1,000 feet of lakes. There is no land within the Borough designated as either Conservation Zone or Lake Community Subzone.

Map 4: Land Use Capability Zones



|                                                                                                                                                                                                                                                                                                |                                     |             |             |         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------|-------------|---------|
| Map Title                                                                                                                                                                                                                                                                                      |                                     | Project No. | Date        | Drawn   |
| Map 4: Land Use Capability Zones                                                                                                                                                                                                                                                               |                                     | 4255.03     | 04.28.26    | AF      |
|  <b>BURGIS ASSOCIATES, INC.</b><br>CONSULTING PLANNERS [Landscape Architecture and Design] [Landscape Architecture]<br>25 Winwood Avenue<br>Winwood, New Jersey 07095<br>P: 201.666.1881<br>F: 201.666.2599 | Project Name                        |             | Scale       | Map No. |
|                                                                                                                                                                                                                                                                                                | Highlands Initial Assessment Report |             | 1" = 1,042' | map 1   |

# Section 3: Borough Planning

The following section provides an overview of the Borough's local planning documents. It reviews the Borough's master plan, reexamination reports, redevelopment plans and its land use regulations to determine how they relate to the Highlands RMP.

---

## 3.1: Master Planning Documents

The Municipal Land Use Law (MLUL), which serves as the guiding legal framework for planning and zoning throughout New Jersey, defines a master plan as "...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 P.L. 1975, c.291" (C.40:55D-28).

The **Municipal Land Use Law (MLUL)** is the enabling legislation for municipal land use and development, planning, and zoning for the State of New Jersey.

In other words, a master plan is a comprehensive, long-term strategic document which is intended to guide the growth and development of a community. It is a roadmap which identifies where a municipality presently is and where it wishes to be in the future. A master plan develops the general parameters within which development is to occur and, more specifically, where different types of development should and should not occur. By doing so, a master plan links a municipality's land use vision to its existing and proposed zoning regulations. Master plans provide municipalities with the legal basis to control development through the adoption of land use ordinances which are designed to implement the goals, policies, and recommendations of a master plan.

The MLUL further identifies the mandatory contents of a master plan, which include: a statement of objectives, principles, assumptions, policies, and standards upon which the constituent proposals for the physical, economic, and social development of the municipality are based; a land use plan; a recycling plan, and; a housing plan. In addition, the MLUL outlines a number of other optional plan elements which may be incorporated into a master plan. These optional elements include plans for: circulation; utility service; community facilities; recreation; conservation; economic; historic preservation; farmland preservation; educational facilities; green building and environmental sustainability; and public access.

Municipalities are required by the MLUL to either adopt a new land use plan or periodically reexamine their current master plan and development regulations at least once every ten years. This is essential to ensure that a community's master plan and development regulations are up-to-date, effective, and consistent with current development patterns and the provisions of the MLUL.

The preparation and adoption of a master plan is the responsibility of the Borough Joint Land Use Board. This board has adopted the following planning documents shown in Table 3. Additional information regarding the Borough's most recent (2018) Master Plan Reexamination Report is provided on the following pages.

Table 3: Summary of Master Planning Documents

| <u>Element</u>                       | <u>Adoption Date</u> |
|--------------------------------------|----------------------|
| Master Plan                          | 1975                 |
| Master Plan Reexamination Report     | 1982                 |
| Master Plan Reexamination Report     | 1985                 |
| Housing Element and Fair Share Plan  | 1985                 |
| Master Plan Reexamination Report     | 1994                 |
| Circulation Plan                     | 1995                 |
| Water & Sewer Utilities Plan         | 1995                 |
| Master Plan                          | 1996                 |
| Master Plan Reexamination Report     | 2002                 |
| Recreation Plan                      | 2002                 |
| Community Facilities Plan            | 2002                 |
| Water & Sewer Utilities Plan         | 2002                 |
| Master Plan Reexamination Report     | 2008                 |
| Master Plan Reexamination report     | 2018                 |
| Housing Element and Fair Share Plan  | 2019                 |
| Stormwater Pollution Prevention Plan | 2023                 |
| Stormwater Pollution Prevention Plan | 2025                 |
| Housing Element and Fair Share Plan  | 2026                 |

### 2018 Master Plan Reexamination Report

The most significant master planning document adopted by the Borough in recent years is its 2018 Master Plan Reexamination Report. This report reviews the Borough's historic master planning goals and offers an analysis of various changes at the local, county, regional, and state levels which may impact those goals. After offering this analysis, the document provides recommendations regarding the Borough's master plan elements. These are summarized in Table 4 on the following page.

Table 4: 2018 Reexamination Report Recommendations re: Master Plan

| <b>Master Plan Element</b> | <b>Recommendations</b>                                                                                                                                                                                                                                  |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land Use Plan              | No recommendations                                                                                                                                                                                                                                      |
| Housing Plan               | No recommendations                                                                                                                                                                                                                                      |
| Circulation Plan           | Explore the need for additional sidewalks to provide appropriate linkages between the downtown area and the redevelopment areas. Explore the possibility for more transit connection options between Milford and other centers within Hunterdon County. |
| Utility Plan               | No recommendations                                                                                                                                                                                                                                      |
| Stormwater Management Plan | No recommendations                                                                                                                                                                                                                                      |
| Community Facilities Plan  | Explore potential amendments due to declining school-age children population and uncertainty of the future of current Board of Education owned property                                                                                                 |
| Recreation Plan            | Explore possibilities of rail linkages in and out of Milford to the north and south                                                                                                                                                                     |
| Conservation Plan          | No recommendations                                                                                                                                                                                                                                      |
| Economic Plan              | No recommendations                                                                                                                                                                                                                                      |
| Historic Preservation Plan | Include the proposed historic district upon successful designation and investigate the relevance of establishing a Historic Preservation Commission                                                                                                     |
| Recycling Plan             | No recommendations                                                                                                                                                                                                                                      |
| Farmland Preservation Plan | No recommendations                                                                                                                                                                                                                                      |

In addition to the aforementioned, the 2018 Reexamination Report also offers several recommendations regarding the Borough's existing development regulations. This includes a recommendation to reevaluate the current sign ordinance and as well as a recommendation to incorporate more specific design standards within the current zoning ordinance. The report also includes a recommendation for further investigation of rezoning the Water Street corridor which heads north from the intersection of Water Street and Bridge Street as well as a larger investigation of rezoning the downtown as a whole to allow for more of a mixed-use, "Town Center" environment. Lastly, the report includes a recommendation to reevaluate the steep slope ordinance and to explore the creation of an advisory Environmental Commission, or perhaps a dual Stormwater/Environmental Commission. It is worth noting, the Borough subsequently incorporated specific design standards and rezoned the Water Street corridor, specifically the B Zone District, in 2021 as a result of the above recommendations.

#### Master Plan Analysis

Overall, the recommendations contained in the Borough's 2018 Reexamination Report of the Master Plan are consistent with the Highlands RMP. It is important that these recommendations are also taken into consideration when drafting the Master Plan Highlands Element to ensure that the

Borough's vision is aligned to the goals and policies of the Highlands Planning Area as well as the Highlands LUCZs.

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### 3.2: Land Use Regulations

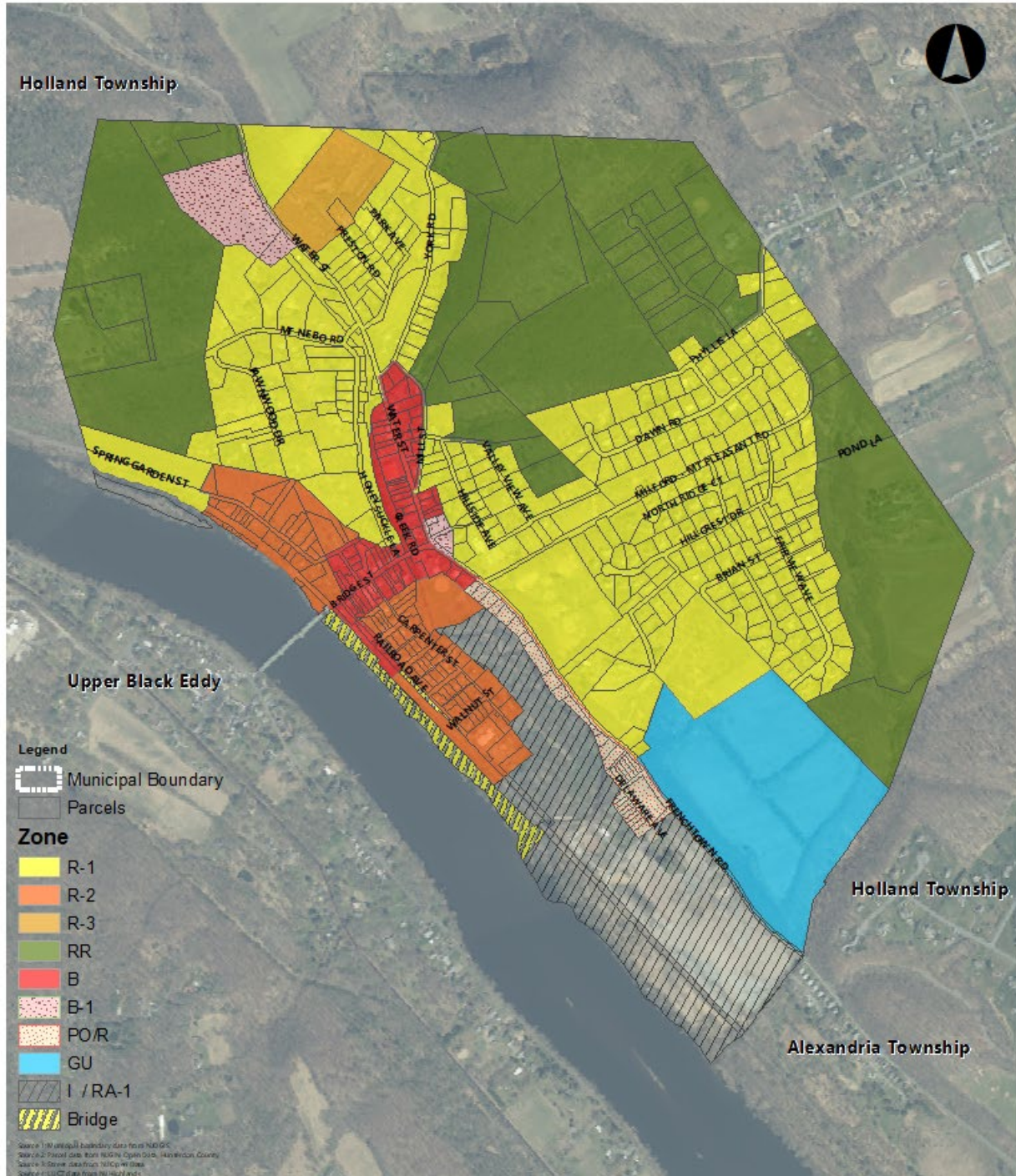
While master plans are prepared and adopted by planning boards, the land use regulations which implement the plans are adopted by governing bodies. In sum, land use regulations govern how land and buildings can be utilized and designed throughout a municipality. Zoning districts exist to delineate the types of activities and uses which may be legally conducted throughout different portions of a municipality. This is to ensure that the development of land occurs in an orderly and responsible fashion.

The Borough's land development regulations establish eleven zoning districts which are located throughout the community. These districts are summarized in Table 5 and are discussed in greater detail on the following pages. For additional information and mapping regarding these districts, please see Appendix A.

Table 5: Borough Zoning Summary

| Zoning District                        | Area (ac) | % Area | Parcels | % Parcels |
|----------------------------------------|-----------|--------|---------|-----------|
| RR Rural Residential                   | 245.89    | 20%    | 36      | 6%        |
| Low-Density Residential – 1 (R-1)      | 275.69    | 22%    | 312     | 54%       |
| Medium-Density Residential – 2 (R-2)   | 40.34     | 3%     | 108     | 19%       |
| Multifamily Residential – 3 (R-3)      | 12.10     | 1%     | 2       | 0%        |
| Professional Office/Residential (PO/R) | 9.74      | 1%     | 31      | 5%        |
| Downtown Business (B)                  | 23.27     | 2%     | 81      | 14%       |
| Corridor Business (B-1)                | 275.69    | 22%    | 5       | 1%        |
| Government Use (GU)                    | 275.69    | 22%    | 2       | 0%        |
| Industrial (I) / Curtis (RA-1)         | 74.95     | 6%     | 3       | 1%        |
| Bridge Street Redevelopment Area       | 23.27     | 2%     | 5       | 1%        |
| Total                                  | 1233.36   | 100%   | 580     | 100%      |

Map 5: Borough Zoning



Map 5: Zoning

Map 5: Zoning



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Project Title

**Highlands Initial Assessment Report**

Borough of Millville, Hamilton County, New Jersey

Project No.

4255.03

Date

04.28.26

Sheet

AF

Scale

1" = 1,037'

Map No.

map 1

## RR Rural Residential District

The RR Rural Residential District is predominantly located within the northerly portion of the Borough, and along the eastern perimeter. Lands located within the RR District are generally developed as single-family dwellings. The district permits a variety of different uses which include cluster developments and all permitted uses in the Low-Density Residential – 1 Zone (places of worship, garden/agriculture sales, family day-care, parks/playgrounds, community facilities, home offices, public utilities, ECHO housing units, libraries and private schools). Permitted conditional uses include home offices, medical and dental clinics/labs. The required minimum lot size of the district is two acres or one acre for cluster development. Cluster development is permitted on tracts of land at least 30 acres in size in the RR Districts.

As noted by Section 190-35, the purpose of clustering is to provide a method of development of residential lands which will preserve desirable open spaces and/or environmentally sensitive lands within the Borough. Clustering does not increase density but permits the protection of critical environmental resources and open space without cost to a developer or the Borough. Cluster development can also lower development costs by reducing needed infrastructure thereby lowering housing costs. It conserves land, promotes design flexibility, protects environmentally critical areas and farmland. It can be used to protect wooded areas, steep slopes, water resources and scenic views. The maximum number of units permitted under the cluster development option is the same number of dwelling units that could be developed on the subject tract of land if the tract were being developed as a conventional development in conformance with the zoning regulations of the RR District. However, Cluster development that merely rearranges development without materially protecting Highlands resources may conflict with the RMP. A cluster option could be inconsistent if:

- it concentrates development in a manner that increases impervious coverage
- it fails to preserve large contiguous open space
- the land can support fewer units than the cluster ordinance allows
- it relies on new septic systems in sensitive recharge areas.
- It requires extension of sewer service into undeveloped areas.
- It creates groundwater withdrawal demands exceeding sustainable limits.

While the RR District is located in the Highlands Planning Area, it is largely divided amongst the Protection Zone and the Existing Community Zone. These LUCZs are designed to encourage preservation. The septic densities established by the Highlands for these LUCZs may not be supportive of the yields in which the RR District regulations would otherwise permit.

**Consistency with the Highlands RMP.** The district is split between the Protection Zone and the Existing Community Zone. As detailed in Section 1.2, development activities in these LUCZs are significantly limited and land preservation is a high priority. Due to the limited number of uses typically permitted in the RR District as well as its required minimum lot size and associated bulk requirements, the RR District is largely reflective and complementary to the objectives of the Highlands RMP. However, the consistency of cluster development should be further discussed with the Highlands Council.

### R-1 Low-Density Residential District

The Low-Density Residential District is generally located between Frenchtown Road and Holland Township and to the north of the downtown area on either side of Water Street. Lands located within the R-1 District are generally developed with single-family and residential use. The district permits a variety of different uses which include places of worship, garden/agriculture sales, family day-care, parks/playgrounds, community facilities, home offices, public utilities, ECHO housing units, libraries and private schools. Permitted conditional uses include home offices, medical and dental clinics/labs. The minimum lot size in the R-1 district is 18,750 square feet.

**Consistency with the Highlands RMP.** The more densely developed portions of the District are predominantly located in the Existing Community Zone. The remainder of the district is located within the Protection Zone and the Conservation Zone – Environmentally Constrained Subzone. Accordingly, the use and bulk requirements of the R-1 District are largely reflective and complementary to the Highlands RMP. Additional discussion with the Highlands Council regarding those portions of the R-1 District located within the PZ and the CZECZ are required.

### R-2 Medium-Density Residential District

The Medium-Density Residential - 2 (R-2) Zone is located around downtown (B Zone) and along the riverfront. The district permits all uses that are permitted within the R-1 District as well as new or converted double-or two-family dwellings, garages and outbuildings, as well as rooming houses and boarding houses. The minimum lot size area in the R-2 District is 6,000 square feet.

**Consistency with the Highlands RMP.** All of the R-2 District is located in the Existing Community Zone. The use and bulk requirements of the R-2 District are consistent with the Highlands RMP.

### R-3 Multifamily Residential District

The R-3 Multifamily Residential district is located within the northern portion of the Borough and encompasses just over 12 acres of land between Water Street and York Road. It is developed apartment buildings at the end of Preston Road. The district permits all permitted uses in the R-1 District, garden apartment developments and attached single-family residences for rental or condominium ownership, as well as rooming houses or boarding houses. The minimum lot size requirement for the R-3 District is 18,750 s.f. for apartments and townhouses, otherwise 5 acres.

**Consistency with the Highlands RMP.** The entirety of the R-3 District is located in the Existing Community Zone which is reflective of the area's well-established developed nature. Accordingly, the R-3 District is consistent with the Highlands RMP.

### P/OR District

The Professional Office/Residential (PO/R) Zone encapsulates parcels along the west side of Frenchtown Road and south of Mt. Pleasant Road. The PO/R District permits all uses permitted in the R-2 Zone and conversion of existing residential structures to office uses and/or new office structures as well as child-care centers. A minimum lot size of 6,000 square feet is required in the P/OR zone.

**Consistency with the Highlands RMP.** The entirety of the PO/R District is located in the Existing Community Zone which is reflective of the area's well-established developed nature. Accordingly, the R-3 District is consistent with the Highlands RMP.

### B District

The B District runs along Water Street, both sides of Bridge Street and farther south along Railroad Avenue. Permitted uses within this district include retail sales, personal services and facilities, banks and financial institutions (not including drive-through facilities), restaurants, cafes and taverns (but not drive-up or drive-through), offices for business, executive or professional purposes, hotels, inns and bed-and-breakfast accommodations, vocational schools or studios for instruction of arts, dancing, music, languages or photography, public and semipublic buildings, child-care centers, houses of worship, educational institutions, artisan manufacturing (including distilleries and microbrewing), recreational-type uses such as health clubs and spas, theatres/community centers, pharmacies, two-family duplex residences, residential apartments, outdoor dining, sidewalk sales, home occupations, homecare of children and pop-up uses. The B District has a minimum lot size of 2,500 square feet.

**Consistency with the Highlands RMP.** The entirety of the B District is located in the Existing Community Zone which is reflective of the area's well-established developed nature. Accordingly, the B District is consistent with the Highlands RMP.

### B-1 District

The B-1 District encompasses 5 parcels at the intersection of Water Street and Bridge Street, on the east side of Water Street. The zoning for this district permits all uses and structures which are permitted in the B Business Zone as well as drive-through facilities where associated with banks and fast-food establishments, commercial garages, gasoline service stations, auto body repair and painting, automobile sales, rental or leasing. Car washes are a permitted conditional use in the zone. B-1 district has a minimum lot size of 10,000 square feet.

**Consistency with the Highlands RMP.** The entirety of the B-1 District is also located in the Existing Community Zone and is consistent with the Highlands RMP.

### GU District

The GU District is situated north and east of Frenchtown Road. The entire zone is comprised of one very large tract 67.5 acres in size between Frenchtown Road, the boundary with Holland Township to the east and the single-family development along Fairview Avenue to the north. Permitted uses within this district include: municipal buildings, structures, activities and other public uses, public recreation, open space and parks, municipally sponsored community, cultural, recreational, athletic and social facilities, public schools, municipally sponsored senior housing, farms and child-care centers. A minimum lot size of 40,000 s.f. is required.

There are no improvements or any water or sewer infrastructure on this property. According to Borough planning documents, the property is planned for a future municipal well and treatment building. According to the Borough Engineer, the drilling for a well has been completed at the time of this writing, but there have been no other constructed improvements at this time.

**Consistency with the Highlands RMP.** The majority of the GU District is designated as Protection Zone with a small portions of the District closest Frenchtown Road and Fairview Avenue designated as Existing Community Zone. The existing conditions of this property are consistent with the Highlands RMP and capability zone designations. Further improvements on the property would need to be discussed with the Highlands Council in terms of what would and would not be appropriate within the Protection Zone.

### I District / Curtis Redevelopment Area-1 (RA-1) Overlay Zone

The Industrial District is located in the southernmost section of the Borough between Frenchtown Road and the Delaware River. This District permits a variety of uses including manufacturing, bulk commerce and light industry, including but not limited to the fabrication, manufacture and packaging of metal, plastic, wood, food products and ceramic goods, electronic products manufacture, glass and glass products manufacture, jewelry manufacture and pharmaceutical products manufacture. The zone also permits lumber and coal yards, building materials and storage yards as well as storage warehouses, repair and machine shops, laundries, scientific engineering or research laboratories, office uses and buildings as well as child-care centers. A minimum lot size of 40,000 s.f. is required for industrial use. The overlay zoning for this area permits the redevelopment of the site for townhouse residential dwellings, multifamily residential dwellings, assisted living, and passive recreation trails and areas.

**Consistency with the Highlands RMP.** Portions of the area closest to Frenchtown Road are designated as ECZ and ECECZ while the rest of the area is designated as PZ. The existing conditions of this property are consistent with the Highlands RMP. However, further improvements on the property would need to be discussed with the Highlands Council in terms of what would and would not be appropriate within the environmentally constrained areas as well as the Protection Zone specifically. The area permits residential within overlay zoning in an effort for the municipality to fulfill it's affordable housing obligation. This would likely require revisions to the Highlands LUCZ mapping.

### Bridge Street and Railroad Avenue Redevelopment Overlay Zone

This overlay district is located at the intersection of Bridge Street and Railroad Avenue with Bridge Street as the northernmost boundary of the overlay, the Delaware River serving as the western boundary and the overlay runs south along Railroad Avenue for the length of Block 13, Lots 1, 2, 3, 4 and 6. The overlay zoning permits a mix of public and private uses, pedestrian and bike trails, and passive recreation.

**Consistency with the Highlands RMP.** A portions of the area closest to Bridge Street is designated as ECZ while the rest of the area is designated as PZ. These parcels within this area have no water or sewer infrastructure making future improvements difficult not to mention the environmental constraints on the property (flood hazard area). Future development would need to be discussed with the Highlands Council in terms of what would and would not be appropriate within the environmentally constrained area.

# Section 4: Vacant and Redevelopable Tracts

The following section identifies vacant properties throughout the Borough, as identified by municipal tax records. It also identifies tracts which may have the potential to be redeveloped or adaptively reused.

## 4.1: Vacant Tracts

The Borough's most recent Master Plan Reexamination Report from 2018 states the following:

*"Milford is effectively a fully built-out community, while there are approximately 209.4 acres of remaining vacant land, the majority of that total is environmentally constrained, and thus undevelopable, or consists of isolated lots that are too small to accommodate development."*

Table 6 relies upon current parcel data and tax assessment records to identify current vacant tracts within the Borough. According to tax assessment records, 65 lots in the Borough are currently identified as vacant (property class 1). All of these vacant lots are located in the Highlands Planning Area. The distribution of these vacant lots in relationship to the Highlands RMP is summarized in Table 6 below. Fifteen of these vacant lots have construction permits for single-family development and are approaching development stage plus one additional lot in this subdivision for open space. One of the 65 lots is the island in the middle of the Delaware River. Four of those listed are actually redevelopment plan area parcels discussed later in this section. Overall, the development potential of the remaining 44 vacant lots is extremely limited. In most cases, these vacant lots lack access to public water and the Borough's sewer service area. In addition, properties are environmentally constrained including, but not limited to, wetlands and associated buffers, category-one waterways and associated buffers, and steep slopes. Additional information regarding the Borough's environmental constraints is provided in Section 5.

Table 6: Vacant Properties

| Block | Lot   | Property Location        | Infrastructure                         | Acreage | LUCZ   |
|-------|-------|--------------------------|----------------------------------------|---------|--------|
| 1     | 21.01 | Honeysuckle Lane         | Not in Sewer Service Area              | 3.63    | ECECSZ |
| 1     | 3     | 181 Water Street         | Not in Sewer Service Area              | 3.3     | PZ     |
| 1     | 47    | 130 Spring Garden Street | Partial Service Area Cannot build      | 2.7     | ECZ    |
| 1     | 48    | 144 Spring Garden Street | Infrastructure Unknown                 | 0.7231  | ECZ    |
| 1     | 52    | Spring Garden Street     | Not in Sewer Service Area              | 3.1     | PZ     |
| 1     | 55    | 311 Fawnwood Drive       | Partial Service Area No Infrastructure | 1.94    | ECZ    |
| 1     | 55.01 | Fawnwood Drive           | Not in Sewer Service Area              | 1.004   | ECZ    |
| 1     | 64    | 126 Spring Garden Street | Infrastructure Unknown                 | 0.3     | ECZ    |
| 11    | 7     | 89 Milford-Mt Plea Rd    | In Service Area Access Challenges      | 2       | ECZ    |

| Block | Lot   | Property Location        | Infrastructure                      | Acreage | LUCZ |
|-------|-------|--------------------------|-------------------------------------|---------|------|
| 12    | 10.01 | Along Delaware River     | None                                | 0       | ECZ  |
| 12    | 11.01 | Along Delaware River     | None                                | 0       | ECZ  |
| 12    | 12.01 | Along Delaware River     | In Service Area Floodplain          | 0       | ECZ  |
| 12    | 13.01 | Along Delaware River     | In Service Area Floodplain          | 0       | ECZ  |
| 12    | 14.01 | 119 Spring Garden Street | In Service Area Floodplain          | 0       | ECZ  |
| 12    | 15.01 | Along Delaware River     | In Service Area Floodplain          | 0       | ECZ  |
| 12    | 17.01 | Along Delaware River     | In Service Area Floodplain          | 0       | ECZ  |
| 12    | 18.01 | Spring Garden Street     | In Service Area Floodplain          | 0.0322  | ECZ  |
| 12    | 19    | Along Delaware River     | In Service Area Floodplain          | 0.3     | ECZ  |
| 12    | 4     | 13 Bridge Street         | Infrastructure Unknown              | 0.13    | ECZ  |
| 12    | 7.01  | Along Delaware River     | In Service Area Floodplain          | 0       | ECZ  |
| 12    | 8.01  | 71 Spring Garden Street  | None                                | 0       | ECZ  |
| 12    | 9.01  | Along Delaware River     | None                                | 0       | ECZ  |
| 18    | 3     | 22 Walnut Street         | Both Water and Sewer Available      | 0.16    | ECZ  |
| 19    | 17.01 | 19A-B Carpenter Street   | In Service Area - No Infrastructure | 0       | ECZ  |
| 19    | 29    | 122 Frenchtown Road      | In Service Area - No Infrastructure | 0.23    | ECZ  |
| 20    | 3     | 124 Milford-Mt Plea Rd   | In Service Area - No Infrastructure | 0.63    | ECZ  |
| 20    | 6     | 155 Hillcrest Drive      | In Service Area - No Infrastructure | 0.34    | ECZ  |
| 24    | 4     | 13 Myrtle Avenue         | Infrastructure Unknown              | 0.24    | ECZ  |
| 4     | 17    | 79 Honeysuckle Lane      | Not in Sewer Service Area           | 1.3     | ECZ  |
| 4     | 2     | 119 Honeysuckle Lane     | Not in Sewer Service Area           | 0.1     | ECZ  |
| 4     | 25    | Water Street             | Infrastructure Unknown              | 0.02    | ECZ  |
| 4     | 3     | 113 Honeysuckle Lane     | Not in Sewer Service Area           | 0.124   | ECZ  |
| 4     | 4     | 107 Honeysuckle Lane     | Not in Sewer Service Area           | 0.0976  | ECZ  |
| 4     | 5     | 103 Honeysuckle Lane     | Not in Sewer Service Area           | 0.14    | ECZ  |
| 4     | 6     | 97 Honeysuckle Lane      | Not in Sewer Service Area           | 0.14    | ECZ  |
| 4     | 7     | 93 Honeysuckle Lane      | Not in Sewer Service Area           | 0.15    | ECZ  |
| 4     | 8     | 89 Honeysuckle Lane      | Not in Sewer Service Area           | 0.0723  | ECZ  |
| 5     | 6     | 82 Water Street          | In Service Area No Infrastructure   | 0.3802  | ECZ  |
| 7     | 13.01 | 303 Milford-Mt Plea Rd   | Small Lot - Not Developable         | 0.1     | ECZ  |
| 7     | 15    | Milford-Mt Plea Rd       | In Service Area No Infrastructure   | 1.3     | ECZ  |
| 7     | 18    | Long View Road Extension | In Service Area No Infrastructure   | 0.88    | ECZ  |
| 7     | 19    | Valley View Avenue Rear  | In Service Area No Infrastructure   | 2.3     | ECZ  |
| 7     | 26    | 42 Valley View Avenue    | In Service Area No Infrastructure   | 1.89    | ECZ  |
| 7     | 39.01 | 179 York Road            | In Service Area No Infrastructure   | 0.37    | ECZ  |

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## 4.2: Redevelopable Tracts

In addition to the aforementioned vacant properties, the Borough contains two Redevelopment areas that could potentially be redeveloped or adaptively reused in the future if the infrastructure circumstances for those parcels changed. Currently, none of these parcels have water or sewer infrastructure limiting their development entirely. These properties are summarized in Table 7.

Table 7: Redevelopable Tracts

| Block | Lot  | Redevelopment Plan           | Infrastructure | Acreage | LUCZ                  |
|-------|------|------------------------------|----------------|---------|-----------------------|
| 19    | 51   | Curtis Paper Mill            | None           | 56.54   | PZ,<br>ECZ,<br>ECECSZ |
| 13    | 5.01 | Curtis Paper Mill            | None           | 12.84   | PZ                    |
| 13    | 8    | Curtis Paper Mill            | None           | 3.9     | PZ                    |
| 13    | 1    | Bridge Street / Railroad Ave | None           | 0.98    | ECZ                   |
| 13    | 2    | Bridge Street / Railroad Ave | None           | 1.04    | ECZ                   |
| 13    | 3    | Bridge Street / Railroad Ave | None           | 0.15    | ECZ                   |
| 13    | 4    | Bridge Street / Railroad Ave | None           | 3.5     | PZ                    |
| 13    | 6    | Bridge Street / Railroad Ave | None           | 0.79    | ECZ                   |

According to the Highland RMP, all proposed Highlands Redevelopment Areas must be substantially consistent with the resource protection and smart growth standards of the RMP and there must be sufficient water supply and wastewater capacity to serve the proposed Highlands Redevelopment Area. In general the Highlands Redevelopment Area must comply with the following:

- Will not impair any Highlands Resource Area located on or adjacent to the Highlands Redevelopment Area;
- Is consistent with the standards of the RMP and will advance the intent and purpose of the Highlands Act;
- Has sufficient water supply and wastewater treatment capacity to serve the proposed Highlands Redevelopment Area.

The Borough must conduct further discussion with the Highland Council regarding the lack of water supply and wastewater treatment capacity in both redevelopment plan areas identified in this section and what that means for consistency.

The Borough, much like the rest of the State, is largely built out and without much opportunity to fulfill its affordable housing obligation pursuant to the New Jersey Fair Housing Act. The RA-1 Redevelopment Overlay Zone Ordinance, which was amended during both the 3<sup>rd</sup> and the 4<sup>th</sup> Rounds of Affordable Housing, was created in such a way to allow for the realization of the Borough's affordable housing units if a redeveloper can also provide the necessary water and sewer infrastructure. If this approach, which has been accepted by the Courts from an affordable housing perspective, is deemed inconsistent with the Highlands RMP, this would pose a problem for future conformance. It should be noted that this area is also known to be contaminated and cleanup of the site is currently under the control of the USEPA. The language from the RMP relevant to Redevelopment in an area such as this is shown below.

## RMP Part 6 Future Land Use Subpart D Redevelopment

*Redevelopment is a planning tool that converts underutilized areas, brownfields, and grayfields into new land uses through structure replacement, infill, and adaptive reuse approaches. Redevelopment will help to meet the Region's growth needs by optimizing the efficient use of previously settled areas with existing communities and available infrastructure, thus conserving natural resources. Brownfields and grayfields are two types of sites which commonly possess characteristics worthy of investigating for purposes of redevelopment. The definition of a brownfield is, "any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been or there is suspected to have been, a discharge of a contaminant." Grayfields are sites usually containing industrial or commercial facilities exhibiting signs of abandonment or underutilization in areas with existing infrastructure, but without evidence or expectation of contamination. As a concept, these sites are termed "Highlands Redevelopment Areas."*

*In the Preservation Area, Highlands Redevelopment Areas are limited to redevelopment sites and brownfield sites as designated by the Highlands Council, which are then eligible for waivers from the NJDEP. In the Planning Area, Highlands Redevelopment Areas include redevelopment sites and brownfield sites using the Preservation Area definition, but may in addition include grayfields and underutilized areas, depending on the Land Use Capability Zone of the area. Infill is permissible in any of the Highlands Redevelopment Areas as long as the area meets the designation requirements. Highlands Redevelopment Areas may be designated for the entire property, a portion of the property, or for collections of contiguous parcels in part or in whole.*

**GOAL 6J: ACCOMMODATION OF REGIONAL GROWTH AND DEVELOPMENT NEEDS THROUGH THE REUSE AND REDEVELOPMENT OF PREVIOUSLY DEVELOPED AREAS, INCLUDING BROWNFIELDS, GRAYFIELDS, AND UNDERUTILIZED SITES.**

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

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

**GOAL 6K: CONCENTRATE RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DEVELOPMENT, REDEVELOPMENT, AND ECONOMIC GROWTH IN EXISTING DEVELOPED AREAS IN LOCATIONS WITH LIMITED ENVIRONMENTAL**

**CONSTRAINTS, ACCESS TO EXISTING UTILITY, AND TRANSPORTATION  
INFRASTRUCTURE.**

*Policy 6k1: To promote redevelopment of brownfields, grayfields, and other previously developed areas in a manner consistent with the goals and requirements of the Plan. Objective 6K1a: Establish interagency teams as necessary to support and expedite redevelopment and development activities that conform to the Plan. Objective 6K1b: Encourage and support the use of planning and financing tools that are available through state agencies and programs for appropriate redevelopment.*

**GOAL 6L: CONFORMING MUNICIPALITIES AND COUNTIES CONSIDER  
DEVELOPMENT, REDEVELOPMENT AND BROWNFIELDS OPPORTUNITIES IN THEIR  
MASTER PLANS.**

*goal 6M: PROTECTION AND ENHANCEMENT OF HIGHLANDS RESOURCES  
THROUGH THE REMEDIATION OF CONTAMINATED SITES IN REGION.*

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[illegible]

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|             |          |       |
|-------------|----------|-------|
| Project No. | Date     | Drawn |
| 4255.03     | 06.09.26 | AF    |
| Scale       | Dep. No. |       |
| 1" = 1,042' | map 1    |       |

# Section 5: Environment

The following section first identifies the natural and cultural resources located in the Borough. These resources include wetlands; riparian areas; slopes; forest resource areas; scenic resource areas; and critical wildlife habitat. Next, it reviews the Borough's land development regulations to determine whether the Borough presently has appropriate protections in place or whether additional protections are required to bring the municipality into conformance with the Highlands RMP.

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## 5.1: Environmental Analysis

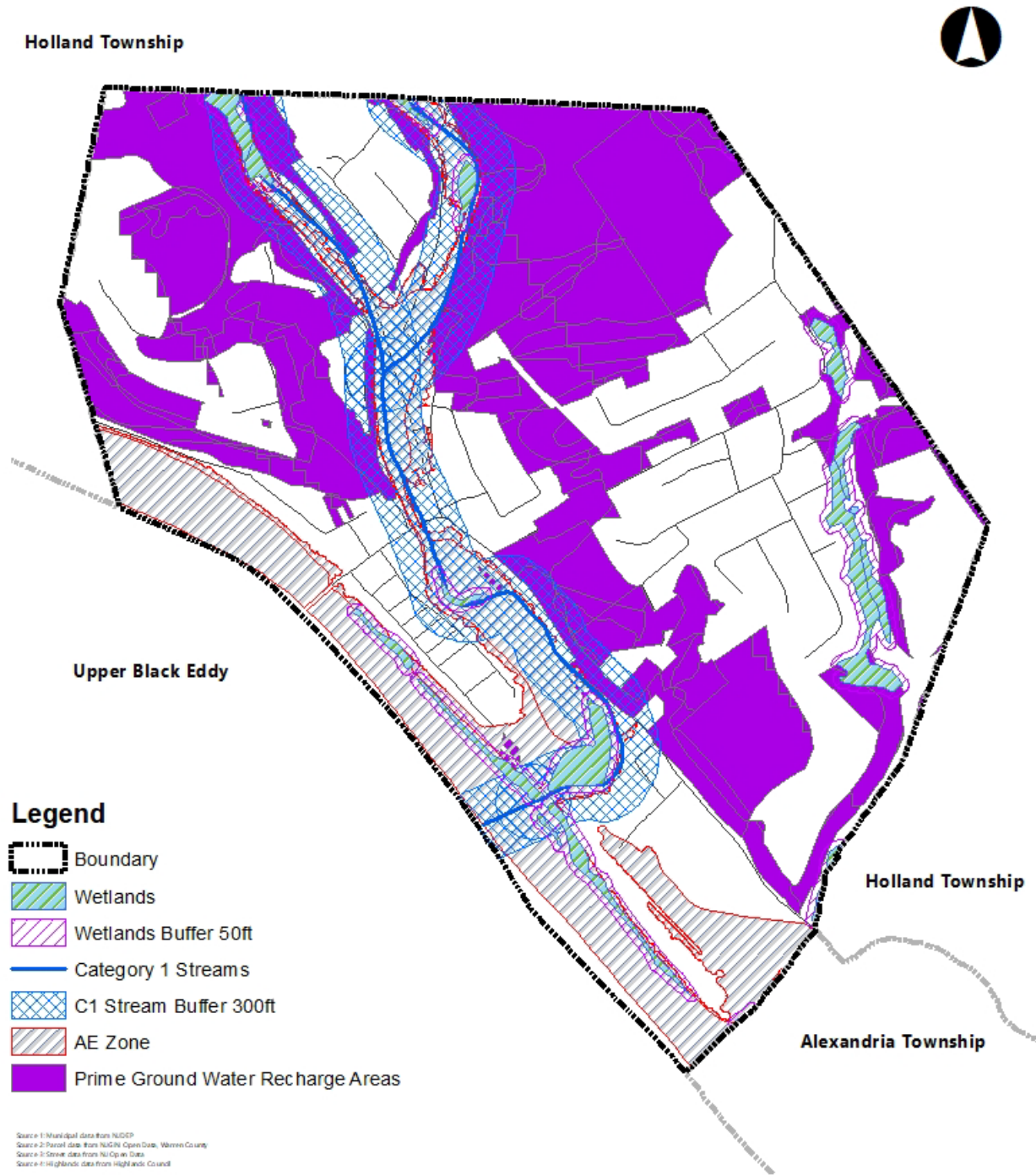
The Borough contains a variety of extensive environmental constraints which are summarized in Table 8 below. These constraints, which are discussed in greater detail on the following pages, are reflective of the Borough's rural character and the extensive amount of preserved open space which can be found throughout the municipality. They also significantly limit the amount of future development the Borough may accommodate.

Table 8: Environmental Features

| Constraint                 | Acres  | % of Borough |
|----------------------------|--------|--------------|
| Wetlands                   | 23.08  | 2.82%        |
| Riparian Area              | 403.15 | 49.28%       |
| Prime Groundwater Recharge | 308.79 | 37.75%       |
| Slope Protection Area      | 141.19 | 17.26%       |
| Forest Protection Area     | 0      | 0.00%        |
| Scenic Resource Area       | 46.5   | 5.68%        |
| Critical Wildlife Habitat  | 417.41 | 51.03%       |

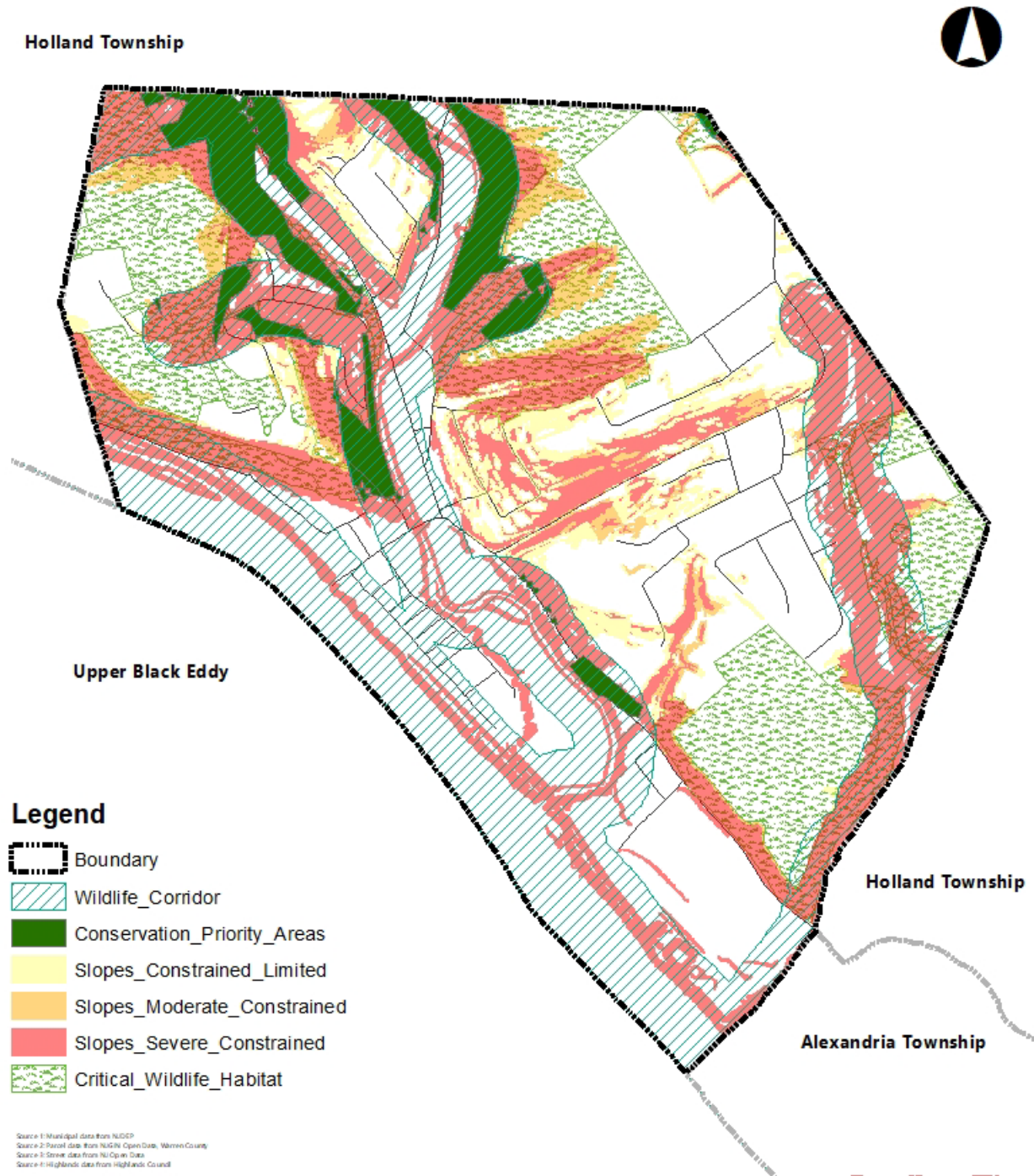
Source: Highlands Council GIS

Map 7: Environmental Constraints - Water Related



|                                                                                                                                                                                                                                                                                    |                                                                                                                 |                      |                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|----------------------|------------------|
| Map Title<br><b>Map 7: Environmental Constraints - Water Related</b>                                                                                                                                                                                                               | Project No.<br>4255.03                                                                                          | Date<br>06.08.26     | Drawn<br>AF      |
|  <b>BURGIS ASSOCIATES, INC.</b><br>CONSULTING PLANNERS   LAND DEVELOPMENT AND DESIGN   LANDSCAPE ARCHITECTURE<br>25 Westwood Avenue<br>Westwood, NJ 07675<br>P: 201.666.1811<br>F: 201.666.2596 | Project Title<br><b>Highlands Initial Assessment Report</b><br>Borough of Millard, Hunterdon County, New Jersey | Scale<br>1" = 1,042' | Map No.<br>map 1 |

Map 8: Environmental Constraints - Non-Water Related



|                                                                                                                                                                                                                                                                                        |                                                                                                                 |                      |                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|----------------------|------------------|
| Map Title                                                                                                                                                                                                                                                                              | Project No.                                                                                                     | Date                 | Drawn            |
| Map 8: Environmental Constraints - Non-Water Related                                                                                                                                                                                                                                   | 4255.03                                                                                                         | 06.08.26             | AF               |
|  <b>BURGIS ASSOCIATES, INC.</b><br>Consulting Planners/Land Development and Design/Landscape Architecture<br>25 Westwood Avenue<br>Westwood, New Jersey 07075<br>p: 201.666.1811<br>f: 201.666.2596 | Project Title<br><b>Highlands Initial Assessment Report</b><br>Borough of Millard, Hunterdon County, New Jersey | Scale<br>1" = 1,042' | Map No.<br>map 1 |

## Wetlands

As noted by the New Jersey Department of Environmental Protection (NJDEP), a wetland is a unique ecosystem where the land is regularly saturated with water for an extended period of time. While there are a variety of different wetlands, they typically have three essential characteristics in common. First, the water level in a wetland will be at, above, or just below the surface of the ground for some duration of time at least once per year. Wetlands also feature hydric soils, which are soils which are wet for long enough that they become anaerobic (e.g. they lack oxygen). Finally, certain species of plants (generally known as hydrophytes or hydrophytic vegetation) have adapted to survive in hydric soils and flooded conditions.

Wetlands are an incredibly valuable natural resource which provide benefits for humans, animals, and the environment as a whole. Wetlands help purify water by filtering out harmful pollutants before they reach waterways. Wetlands also help protect against flooding and climate change by soaking up water and absorbing excess carbon dioxide. Finally, wetlands are crucial for several animal and plant species throughout the state. As shown in 7, the Borough contains approximately 23.08 acres of wetlands which represents a mere 3 percent of the municipality.

## Riparia Area

Riparian areas are those area which are adjacent to and hydrologically connected to rivers and streams through overland surface runoff, inundation during floods, or subsurface flow. Riparian areas include area which are flood prone, wildlife corridors, riparian soils, and wetlands. Ultimately, riparian areas serve as the intermediary between water bodies and terrestrial ecosystems.

Accordingly, riparian areas are essential to maintaining the quality and ecological integrity of waterbodies throughout the Highlands Region. Riparian areas help moderate fluctuations in water temperate, maintain groundwater recharge and stream base flow, stabilize stream banks, and provide food storage area. Furthermore, during storm events, riparian areas help reduce erosion and sediment loads to surface water and remove excess nutrients and contaminants from flood waters. Approximately 403 acres of the Borough are located in a riparian area which represents nearly one-half (45.28%) of the municipality.

## Prime Groundwater Recharge Area

As noted by the Highlands RMP, Prime Groundwater Recharge Areas are those areas in each subwatershed which have the highest recharge rate and, in total, provide 40% of the total recharge for that subwatershed. The Highlands RMP places a high priority on the protection of these lands as well as their quality and quantity of recharge.

Approximately 309 acres of the Borough are located in a Prime Groundwater Recharge Area, which represents a little more than one third (37%) of its total area. Prime Groundwater Recharge Areas are located along the riparian areas.

## Steep Slope Protection Areas

The Highlands RMP identifies four subsets of Steep Slope Protection Areas:

- ❖ Severely Constrained Slopes. All lands with slopes of 20% or greater and lands within riparian areas with slopes of 10% and greater;

- ❖ Moderately Constrained Slopes. All non-riparian area lands having a slope of 15% to less than 20% which are forested;
- ❖ Constrained Slopes. All non-riparian areas having a slope of 15% to less than 20% which are non-forested with one or more of the following characteristics: (a) are highly susceptible to erosion; (b) have a shallow depth to bedrock; or c) have a soil capability class indicative of wet or stony soils.
- ❖ Limited Constrained Slopes. All non-riparian area lands having a slope of 15% to less than 20%, which are non-forested, are not highly susceptible to erosion, and do not have a shallow depth to bedrock or a Soil Capability Class indicative of wet or stony soils.

Steep slopes play an important ecological, recreational, scenic, and functional role within the Highlands Region. Disturbance of these areas can trigger erosion and sedimentation, resulting in the loss of topsoil. Steep slope disturbance can also result in the loss of habitat quality, degradation of surface water quality, silting of wetlands, and alteration of drainage patterns.

Approximately 141 acres of the Borough are located in Steep Slope Protection Areas which represents 17% of Milford land area.

#### Scenic Resource Areas

As per the Highlands RMP, Scenic Resource Areas include sites and landscapes which are distinctive and remarkable for their geology, topography, history, culture, and aesthetics. Often times, Scenic Resource Areas represent the defining character of a community. Examples of sites and landscapes which may be located in a Scenic Resource Area include prominent ridgelines, mountainsides or hillsides, panoramic vistas, community gateways and landmarks, river valleys, and agricultural landscapes.

Approximately 46 acres, or 5%, of the Borough is located in a Scenic Resource Area known as the Milford Bluffs Preserve.

#### Critical Wildlife Habitat

Critical Wildlife Habitat includes those areas which contain physical or biological features which are essential to the conservation of certain species. Typically, these areas contain rare, threatened, and/or endangered species habitat. There are 417 acres in the Borough classified as Critical Wildlife Habitat area, which represents approximately 50% of the municipality.

#### Farmland

There are also areas in northwest and southern portions of the municipality which are classified as prime farmland and a small number of areas, also in the northern section which are considered farmland of statewide importance, if drained, according to the Highlands mapping data.

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## 5.2: Environmental Regulations

In consideration of the aforementioned environmental constraints, the following subsection summarizes the Borough's environmental regulations or lack thereof. The Borough will likely need to update its regulations to conform to the requirements set forth by the Highlands RMP.

### Wetlands

The Borough defines “wetlands” within Chapter 166 of the Borough code pertaining to Stormwater Management and identifies wetlands as one characteristic which qualifies an area as an “environmentally constrained area.” The Borough code briefly mentions wetlands in Chapter 165 – Storm Sewers (exceptions to storm sewer prohibitions allowing flows from wetlands), Chapter 166 – Stormwater Management (constructed wetlands) and Chapter 190 – Zoning (siting of renewable energy infrastructure outside of regulated areas such as wetlands). The Borough’s land development regulations do not contain any other specific recommendations pertaining to wetlands or wetland buffers. The Borough relies upon the NJDEP for regulating wetlands.

### Riparian Areas

The Borough relies upon the NJDEP for regulation of riparian areas. Riparian areas are defined in Chapter 96 of its general legislation (Flood Damage Prevention) and also referred to as Areas of Special Flood Hazard. As noted therein, the general purpose of this chapter is to prohibit development in riparian zones unless an applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a floodplain development permit. An applicant must also demonstrate that a project is compliant with all other Floodplain Development provisions in the Borough code.

Riparian areas are also discussed in Chapter 166 – Stormwater Management and Chapter 190 – Zoning (siting of renewable energy infrastructure outside of regulated areas such as wetlands). The Borough’s land development regulations do not contain any other specific recommendations pertaining to riparian areas.

### Prime Groundwater Recharge Areas

While the Borough’s land development regulations provide a definition for recharge, they do not contain specific regulations pertaining to recharge areas. These regulations would need to be incorporated during the conformance process.

### Steep Slope Protection Areas

Section 190-30 of the Borough’s land development regulations pertain to steep slope provisions. This section requires a limitation on lot size and lot density such that the number of dwelling units or lots permitted and the actual lot areas shall bear a relationship to the natural slope of the land. For example, a total land available area for development (TLD) shall be calculated for each lot to be subdivided and for each lot to be developed. The total number of dwelling units allowed on any lot or the total number of lots to be subdivided from any other lot shall be controlled. This section also establishes that no slopes greater than 30% in grade may be disturbed or developed.

To better conform with Highlands regulations, the Borough would likely need to update its steep slope regulations to reflect the steep slope protection area categories discussed in Section 4.1 as well as to prohibit disturbance for slopes greater than 20% in grade.

### Forest Resource Area

The Borough's land development regulations do not contain specific regulations pertaining to forest resource areas. While the Borough adopted a new tree removal ordinance, it will nevertheless likely need to incorporate forest resource area regulations during the conformance process.

### Scenic Resource Area

The Borough's land development regulations do not contain specific regulations pertaining to wetlands or wetland buffers but instead relies on NJDEP regulation for these areas. These regulations would likely need to be incorporated during the conformance process.

### Critical Wildlife Habitat

The Borough's land development regulations do not contain specific regulations pertaining to critical wildlife habitat. These regulations would likely need to be incorporated during the conformance process.

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# Section 6: Infrastructure

As stated within the Borough's 4<sup>th</sup> Round Housing Element and Fair Share Plan (2026), there are a number of factors limiting the Borough's water and sewer operations, and their respective infrastructures and operational capacities. A myriad of factors including, but not limited to, environmental constraints such as floodplains, steep slopes, C-1 waterways, endangered species, as well as the existence of detected per- and polyfluoroalkyl substances (PFAS) have all limited the Borough's ability to obtain additional water and sewer capacity.

There are strict, and sometimes conflicting, Federal and State permitting and regulatory requirements that must be met with regard to the remediation of the detected PFAS contaminants and to construct a new public well to provide for increased water capacity. Furthermore, the Borough's Well Number 5 is currently under "violation" for secondary contaminants necessitating a new well.

The Borough is a public water system that currently has two municipal (public) wells in operation. The water system currently operates under PWSID No. NJ1020001 as regulated by NJDEP. Today, the Borough has an allocated capacity of 10 million gallons per month ("MGM") in accordance with its Water Allocation Permit WAP080001 issued by NJDEP Bureau of Water Allocation.

Over a five-year period, water usage for the Borough has ranged from 3,329,650 gallons per month to 5,666,450 gallons per month. The five-year average usage per month, during the same five-year period, is approximately 3,900,000 gallons per month based on the well records maintained by the Borough and analyzed by the State of New Jersey.

The NJDEP Bureau of Water Systems Engineering (Bureau) has invoked a "FIRM Capacity" requirement for each public water system wherein the Bureau compares the daily average water usage from the Borough's water system's peak month over a five-year period against the well allocation total taking the highest producing well out of service. The calculated difference either results in a surplus of daily flow that could be utilized for any future connections or a deficit that would restrict the public water system from any new connection to the system or any additional water usage requirement resulting from an existing property's change in use necessitating additional water demand.

As of March 2026, the Borough of Milford had a deficit in its FIRM Capacity in the amount of -032 million gallons per day. This information is provided by the "NJDEP Division of Water Supply and Geoscience Public Water System Deficit/Surplus" form obtained from the NJDEP website (see Appendix). Accordingly, no new water main extension or connection permits will be issued by the Bureau. Similarly, the Bureau will not issue any new permit to enhance FIRM capacity for changes in demand sought by an existing water user.

The Borough's combined 3<sup>rd</sup> and 4<sup>th</sup> Round Housing Elements envisioned an additional 310 units within the Borough in order for the Borough to realize the necessary amount of affordable housing units as required by the State (an additional 71 units).

A peak factor of 3 is applied in order to compute peak daily flows to determine total daily demand. This is shown below:

**Total Daily Demand = 55,100 GPD or .06 MGD**

**Total Daily Demand (Factor 3x) = 165,300 GPD or 0.17 MGD**

Based on the above information, the Borough water system does not have sufficient surplus to meet the demands for the affordable housing requirements. As of March 2026, the Borough water system had a calculated available daily water gallonage of not more than 34,000 gallons, per day.

Notwithstanding any new additional development in the Borough, in order to realize all of new housing units that would be necessary in order for the Borough to satisfy its affordable housing obligation, the Borough would need a new well and a new main line extension. The Borough would also need either a new septic plant or a substantial upgrade to the existing plant as well as new secondary clarifiers, installation of Ultra-Violet (UV) treatment, and the design and construction of a new outfall location.

The Borough has certified that if, and when, the Borough's water and sewer systems are capable of expansion, that said water and sewer capacities will be applied towards any affordable housing units under the Fourth Round's durational adjustment as part of the Borough's compliance plan pursuant to N.J.A.C. 5:93-4.3(c).

# Section 7: Plan Conformance

Plan Conformance is intended to align municipal planning and zoning with the goals, requirements, and provisions of the RMP. Part of the assessment of the Borough's current plans and regulations must also include an evaluation of future planning needs. The Highlands will eventually issue the Borough guidelines with regard to all mandatory elements for completing plan conformance. Some are long term mandatory elements, and some are discretionary. Below are some examples of what some municipalities are responsible for completing as part of plan conformance.

## **Mapping**

Municipalities may request RMP Updates and LUCZ mapping adjustments, which are considered and processed throughout the process of Plan Conformance. Map Adjustments may also be requested as a component of a Petition for Plan Conformance..

## **Additional Planning Documents**

The Highlands Council requires that fully conforming municipalities include a "**Highlands Element**" within their master plans. Municipalities may adopt this element as a supplement to existing municipal master plans. There is a model for such an element which covers all of the required and option master plan elements found in the Municipal Land Use Law. Municipalities may modify the document as necessary to ensure applicability to specific municipal circumstances. A compliant master plan element would include the following goals for the Highlands Planning Area:

1. To protect, restore, and enhance the quality and quantity of surface and ground waters;
2. To preserve to the maximum extent possible any environmentally sensitive lands and other lands needed for recreation and conservation purposes.
3. To protect and maintain the essential character of the Highlands Area environment;
4. To preserve farmland, historic sites, and other historic resources;
5. To promote the continuation and expansion of agricultural, horticultural, recreational, and cultural uses and opportunities;
6. To preserve outdoor recreation opportunities on publicly owned land;
7. To promote conservation of water resources;
8. To promote Brownfield remediation and redevelopment, where applicable;
9. To encourage as applicable, and consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and to discourage piecemeal, scattered, and inappropriate development, in order to accommodate local growth and economic development in an orderly way while protecting the Highlands Area environment from individual and cumulative adverse impacts thereof; and
10. To the extent applicable – To promote local transportation opportunities that are consistent with smart growth strategies and principles.

An additional requirement for plan conformance includes an adopted **Housing Element and Fair Share Plan** which the Borough has already completed pursuant to the Fair Housing Act through Round 4.

The Highlands Council also requires that municipalities complete an **Environmental Resource Inventory (ERI)** to complete the plan conformance process. The Borough does not yet have an adopted ERI and one would need to be prepared.

### **Center Designation**

One optional piece of the of the conformance process includes analysis of **Highlands Center Designation**. Seeking a Highlands Center Designation for the Borough's downtown provides a framework to balance economic growth with resource protection. By achieving Center Designation through the Plan Conformance process, the Borough shifts from a defensive planning posture to an offensive, proactive one, that directs growth to the historic, built downtown rather than sensitive environmental areas. There are specific municipal benefits that can come with this potential designation such as access to funding and planning grants, utility / infrastructure allocation flexibility, preservation of environmental resource zones (HERZs) and also local Highlands Exemption authority (see list of Highlands Act Exemptions on the following page).

Lastly, just as with plan conformance, Highlands Center Designation carries a strong presumption of validity across other state agencies, mirroring the benefits of SDRP Center Designation such as priority for funding and grants. The SDRP from 2025 states the following with regard to centers:

*"Infrastructure in New Jersey (such as roadways, rail lines, transit systems, energy, water supply and wastewater systems, and other public facilities) will become more important to the State's economy and environmental future during the transition away from fossil fuels. The State Plan encourages infrastructure investment to support existing and potential new centers, as well as planned development and redevelopment, which is consistent with the intent and criteria of the Planning Areas and other areas identified within Endorsed Plans."*

For the Borough, a center boundary could be drawn strictly around the existing commercial core and immediate surrounding residential grid (B Zone and R2 Zone). A Center designation for this area could provide a vehicle to capture grant money for streetscape improvements, promote adaptive reuse of older buildings, and fulfill affordable housing goals, while legally insulating the Borough's peripheral Planning Area landscapes from suburban sprawl.

## Highlands Act Exemptions

17 Highlands Act exemptions are summarized below:

1. Construction of a single-family dwelling for one's own use or family use on a lot owned by the individual on August 10, 2004.
2. Construction of a single-family dwelling on a lot in existence on August 10, 2007 provided that the construction does not result 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. Developments that received certain municipal approval and specific NJDEP Approvals on or before March 29, 2004 where construction beyond site preparation commenced on or before August 10, 2007.
4. Reconstruction of buildings or structures within 125% of the footprint of the lawfully existing impervious surfaces provided there is not an increase in impervious surface by one-quarter acre or more (not applicable to conversion of an agricultural or horticultural building or structure to a non-agricultural or non-horticultural use).
5. Improvement to a single-family dwelling in existence on August 10, 2004, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system.
6. 7. 8. Expansion of or improvement to any existing places of worship, schools, or hospitals for non-residential purposes. Activities conducted pursuant to approved woodland and forest management plans. Construction or extension of trails (with non-impervious surfaces) on public or private lands.
9. Public transportation or infrastructure systems – Routine maintenance and operations, rehabilitation, preservation, reconstruction, or repair, consistent with the goals and purposes of the Act without any new through-capacity travel lanes.
10. Transportation safety projects by a State entity or local government unit, provided that the activity does not result in the construction of any new through-capacity travel lanes.
11. Public utility lines, rights of way, or systems – Routine maintenance and operations, rehabilitation, preservation, reconstruction, repair, or upgrade by a public utility, consistent with the goals and purposes of the Act.
12. Reactivation of rail lines and rail beds existing on August 10, 2004.
13. Public infrastructure projects approved by public referendum prior to January 1, 2005 or a capital project approved by public referendum prior to January 1, 2005.
14. Mining or quarrying on any mine, mine site, or construction materials facility existing on June 7, 2004.
15. Site Remediation of contaminated sites.
16. Military lands existing on August 10, 2004.
17. Affordable Housing pursuant to Settlements in Planning Area 1 or Planning Area 2.

**APPENDIX C**

**HIGHLANDS RESOURCE MAPS  
Petition for Plan Conformance  
Borough of Milford, Hunterdon County**

**Exhibit 1:  
Highlands Area and  
Highlands Land Use  
Capability Zones**

Milford Borough

Land Use Capability Zones

- Protection Zone
- Conservation - Environmentally Constrained Subzone
- Existing Community Zone
- Existing Community - Environmentally Constrained Subzone

Municipal Boundary

Parcel Boundaries

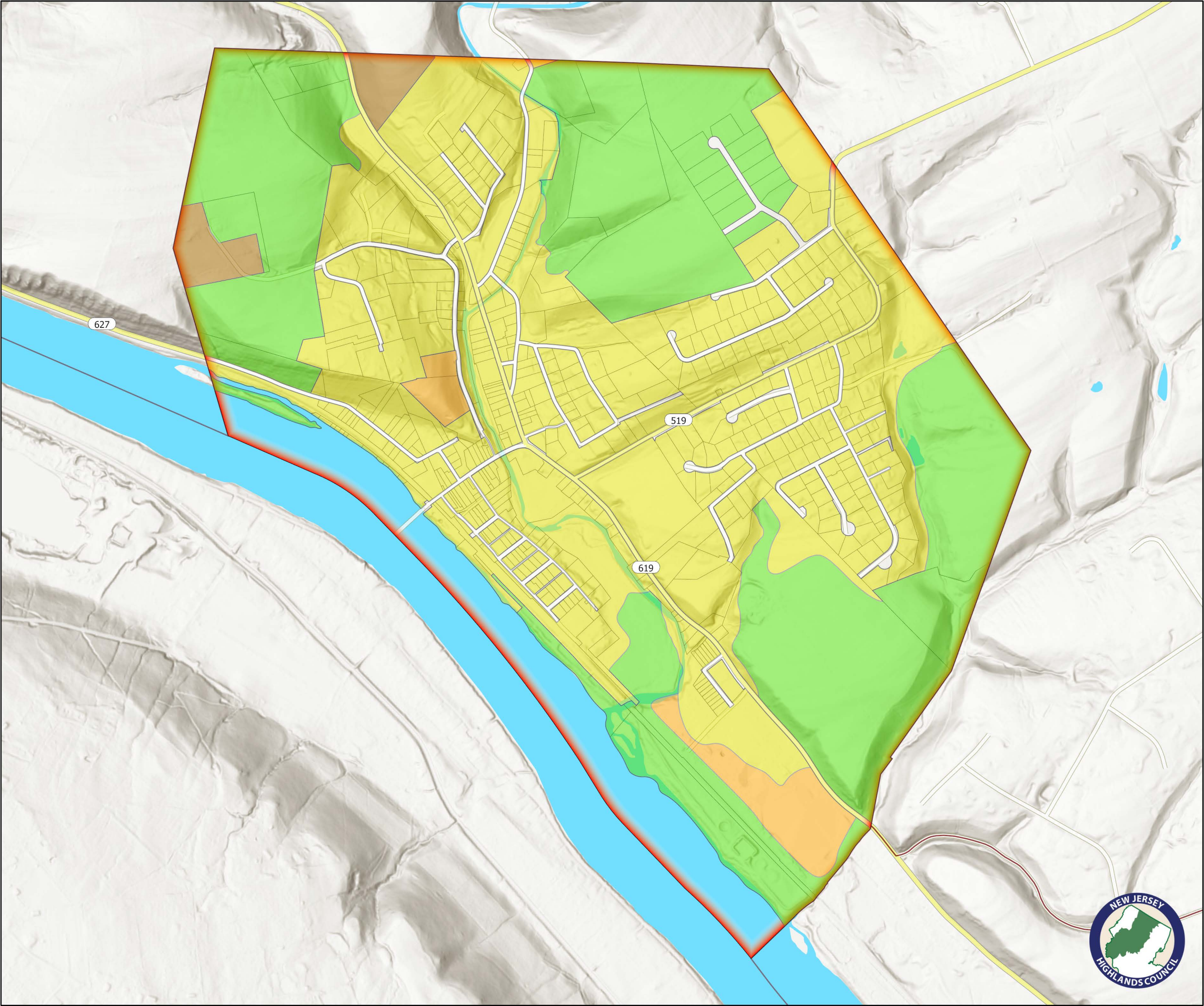
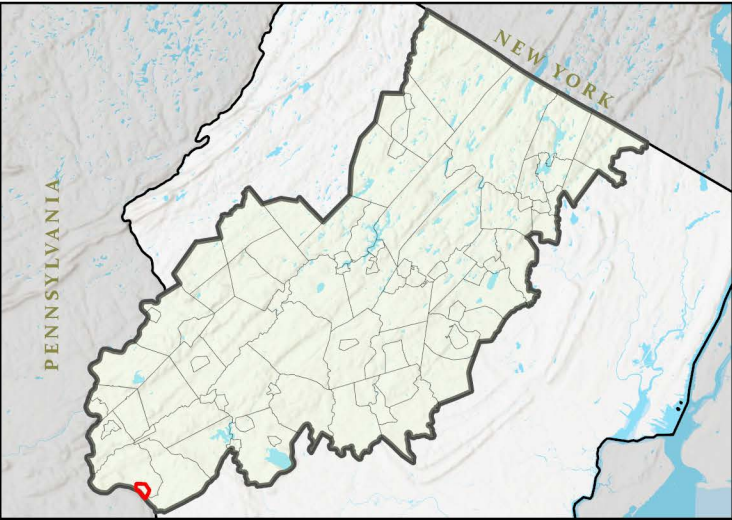
Roads

- County Highways
- Local Roads
- Alleys



0 0.1 0.2 0.4 Miles

Map Created: 8/18/2026



# Exhibit 2: Wellhead Protection Areas

Milford Borough

Wellhead Protection Areas

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

Municipal Boundary

Parcel Boundaries

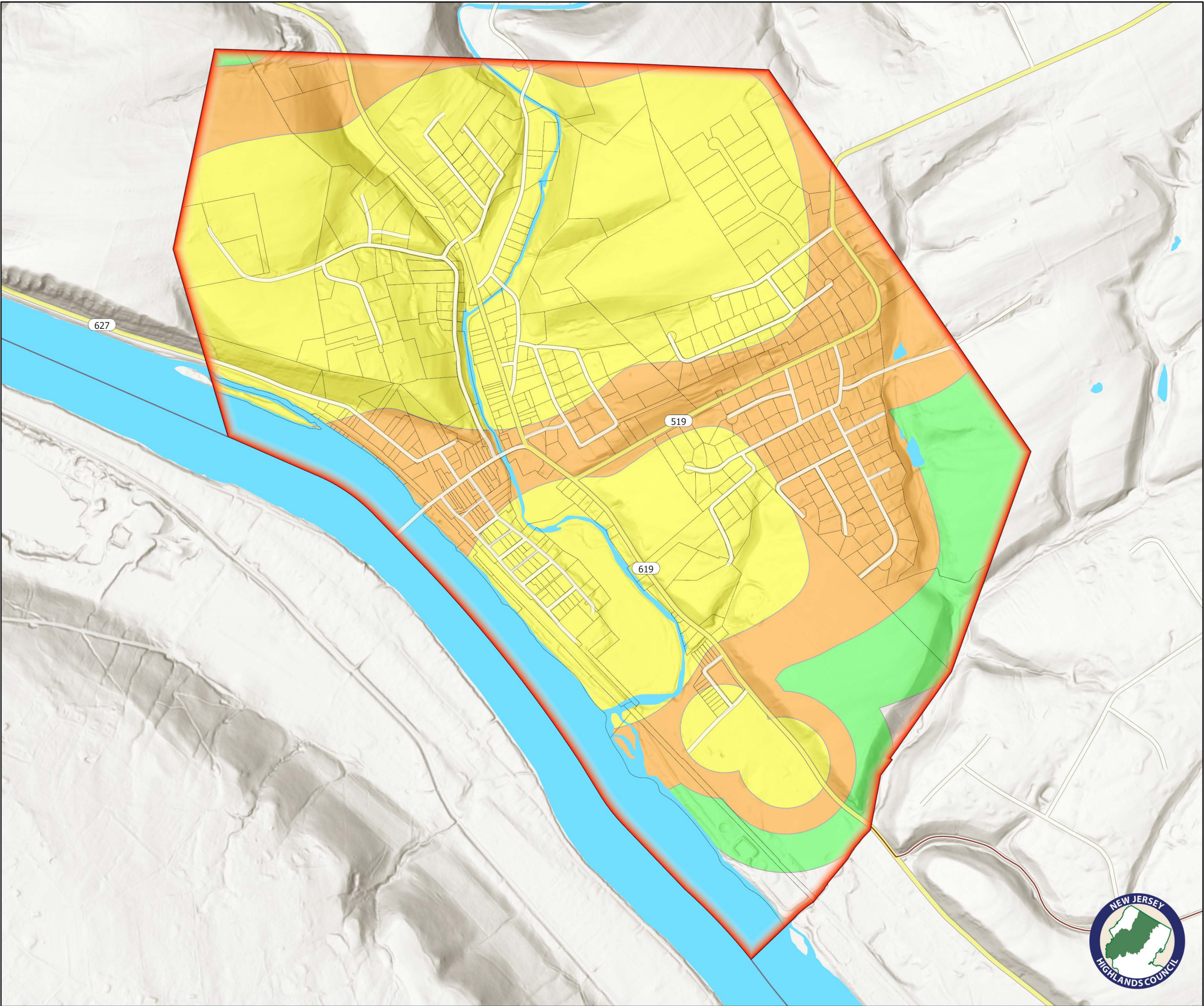
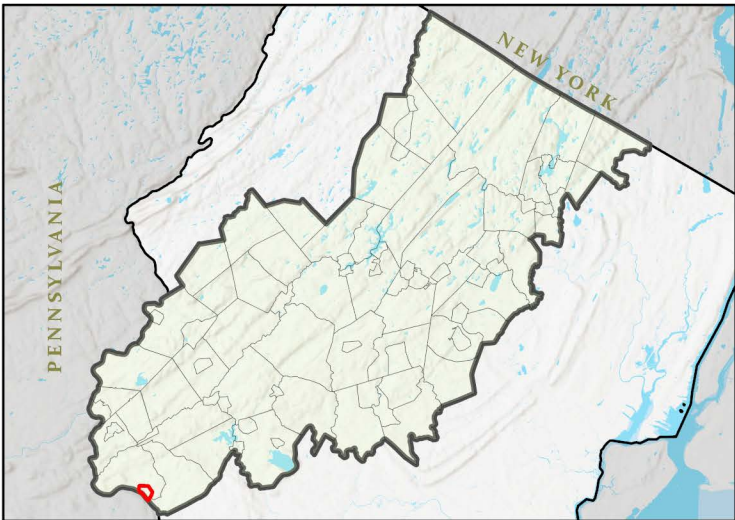
Roads

- County Highways
- Local Roads
- Alleys



0 0.1 0.2 0.4 Miles

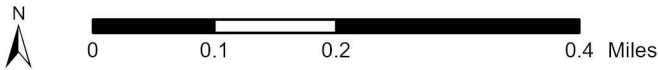
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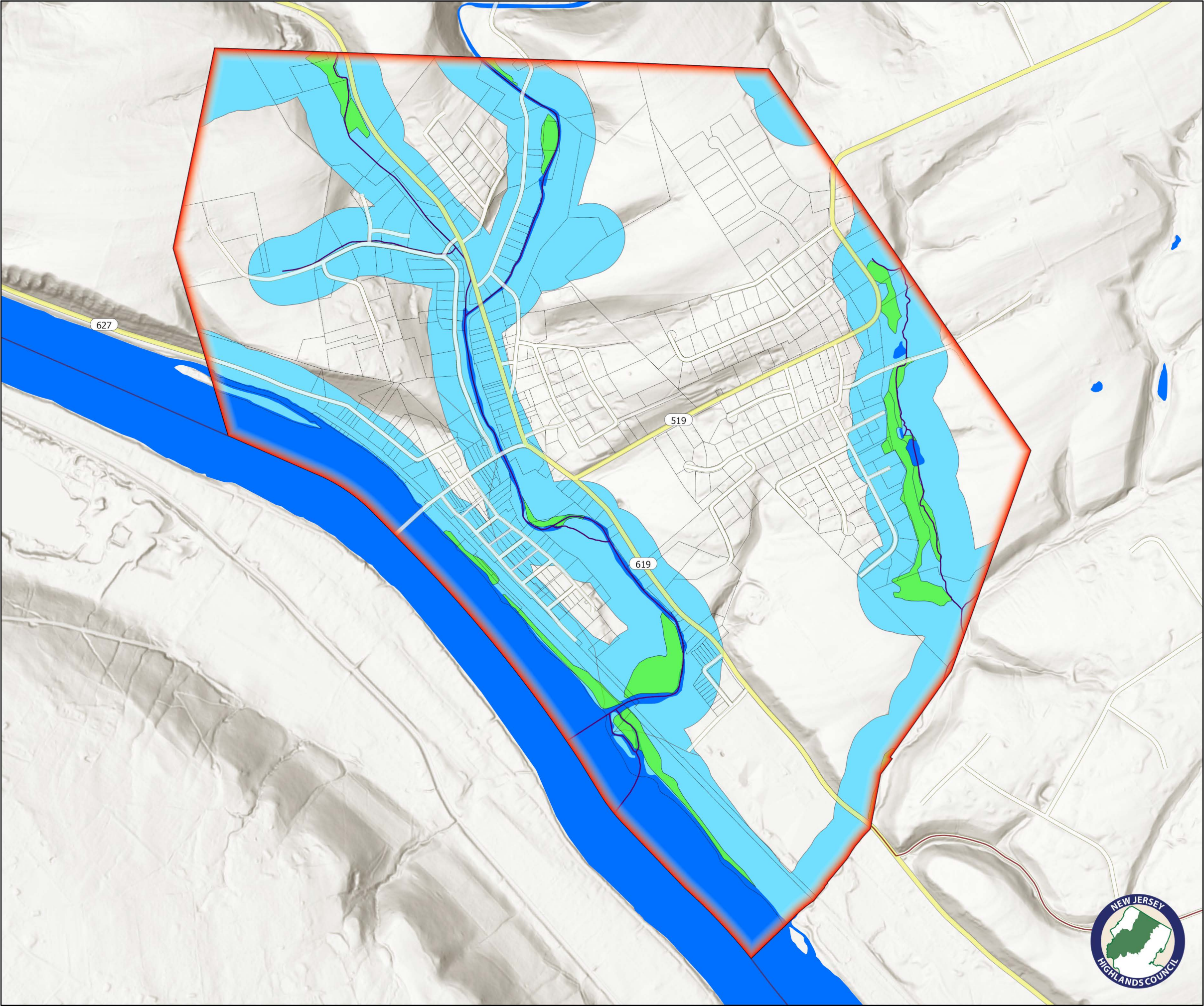
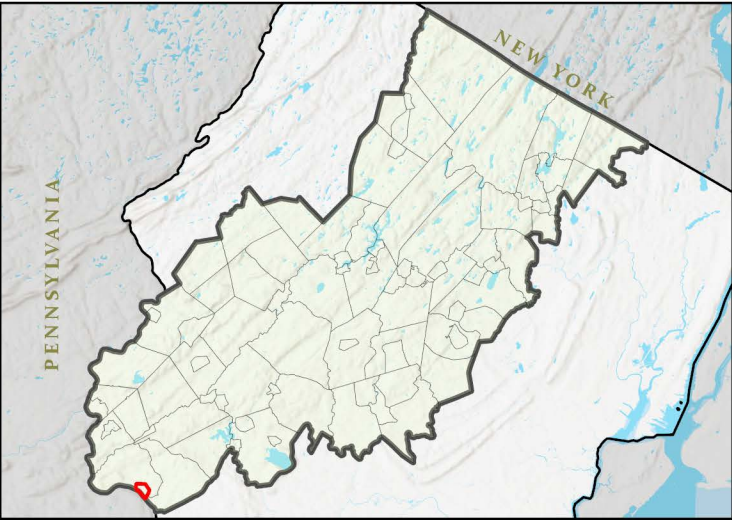
# Exhibit 3: Highlands Open Waters and Buffers

Milford Borough

- Streams
  - Wetlands
  - Open Waters
  - Highlands Open Water Buffers (300ft)
  - Municipal Boundary
  - Parcel Boundaries
- Roads
- County Highways
  - Local Roads
  - Alleys



Map Created: 8/18/2026



# Exhibit 4: Highlands Riparian Areas

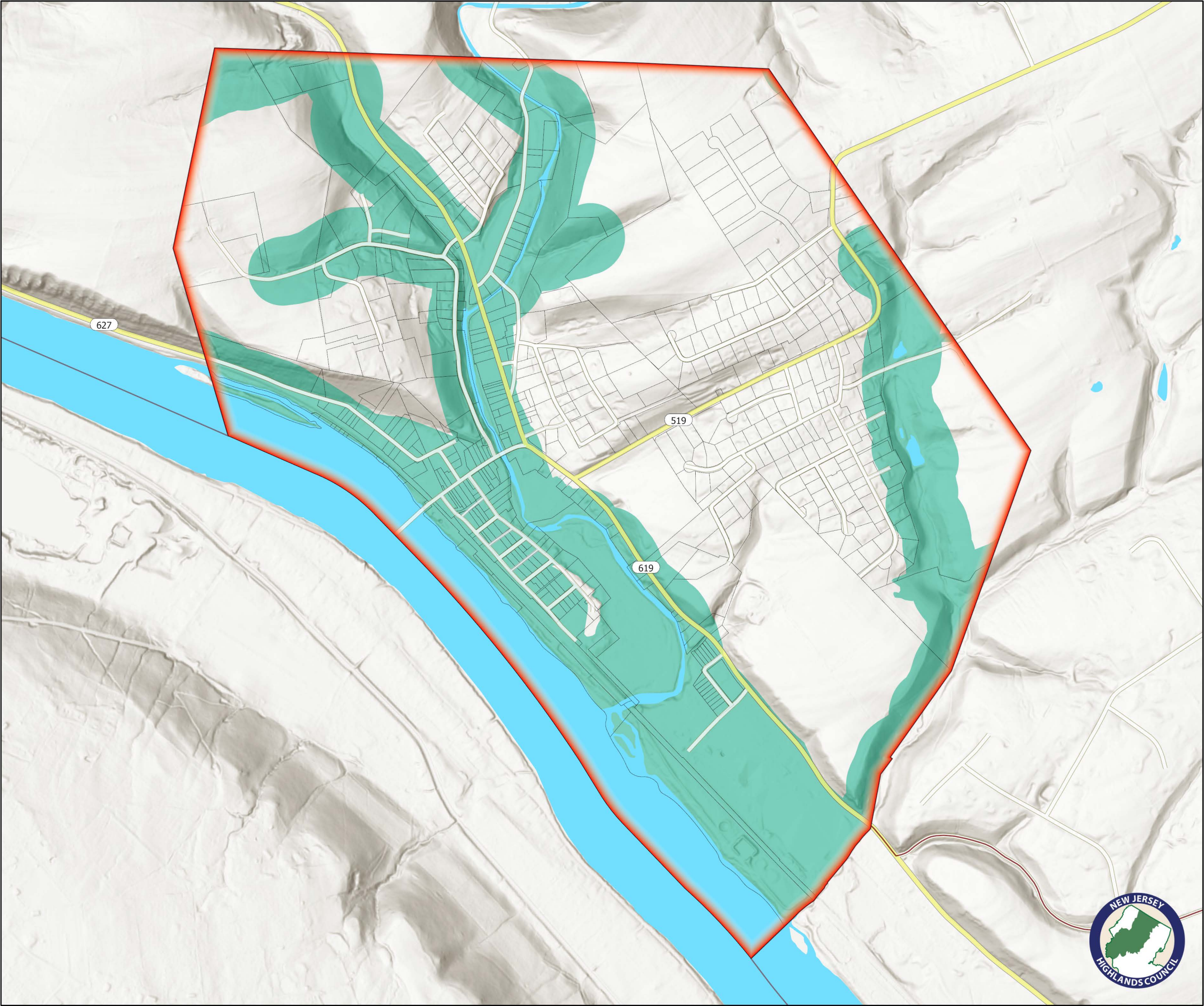
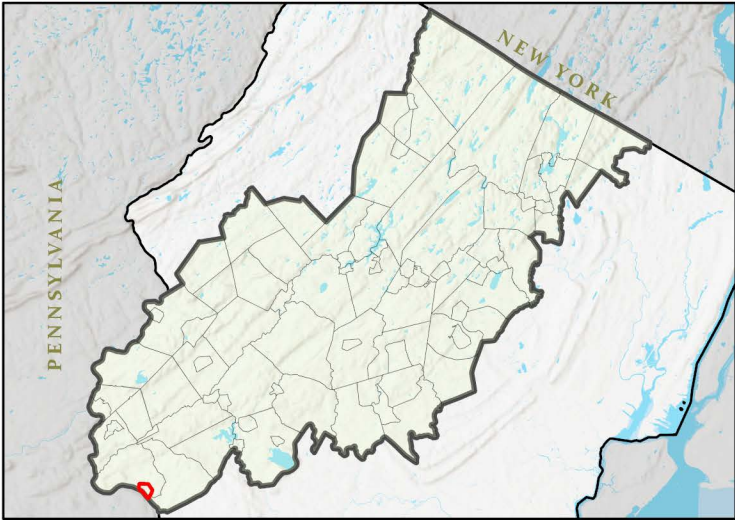
Milford Borough

- Riparian Area
- Municipal Boundary
- Parcel Boundaries
- Roads
  - County Highways
  - Local Roads
  - Alleys



0 0.1 0.2 0.4 Miles

Map Created: 8/18/2026



# Exhibit 5: Net Water Availability

Milford Borough

Net Water Availability by HUC14 Subwatershed (MGD)

- 0.09 - 0.39
- 0.04 - 0.09
- 0.00 - 0.04
- 0.09 - 0.00
- 0.99 - (-0.10)
- 7.11 - (-1.00)

Municipal Boundary

Parcel Boundaries

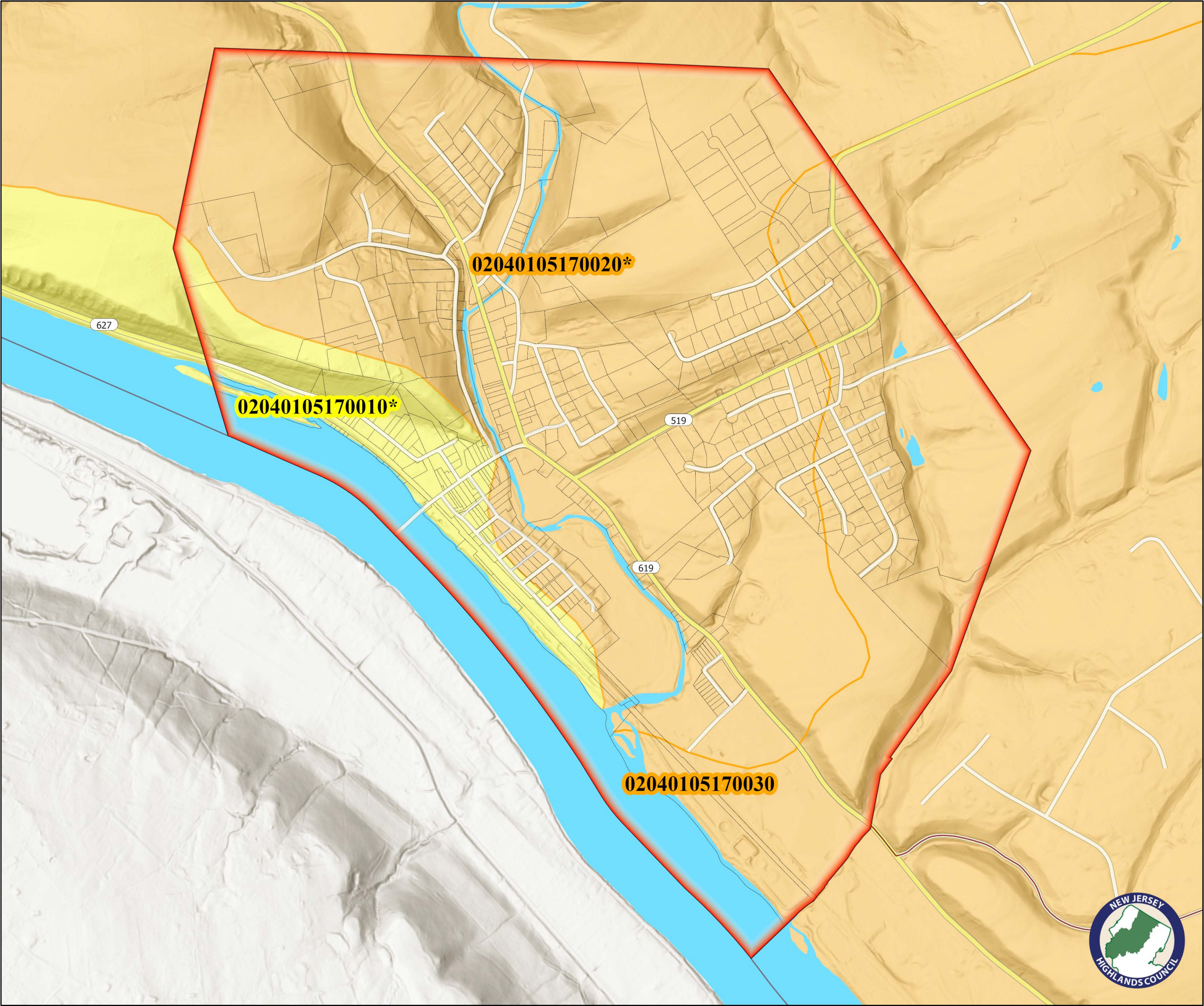
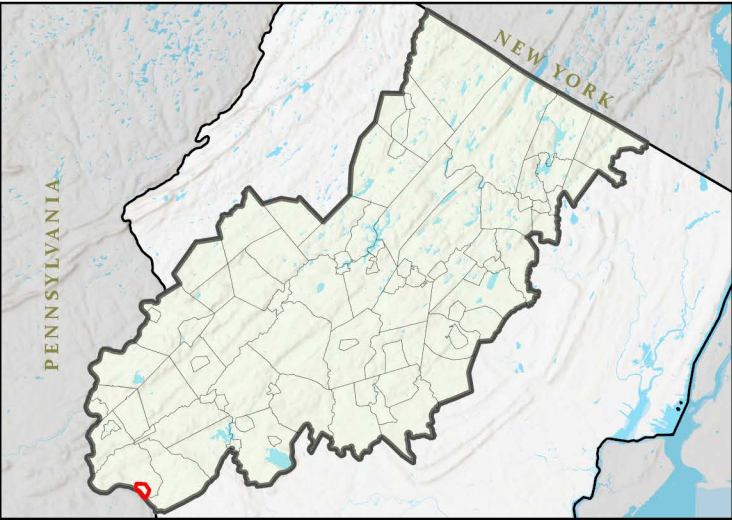
Roads

- County Highways
- Local Roads
- Alleys

\* Indicates updated data was used for the HUC14 Subwatershed



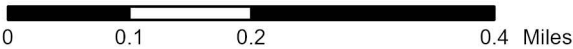
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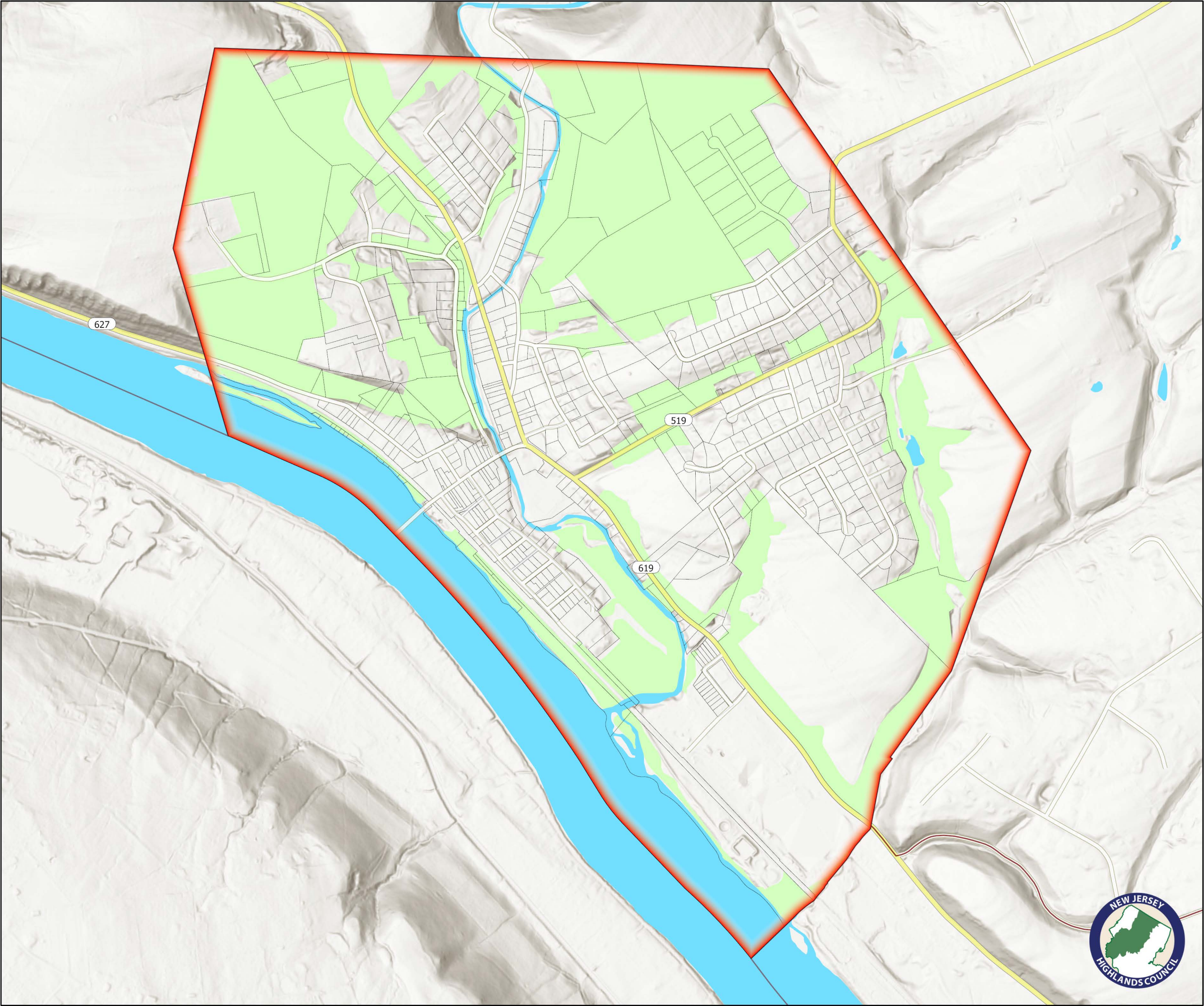
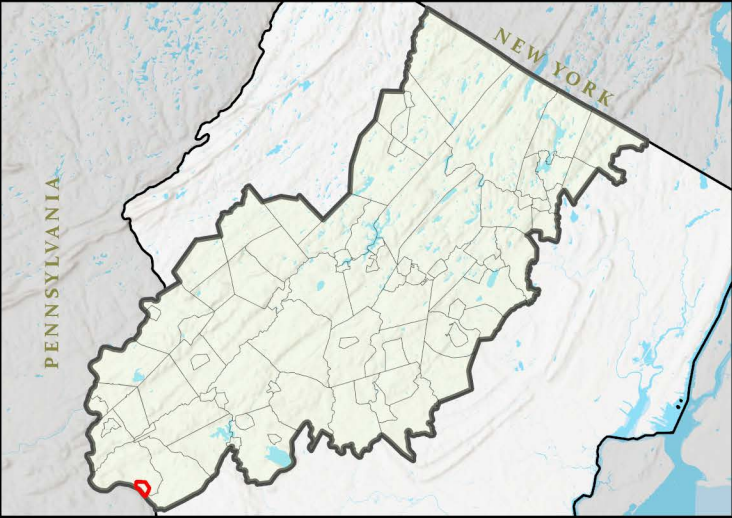
**Exhibit 6:  
Forest Area**

Milford Borough

-  Total Forest Area
-  Municipal Boundary
-  Parcel Boundaries
- Roads
  -  County Highways
  -  Local Roads
  -  Alleys



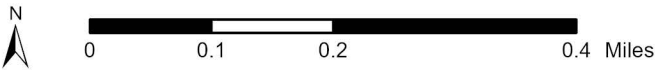
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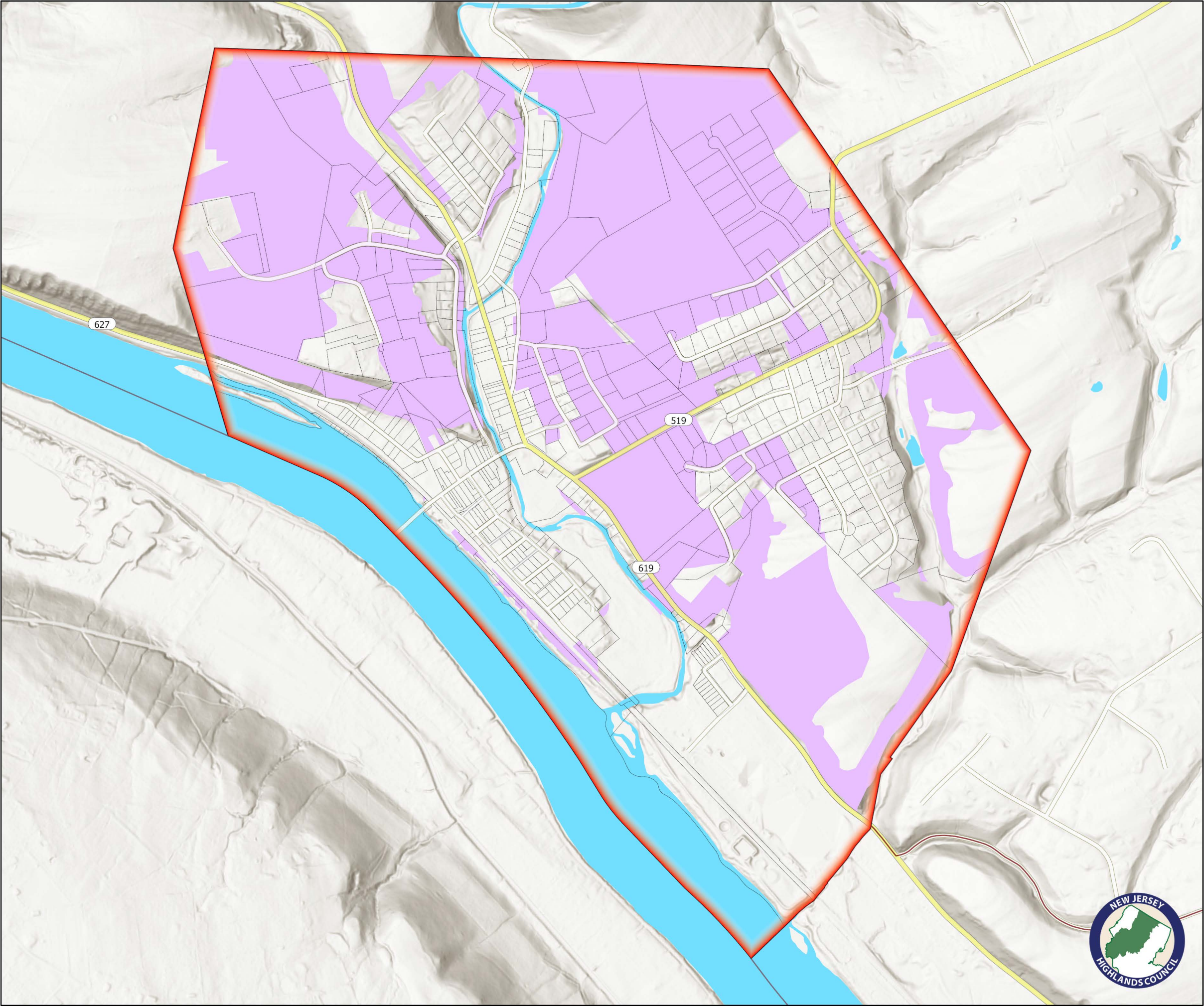
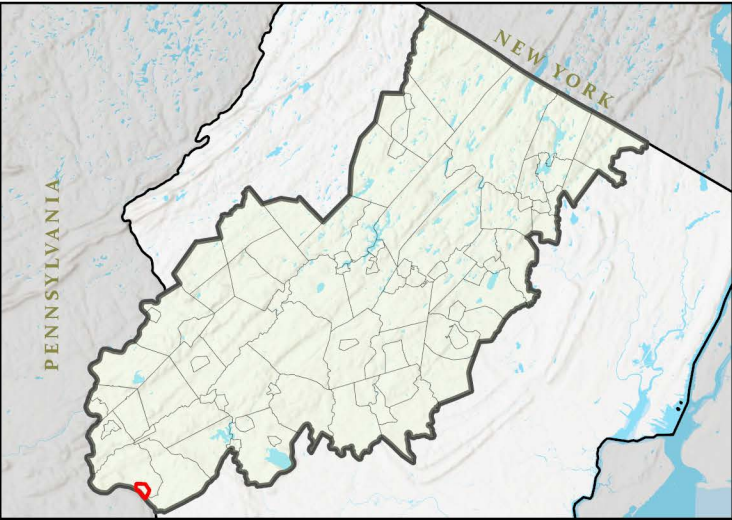
# Exhibit 7: Prime Ground Water Recharge Areas

Milford Borough

- Prime Ground Water Recharge Areas
- Municipal Boundary
- Parcel Boundaries
- Roads
  - County Highways
  - Local Roads
  - Alleys



Map Created: 8/18/2026



**Exhibit 8:**  
**Special Environmental Zone**

Milford Borough

 Municipal Boundary

 Parcel Boundaries

Roads

 County Highways

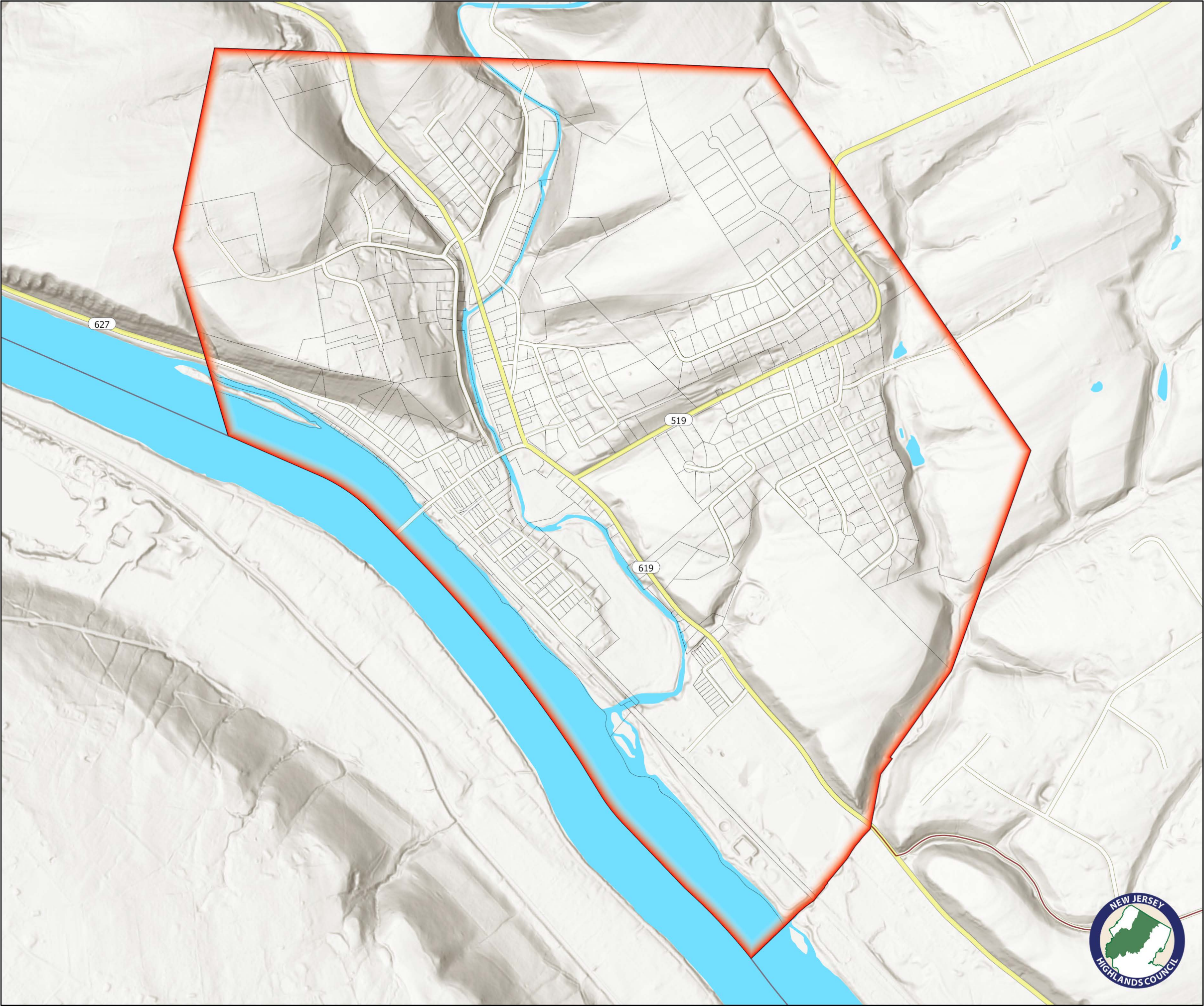
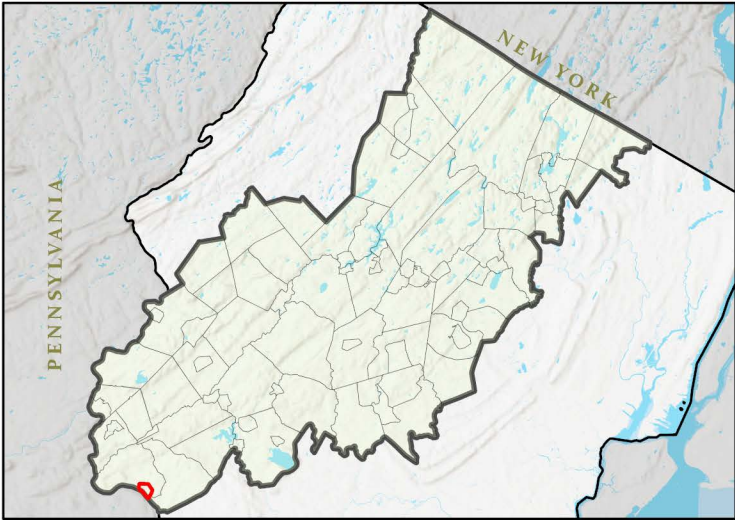
 Local Roads

 Alleys



0 0.1 0.2 0.4 Miles

Map Created: 8/18/2026



# Exhibit 9: Steep Slope Protection Areas

Milford Borough

Steep Slope Protection Area

- Moderate
- Severe

Municipal Boundary

Parcel Boundaries

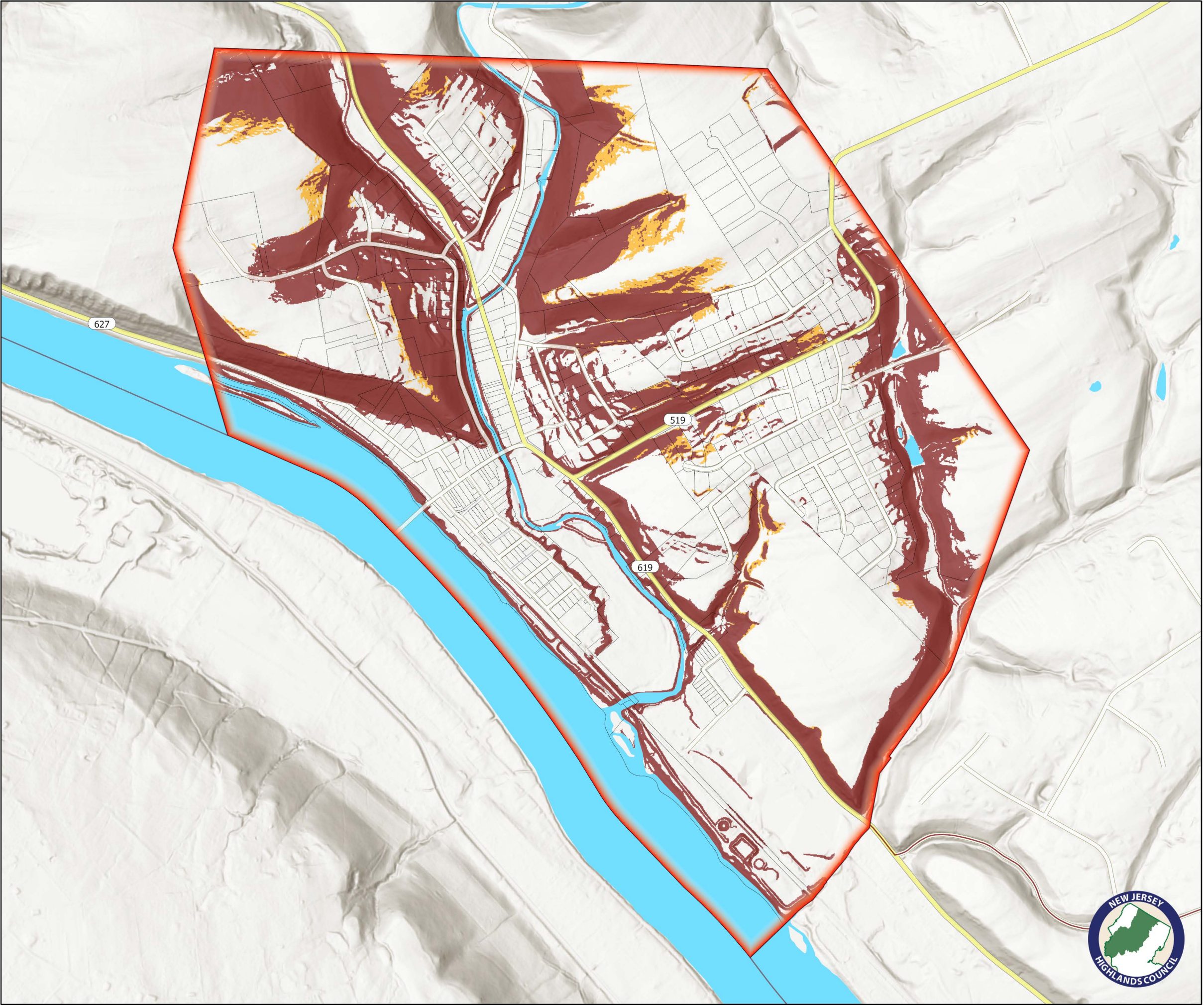
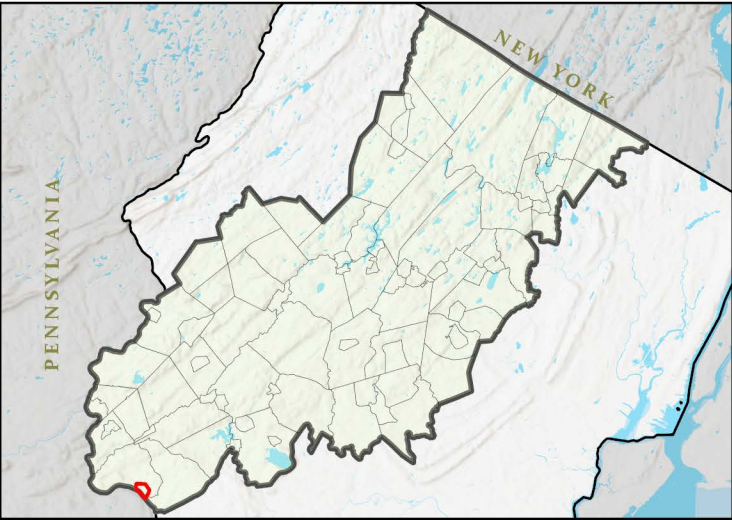
Roads

- County Highways
- Local Roads
- Alleys



0 0.1 0.2 0.4 Miles

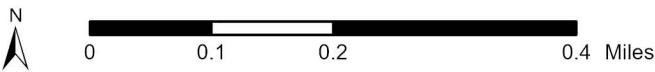
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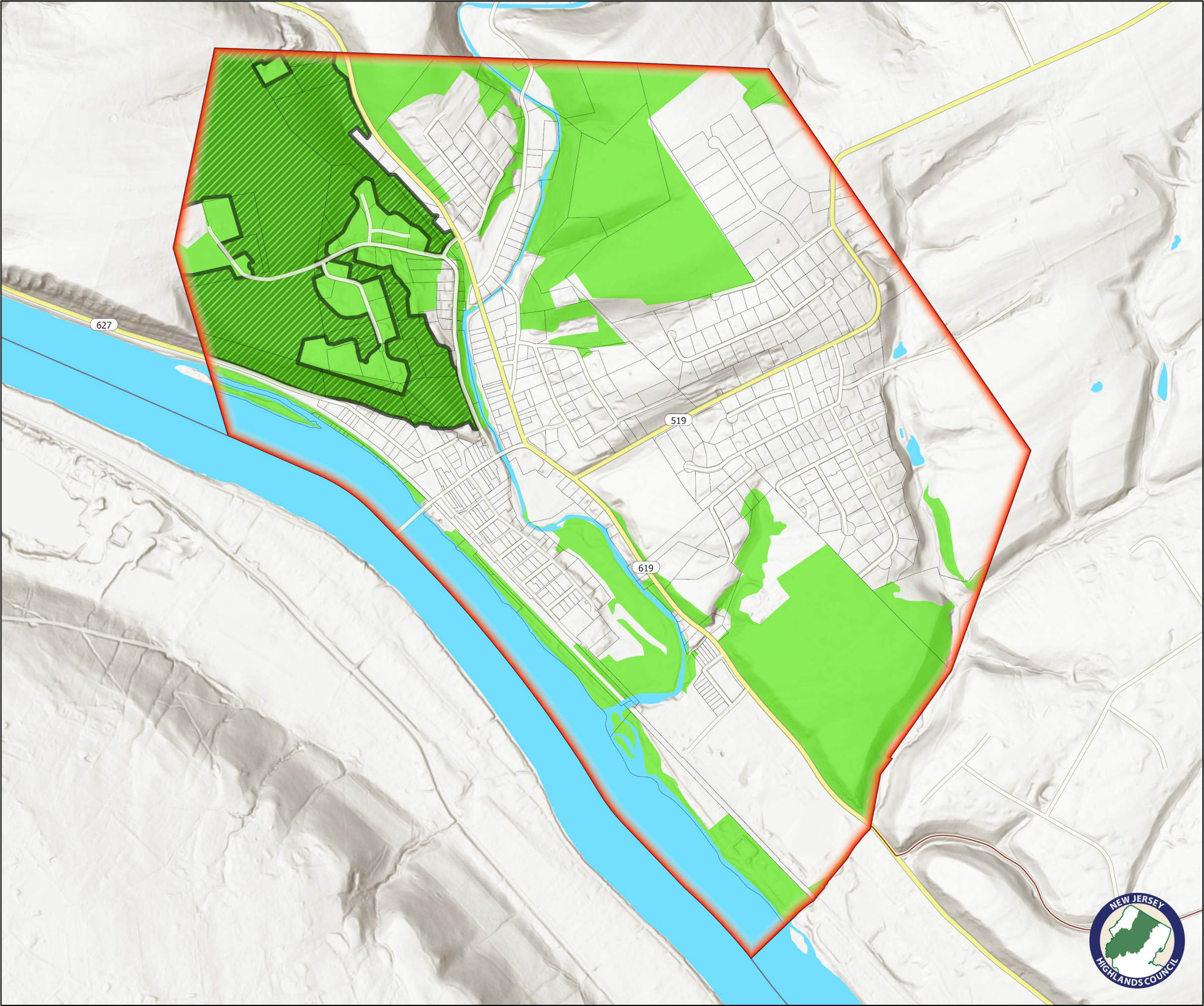
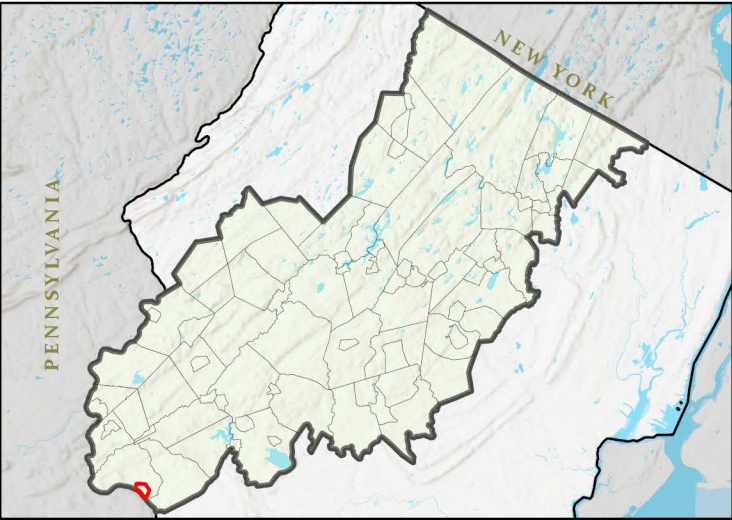
**Exhibit 10:**  
**Critical Wildlife Habitat,**  
**Vernal Pools and NJDEP**  
**Natural Heritage Priority**  
**Sites**

Milford Borough

-  Freshwater Mussel Critical Habitat
  -  Natural Heritage Priority Sites
  -  Critical Wildlife Habitat
  -  Municipal Boundary
  -  Parcel Boundaries
- Roads
-  County Highways
  -  Local Roads
  -  Alleys



Map Created: 8/18/2026



## **APPENDIX D**

### **PUBLIC COMMENT/HIGHLANDS RESPONSE**

#### **Petition for Plan Conformance Borough of Milford, Hunterdon County**

#### **PUBLIC COMMENTS RECEIVED**

Written comments regarding Milford Borough's Petition for Plan Conformance were accepted by the Highlands Council through the close of the Public Comment period on October 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.