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FINAL DRAFT CONSISTENCY REVIEW AND RECOMMENDATIONS REPORT

PETITION FOR PLAN CONFORMANCE: BOROUGH OF HAMPTON, HUNTERDON COUNTY

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

OCTOBER 12, 2010

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INTRODUCTION

This Draft Consistency Review and Recommendations Report (“Report”) has been prepared by the Staff of the New Jersey Highlands Water Protection and Planning Council (“Highlands Council”). It provides review and recommendations for consideration by the Highlands Council as to the consistency of the Petition for Plan Conformance of the Borough of Hampton, with the Highlands Regional Master Plan (RMP). The Report provides review and discussion of each component of the Petition for Plan Conformance, in the order in which they are set forth under submission guidelines provided to municipalities by the Highlands Council. It begins with a brief summary of Staff findings, displayed in a table format, to provide an at-a-glance overview of the results of Staff review.

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REPORT SUMMARY

Municipality: Borough of Hampton

Date of Petition Submission: December 8, 2009

Date Deemed Complete: February 8, 2010

Conformance Area: Planning Area & Preservation Area

Staff Recommendation: Approve Petition with Conditions

Administrative Submittals	Meets Requirements	Conditions of Approval
1. Resolution	X	None
2. Record of Public Involvement	X	None
3. List of Current Planning and Regulatory Documents	X	Follow-Up Required per Section A.3

Petition Components	Consistent	Conditions of Approval
1. Modules 1-2 Build-Out Report*		
2. Module 3 Housing Element/Plan	X	See Section D.1
3. Module 4 ERI	X	Follow-Up Required per B.3; see D.1
4. Module 5 Highlands Element	X	Follow-Up Required per B.4; see D.1
5. Module 6 Land Use Ordinance	X	Follow-Up Required per B.5; see D.1
6. Module 7 Petition		
a. Self-Assessment Report	X	None
b. Implementation Plan/Schedule	X	See Section D.1

*Completed by the Highlands Council in collaboration with the municipality prior to substantive review of the Petition.

Optional Submission Items	Submission Date	Status/Recommendation
1. RMP Updates	12/8/2010	2 Processed/6 Reclassified
2. Map Adjustments	N/A	
3. Center Designation Requests	N/A	
4. Highlands Redevelopment Area Designation Requests	N/A	

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A. REVIEW OF ADMINISTRATIVE SUBMITTALS

- 1. Resolution or Ordinance.** Two Resolutions petitioning the Highlands Council for Plan Conformance, one for each the Preservation Area and the Planning Area, were adopted by the municipal Governing Body at its noticed public meeting of November 24, 2009. The documents submitted are appropriately signed and certified by the Municipal Clerk to verify authenticity. The language of the Resolutions relies upon the models provided by the Highlands Council. The Resolutions clearly petition the Highlands Council for Plan Conformance; conformance being proposed with respect to municipal lands located in both the Preservation Area and the Planning Area of the municipality.
- 2. Record of Public Involvement.** The Petition includes appropriate documentation of the public process engaged in by the municipality with regard to the development of Petition materials and adoption of the Resolutions petitioning the Highlands Council for Plan Conformance. The submission includes the following:

 - a. Copy of public meeting notice for the Joint meeting of the Planning Board and Borough Council held on November 24, 2009 to discuss Plan Conformance and Petition components.
 - b. Copy of meeting agenda and adopted meeting minutes associated with the Joint Meeting of the Planning Board and Borough Council held on November 24, 2009 to discuss Plan Conformance and Petition components, and to adopt the Resolutions petitioning the Highlands Council for Plan Conformance.
- 3. List of Current Planning Documents.** The list of current municipal planning and regulatory documents is not comprehensive, however it includes required dates of adoption, for each item indicated. Pursuant to Highlands Council Module 7 Municipal Plan Conformance Petition instructions, all municipal planning and regulatory documents should be available in the offices of the Highlands Council in Adobe pdf format. Staff review indicates that the required documents are not all available as required. In order to address this Plan Conformance requirement, the documents listed below must be provided in Adobe pdf format.

 - a. 1982 Master Plan
 - b. 1988 Master Plan Reexamination Report
 - c. 2005 Land Development Regulations, with any Amendments
 - d. Other Planning/Regulatory Documents of significance, such as Stormwater Management Plan and implementing ordinances.

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B. REVIEW OF PLAN CONFORMANCE PETITION COMPONENTS

1. **Highlands Municipal Build-Out Report (Modules 1-2).** The Highlands Municipal Build-Out Report was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition. The date of the Highlands Municipal Build-Out Report is July 2009.
2. **Housing Element & Fair Share Plan (Module 3).** Both the RMP and Highlands Council instructions concerning submission of Master Plan Housing Elements and Fair Share Plans, sought municipal participation in a three-step process, intended to culminate in the submission of fully developed affordable housing plans to both the Highlands Council and the Council on Affordable Housing (COAH) (or alternatively the Highlands Council and the Superior Court). This process was designed to assist municipalities in developing plans to address fair share housing obligations that are consistent with the RMP. For most Highlands municipalities, the deadline for submission to COAH was extended to June 8, 2010. The extended time allowance was intended to provide for completion of Highlands Municipal Build-Out Reports (see Modules 1-2, above) and incorporation of resulting information into fully developed affordable housing plans in accordance with Executive Order #114 (2008) and COAH's *Guidance for Highlands Municipalities that Conform to the Highlands Regional Master Plan*. This process also allows for Highlands Council review of as yet unconstructed projects in municipal housing plans, for consistency with the RMP.

The Borough of Hampton provided all components required by the Highlands Council. The first submission was included as requested within the municipality's Petition for Plan Conformance, while the remaining items were provided in accordance with the revised submission deadlines. Completed Highlands Council forms used to conduct preliminary submission reviews appear in Appendix A. Review of the final Housing Element and Fair Share Plan submission, prepared by Clarke Caton Hintz and adopted by the Borough Land Use Board on June 7, 2010, follows. These findings constitute a preliminary analysis of the Housing Element and Fair Share Plan by the Highlands Council. Formal review will be conducted by the Council on Affordable Housing, in accordance with the Borough's Petition for Substantive Certification, filed with that agency on June 8, 2010.

In summary, the Plan appears to fully address the municipality's Fair Share Obligation, while providing for consistency with the requirements of the RMP. The final Fair Share Plan is modified from the draft versions previously submitted to the Highlands Council. The most significant change involves removal of the "Haberman site" from the final Plan (brief discussion below). This modification addresses the main RMP consistency issues that were raised in prior reviews by Highlands Council Staff.

- a. **Goals & Objectives.** Goals and objectives consistent with those of the Regional Master Plan have been incorporated into the Borough Housing Element as requested in Highlands Council instructional documents regarding Basic Plan Conformance.

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- b. **Summary of Municipal Obligation.** The Municipal Obligation appears to be correctly calculated and includes the components listed below.
- i. **Rehabilitation Share:** 2
 - ii. **Prior Round Obligation:** 2
 - iii. **Growth Share Obligation (see 2c., following):** 7
- c. **Municipal Growth Projections.** Municipal Growth Projections, used to determine the Growth Share Obligation (above) are correctly indicated in the submittals provided by the municipality. The final figures are listed below. Note: Highlands Full Build-Out Projections apply in the case of conformance for the full municipality (for split municipalities, including both the Planning and Preservation Area), in accordance with COAH’s instructional document, *Guidance for Highlands Municipalities that Conform to the Highlands Regional Master Plan*. COAH Growth Projections apply in all cases where the municipality is not petitioning for conformance for the whole municipality, until or unless modified by COAH consistent with the Guidance. Hampton Borough submittals indicate that the Borough’s intent is to rely upon Highlands projections.
- i. **Highlands Full Build-Out Projections**
 - Residential Growth (housing units): 35
 - Non-Residential Growth (jobs): 4
 - Total Growth Share, after exclusions (units): 7
 - ii. **COAH Growth Projections through 2018**
 - Residential Growth (housing units): 25
 - Non-Residential Growth (jobs): 303
 - Total Growth Share, after exclusions (units): 24
- d. **Summary of Proposed Fair Share Plan.** The Fair Share Plan proposes to address the municipal obligation by use of the mechanisms and development projects listed below.
- i. **Rehabilitation Program:** The Borough will sponsor and/or partner with Hunterdon County (through its Housing Rehabilitation Program) to provide a municipal Rehabilitation Program. Anticipated Credits: 2

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- ii. Accessory Apartment Program:** The Borough proposes a 4-unit Accessory Apartment Program. All units will be located on lots served by public water and supported by individual on-site septic systems. The Plan includes the requirement that all of the units must meet the site consistency standards of the RMP. This will include analysis to ensure compliance with the nitrate dilution standards of the applicable Land Use Capability Zone(s). Anticipated Credits: 4
- iii. Municipally-Sponsored Construction Program:** The Borough will partner with an affordable housing provider to construct a group home on a Borough-owned parcel known as the “Lumberyard Property” (Block 14, Lot 8.01). The project will consist of a four-bedroom group home situated on a 1.09-acre lot. Under COAH rules, it would be entitled to at least one bonus credit. As proposed, the project appears eligible for an exemption from the Highlands Act. (Please see Site Review Form provided at Appendix A.) Anticipated Credits: 5
- e. Haberman Site Summary.** Initially submitted as a Prior Round Site, the project proposed for the Haberman property (Block 24 Lot 2 and Block 23 Lot 1) was part of a Builders Remedy lawsuit settlement from 1988. The Settlement Agreement permitted construction of 300 Market Rate Units. While including no affordable units itself, the proposal included a \$270,000 payment-in-lieu of construction to address municipal rehabilitation obligations.

Block 24 Lot 2 is located in the Protection Zone and Conservation Environmentally Constrained Subzone of the Preservation Area. The parcel has significant constraints to development, including forested lands within the Forest Resource Area, Highlands Open Waters, Riparian Areas, wetlands, and Critical Wildlife Habitat. Block 23 Lot 1 is located in the Conservation Zone and Conservation Environmentally-Constrained Subzone of the Planning Area. The Musconetcong River, designated as a National Scenic and Recreational River, runs along the northerly property line of this parcel and is accompanied by an expansive swath of 300-foot Highlands Open Water buffer area. This property is also indicated as Critical Habitat area. Neither of the lots is within an approved sewer service area; extension of water and wastewater infrastructure is prohibited in the Preservation Area; expansion of public water and waste water systems in the Protection Zone and Conservation Zone – Environmentally Constrained Subzone is prohibited by the RMP unless the development can meet the standards for cluster development which includes an 80% open space set aside; and the proposed densities would far exceed the RMP allowances for units reliant upon septic systems.

The properties would not support the 300-unit project, as proposed. Because development of this project would be inconsistent with the Regional Master Plan, Highlands Council staff recommended its removal from the Borough’s final Fair

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Share Plan. The completed Highlands Council form used to conduct the review of this site appears in Appendix A. By removal of this project proposal from its final Housing Element and Fair Share Plan, the Borough addressed the major Regional Master Plan consistency issues raised by Highlands Council staff during prior reviews of the draft Plan. An objection to the Borough's petition to COAH includes an alternative design of the Haberman project on an adjacent parcel in the Planning Area. This revised project was analyzed by the Highlands Council and similarly was found to be inconsistent with the RMP. The Highlands Council letter to COAH, dated September 23, 2010 is provided as an addendum to this Report.

- 3. Environmental Resource Inventory (Module 4).** The proposed Borough of Hampton Highlands Environmental Resource Inventory (ERI) is based on the Highlands Model ERI provided to municipalities by the Highlands Council. The document has undergone previous revisions under a collaborative process between the municipality and the Highlands Council to address and incorporate the input and concerns of all parties. With minor exceptions, the Borough of Hampton Highlands ERI now contains all required Highlands ERI language and all applicable maps/exhibits, as necessary, to fully describe the Highlands Resources, Resource Areas, and Special Protection Areas located within the municipality. The Borough will address and finalize the minor items noted in the instructional text within the document prior to adoption. The Highlands ERI is consistent with the RMP and the immediate mandatory requirements of Plan Conformance. Please note that in certain cases where information has been added to the document by Borough preparers, modifications have been made to better integrate it into the final document.

 - a. Deleted Sections.** The following sections of the model Highlands ERI are not relevant to the municipality and have thus been deleted from the municipal submission: Lake Management Area and Special Environmental Zone.
 - b. Deleted Exhibits.** The following exhibits are not relevant to the Borough and have been deleted from the submittal document: Significant Natural Areas, Special Environmental Zone, Lake Management Area, and Highlands Domestic Sewerage Facilities.
- 4. Master Plan Highlands Element (Module 5).** The proposed Borough of Hampton Master Plan Highlands Element is based on the model Highlands Element provided to municipalities by the Highlands Council. The document as now proposed (including modifications by the Highlands Council), contains all required Highlands Element language and all applicable maps/exhibits, as necessary, to address the immediate mandatory requirements of Plan Conformance.

The specific components of the model Highlands Element are listed below. Where each is consistent with the Highlands Council model or otherwise satisfactorily addresses all RMP requirements for Basic Plan Conformance, the heading or sub-heading indicates "Consistent." Where any section of the model Highlands Element has been appropriately

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deleted due to non-applicability, the heading or sub-heading indicates “Not Applicable – Deleted.” Where minor modifications are required to complete the document for purposes of adoption by the Planning Board, the heading or sub-heading indicates, “Minor Modifications Required for Completion.” If needed, explanatory discussion is provided.

a. Policies, Goals & Objectives. Consistent – Minor Modifications Required for Completion. Please see instructional text provided within the document.

- i.** Preservation Area Goals. Consistent
- ii.** Planning Area Goals. Consistent
- iii.** General Purposes of Zoning. Consistent
- iv.** Relationship Between Highlands Act & MLUL. Consistent

b. Land Use Plan Element. Consistent

- i.** Highlands Zones and Sub-Zones. Consistent. Note: Lake Community Sub-Zone and Special Environmental Zone Not Applicable – Deleted.
- ii.** Land Uses. Consistent.
- iii.** Density and Intensity of Development. Consistent
- iv.** Cluster Development. Consistent
- v.** Land Use Inventory. Consistent
- vi.** Redevelopment Planning. Consistent

c. Housing Plan Element. Consistent. Review and recommendations concerning the Housing Plan Element appear at item #2 above, Housing Element & Fair Share Plan.

d. Conservation Plan Element. Consistent

- i.** Forest Resources. Consistent
- ii.** Highlands Open Waters and Riparian Areas. Consistent
- iii.** Steep Slopes. Consistent
- iv.** Critical Habitat. Consistent
- v.** Carbonate Rock. Consistent

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- vi.** Lake Management. Not Applicable – Deleted. The section has been labeled “Reserved” to preserve numbering throughout the remainder of the document.
 - vii.** Water Resources Availability. Consistent
 - viii.** Prime Ground Water Recharge Areas. Consistent
 - ix.** Water Quality. Consistent
 - x.** Wellhead Protection. Consistent
 - xi.** Low Impact Development. Consistent
- e. Utility Services Plan Element.** Consistent. Note: Highlands Domestic Sewerage Facilities Exhibit Not Applicable – Deleted.
 - i.** Preservation Area. Consistent
 - ii.** Planning Area. Consistent
 - iii.** Planning & Preservation Areas. Consistent
- f. Circulation Plan Element.** Consistent
- g. Land Preservation/Stewardship Plan Element.** Consistent, however minor modification required to complete. Please see instructional text within the document.
- h. Agriculture Retention/Farmland Preservation Plan Element.** Consistent, however minor modification required to complete. Please see instructional text within the document.
- i. Community Facilities Plan Element.** Consistent.
- j. Sustainable Economic Development Plan Element.** Consistent
- k. Historic Preservation Plan Element.** Consistent, however minor modification required to complete. Please see instructional text within the document.
- l. Development Transfer Plan Element.** Inclusion of this Section is optional and the municipality has elected not to incorporate it.
- m. Relationship of Master Plan to Other Plans.** Consistent however, minor modifications required.

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n. **Exhibits.** The list of Exhibits includes all that apply to the municipality. The Borough will prepare the applicable Exhibits in a pdf format based on those in Highlands Environmental Resource Inventory, to the extent applicable, but with all labels and numbering consistent with the text of the Highlands Element. After adoption by the Borough Land Use Board, all Exhibits shall be provided with the text of the document whenever and under whatever circumstances the document is distributed, whether by printed or electronic media. This will ensure that the language of the Highlands Element and the specified locations and boundaries of each Highlands Area, Zone, Resource, Resource Area, and Special Protection Area to which the Highlands Element language relates, remain directly linked and available for working reference within one document.

5. **Highlands Area Land Use Ordinance (Module 6).** The proposed Borough of Hampton Highlands Area Land Use Ordinance is based on the model Highlands Area Land Use Ordinance provided to municipalities by the Highlands Council. Since the time of issuance of the Model, the Highlands Council, with input from municipal professionals, has made certain revisions to the document to refine and simplify it for purposes of municipal implementation. The Borough of Hampton Highlands Area Land Use Ordinance as proposed (including modifications by the Highlands Council), contains all required Highlands Area Land Use Ordinance language, as necessary, to fully address the immediate mandatory requirements of Plan Conformance.

The specific components of the model Highlands Land Use Ordinance are listed below. Where each is consistent with the Highlands Council model or otherwise satisfactorily addresses all RMP requirements for Basic Plan Conformance, the heading or sub-heading indicates “Consistent.” Where any section of the model Highlands Land Use Ordinance has been appropriately deleted due to non-applicability, the heading or sub-heading indicates “Not Applicable – Deleted.” Where minor modifications are required to complete the document for purposes of adoption, the heading or sub-heading indicates, “Minor Modifications Required for Completion.” If needed, explanatory discussion is provided.

- a. **Article 1. Title, Purpose, Scope.** Consistent, however minor modifications are required for completion. Please see highlighted text in the document.
- b. **Article 2. Applicability.** Consistent, inclusive of modifications made by the Highlands Council. Please see document text.
- c. **Article 3. Definitions.** Consistent, inclusive of minor modifications made by the Highlands Council. Please see document text.
- d. **Article 4. Establishment of Highlands Area Districts.** Consistent, inclusive of modifications made by the Highlands Council. Minor additional modifications are required for completion. Please see document text, particularly with regard to new map titles at Section 4.4 (see discussion below regarding maps). Note: References

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to the following are not applicable to the Borough and have been deleted from the text: Lake Community Sub-Zone, Significant Natural Areas, Lake Management Areas, and Special Environmental Zone. To preserve document numbering, sections removed are marked as “Reserved.”

- e. **Article 5. Highlands Area Zone District Regulations.** Consistent, inclusive of minor modifications made by the Highlands Council. Please see document text.

- f. **Article 6. Highlands Area Resource Regulations.** Consistent, inclusive of modifications made by the Highlands Council. Minor additional modifications are required for completion. Please see document text.
 - i. Forest Resources. Consistent
 - ii. Highlands Open Waters & Riparian Resources. Consistent
 - iii. Steep Slopes. Consistent
 - iv. Critical Habitat. Consistent
 - v. Carbonate Rock. Consistent
 - vi. Lake Management Area. Not Applicable – Deleted
 - vii. Water Conservation & Deficit Mitigation. Consistent
 - viii. Prime Ground Water Recharge Areas. Consistent
 - ix. Wellhead Protection. Consistent
 - x. Agricultural Resources. Consistent
 - xi. Historic, Cultural & Archaeological Resources. Consistent, however minor modifications are required for completion. Please document text.
 - xii. Scenic Resources. Consistent

- g. **Article 7. Highlands Area General Regulations.** Consistent, inclusive of modifications made by the Highlands Council. Minor additional modifications are required for completion. Please see document text.
 - i. Affordable Housing. Consistent
 - ii. Low Impact Development. Consistent

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- iii. Conservation Restrictions. Consistent, inclusive of modifications made by the Highlands Council.
- iv. Stormwater Management. Consistent
- v. Special Environmental Zone. Not Applicable – Deleted
- vi. Septic System Design and Maintenance. Consistent
- vii. Public Water Systems. Consistent
- viii. Wastewater Collection and Treatment Systems. Consistent
- h. **Article 8. Planned Development Regulations.** Consistent, inclusive of modifications made by the Highlands Council. Minor additional modifications required for completion.
- i. **Article 9. Application Review Procedures & Requirements.** Consistent, inclusive of significant modifications made by the Highlands Council. Minor additional modifications required for completion.
- j. **Article 10. Appeals, Waivers, Exceptions.** Consistent, inclusive of minor modifications made by the Highlands Council.
- k. **Article 11. Enforcement, Violations, Penalties.** Consistent
- l. **Appendices.** Consistent
- m. **Exhibits.** The Exhibits, including the List of Exhibits and all in-text document references to Exhibits have been updated by the Highlands Council to include Highlands Council parcel-based maps, which indicate the locations and boundaries of each Highlands Area, Zone, Resource, Resource Area, and Special Protection Area. These Exhibits were not available when the Model Land Use Ordinance was initially provided by the Highlands Council for use in preparing Petitions, but are crucial to the regulatory function of the Highlands Area Land Use Ordinance. Please note that the revised maps have been provided in Adobe® pdf format, and in this case, should not be converted for insertion directly in the MSWord® version of the Ordinance. After adoption, they should accompany the Ordinance at all times, however, as an integral component of it, whether made available to the public in paper or electronic format. As provided currently, the maps are at a scale suited to printing on large plotters, for purposes of municipal reproduction and display (ensuring high-resolution detail).

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6. Petition Submission Documents (Module 7).

- a. Municipal Self-Assessment Report.** The Municipal Self-Assessment Report consists of two components as listed herein. The Report accurately describes the status of municipal Plan Conformance to date, indicating both municipal accomplishments and the items that remain to be completed to achieve Full Plan Conformance.

 - i. **Narrative Portion.** The Narrative Portion has been completed accurately.
 - ii. **Spreadsheet Portion.** The Spreadsheet portion has been completed accurately.

- b. Highlands Implementation Plan & Schedule.** The Highlands Implementation Plan and Schedule provides a template for future Plan Conformance activities. It is intended to indicate all outstanding items, both required and discretionary, along with estimated costs and timeframes for completion, for the municipality to achieve or exceed Full Plan Conformance with the Regional Master Plan.

As initially submitted by the municipality, the Highlands Implementation Plan and Schedule: a) included include all mandatory components required to achieve full Plan Conformance; and b) incorporated timeframe estimates associated with each mandatory element. The Highlands Implementation Plan and Schedule has been modified since first issued by the Highlands Council. The revised document includes cost estimates for each activity and prioritizes implementation tasks with a particular focus on the first few months after Highlands Council approval of Petitions, into and including the 2011 State fiscal year. The revised document has been tailored to the Borough based on Petition submittals and includes tasks identified as priorities for the municipality.

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C. REVIEW OF OPTIONAL SUBMISSION COMPONENTS

- 1. RMP Updates.** The Petition for Plan Conformance was accompanied by requests for eight (8) RMP Updates. These requests are listed and described in the attachment at Appendix C. Requests #1 and #6 were deemed to constitute RMP Updates, while the remaining requests #2-5, #7 and #8, are addressed or can be addressed through alternate means.
- 2. Map Adjustments.** The Petition for Plan Conformance was not accompanied by requests for Map Adjustments. However the Borough may wish to consider submission of petitions for Map Adjustments in the future, to address certain of the items not addressed as RMP Updates, above.
- 3. Highlands Center Designation Requests.** N/A
- 4. Highlands Redevelopment Area Designation Requests.** N/A

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D. PRELIMINARY RECOMMENDATIONS

On the basis of the comprehensive review completed and discussed in detail as described in the preceding Sections, which examined both sufficiency of administrative submittals and consistency of all substantive materials with the Highlands Regional Master Plan, Highlands Council Staff recommends that the Petition for Plan Conformance of the Borough of Hampton, as currently proposed by the municipality, be approved with conditions as outlined below.

1. Approval with Conditions. The Petition for Plan Conformance requires certain modifications, as noted within Sections A through C of this Report. Provided these issues are addressed in accordance with the detailed recommendations as indicated within this Report and the herein-referenced Highlands Council Staff-provided MSWord “Track-Changes” versions of the various Petition documents, Highlands Council Staff recommend that this Petition for Plan Conformance be approved by the Highlands Council. Any approval should in addition, be conditioned upon satisfaction of the below-listed requirements.

a. Adoption of Approved Planning Area Ordinance. The municipality shall prepare and submit to the Highlands Council a draft municipal ordinance petitioning the Highlands Council for Plan Conformance with respect to the municipality’s Planning Area lands (based upon or consistent with the model provided by the Highlands Council). Upon receipt of Highlands Council approval, the Ordinance shall be prepared for purposes of public review and adoption by the municipal Governing Body. The Governing Body shall provide for and complete the adoption process, at the conclusion of which, a certified copy of the adopted Planning Area Petition Ordinance shall be provided to the Highlands Council with notice of its effective date. The process of Ordinance adoption shall be guided by the timeframes set forth in the Highlands Council-approved Highlands Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Ordinance, the proposed changes shall be submitted for review by the Highlands Council prior to adoption by the Governing Body. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption at the municipal level.

b. Adoption of Approved Highlands ERI. The Highlands Environmental Resource Inventory (ERI) shall be completed in accordance with the requirements of Section B3 of this Report, and submitted to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the ERI shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. The municipal Environmental Commission (or Planning Board in the absence of an Environmental Commission) shall provide for and complete the required process of formal adoption of the ERI by the local Commission or Board. At the conclusion of the process, a certified copy of the

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adopted ERI shall be provided to the Highlands Council. The process of ERI adoption shall be conducted in accordance with all applicable legal requirements and protocols, and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the ERI, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the local Commission or Board.

- c. Adoption of Approved Master Plan Highlands Element.** The Master Plan Highlands Element shall be completed in accordance with the requirements of Section B4 of this Report, and submitted to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the Highlands Element shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. The municipal Planning Board shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the Highlands Element by the municipal Planning Board. At the conclusion of the process, a certified copy of the adopted Highlands Element shall be provided to the Highlands Council. The process of Highlands Element adoption shall be conducted in accordance with all applicable legal requirements and protocols, and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Highlands Element, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the local Planning Board.
- d. Adoption of Approved Highlands Area Land Use Ordinance.** The Highlands Area Land Use Ordinance shall be completed in accordance with the requirements of Section B5 of this Report, and submitted to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the Highlands Area Land Use Ordinance shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. After the municipal Planning Board has adopted the Master Plan Highlands Element, the municipal Governing Body shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the Highlands Area Land Use Ordinance by the municipal Governing Body. At the conclusion of the process, a certified copy of the adopted Highlands Area Land Use Ordinance shall be provided to the Highlands Council with notice of its effective date. The process of Highlands Area Land Use Ordinance adoption shall be conducted in accordance with all legal requirements and protocols pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and shall be guided by the timeframes set forth in the Highlands Council-approved

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Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Highlands Area Land Use Ordinance, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the Governing Body.

- i. Municipal Exemption Determinations.** As a component of the Highlands Area Land Use Ordinance, the Borough shall provide for “Municipal Exemption Determinations” in accordance with Highlands Council delegation of such authority to the municipality. Such determinations (detailed within the current draft Ordinance) refer to the process of reviewing and making determinations concerning exemptions from the Highlands Act, which in turn, represent exemptions from the provisions of the Highlands Area Land Use Ordinance. The effective date of such provisions shall occur only after the municipality indicates readiness to proceed and receives written authorization from the Highlands Council granting it the authority to do so.
- ii. Highlands Council Information and Training Sessions.** Prior to the effective date of the Highlands Area Land Use Ordinance, municipal representatives (e.g., Land Use Administrators, Zoning Officials, Planners) shall attend information and training session(s) to be provided by the Highlands Council on the implementation and administrative procedures set forth within the Ordinance. Such sessions will provide detailed instruction on application processes and procedures, notice requirements, Highlands Council referrals and call-up provisions, decision-making and formal action, variances, waivers, exceptions, and enforcement activities. Prior to the effective date of the Municipal Exemption Determination provisions, moreover, municipal representatives (in particular, Exemption Designee(s)) shall attend an information and training session on the exercise of Municipal Exemption Determination authority.
- e. Adoption of Updated Zoning Map.** The Borough shall prepare an updated Municipal Zoning Ordinance which shall be adopted immediately following or at the time of adoption of the Highlands Area Land Use Ordinance, to reflect the new overlay Highlands Zones and Sub-Zones. The adoption process shall mirror that outlined above for the Highlands Area Land Use Ordinance.
- f. COAH Approval of Housing Element & Fair Share Plan.** The Borough Housing Element and Fair Share Plan and all accompanying materials were filed in the Borough’s Petition for Substantive Certification to the Council on Affordable Housing (COAH), on June 8, 2010. The Highlands Council shall be copied on all related correspondence and kept apprised of the process as it moves forward. Any

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subsequent revision to the Housing Element and Fair Share Plan shall be provided to the Highlands Council for review and approval prior to implementation by the municipality. Until and unless the municipality secures final approval of a Highlands Council-approved Housing Element and Fair Share Plan, this Plan Conformance component shall remain a conditionally approved item. (In recognition of potential changes in the applicable laws pertaining to the provision of affordable housing in the state of New Jersey, these requirements shall be considered subject to modification, with the intent being only to ensure that the municipality remains in compliance with all applicable statutes, rules, regulations and requirements, at any given time, so to protect the municipality from legal challenge.)

- g. Adoption of Ordinances Implementing Fair Share Plan.** Governing Body adoption of Ordinances required to implement the Fair Share Plan shall follow approval of the Housing Element and Fair Share Plan, in accordance with all requirements of COAH, and all legal requirements and protocols pertaining thereto. Plan implementation and continued compliance with the final COAH-approved Fair Share Plan moreover, shall be a condition of continued Plan Conformance approval, subject to Highlands Council review and monitoring.
- h. Adoption of Wastewater Management Plan (WMP).** The municipality shall prepare a Wastewater Management Plan working with the Highlands Council under Plan Conformance, for approval by the NJDEP. This plan will be recognized as a chapter of the County WMP in accordance with NJDEP Administrative Order 2010-03 and all applicable NJDEP rules and requirements. The current NJDEP due date for such Plans is April 11, 2011.
- i. Adherence to Approved Highlands Implementation Plan & Schedule.** The municipality shall undertake to complete all remaining mandatory Plan Conformance activities listed in the Highlands Council-approved Implementation Plan & Schedule, in accordance with: a) the timeframes set forth therein, to the maximum extent feasible and practicable, or with such adjusted timeframes as may be authorized by the Highlands Council or otherwise mutually agreed by the municipality and the Highlands Council; and b) the availability of funding from the Highlands Council or, on a voluntary basis, by the municipality or other party, to ensure the satisfactory completion of each project or activity, or each phase of such project or activity, as appropriate. Non-mandatory Plan Conformance activities shall neither take precedence over nor shall impede the completion of mandatory items and shall be undertaken only as time and resources are available to support them.

 - i. Development/Approval of Implementation Plan Components.** Within the constraints above, all planning, regulatory, and resource management documents shall be prepared and provided to the Highlands Council for review and approval prior to formal adoption by the applicable municipal board, commission, or governing body.

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ii. Adoption of Regulations Implementing Plan Components. All ordinances, rules, and regulations shall be prepared and provided to the Highlands Council for review and approval prior to formal adoption by the applicable municipal board, commission, or governing body.

iii. Mandatory Components. Specific mandatory components include development and implementation of the plans/programs/ordinances herein listed (once models have been provided by the Highlands Council and funding provided), all intended as municipal-wide, long-term initiatives unless specifically noted otherwise. Where applicable and appropriate, these will build upon any such plans, programs, or ordinances that have already been developed or adopted by the municipality. It is the explicit intention of the Highlands Council that such plans/programs be developed in a manner to ensure that implementation is both feasible and practicable, potentially involving assistance of outside agencies/organizations, working cooperatively for and with the municipality.

- Water Use & Conservation Management Plan
- Habitat Conservation & Management Plan
- Stormwater Management Plan (Updates Only)
- Land Preservation and Stewardship Program
- Septic System Management/Maintenance Plan
- Implementing ordinances associated with each of the above (long-term, as applicable), as well as a Right to Farm ordinance (adoption of which is anticipated earlier in the full Plan Conformance phase without need for a prior planning/program document).

j. Revisions/Amendments Subject to Highlands Council Approval. Any proposed revision or amendment to any of the aforementioned documents, or to any other document, plan, or other item approved by the Highlands Council as a component of Plan Conformance, shall be provided to the Highlands Council for review. In the event the Highlands Council Staff determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the applicable municipal board, commission, or governing body. Any revision or amendment adopted without the approval of the Highlands Council may subject the municipality to revocation of Plan Conformance approval.

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2. **Optional Petition Requests.** The findings below apply to the Optional Petition Requests discussed at Section C of this Report.
- a. **RMP Update(s).** Several of the RMP Update(s) requested in connection with this Petition for Plan Conformance that were not addressed as such, may be addressed via alternate means. In most cases, Highlands Area Land Use Ordinance provisions will address the issues of concern, such as protection of Highlands Open Waters, Highlands Open Waters buffer areas, and Wellhead Protection Areas. As to remaining concerns regarding these or any other areas, the Borough may pursue additional protections during the Full Plan Conformance phase. These may occur in concert with the development of resource management plans and the implementing ordinances that will likely follow. The Borough may also consider follow-up submission of requests for Map Adjustments. Information on the criteria for approval of Map Adjustments should be carefully considered beforehand, however, such that applications may include full supporting information as required for review and consideration by the Highlands Council.
 - b. **Map Adjustment(s).** N/A
 - c. **Highlands Center Designation(s).** N/A
 - d. **Highlands Redevelopment Area Designation.** N/A

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E. MUNICIPAL RESPONSE PERIOD

All municipal Petitioners are provided a Municipal Response Period after receipt of the Draft Consistency Review and Recommendations Report. This Section is completed after the expiration of the Municipal Response Period or as of the date a municipality chooses, if applicable, to waive its right to the Municipal Response Period.

The Borough of Hampton notified the Highlands Council on October 1, 2010 of its intention to waive the Municipal Response Period, inclusive of its right to any deliberative/confidential draft version of this Report.

F. COMMENTS FROM THE PUBLIC

Following the Municipal Response Period and the incorporation by Highlands Council Staff of any revisions resulting from the Municipal Response, as noted above, the Draft Consistency Review and Recommendations Report will be posted to the Highlands Council website and made available (in paper format) at the Highlands Council offices in Chester, NJ, for review and comment by the general public. Comments may be submitted to the Highlands Council by e-mail (judy.thornton@highlands.state.nj.us), facsimile transmission (908-879-4205), surface mail, or hand delivery (Highlands Council, 100 North Road, Chester, NJ 07930). All comments will be made available for public inspection in the offices of the Highlands Council in Chester, NJ. At the conclusion of the public comment period, a summary comment/response document will be prepared by Highlands Council Staff which will be posted to the Highlands Council website along with any final revisions resulting from Council review and consideration of public comments.

Upon its completion, the comment/response document will be attached to this document, at Appendix C.

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G. FINAL RECOMMENDATIONS

This Section is completed after review and consideration of all comments regarding a Petition for Plan Conformance.

Based upon the comments received, the recommendations of Highlands Council Staff concerning the Petition for Plan Conformance of the Borough of Hampton, [remain unchanged/require substantial revision/require only minor modifications from the Preliminary and/or Revised Recommendations, as discussed herein below.

1. Item #1.
2. Item #2.
3. Item #3.]

In conclusion, the Highlands Council Staff recommends that the Petition for Plan Conformance of the Borough of Hampton, be approved/denied/approved with conditions; with all applicable conditions being those listed and discussed in Section D, above, and if applicable, as supplemented and/or modified by the revisions discussed herein, above.

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APPENDIX A

**HIGHLANDS COUNCIL REVIEW
MODULE 3 HOUSING ELEMENT AND FAIR SHARE PLAN**

Initial Submittal Review: February 2010

Prior Round Site Consistency Review: February 2010

Draft Plan Review: April 2010

(Adopted Plan: June 7, 2010)

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MODULE 3 REVIEW FORM December 8, 2009 Submission

MUNICIPAL INFORMATION			
Municipal Code: 1013	Date: 02/18/2010		
Municipality: Hampton Borough			
REVIEW CHECKLIST			
	Yes	No	N/A
1. Review Affordable Housing Obligation			
a. Prior Round Obligation Correct	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Rehab Obligation Correct	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Growth Share Obligation and Calculations Correct (see Workbook D)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Review of Highlands Consistency Review Report(s) required (use Site Review form)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Housing Transfer (RAHDP) Letter of Interest (Optional)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Sending	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Receiving	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIGHLANDS COUNCIL STAFF REVIEW			
Follow up Required?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Comments: There are severe consistency issues with the prior round inclusionary site. The site review should remain confidential due to previous litigation.			
Reviewer Name: James Humphries			
Initial: pjh	Date: 02/18/2010		

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Prior Round Site Review

SITE REVIEW FORM		
Municipality: Hampton Borough		Date: 02/18/2010
Project Name: Haberman		
Municipal Code: 1013		Project Size (Acres):
Block(s) and Lot(s): Block 23, Lot 1 (planning area) and Block 24, Lot 2 (preservation area)		
Municipality Claims Highlands Act Exemption?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Site Proposed to be Serviced by Public Wastewater?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Site Proposed to be Serviced by Public Water?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Project Description: None provided.		
PRESERVATION AND PLANNING AREAS AND LAND USE CAPABILITY ZONES		
Project Area located in which Highlands Act Area? (Check all that apply):		
Preservation Area <input checked="" type="checkbox"/>	Planning Area <input checked="" type="checkbox"/>	
Project Area within which Land Use Capability Zone or Sub-Zone? (check all that apply):		
Protection Zone <input checked="" type="checkbox"/>	Conservation Zone <input checked="" type="checkbox"/>	Existing Community Zone <input type="checkbox"/>
Lake Community Sub-Zone <input type="checkbox"/>	Conservation – Environmentally Constrained Sub-Zone <input checked="" type="checkbox"/>	
Wildlife Management Sub-Zone <input type="checkbox"/>	Existing Community – Environmentally Constrained Sub-Zone <input type="checkbox"/>	
HIGHLANDS OPEN WATERS AND RIPARIAN AREAS		
Project Area includes Highlands Open Waters Buffer?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Area includes Riparian Area?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Comments: There are significant Highlands Open Water Buffers and Riparian Areas, Block 24, Lot 2 is severely constrained by Highlands Open Water Buffers.		
STEEP SLOPES		
Severely or Moderately Constrained Steep Slopes	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments:		
CRITICAL HABITAT		
Project Area includes Critical Wildlife Habitat?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Project Area includes Significant Natural Area(s)?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Project Area includes Vernal Pool(s) within 1,000 ft?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments: The majority of the site is covered by Critical Wildlife Habitat.		
HIGHLANDS COUNCIL STAFF REVIEW		
RMP Consistency Issues?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Comments: Block 24, Lot 2 is located in the Preservation Area and has significant constraints. This area is unlikely to be developable. No details on any proposed development or utility service were provided. However, neither site would appear to be able to support any density necessary for an inclusionary development. It is recommended that this site review remain confidential as the site was in previous litigation with the town.		
Reviewer: James Humphries		

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Third Round Site Review

SITE REVIEW FORM		
Municipality: Hampton Borough		Date: 04/13/2010
Project Name: Lumberyard Property		
Municipal Code: 1013		Project Size (Acres): 1.09
Block(s) and Lot(s): Block 14, Lot 8.01		
Municipality Claims Highlands Act Exemption?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Site Proposed to be Serviced by Public Wastewater?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Site Proposed to be Serviced by Public Water?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Project Description: Four bedroom group home.		
PRESERVATION AND PLANNING AREAS AND LAND USE CAPABILITY ZONES		
Project Area located in which Highlands Act Area? (Check all that apply):		
Preservation Area <input checked="" type="checkbox"/>	Planning Area <input type="checkbox"/>	
Project Area within which Land Use Capability Zone or Sub-Zone? (check all that apply):		
Protection Zone <input type="checkbox"/>	Conservation Zone <input type="checkbox"/>	Existing Community Zone <input checked="" type="checkbox"/>
Lake Community Sub-Zone <input type="checkbox"/>	Conservation – Environmentally Constrained Sub-Zone <input type="checkbox"/>	
Wildlife Management Sub-Zone <input type="checkbox"/>	Existing Community – Environmentally Constrained Sub-Zone <input type="checkbox"/>	
HIGHLANDS OPEN WATERS AND RIPARIAN AREAS		
Project Area includes Highlands Open Waters Buffer?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Area includes Riparian Area?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments:		
STEEP SLOPES		
Severely or Moderately Constrained Steep Slopes	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Comments:		
CRITICAL HABITAT		
Project Area includes Critical Wildlife Habitat?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Project Area includes Significant Natural Area(s)?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Project Area includes Vernal Pool(s) within 1,000 ft?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments:		
HIGHLANDS COUNCIL STAFF REVIEW		
RMP Consistency Issues?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments: Project appears to be exempt.		
Reviewer: PJH		

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APPENDIX B

HIGHLANDS COUNCIL REVIEW

REQUESTS FOR RMP UPDATES

Borough of Hampton, Hunterdon County

An excerpt from the Response Report provided to the Borough, dated March 18, 2010, appears in the pages that follow.

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RMP UPDATES/MAP ADJUSTMENTS
MUNICIPAL RMP UPDATE REVIEW

1. **Municipal Request:** The small sections of Conservation Sub Zone correspond to forested hedgerows and should be included in the environmentally constrained area of the sub zone.

Findings: Municipal information submitted is sufficient for processing an RMP Update and will be incorporated into the Highlands spatial database. Please note that the updated information will not necessarily result in a change of Highlands Land Use Capability Map (LUCM) Zone or Sub-Zone designation. A RMP Update Report incorporating the RMP Update will be provided, along with a determination of whether a change to the LUCM Zone resulted. It appears that small hedgerows are consistent with surrounding agricultural land conditions.

2. **Municipal Request:** The C-1 stream buffer has not been identified as an environmental constraint. The Subzone should be amended to become Conservation Zone Environmentally Constrained.

Findings: Municipal information provided on current and existing land conditions is consistent with that of the Highlands Council. The request does not constitute an RMP Update. Protection of Highlands Resources, in this case Open Water Stream Buffers, apply across all LUCM Zones (Planning and Preservation Areas), and must conform through local development review and Highlands Project Review with requirements of the RMP and various NJDEP regulations (See F above).

3. **Municipal Request:** An unnamed tributary to the Musconetcong and the riparian area around the Musconetcong River have not been included in the environmental constraints. This area should be changed to Existing Community Environmentally Constrained sub zone.

Findings: Municipal information provided on current and existing land conditions is consistent with that of the Highlands Council. The request does not constitute an RMP Update. The “NJDEP 2002 Streams Update for New Jersey, 4/22/2008 Edition” indicates that tributaries exist in this location (See K above). In addition, as discussed in #2, regardless of LUCM Zone, proposed development in Highlands Open Waters buffers (Preservation and Planning Areas) must conform through local development review and Highlands Project Review with the buffer requirements of the RMP and various NJDEP regulations (See F above). However, the municipality may propose to make use of other policies of the RMP to effect a policy change in LUCM Zone, including the Highlands Area Land Use Ordinance or Local Municipal Ordinance (see B above).

4. **Municipal Request:** The C-1 stream buffer has not been identified as an environmental constraint. The Sub zone should be amended to become Conservation Zone Environmentally Constrained. The remaining Conservation sub zone lands in this area are closely associated with existing development. These lands should be designated as Existing Community sub zone.

Findings: Municipal information provided on current and existing land conditions is consistent with that of the Highlands Council. The request does not constitute an RMP Update. Protection of Highlands Resources, in this case Open Water Stream Buffers, apply across all LUCM Zones (Planning and Preservation Areas), and must conform through local development review and Highlands Project Review with requirements of the RMP and various NJDEP regulations (See F above).

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5. **Municipal Request:** The pond has not been identified as Highlands open water and 300 foot buffers are not included as an environmental constraint. The remainder of the lot is surrounded by existing community and should possibly also be designated as existing community sub zone.

Findings: Municipal information provided on current and existing land conditions is consistent with that of the Highlands Council. The request does not constitute an RMP Update. The Highlands Council considers this as a Highlands Open Water and has identified its appropriate 300 foot buffer. As discussed in #2, regardless of LUCM Zone, proposed development in Highlands Open Waters buffers (Preservation and Planning Areas) must conform through local development review and Highlands Project Review with the buffer requirements of the RMP and various NJDEP regulations (See F above).

6. **Municipal Request:** Block 7 Lot 8 is a cemetery. It should be noted as Existing Community Zone. The parcel to the south of the cemetery is completely surrounded by existing development and should be re-designated Existing Community Sub-Zone.

Findings: Municipal information submitted is sufficient for processing an RMP Update and will be incorporated into the Highlands spatial database. Please note that the updated information will not necessarily result in a change of Highlands Land Use Capability Map (LUCM) Zone or Sub-Zone designation. A RMP Update Report incorporating the RMP Update will be provided, along with a determination of whether a change to the LUCM Zone resulted.

7. **Municipal Request:** Hampton Borough Environmental Commission and Planning Board are recommending a Map Adjustment for Block 23 Lot 1 found currently in the Conservation Environmentally Constrained Sub-zone of the Planning Area. The Board conducted a thorough environmental review of this area where the Borough's potable water supply wellhead protection area is located. Protection of this land is critical to maintaining the water quality and supply for the Borough. The Board recommends a Map revision to change the Subzone to Protection Area. Comprehensive RMP Updates with factual corrections and a formal Map Adjustment request will be forwarded by the Borough during Plan Conformance.

Findings: Municipal information provided on current and existing land conditions is consistent with that of the Highlands Council. The request does not constitute an RMP Update. A majority of the parcel consists of areas with significant agricultural uses and interspersed with associated woodlands and environmental features. However, the municipality may propose to make use of other policies of the RMP to effect a policy change in LUCM Zone, including the Map Adjustment program (See A above) or the Highlands Area Land Use Ordinance or Local Municipal Ordinance (see B above).

8. **Municipal Request:** The Proposed Forest Resource Area Map indicates proposed additions to the Forest Resource Area to include areas of forest which are important connections between fragmented forest patches. Hedgerows, stream corridors, and small patches of forest serve as valuable migration routes for wildlife as well as providing cover and connection to larger forest habitat. Comparison with the Critical Wildlife Habitat Map supports the recommended changes.

Findings: Municipal information provided on current and existing land conditions is consistent with that of the Highlands Council. The request does not constitute an RMP Update. The development criteria for Forest Integrity Indicators as a measure of forest fragmentation can be referenced in the 2008 Ecosystem Management Technical Report (See J above). The Forest Resource Area was mapped using a regional methodology that is not subject to RMP Updates as it addresses more than site-specific factors. However, forested areas are subject to protections through the Highlands Land Use Ordinance.

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APPENDIX C

PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES

Petition for Plan Conformance

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