
Planning Report

HIGHLANDS REGIONAL MASTER PLAN INITIAL ASSESSMENT STUDY

Township of Chester
Morris County New Jersey

Prepared for: The New Jersey Highlands Council

Under the supervision of:

George A. Ritter, P.P./AICP
Professional Planner
NJ License #2126
AICP #017420

February 12, 2009

Introduction

Chester Township was awarded a grant by the New Jersey Highlands Water Protection and Planning Council (Highlands Council or Council) to perform preliminary municipal Plan Conformance activities for lands within the Preservation Area where conformance is mandatory as well as in the Planning Area where Plan Conformance is voluntary. The grant, known as the Highlands Initial Assessment Grant is to be used to fund the following activities:

- Assessment of the existing Township planning program for consistency with the Highlands Regional Master Plan (RMP or Plan).
- List recommendations for corrections needed to the RMP maps, tables and technical data.
- Evaluation of the needed amendments to the Township Master plan, zoning districts, land use plan, development regulations and natural systems inventory to achieve Plan Conformance.
- Evaluation of available Geographic Information System (GIS) data and updates required to reflect current conditions.
- Estimate the cost to achieve Plan Conformance.

Approximately 85 percent of Chester Township is within the Preservation Area where Plan Conformance is mandatory. The purpose of this report is to document the findings related to the grant activities specified by the Council. Deficiencies in the current zoning, planning and land use regulations have been identified and discussed in this report, which is general in nature. Specific amendments to the Township's Master Plan, Land Use Regulations and zoning districts will be accomplished during subsequent phases of the Plan Conformance process.

Goals, Policies and Objectives

The Highlands Council approved the Highlands Regional Master Plan (RMP) on July 17, 2008. The RMP sets forth the goals, policies and objectives necessary to implement the Highlands Water Protection and Planning Act (Highlands Act or Act). Following is an initial assessment of those implementation techniques for specific elements of the RMP that include:

- Natural Resources.
- Water Resources and Water Utilities
- Agricultural Resources
- Historic, Cultural, Archaeological, and Scenic Resources
- Transportation
- Future Land Use

Natural Resources

The RMP provides an evaluation of the effect of land development and other stresses on the natural and ecological resources of the Highlands Region, and establishes the overall strategies necessary to maintain and enhance their value. These resources include: a) Forest Resources; b) Highlands Open Waters and Riparian Areas; c) Steep Slopes; d) Critical Habitat; e) Land Preservation and Stewardship; f) Carbonate Rock (Karst) Topography; and g) Lakes, Ponds and Reservoirs (RMP p.53). All of these natural and ecological resources are present in Chester Township.

To achieve Plan Conformance, municipalities must complete a thorough analysis of their natural resources and document the findings in a Natural Resource Inventory (NRI). The Council will provide guidance for completion of the NRI, which may be used as a stand alone document or incorporated into the Master Plan. Chester Township has a NRI that was last updated in the year 2001. It is included in the Township's Master Plan.

Master Plan Analysis. Chester Township has a natural resource inventory which was last updated in 2001 and included in the Chester Township 2000 Reexamination and Comprehensive Planning document adopted by the Chester Township Planning Board on October 23, 2001. The inventory is included with the Environmental Plan element of the master plan and provides the reader with information regarding the Township's soils, geology, groundwater resources, surface waters, vegetation, natural habitats and farmland.

This section of the master plan should be updated to reflect changes that have occurred with regard to mapping capabilities, new versions of the Landscape Project and farmland acquisitions that have transpired since 2001. Further amendments should include the following:

- Add information regarding soil types such as farming methods for the most prominent soils and a table summarizing the types of soil classifications, acreage and percentages.
- Include an explanation of the types of agriculture prevalent in the Township and a reference to the Agriculture Retention/Farmland Preservation Plan element.¹
- The scope of the natural resource inventory should be expanded to include riparian areas and expansion of the information regarding forest resources.

Map Adjustments. The Township should update its mapping of environmentally sensitive lands. Wetlands mapping should reflect the most recent shape files provided by the Highlands Council. Mapping completed by the New Jersey Department of Environmental Resources (DEP) that is depicted on Township maps should be updated to reflect recent revisions by DEP. Additionally, all mapping of wetlands and transition area buffers included in a Letter of Interpretation (LOI) that accompanied development approvals should be added to the inventory map if available.

¹ Agriculture Retention/Farmland Preservation element is to be added to the Chester Township Master Plan during Plan Conformance.

Steep slopes should be mapped according to the Council's criteria and forest resources in need of protection should be identified and mapped. The Council has spatially delineated a Forest Resource Area within the Highlands Region. This map element should be checked against existing conditions to identify areas that require adjustments.

Riparian Areas which are lands adjacent to Highlands Open Waters that include all springs, wetlands and other natural and manmade surface waters except swimming pools should be mapped using Highlands GIS data.

Land Use Regulations. Requirements regarding protection of forest resources should be added to the Township's land use regulations. The current steep slope regulations protect slopes of 20 percent or greater in both the preservation and planning areas. The Township's steep slope regulations must be adjusted to meet the Highlands criteria for Steep Slope Protection Areas.

Zoning. It appears that conforming to the RMP requirements for a Natural Resource Inventory will necessitate zoning amendments. Presumably these amendments will be included with master plan elements provided by the Highlands Council.

Water Resources and Water Utilities

Protecting the underlying groundwater supply is a critical issue for Chester Township. With only a few isolated exceptions, potable water is supplied to Township residences and businesses by individual wells. The Highlands Act was fundamentally enacted to protect water supplies within and outside the Highlands Region and the RMP provides guidance for water resource/quality protection, restoration, enhancement and management.

Master Plan Analysis. For Basic Plan Conformance, the Master Plan should incorporate by reference the Highlands Council maps of Net Water Availability by HUC14 and Existing Areas Served by Public Community Water Supply Systems, and the definitions of Ground Water Capacity, Ground Water Availability, Net Water Availability, Existing Constrained Areas, Conditional Water Availability and Current Deficit Areas. Further, the Master Plan should incorporate by reference the results of the Net Water Availability Analysis in the Water Resources Technical Report, Vol. 2.

Basic Plan Conformance Standards also require that the Township Master Plan includes the background statement of the RMP, Part 2. Water Resources, Subpart a. Water Quantity, Availability and Use. In the policies, goals, objectives section of the Master Plan, reference should be made to RMP Policies 2A2, 2B4 through 2B8, 2J2 and 2J4 through 2J7.

Plan Conformance Standards requires that the Township prepare a Water Use and Conservation Management Plan which will be adopted by the Township as an ordinance to be incorporated in the Land Use ordinance. The Master Plan should include language that establishes the importance of water conservation and water deficit mitigation. This will form the basis for preparation and adoption of the Water Use and Conservation Management Plan ordinance.

Map Adjustments. It appears that adjustments to the Highlands Potable Water Existing Area Served Map may be necessary to conform to existing conditions. Parcels located

adjacent to Chester Borough including 11 on Melrose Drive, 9 on Old Forge Road and three parcels fronting on North Road; homes located in the Woodland Club development; and parcels adjacent to Randolph Township on Mendham-Ironia Road (14 lots) and one parcels on North Road, are not shown on the Township's latest Public Utility Map prepared in 2000. Additionally, properties served by the Elizabethtown Water Company that are connected to a main service line located in Chester-Old Gladstone Road and homes served by the Randolph Township MUA on Selma Blvd. need to be verified.

Land Use Regulations. To implement the goals, objectives and policies of the RMP with regard to water use and conservation, the Township will prepare and adopt a Water Use and Conservation Management Plan ordinance. The regulations will contain conservation and mitigation requirements that apply to a proposed development that meets or exceeds the threshold for disturbance as defined by the DEP Preservation Area rules at N.J.A.C. 7:38 for a major Highlands development.

Zoning. In the Preservation Area, adopt by reference the Highlands Land Use Capability Zones (LUCZ). This will apply to the Planning Area in Chester Township as it intends to opt-in to the RMP. Among the fundamental issues with regard to water resources, the RMP addresses "The management of land development patterns and densities to ensure that the carrying capacity of water resources are not exceeded;" (RMP, p. 158). To address this issue on a municipal level, permitted densities in LUCZ districts are based upon ground water availability as measured by the Council.

Agricultural Resources

Farming is an important resource in Chester Township. One hundred fifty-nine (159) parcels totaling approximately 3,300 acres are devoted to agricultural uses. Preservation of farmland has been a major focus of the Township for more than two decades resulting in the preservation of 29 farms totaling more than 1,100 acres.

The RMP recognizes the importance of providing for a sustainable land base required for a viable agricultural industry in the New Jersey Highlands. Indeed, preserving agricultural land and the viability of the agri-industry in the Highlands Region are two essential objectives of the Highlands Act. To this end, the Council has identified important farmland soils and has created Agricultural Priority Areas where non-agricultural development is discouraged.

Master Plan Analysis. The current Chester Township master plan includes information regarding farmland and its preservation in two sections: Section 3. The Environmental Plan; and Section 11. The Land Use Plan. The importance given to this subject by the Highlands Council and State Legislature requires the establishment of a new master plan element, the Agriculture Retention/Farmland Preservation Plan.

The Agriculture Retention/Farmland Preservation Plan element shall be the depository for all information regarding farmland and farmland preservation in Chester Township. It will be the basis for implementation of municipal ordinances that regulate the use of these lands.

Map Adjustments. It appears that the inventory of preserved farms in Chester Township prepared by the Highlands Council is lacking approximately 12 parcels based upon initial

review. These farms should be added to the Council's inventory and mapping during Basic Plan Conformance.

Land Use Regulations. As noted above, lands within Agricultural Priority Areas require regulation to promote preservation and limit non-agricultural activities. The Township will be required to adopt new ordinances to implement the goals and policies of the RMP regarding agricultural resources.

Zoning. In the Preservation Area, the Highlands Land Use Capability Zones (LUCZs) will be adopted by reference. This will apply to the Planning Area as well since Chester Township intends to opt-in to the RMP. The LUCZ districts are overlay zones that are applicable for all properties that are not exempt from the Highlands Act. Where a parcel or group of parcels are found to be exempt from the Act, the underlying municipal zoning that existed prior to August 10, 2004 shall apply.

Historic, Cultural, Archaeological, and Scenic Resources

The RMP contains three goals that address the protection, preservation and enhancement of the Highlands Region's historic, cultural, archaeological and scenic resources:

- Goal 4A: Protection and preservation of the historic, cultural and archaeological resources of the Highlands Region.
- Goal 4B: Protection and enhancement of the scenic resources within the Highlands Region.
- Goal 4C: Conforming municipalities and counties include minimum standards for historic, cultural, archaeological and scenic protection in municipal and county master plans and development regulations.

Chester Township has many historic, cultural and scenic resources. Over 200 sites of historic significance were identified by the Chester Township Historical Society prior to the year 2000. There are no known archaeological resources in the Township.

Master Plan Analysis. The Chester Township Master Plan adopted in 2001 contains a Historic Preservation Plan element. Information in the master plan was gleaned from two sources – the Chester Township Historical Society and the Morris County Heritage Commission. The master plan provides procedures for consideration when development is proposed in the vicinity of a historic site or along a historic streetscape.

The RMP has as one of its policies “(t)o require that conforming municipalities and counties include a Historic, Cultural and Scenic Resource Protection Element in municipal and county master plans...” (RMP Policy 4C1, p. 184). This policy will require that the Township amend its master plan with regard to historic, cultural and scenic resources. The Highlands Council will provide the Township with a Historic and Cultural Resources Inventory and a Highlands Scenic Resources Inventory, which will be incorporated into the Chester Township Master Plan.

Map Adjustments. The current master plan provides mapping of historic sites identified by the Chester Township Historical Society and the Morris County Heritage Commission. This mapping should be updated and coordinated with data compiled by

the Highlands Council in their Historic and Cultural Resources Inventory and Highlands Scenic Resources Inventory.

Land Use Regulations. The proposed master plan amendment discussed above will provide the planning background for preparation of development regulations aimed at the protection, enhancement and preservation of historic, cultural, archaeological and scenic resources in Chester Township. The regulations are required pursuant to RMP Policy 4C1. Presumably, these regulations will follow models supplied by the Council for municipal use.

Zoning. It does not appear that amendments to the Township's zoning districts will be necessary with regard to historic, cultural, archaeological and scenic resources.

Transportation

With regard to the RMP, the subject of transportation covers various modes of travel including private automobile, buses, truck, passenger and freight rail, airport, bicycle and walking. These transportation options are applicable to Chester Township with two exceptions, passenger rail service and air travel. There are no active passenger rail lines or airports in Chester Township where the primary means of transportation is via passenger vehicles.

The five RMP Goals with regard to transportation are:

- Goal 5A: Provision of safe and efficient mobility within the Highlands and between the Highlands and destinations outside of the Region.
- Goal 5B: Maintenance of a safe and efficient level of service on the existing Highlands road system without the use of capacity improvements that could trigger additional development in areas that are not appropriate for "growth inducing" land uses.
- Goal 5C: Transportation improvements within the Highlands Region that are consistent with the Highlands Regional Master Plan.
- Goal 5D: A multi-modal transportation system which facilitates the movement of people and goods within and through the Highlands Region without adversely affecting ecosystem integrity and community character.
- Goal 5E: Minimization of travel demand and vehicle miles of travel.

Master Plan Analysis. Chester Township's Circulation Plan element text will be amended as needed so that it reflects additions to the public road system that results from development since completion of the master plan in 2001.

Map Adjustments. The Highlands Council transportation map for Chester Township needs to be amended to include streets that have been added to the Township as a result of existing street extensions and new streets developed within approved subdivisions. These include the Cantor major subdivision and extension of Beacon Hill Drive.

Land Use Regulations. Based upon initial assessment, it does not appear that Chester Township will have the need for new regulations with regard to transportation mobility and circulation. The one possible exception may be protection of scenic view sheds. Chester Township's rural character provides many opportunities to view natural

landscapes that may need protection or enhancement. This would support the RMP's objective to "(s)upport regional tourism through the recognition and protection of scenic resource view sheds along scenic byways and road corridors." (RMP Objective 5C4c.)

Zoning. The Township will adopt the Highlands LUCZ. No additional zoning amendments are anticipated at this time with regard to RMP conformance as it relates to the issue of transportation.

Future Land Use

Part 6 of Chapter 4 (Goals, Policies and Objectives) provides guidance for protection, preservation and enhancement of the ecological and agricultural resources within the Highlands Region. This is accomplished through a series of goals and objectives that set perimeters for future development and redevelopment within the region.

Subpart A relates to the Land Use Capability Map Series (LUCM). The goals, policies and objectives are focused on establishment and use of the LUCM to direct where and how development should proceed within both the Preservations Area and Planning Area. It appears that Chester Township, which has a long established goal of preserving the Township's rural character, will easily conform to the RMP with regard to future land use.

Master Plan Analysis. To achieve Basic Plan Conformance, the Chester Township Master Plan needs amending to include the RMP Goals, Policies and Objectives regarding preservation, protection and enhancement of the Township's ecological functions and water resources. Further amendments are necessary to bring the Township's master plan into conformance with the RMP with regard to goals, policies and objectives related to agricultural uses.

Future land use in Chester Township will be guided by the Highlands overlay zoning for new development and redevelopment on lands subject to the Highlands Act. For all lands that are exempt from the Act, land use will comply with municipal zoning; thus, the master plan will retain goals and objectives that are consistent with Township policies regarding development.

Map Adjustments. The LUCM series will be incorporated into the Chester Township Master Plan. This will occur after adjustments to correct or update factual information have been finalized. Map updates will be an ongoing activity as circumstances change regarding development activity such as subdivisions and increases or decreases of impervious cover.

It appears that adjustments to Highlands mapping within Chester Township will be necessary to correct and update parcel attributes related to:

- Preserved farms;
- open space;
- new parcels; and
- developed parcels.

Map adjustments will occur during completion of Module 1, the initial phase of Plan Conformance. As an example, the Highlands parcel map for Chester Township lacks

approximately 45 lots that have been created as a result of major and minor subdivisions. Notable among these is the Cantor subdivision (28 lots) and re-subdivision of the Mennen estate that resulted in new parcels of preserved farmland.

Land Use Regulations. The Highlands Council will supply municipalities with model ordinances to effectuate the Goals, Policies and Objectives of the RMP. Chester Township will be tasked to modify these regulations to relate to local conditions. Requirements effecting development on parcels that meet any of the 17 exemptions to the Highlands Act shall not be subject to land use regulations adopted subsequent to August 10, 2004, the effective date of the Act.

Zoning. Future land use in Chester Township will be principally governed by aspects of the zoning imposed on lands subject to the Highlands Act. Conformance with the RMP invokes the Highlands zoning which acts as an overlay to municipal zoning and includes primary zones and subzones. The RMP zoning applicable to Chester Township is comprised of five districts:

- Existing Community Zone;
- Existing Community Environmentally Constrained Subzone;
- Conservation Zone;
- Conservation Environmentally Constrained Subzone; and
- Protection Zone.

The Township may modify its underlying zoning; however, parcels that meet the requirements for any of the 17 exemptions to the Highlands Act shall not be subject to zoning changes adopted subsequent to August 10, 2004, the effective date of the Act.

Conclusion

This initial assessment reveals that conformance to the Highlands Regional Master Plan will require master plan amendments, adjustments and updates to mapping of the Township's parcels, transportation routes, municipal zoning, etc., new and or amended land use regulations and zoning amendments. The Township intends to conform to the RMP for the Highlands Preservation Area and Planning Area as this intention advances Chester Township's existing planning strategies to protect, preserve and enhance the natural resources and rural character of the Township.

The Township will seek public input and recommendations from its professional consultants during the Plan Conformance process. It is anticipated that completion of Basic Plan Conformance documents and submission of the Township's petition to the Highlands Council will take several months ending no later than December 8, 2009.

The Highlands Council has distributed the work required to achieve Basic Plan Conformance among seven modules. Each module requires completion of the preceding module. Module 1, Build-out Analysis has begun in concert with this initial assessment and will be completed by the Highlands Council's February 27, 2009 deadline. The cost to complete Basic Plan Conformance is estimated to range from \$50,000 to \$100,000. The actual cost will depend upon the time devoted to completion of all seven modules for Plan Conformance.

INITIAL ASSESSMENT GRANT REPORT ADDENDUM_CHESTER TOWNSHIP

Instructions: Complete chart below, indicating for each subject area, whether current municipal planning documents include language concerning the applicable topic (insert “yes,” “no,” or “N/A,” for not applicable), whether or not existing language covers and includes all RMP provisions (insert “yes,” “no,” or “N/A,” for not applicable), and what actions are needed for Plan Conformance (i.e., “revise applicable ordinance to include RMP provisions,” “develop new ordinance to address topic,” “supplement ERI, Master Plan and Ordinances to include topic and RMP provisions,” or “none”).

	EXISTING ERI/NRI		EXISTING MASTER PLAN		EXISTING LAND USE ORDINANCES		Action(s) Required
	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	
Forest Resources	Yes	No	Yes	No	Yes	No	Revise ERI, MP and LUO to incorporate RMP provisions. Major/minor revisions necessary.
Highlands Open Waters & Riparian Areas	No	No	No	No	No	No	Supplement ERI, MP and LUO to include topic and incorporate RMP provisions.
Steep Slopes	Yes	No	Yes	No	Yes	No	Revise ERI, MP and LUO to incorporate RMP provisions. Major/minor revisions necessary.
Critical Habitat	Yes	No	Yes	No	Yes	No	Revise ERI, MP and LUO to incorporate RMP provisions. Major/minor revisions necessary.
Carbonate Rock	Yes	No	Yes	No	No	No	Revise ERI, MP and LUO to incorporate RMP provisions. Major/minor revisions necessary.
Lake Management	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	
Water Resources Availability	No	No	No	No	No	No	Supplement ERI, MP and LUO to include topic and incorporate RMP provisions.
Prime Groundwater Recharge	Yes	No	Yes	No	Yes	No	Revise ERI, MP and LUO to incorporate RMP provisions. Major/minor revisions necessary.
Water Quality	Yes	No	Yes	No	Yes	No	Revise ERI, MP and LUO to incorporate RMP provisions. Major/minor revisions necessary.
Wellhead Protection	Yes	No	Yes	No	Yes	No	Revise ERI, MP and LUO to incorporate

	EXISTING ERI/NRI		EXISTING MASTER PLAN		EXISTING LAND USE ORDINANCES		Action(s) Required
	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	
							RMP provisions. Major/minor revisions necessary.
Stormwater Management	N.A.	N.A.	Yes	No	Yes	No	Revise ERI, MP and LUO to incorporate RMP provisions. Major/minor revisions necessary.
Water/Wastewater Utilities	N.A.	N.A.	Yes	No	Yes	No	Revise ERI, MP and LUO to incorporate RMP provisions. Major/minor revisions necessary.
Septic Densities	Yes	No	Yes	No	Yes	No	Revise ERI, MP and LUO to incorporate RMP provisions. Major/minor revisions necessary.
Low Impact Development	N.A.	N.A.	Yes	No	Yes	No	Revise ERI, MP and LUO to incorporate RMP provisions. Major/minor revisions necessary.
Transportation	N.A.	N.A.	Yes	No	Yes	No	Revise ERI, MP and LUO to incorporate RMP provisions. Major/minor revisions necessary.
Land Pres/Stewardship	N.A.	N.A.	Yes	No	Yes	No	Revise ERI, MP and LUO to incorporate RMP provisions. Major/minor revisions necessary.
Agricultural Resources	Yes	No	Yes	No	Yes	No	Revise ERI, MP and LUO to incorporate RMP provisions. Major/minor revisions necessary.
Cluster Development	N.A.	N.A.	Yes	No	Yes	No	Revise ERI, MP and LUO to incorporate RMP provisions. Major/minor revisions necessary.
Community Facilities	N.A.	N.A.	Yes	No	Yes	No	Revise ERI, MP and LUO to incorporate RMP provisions. Major/minor revisions necessary.
Sustainable Economic Development	N.A.	N.A.	Yes	No	No	No	Revise ERI, MP and LUO to incorporate RMP provisions. Major/minor revisions necessary. Supplement ERI, MP and LUO to include topic and incorporate RMP provisions.
Historic, Cultural,	Yes	No	Yes	No	No	No	Revise ERI, MP and LUO to incorporate

	EXISTING ERI/NRI		EXISTING MASTER PLAN		EXISTING LAND USE ORDINANCES		
	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	Action(s) Required
Archaeological Resources							RMP provisions. Major/minor revisions necessary.