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MEMORANDUM

To: Natural Resources Committee
Highlands Water Protection and Planning Council

From: Eileen Swan, Executive Director
Jim Hutzelmann, Water Resource Engineer
Erin Lynam, Resource Management Specialist
Christine Ross, Senior Resource Management Specialist

Date: December 2, 2007

Re: Application Type: *Proposed Amendment to Upper Delaware WQMP*
Name: *Huntington Knolls*
Municipality: *Holland Township*
County: *Hunterdon*
Highlands Act Area: *Planning Area*
LUCM Location: *Conservation Zone and Conservation Constrained Sub-Zone*
Property: *Block 24, Lots 3 and 13*
Proposed Use: *Age-restricted housing, Institutional Use, Commercial and Office Space*
Nearest Waterway (Name): *Spring Mills Brook*
Wastewater: *Public Wastewater Collection and Treatment (Milford STP)*
Water: *Public Community Water System (Aqua New Jersey, Inc.)*

1.0 PROJECT DESCRIPTION

This is a proposed amendment to the Upper Delaware Water Quality Management Plan (WQMP) that would expand the sewer service area of the Milford Sewage Treatment Plant to include Block 24, Lots 3 and 13 in Holland Township, Hunterdon County, site of the proposed Huntington Knolls development. The approximately 87-acre site is located west of County Route 519 (Milford Warren Glen Road) and south of Fox Hill Place. The proposed development includes the construction of 29 residential buildings which will contain 38 one-bedroom units and 78 two-bedroom units, a clubhouse, an assisted living unit with 50 beds, group home, 10,000 square feet of office space, and 17,000 square feet of retail space. The projected wastewater flow for this facility is 32,950 gallons per day (gpd).

No site plan for the project was forwarded by the applicant. Therefore, the entire parcel was reviewed as a potential sewer service area, as the development footprint is undetermined. The review of the proposed Huntington Knolls development amendment is the result of an analysis of infrastructure capacity and the extent of environmentally sensitive resources. This review is based upon the standards and policies set forth in the Final Draft Highland Regional Master Plan (Final Draft RMP).

2.0 RECOMMENDATIONS

Analysis

The Highlands Council has identified instances where the Huntington Knolls proposed development site and sewer service area are inconsistent with the goals, requirements, and provisions of the Final Draft RMP. These conflicts are discussed below:

Environmentally Sensitive Lands within the Proposed Development Footprint

During the review of the proposed service area, the Highlands Council staff identified the presence of environmentally sensitive lands whose development or alteration would be inconsistent with the Final Draft RMP.

Steep Slopes

The site contains Severely Constrained Slopes (i.e., slopes of 20% or greater and lands within the riparian areas with slopes of 10% and greater) and Moderately Constrained Slopes (i.e., slopes between 15%-20% that are forested). The Council staff recommends that the sewer service area be limited to areas without severely constrained or moderately constrained slopes, as proposed.

Highlands Open Waters and Riparian Areas

Wetlands, classified as Highlands Special Waters, exist on the site. Spring Mills Brook, a C-1 tributary of Hakikokake Creek and the Delaware River exists on the northern portion of the site. Highlands Open Water protection buffers for on-site wetlands and streams are present on-site. The proposed development footprint apparently does encroach upon the Highlands Open Water protection 300-foot buffers; however, the applicant has already received NJDEP wetlands and stream encroachment permits. The Highlands Council staff also identified the potential disturbance of riparian areas, specifically floodprone areas, wetlands and hydric soil complexes that exist throughout the site. The Council staff recommends that the application be modified to exclude Highlands Open Water protection buffers. The staff further recommends that riparian areas be excluded from the sewer service area and development activities throughout the site should limit the increase of impervious areas to the minimum extent necessary. Alteration of natural vegetation should also be minimized beyond the Highlands Open Water protection buffers.

Forests

The site contains forested lands that are outside the Forests Resource Area. The Council staff recommends that the applicant should be required to identify upland forest areas in accordance with the Highland's Council's Alternative Method for Identifying Upland Forest Areas in the Highlands Region. In addition, the staff recommends that development activities should be required to utilize very low impact residential development techniques when disturbing woody vegetation.

Critical Habitat

The site contains Significant Natural Areas, and wooded areas identified by Highlands Council staff using NJDEP's Landscape Project data version 3 as habitat for Cooper's Hawk, a state-threatened species (Rank 3). NJDEP's public notice indicated no conflict with threatened and endangered (T&E) species habitat using Landscape Project data version 2, which does not include Cooper's Hawk habitat. Therefore, the applicant's submittal using Version 2 data shows no conflict with the proposed sewer service area and development footprint. Highlands Council staff recommends that NJDEP review the WQMP amendment utilizing the most current version of the Landscape Project data for T&E species. The staff further recommends that the applicant should be required to exclude the Critical Wildlife Habitat and Significant Natural Areas from the proposed development footprint.

Agriculture

The Highlands staff identified portions of the site as agricultural uses within an Agricultural Resource Area. Important farmland soils occur on-site. Residential development within the Agricultural Resource Area requires clustering with a minimum of 80% of the parcel preserved as agriculture or natural resource area. Other non-agricultural development must avoid conflicts with agricultural activities, protect agricultural production, and protect farmland and sensitive environmental resources. Future increases in impervious cover on the preserved site trigger requirements for a farm conservation plan or resource management system plan at 3% and 9% respectively.

The applicant should delineate the portion of the site reserved for the 80% agricultural or natural resource preservation in a manner that protects agricultural production and activities. The applicant should also identify the means by which the conservation easement will be enforced, and whether ownership of the land will be a landowners association, government entity or private party.

Water Quality

The Highlands staff identified prime ground water recharge areas and wellhead protection areas on-site. Further, a Total Maximum Daily Load (TMDL) for pathogens exists for the subwatershed. The staff recommends that development activities should not reduce ground water recharge volumes or contribute to ground water quality degradation. Wastewater discharge to the Milford Sewage Treatment Plant and non-point source loads from the site should not violate loads associated with adopted TMDLs for pathogens.

Water Capacity

The proposed project includes a proposed water main extension from the adjacent Aqua New Jersey systems. Source wells are located within the project site's subwatershed. Water diversions are not transferred outside of the subwatershed, so they result only in consumptive uses, not depletive uses. The subwatershed currently has a deficit of net water availability. Any additional consumptive uses in the subwatershed would be allowable to a maximum of 28,900 gpd, upon the condition of satisfying the 125% deficit mitigation requirement. Based on the proposed wastewater demands, consumptive uses from this project area likely to be somewhat less than 12,000 gpd, but this value has not been verified. No information was provided from the applicant on potential mitigation. The Highlands staff recommends that the development should be required to satisfy the smart growth clustering provisions while maximizing the protection of sensitive environmental resources. The proposed consumptive water demand should be calculated by the applicant, not to exceed a pro rata share of the subwatershed conditional water availability. The staff also recommends that the

additional consumptive water use be allowed only under the requirements of providing 125% mitigating of the additional consumptive use using water conservation techniques and enhanced recharge, with the latter occurring on-site to the maximum extent practicable.

Wastewater Capacity

The project proposes to connect into the Milford Sewage Treatment Plant Collection System. The Highlands staff recommends that the proposed development should be required to satisfy the smart growth clustering provisions of the Final Draft RMP while maximizing the protection of sensitive environmental resources using low impact design techniques. The density of the developed portions of the site should be a minimum density of ½ acre per lot for residential development, and a Floor-to-Area Ratio (FAR) of at least 0.84 for non-residential development.

Conclusions and Staff Recommendations

The site contains numerous sensitive environmental resources including steep slopes, Highlands Open Waters Protection Areas, Riparian Areas, Critical Habitats, Forests, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resources. These areas should be excluded from the sewer service area and development activities should avoid these areas. Further, wastewater discharge to the Milford Sewage Treatment Plant and on-site stormwater best management practices should not violate loads associated with adopted TMDLs for pathogens.

The site is proposed to be served by public water and wastewater and appears to be adjacent to those utilities. The precise extent of these utility service areas should be confirmed by the applicant. Extension of utilities to the site requires a cluster development at the appropriate densities and 80% preservation of the site's agriculture or natural resources. Mitigation of the additional consumptive water use at 125% should be required as a condition of approval and incorporated on-site to the maximum extent feasible to ensure that the mitigation occurs at the same time as the development.

Prior to final adoption of the RMP, the Highlands Council's purview is to provide recommendations to NJDEP on WQMP amendments. Given that the NJDEP may ultimately approve the amendment despite the Council's findings and recommendations, it would be prudent to include suggestions that could mitigate the project's impact if NJDEP would include them as conditions in their approval. Specifically, the disturbance of steep slopes, the open water buffers, riparian areas, critical habitat, and prime recharge areas should be reduced to the maximum extent possible and a conservation easement should be instituted around the remaining environmentally sensitive lands. There should be a requirement, where land disturbance is otherwise permitted, that low impact development best management practices be followed to minimize any potential for habitat or water quality impairment. For any development activity within the riparian area, it is recommended that low impact development best management practices be required to minimize both alterations of natural vegetation and increases in impervious area, and to provide for mitigation through restoration of impaired Riparian Areas in the same HUC14 subwatershed. Finally, ground water recharge should be implemented beyond the requirements of the Stormwater Management Rules (N.J.A.C. 7:8) as mitigation for the additional consumptive water uses.