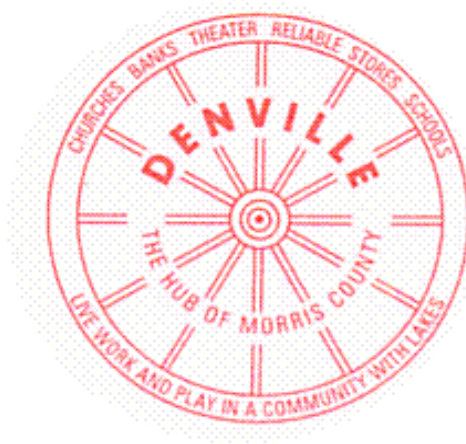


HIGHLANDS REGIONAL MASTER PLAN INITIAL ASSESSMENT REPORT

TOWNSHIP OF DENVILLE MORRIS COUNTY, NEW JERSEY

July, 2009



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*The original of this document has been signed and
sealed in accordance with N.J.A.C. 13:41-1.3*

**HIGHLANDS REGIONAL MASTER PLAN
INITIAL ASSESSMENT REPORT**

**TOWNSHIP OF DENVILLE
MORRIS COUNTY, NEW JERSEY**

July, 2009

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HIGHLANDS REGIONAL MASTER PLAN INITIAL ASSESSMENT REPORT TOWNSHIP OF DENVILLE

TABLE OF CONTENTS

	<u>Page #</u>
SUMMARY OF FINDINGS	1
Section I INTRODUCTION	3
Section II DOCUMENT REVIEW	
a. Highlands Act	6
b. Summary of Highlands Regional Master Plan (RMP)	8
c. Denville Township Master Plan	12
d. Denville Township Natural Resource Inventory	17
e. Denville Township Land Use Ordinance	17
Section III HIGHLANDS PROGRAM CONSISTENCY REVIEW	
a. Forested Areas	20
b. Open Waters & Riparian Areas	23
c. Steep Slopes	27
d. Critical Habitat	30
e. Land Preservation	33
f. Carbonate Rock	36
g. Lake Management	38
h. Water Resources Availability	41
i. Prime Groundwater Recharge	45
j. Water Quality	47
k. Public Water/Wastewater Utilities & Private Septic Systems	51
l. Agricultural Resources	55
m. Historic, Cultural and Archaeological Resources	57
n. Transportation	59
o. Redevelopment, Smart Growth, Housing & Community Facilities	62
Section IV STEPS TO BASIC PLAN CONFORMANCE.....	67
A. Basic Versus Full Plan Conformance	67
B. Key Requirements For Basic Plan Conformance	67
Section v PROJECTED COSTS & TIMEFRAME	76
Highlands Act Development Exemptions	77

HIGHLANDS REGIONAL MASTER PLAN INITIAL ASSESSMENT REPORT TOWNSHIP OF DENVILLE

LIST OF MAPS

	<u>After Page #</u>
Preservation Area/Planning Area Map	9
Land Use Capability Zone Map	9
Potential Areas for Voluntary HDC Receiving Areas Map	10
Zoning Map	19
Forest Resource Area Map	22
Forest Area Map	22
Highlands Open Waters Map	26
Riparian Areas Map	26
Riparian Integrity by HUC14 Watershed Map	26
Steep Slopes Map	29
Steeps Slopes and Riparian Areas Map	29
Critical Wildlife Habitat Map	32
Significant Natural Areas Map	32
Vernal Pools Map	32
Preserved Lands Map	35
Conservation Priority Map	35
Agricultural Priority Map	35
Carbonate Rock Area Map	37
Lake Management Area Map	40
Net Water Availability by HUC14 Map	44
Prime Groundwater Recharge Areas Map	46
Impaired Waters Overall Assessment by HUC14 Map	50
Wellhead Protection Areas Map	50
Land Use Capability Public Community Water Systems Map	54
Land Use Capability Domestic Sewerage Facilities Map	54
Land Use Capability Septic System Yield Map	54
Agricultural Resource Area Map	56
Historic Preservation Map	58
Roadway Network Map	61
Transit Network Map	61
Transportation and Transit Conditions	61

SUMMARY OF FINDINGS

1. As part of the initial assessment review, the review team is charged with the following tasks:
 1. Review and gain familiarity with the RMP.
 2. Complete a broad-based assessment of the existing municipal planning program for its consistency/inconsistency with the RMP.
 3. Gain a general understanding of what Plan Conformance means as applied to the community – and particular to Planning Areas, to evaluate and consider voluntary Plan Conformance.
 4. Identify the need for RMP Updates (verifiable, factual discrepancies between municipal maps/data/info and that of the RMP), if any, and submit them for review.
 5. Estimate the municipality's anticipated cost to achieve Plan Conformance.
 6. Prepare Initial Assessment Grant Report documenting findings and Plan Conformance cost estimate.
2. Plan Conformance will permit municipalities to an adjusted growth projection, which will most likely reduce their third-round affordable housing obligation.
3. The process of Basic Plan Conformance is available to the Planning Area, but is not mandatory and has no statutory deadline. Municipalities in the Planning Area however, must adhere to the same December 8, 2009 deadline for Basic Plan Conformance in order to be eligible to receive extensions and utilize the adjusted growth projections from the Council on Affordable Housing.
4. Denville Township is located entirely within the Planning Area (8,155 acres), with the exception of 7 acres located within the Preservation Area found along Beaver Brook adjoin Rockaway Township.
5. The Highlands Council has created a two-step process for Plan Conformance. Under Full Plan Conformance, a municipality's planning program will reflect all elements of the RMP, as well as the results of specific environmental and planning analyses at the local level. However, in an effort to assist municipalities in achieving mandatory conformance within the December, 2009 deadline, the Highlands Council will grant "Basic" Plan Conformance once the municipality has satisfactorily completed all immediate mandatory conformance requirements.
6. As it pertains to the goals and objectives of the Highlands Regional Master Plan (RMP), three primary overlay zones were created consisting of a Protection Zone,

Conservation Zone, and Existing Community Zone. In addition, four Sub-Zones were created include the Wildlife Management Sub-Zone, Conservation Zone – Environmentally Constrained Zone, Existing Community Zone – Environmentally Constrained Sub-Zone, and Lake Community Sub-Zone. Future development within the municipality is targeted in areas found within the Existing Community Zones.

7. As part of the Program Consistency Review, it is anticipated that the Township will need to prepare and update numerous planning related documents (Master Plan, NRI and Ordinances) in order to bring the Township planning programs into Basic and ultimately Full Plan Conformance with the RMP.
8. Municipal tasks associated with the RMP review and municipal level amendments are covered by the Highlands Initial Assessment grant and Plan Conformance Grants. The Highlands Council has authorized maximum individual grant allocations not to exceed \$100,000 for any municipality.

I. Introduction

After several years of review and public comment, the Highlands Council adopted the Highlands Regional Master Plan (RMP) on July 9, 2009. This Plan is a requirement of the Highlands Act which was approved in 2004. The Plan was endorsed by Governor Corzine on September 5, 2008, who issued Executive Order 114 to further protect the Highlands Region. The RMP provides a regional overview and provides guidance for counties and local municipalities within this region.

In order to determine the anticipated level of program changes needed to bring Denville's planning efforts into conformance with the RMP, the Township has been awarded an Initial Assessment Grant. This Grant allows Denville to conduct an initial review of the goals, policies and objectives found within the RMP, evaluate the local planning program for consistency with the RMP, and determine the steps necessary for the municipality to achieve Basic and/or ultimately Full Plan Conformance. The following analysis addresses each of these items, as well as provides a rough estimate of the time, effort and cost involved in completing them.

In preparing this report, this office reviewed the following documents and data sources:

- 2000 Denville Township Comprehensive Master Plan.
- 2006 Denville Township Housing Element and Fair Share Plan.
- 2005 Denville Stormwater Management Plan Element
- 2006 Denville Township Master Plan Reexamination Report.
- 1979 Denville Township Natural Resources Inventory (NRI).
- Denville Township Land Use Ordinance.
- 2008 Highlands Regional Master Plan.
- Highlands Council 'Basic Plan Conformance for Municipalities, Key Requirements'.
- Highlands Council - Plan Conformance Guidelines.
- Highlands Council - Initial Assessment Grant Program.
- Highlands RMP Mappings.

The purpose of this report is to provide a general overview of the goals, policies and objectives contained within the Highlands RMP, as well as to give a broad outline of the Township's current level of consistency with the Plan. This synopsis does not provide an exhaustive/inclusive review of the RMP's provisions or the specific and extensive changes that will ultimately need to be made to the Township's land use and planning programs. It is also important to note that the majority of Denville's planning documents were adopted prior to adoption of the RMP, therefore a high level of consistency cannot be anticipated.

Based upon a review of existing Township documents, it is anticipated that the Township will need to prepare the following items in order to bring its planning program into Full Plan Conformance with the RMP:

- An updated Master Plan document, which will include revised goals, policies, and objectives, as well as the following:
 - Amendments to: Land Use Plan, Housing Plan, Conservation Plan, Utilities Plan, Circulation Plan, Open Space Plan, Community Facilities Plan, Economic Plan, Historic Preservation Plan, Stormwater Management Plan and Wastewater Management Plan.
 - Creation of new master plan elements including: Community Forestry Plan, Stream Corridor Protection/Restoration Plan, Critical Habitat Conservation and Management Plan, Lake Management Plan(s), Water Use and Conservation Management Plan.
 - In addition, if the Township elects to participate in the optional Highlands TDR Program, it will need to prepare a Development Transfer Plan.
- An updated Natural Resources Inventory (NRI);
- Updated land use regulations, which amend or include definitions, zone districts, district regulations, regulations pertaining to water and wastewater and Highlands resources, low impact development best management practices, stormwater management regulations, application procedures and submission checklists, and notice requirements. Amended also appear to be necessary.
- RMP Updates and/or Map Adjustments, which include factual revisions, corrections or updates to the RMP.

As the Highlands Council recognizes the large volume of work that will need to be done at the municipal level in order to bring the community into conformance with the RMP, it has created a two-step process for achieving Plan Conformance. The first step is Basic Plan Conformance, wherein the Township would be required to complete only the most immediate mandatory conformance requirements. Basic plan conformance has a deadline of December 8, 2009 and is detailed in Section IV of this report. The Township will also be required to complete a Municipal Self-Assessment and Implementation Schedule, which details the remaining steps and expected timeframe to achieve Full Plan Conformance. Under Full Plan Conformance, the Township's planning program will reflect all elements of the RMP.

II. OVERVIEW OF RELEVANT DOCUMENTS

A. *The Highlands Act*

On August 10, 2004, the New Jersey Legislature enacted the Highlands Water Protection and Planning Act in an effort to protect water and other critical natural resources in the Highlands region. The Highlands region is located in the northwest part of New Jersey, encompassing 88 municipalities in seven counties. It includes 859,358 acres and is divided into two areas: Preservation Area and Planning Area. The Township of Denville lands are primarily within the Planning Area (8,155 acres), with the remaining 7 acres located within the Preservation Area. The Preservation Area is limited to the water area associated within the Beaver Brook in the northwestern portion of the Township adjoining Rockaway Township.

The Highlands Act sets forth a number of goals for these Areas, as well as for the Highlands region as a whole. These are as follows:

Region-Wide Goals:

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

Preservation Area Goals:

- Preserve extensive and, to the maximum extent possible, contiguous areas of land in its natural state, thereby ensuring the continuation of Highlands environment which contains the unique and significant natural, scenic and other resources representative of the Highlands Region.
- Protect the natural, scenic, and other resources of the Highlands Region, including, but not limited to, contiguous forests, wetlands, vegetated stream corridors, steep slopes, and critical habitat for fauna and flora.

- Promote compatible agricultural, horticultural, recreational, and cultural uses and opportunities within the framework of protecting the Highlands environment.
- Prohibit or limit, to the maximum extent possible, construction or development which is incompatible with preservation of this unique area.

Planning Area Goals:

- Preserve to the maximum extent possible any environmentally sensitive lands and other lands needed for recreation and conservation purposes.
- Protect and maintain the essential character of the Highlands environment.
- Promote the continuation and expansion of agricultural, horticultural, recreational, and cultural uses and opportunities.
- Encourage, consistent with State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes; discourage piecemeal, scattered and inappropriate development, in order to accommodate local and regional growth and economic development in an orderly way while protecting the Highlands environment from the individual and cumulative adverse impacts thereof.
- Promote a sound, balanced transportation system that is consistent with smart growth strategies and principles and which preserves mobility in the Highlands Region.

The Preservation Area is the area with the highest resource value that were subject to the immediately effective standards in the Highlands Act, and regulated by the regulations adopted by the New Jersey Department of Environmental Protection (NJDEP). The Planning Area was not subject to these standards however, but rather the Highlands Council was required to analyze the protection needs of the Planning Area through preparation of the Regional Master Plan (RMP).

B. Highlands Regional Master Plan (RMP)

The Highlands Regional Master Plan (RMP) establishes a regional planning framework for resource protection as a companion to individual municipal land use planning

endeavors. Its major purpose is to determine the amount and type of development and activity which the ecosystem within the Highlands Region can sustain. The RMP sets forth a series of goals, policies and objectives guiding such development within both the Preservation and Planning Areas, as well as a set of programs to implement them.

The Preservation Area is subject to detailed and most restrictive standards throughout the RMP as well as the Highlands Water Protection and Planning Act Regulations. Similarly, the RMP sets forth goals specific to the Planning Area. The RMP also includes provisions indicating that future development and redevelopment within the Planning Area could incorporate development rights transferred from lands in the Preservation Area in order to mitigate any burdens imposed on Preservation Area landowners and to protect the most critically sensitive natural and agricultural resources. The RMP also promotes development within the Planning Area which reflects historical development practices in individual communities balanced against the preservation of environmentally sensitive lands.

In order to guide the implementation of the policies contained in the RMP, the Highlands Council developed the Land Use Capability Zone Map, whereby the region is divided into three primary overlay zones and four sub-zones. Each zone is based upon a determination of overall carrying capacity for development. The underlying municipal zoning establishes permitted land uses, while the overlay zones may detail more site specific requirements aimed at a certain goal, with the stricter standard applying. Examples of these standards include, but not limited to best management practices related to preservation of agricultural lands or green building approaches for development initiatives.

The three primary overlay zones include the Protection Zone, Conservation Zone, and Existing Community Zone. The four Sub-Zones include the Wildlife Management Sub-Zone, Conservation Zone – Environmentally Constrained Zone, Existing Community Zone – Environmentally Constrained Sub-Zone, and Lake Community Sub-Zone. As shown in the Land Use Capability Zone Map, those relevant to Denville include the Protection Zone, Existing Community Zone, Existing Community Zone - Environmentally Constrained Sub-Zone, and Lake Community Sub-Zone. There is also a small Wildlife Management area located at the end of Hillcrest Drive and Great Bear Road near Boonton Township.

These overlay zones and sub-zones are described and indicated on the Land Use Capability Zone Map as follows:

Protection Zone - Consists of areas with high natural resource value that are important to maintaining water quality and quantity, and sensitive ecological resources and

processes. Land acquisition is a high priority in the Protection Zone and development activities will be extremely limited. Any development will be subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands.

Existing Community Zone (ECZ) - Consists of areas with regionally significant concentrated development signifying existing communities. These areas tend to have limited environmental constraints due to previous development patterns, and may have existing infrastructure that can support development and redevelopment, if such development is compatible with the protection and character of the Highlands environment, at levels that are appropriate to maintain the character of established communities.

Existing Community Zone–Environmentally Constrained Sub-Zone - Consists of significant contiguous Critical Habitat, steep slopes and forested lands within the Existing Community Zone that should be protected from further fragmentation. They serve as regional habitat “stepping stones” to larger contiguous Critical Habitat and forested areas. As such, they are not appropriate for significant development, and are best served by land preservation and protection. Development is subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands.

Lake Community Sub-Zone - Consists of patterns of community development that are within the Existing Community Zone within 1,000 feet of lakes. The Highlands Council focused on lakes that are 10 acres or greater and delineated lake management areas consisting of an area of up to 1,000 feet (depending on the protection focus) from the lake shoreline in order to protect water quality, resource features, shoreline development recreation, scenic quality and community character. A future management area is planned, encompassing the full lake watershed, for protection of the lake water quality. This sub-zone has unique policies to prevent degradation of water quality, and watershed pollution, harm to lake ecosystems, and promote natural aesthetic values within the Existing Community Zone.

TDR Programs and Benefits to Plan Conformance

A key program developed by the Highlands Council to implement the policies of the RMP is the Highlands Transfer of Development (TDR) Program. This program is intended to preserve lands containing sensitive environmental resources by permitting the transfer of the development potential (or rights) from areas identified for

preservation, known as “Sending Zones”, to areas that are more appropriate for development and increased growth, known as “Receiving Zones”. Property owners with land in the Sending Zones receive compensation for the transferable development potential of their property that has been restricted in support of preservation per the RMP. Payment for this lost development potential comes from purchasers who buy credits (defined as HDC’s within the RMP) representing the lost development potential of parcels in the Sending Zones. These credits then entitle the purchaser to build in a Receiving Zone at a greater density which would otherwise be permitted under the existing zoning.

Lands which are eligible to apply for HDC’s as a Sending Zone include those located within a Protection or Conservation overlay zone, in either the Preservation Area or Planning Area. Lands that are eligible as Receiving Zones must be within the Planning Area and located within an Existing Community overlay zone, a Highlands Redevelopment Area, or the Conservation overlay zone (provided the development does not conflict with viable agriculture). The RMP has identified several tracts and parcels within the Township as indicated by the Potential Voluntary TDR Receiving Zones Map. The majority of the receiving locations are indicated within existing developed portions of the business and industrial properties along Route 10, Route 53, Ford Road, downtown areas and along Pocono Road. **It is important to emphasize the fact that any Receiving Zones in the TDR Program are strictly voluntary and not a requirement of Plan Conformance.**

Conformance with the RMP is mandatory for municipalities wholly or partially located in the Preservation Area, whereas it is voluntary for those municipalities in the Planning Area. For the Preservation Area, municipalities are required to petition the Highlands Council for conformance with respect to that area within 9 to 15 months of adoption of the RMP, or no later than December 8, 2009. For the Planning Area, municipalities may file petitions relative to that area at any time. However, because the Township of Denville has already adopted a “Notice of Intent” to pursue Plan Conformance for both the Preservation and Planning Areas, it must meet the December 8, 2009 deadline for both areas.

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

- **Council on Affordable Housing (COAH) Relief:** On September 5, 2008, Governor Corzine officially endorsed the RMP and called for a balance between the constitutional obligation to provide affordable housing and the protection of critical natural resources in the Highlands region. As a result, the Highlands Council and the

Council on Affordable Housing (COAH) entered into a joint Memorandum of Understanding to implement the provisions of Executive Order 114. One of the provisions is that COAH will grant an extension for submitting housing elements and fair share plans from December 31, 2008 to December 8, 2009 for those municipalities participating in the plan conformance study. Additionally, Plan Conformance will permit municipalities to an adjusted growth projection, which will most likely reduce their third-round affordable housing obligation.

- **Planning Grants and Technical Assistance.** The Highlands Council will make grant funds and other financial and technical assistance available to municipalities at all stages of Plan Conformance. Examples of grant funding include Initial Assessment Grants, Plan Analysis and Conformance Grants, and Voluntary Receiving Zone Feasibility Grants for assessing the potential for participation in a TDR Program. Technical assistance include numerous model planning documents and land use regulations for use by municipalities.
- **Tax Stabilization Funds:** Funds may be authorized through the Highlands Property Tax Stabilization Board, which is in, but not of, the New Jersey Department of Treasury, to stabilize municipal budgets due to implications stemming from RMP implementation, including a decline in property values that is directly related to the Highlands Act.
- **Strong Presumption of Validity, Extraordinary Deference, and Burden of Proof:** For municipalities in conformance with the RMP, a strong presumption of validity shall apply to their master plans, land use ordinances, and local Board decisions. If a conforming municipality is challenged in court, the actions it has taken to conform to the RMP shall be given extraordinary deference and the burden of proof shall be on the plaintiff to prove that the municipality acted in an arbitrary, capricious, or unreasonable manner.
- **Legal Representation:** The Highlands Council shall, where appropriate in accordance with the Highlands Act, provide legal representation to any requesting municipality that conforms with the RMP in any cause of action filed against the municipality.
- **Equivalency of State Plan Endorsement:** For any municipality in conformance with the RMP, the local plan for that municipality will be considered equivalent to having been endorsed by the State Planning Commission. This means that in addition to State monetary benefits available to the municipality, a housing plan element and fair share plan previously approved by COAH will continue to be recognized as valid by COAH.

C. Denville Township Master Plan Documents

Denville Township's most recent comprehensive master plan document was adopted in 2000. Since then, there have been several amendments which have been made to the Township's Land Use Plan Element (PARC Zone in 2001 and Young Tract (Train Station) in 2002), Housing Element and Fair Share Plan (2006), and Stormwater Management Plan Element (2005). The latest planning document adopted was periodic reexamination report in 2006.

The Township's most up-to-date goals and objectives are as follows:

1. Maintaining constant vigilance over regional planning activities, especially those at the state and county levels, in terms of their potential impact on local planning and development capabilities and decision making powers
2. Coordinating where needed local planning efforts with those of neighboring municipalities to achieve a maximum degree of compatibility, particularly along common municipal boundaries.
3. Avoiding adverse impacts on the local environment and adopting ordinances and techniques which will protect to the extent of municipal powers sensitive wetlands, steep slopes, woodlands, and flood prone areas.
4. Preserving and improving to the greatest extent possible the established character and natural resources of the Township through careful land use planning at both the Master Plan and site-specific levels.
5. To maintain and enhance the viability of the various commercial districts by:
 - a. Encouraging an appropriate mix of land uses which will complement each other and meet the retail and service needs of the Township and surrounding areas;
 - b. Promoting a desirable visual environment and preserving the small town characteristics of the central business district;
 - c. Develop design guidelines to promote the desired character of the various commercial district corridors;

- d. Provide sufficient numbers of parking and loading spaces in the appropriate locations to serve the needs of the general public as well as the needs of business patrons and employees;
 - e. By discouraging an automobile-only oriented pattern of development within the central business district;
 - f. Promote a desirable pedestrian environment within the central business district corridor.
6. Recognizing and adjusting land use planning efforts where necessary to address changing demographic characteristics and conditions found within the municipality.
 7. To preserve and protect the suburban character of existing residential neighborhoods by:
 - a. Establishing zone designations according to existing neighborhood development patterns and according to the environmental limitations found within the respective residential uses;
 - b. Establishing bulk, density and design standards which are appropriate for the various dwelling types in their respective zones;
 - c. Establishing regulations to preserve and enhance the visual appearance of residential neighborhoods.
 8. Maintaining the Township's supply of housing types in a well-maintained, safe and healthful condition for all residents including the supply of low and moderate income affordable housing resources for present and future citizens.
 9. To address the need for senior citizen housing by establishing zones which are designed to meet the particular needs of senior citizens.
 10. Maintaining the Township's system of streets and roads to continue to provide for the safe and efficient movement of traffic and to discourage routes which adversely impact existing and future residential neighborhoods.
 11. To continue the Township's on-going open space and recreation planning and acquisition efforts to insure that sufficient permanent open space remains within the Township for conservation and recreation purposes and for the visual protection of the Township's natural beauty.
 - a. To provide for a continuous network of linked open space greenways along rivers, streams and steep slopes;

- b. Encourage the preservation of existing vegetation, especially in areas of large wooded tracts.
12. Protection and preservation of the local heritage and traditions by careful planning in and around historic buildings and other landmarks of the community.
 13. Conducting land use decision-making and implementing policies which lend themselves to an economical, efficient and high quality public educational system.
 14. Provide and maintain a system of community facilities and services, including water and sanitary sewer utilities, fire, police, and other public safety services, public works and library facilities.
 - a. Planning to accommodate anticipated future population growth in terms of the number of persons and their respective ages.
 - b. Coordination of construction and installation as part of the Township's capital improvement program to insure that community facilities and infrastructure are available when needed;
 - c. Encourage efficient design of future residential and commercial development so as to minimize public service expenditures.
 - d. To actively continue the pursuit of public grants acquisition which are made available for infrastructure up-grades by the County, State and Federal governments.
 15. Enacting land use ordinances and rendering land use decisions which are fiscally responsible and which promote an economically sound and balanced municipal tax base.
 16. To promote the conservation of energy and the recycling of recyclable materials.

The current Land Use Plan Element indicates the six residential land use categories, six commercial land use categories, two industrial land use categories and a public use land use designation. These land use categories represent the 28 various zone districts found throughout the Township. Minimum lot sizes for the residential districts range from a high of 208,000 square feet (R-1A district) to a low of 5,000 square feet R-4 district). In recent years, the Township amended its Land Use Plan Element to include a new age-restricted multi-family district as well as well as down-zoning properties near the train station from 7,500 square foot lot sizes to 81,000 square foot zoning (due to environmental constraints. Additionally, Denville's Land Use Plan contains an overlay districts pertaining to the Aquifer Sensitive Area. This overlay district places additional development requirements in order to protect the water supply in the underlying aquifer.

The Circulation Element provides recommendations on a variety of transportation-related issues. This element classifies the municipal street network, recommends new road classifications (LCR Roads for the lake community roads) and calls for on-going study of traffic mitigation measures. The Circulation Plan Element also identifies mass transit (bus and rail) transportation opportunities and recommends/encourages affirmative measures to increase public transportation. Also included in this element are recommendations that new and replacement sidewalks be installed within the Township.

The Open Space Plan Element provides an extensive inventory of the Township's system of parks and preserved open spaces. This element also prioritizes numerous additional properties for acquisition. The Township as actively pursued parcels of both active and passive open space needs on a annual basis. The majority of open space acquisition to date has served to preserve environmentally constrained properties (wetlands and steep slopes).

The Conservation Plan Element incorporates aquatic resources (lakes, streams, wetlands) and also includes land based resources such as tree protection, steep slopes, soil conservation, threatened and endangered species and ridgeline protection. The Plan recommends that preservation of these natural features be accomplished through various ordinance regulations.

The Community and Recreation Facilities Plan Element also provides an inventory of Denville's existing community facilities and outlines long-range improvements and acquisition opportunities.

The Utility Service Element of a master plan contains data relating to existing and proposed utility systems, including water sewer, septic and solid waste disposal. The Plan identifies the Township's existing water and sewer service areas, both of which are located throughout the Township, with concentrations found in the more densely developed portions. The Plan also identifies the Township's primary water supply sources as well as wastewater facilities.

The Historic Preservation Plan Element includes a policy statement to create and encourage the voluntary preservation and enhancement of buildings and areas of historic and aesthetic value. Several goals and objectives are also stated. The Plan does not identify existing historic sites in the Township but rather encourages preservation and identification.

The Housing Element and Fair Share Plan addressed Denville's second round COAH obligation and afforded the Township substantive certification until June 3, 2006. COAH adopted new rules in November 2004 for the implementation of their third round methodology. The Township adopted a third-round Housing and Fair Share Plan in 2006 and submitted the Plan to COAH. The third-round rules were however subsequently determined, through litigation, to require modification. A new set of revised third round rules were adopted in 2008. Denville, due to its participation in Highlands Plan Conformance, was granted an extension to prepare a new Housing Element and Fair Share Plan. The Township must prepare and adopt a new housing plan no later than December 8, 2009.

As required by NJDEP regulations, a Stormwater Management Plan Element document and subsequent stormwater management ordinances were adopted in 2005 to address stormwater-related impacts. The Plan, based on the model NJDEP plan and regulations set forth a series of goals relating to stormwater management, including the minimization of increases to stormwater runoff from new development, maintenance of groundwater recharge, prevention of an increase in nonpoint pollution, and protection of safety through design and operation of stormwater basins. The Plan outlines design and performance standards for new major development (projects that disturb one acre or more of land or include ¼ acre or more of new impervious surface).

D. Natural Resources Inventory (NRI)

The Denville Township Environmental Commission prepared a Natural Resources Inventory (NRI) in June, 1976, which provided a comprehensive inventory of natural resources in the Township. The NRI covers geology, soils, water resource and habitat areas. Each of these resources is described in text and accompanied by figures, tables, and maps. This document however is severely outdated (+33 years) and will need substantial updating (which is described elsewhere in this report).

E. Denville Township Land Use Regulations

As noted in the above Land Use Plan Element, Denville Township has a wide range of residential, commercial/industrial, and mixed-use zone districts. With the exception of the seven acres found within the Preservation Area (zoned R-1 and R-1A), the mix of

residential, commercial and industrial zones found in the Township are located within the Planning Area. Higher density residential zones (R-3 & R-4) are primarily centered around the lake communities and adjoining the downtown areas, where the lower density residential districts are found in the remaining portions of the Township. The R-1 (min. 40,250sf lot area) single-family district is the most prevalent district in terms of Township land area. Denville's business and office districts are concentrated along Routes 10, 46 53 and Pocono Road. Industrial districts are located in scattered pockets throughout Denville with primary locations adjoining the railroads, Routes 80 and 53, Ford Road and Palmer Road.

The following table provides an overview of the conventional requirements in various Township zone districts, as well as the requirements for clustering.

**SCHEDULE AREA, YARD AND BULK REQUIREMENTS §19-5.5
DENVERLE TOWNSHIP**

Zone	Primary Use	Minimum Lot Size			Yards			Height (Feet)
		Area (Square Feet)	Width (Feet)	Depth (Feet)	Front (Feet)	Side (Feet)	Rear (Feet)	
C	Conservation							
R-C	Residential Conservation							
*R-1A	One Family Residence	208,000	400	520	100	50	100	35
*R-1B	One Family Residence	81,000	225	360	100	50	100	35
*R-1	One Family Residence	40,250	175	230	50	30	50	35
R-2	One Family Residence	15,000	100	150	35	17	50	35
R-2A	One Family Residence	11,200	80	140	30	15	40	35
R-3	One Family Residence	7,500	60	125	25	87	35	35
R-4	Two Family Residence	50,002	50	100	25	58	35	35
A-1	Apartment Residence	10 Families per acre	-	-	50	50	50	30
A-O-B	Apartment-Office-Business							
POS	Public Open Space	40,250	175	230	50	30	50	35
B-1	Central Business	-	-	-	5	5/10	10	30
B-2	Highway Business	-	-	-	40	10	20	30
B-2A	Highway Business	-	-	-	115	20	50	30
B-3	General Business	-	-	-	25	10	15	30
OB-1	Office Building	10,000	133	75	25	10	35	28
OB-3	Office Building	87,120	200	436	25	10	50	48
OB-4	Office Building	174,240	400	436	100	100	100	28
I-1	Industrial	43,560	175	249	25	20 ⁵	50	30
I-2	Industrial	87,120	200	436	75	20 ⁵	75	30
T-1	Townhouse	54 acres	300	300	50	50	50	42
T-3	Townhouse							
T-4	Townhouse							
AH	Affordable Housing	3 acres	200	300	50	50	50	40
ASCH	Affordable Senior Citizen Housing							
PARC	Planned Age-Restricted Community							
ASA	Aquifer Sensitive Area Overlay							
	Institutional Uses	174,240	400	436	per zone	50 ⁶	per zone	35

Notes:

*See text Article 5 zoning regulations for open space regulations.

¹The lot area must be obtained between the front street property line and the lot depth requirement, except in the R-1A zone.

²Minimum lot size shown is for one family dwelling. Two family dwellings shall have a lot area of 10,000 square feet.

³Two parking spaces per dwelling unit required for each new two family structure.

⁴Parking space per square feet of gross floor area.

⁵Each side yard must be at least 20 percent of the average lot width.

⁶The side yards combined must equal 40 percent of the lot width.

⁷Minimum side yard setback in the R-3 district shall be as follows: Actual Lot Width (ft) ÷ 60 (ft) x 8 (ft). In no instance shall the side yard setback be less than 8' for lots with widths (at setback) less than 60 feet.

⁸Minimum side yard setback in the R-4 district shall be as follows: Actual Lot Width (ft) ÷ 50 (ft) x 5 (ft). In no instance shall the side yard setback be less than 5' for lots with widths (at setback) less than 50 feet.

Additional ordinance requirements pertinent to the Highlands RMP include the following:

- **Clustering:** Provisions for lot clustering are permitted within the R-C, R-1, R-1A and R-1B. Where found to be appropriate, clustering of lots to 30,000sf are permitted provided that the overall tract density is no less than one building per acre, and the

minimum open space area is eight acres in aggregate (10 acres in R-1A). Additional requirements are found in §19-5.1110.

- *Regulation of Slopes.* The Township requires that all applicants for development delineate the area of proposed disturbance within certain slope classes. Slope disturbance is restricted in accordance with the following schedule:

SLOPE CATEGORY	MAXIMUM PERMITTED DISTURBANCE OF SLOPE AREA	PERMITTED DEVELOPMENT ACTIVITY
Less than 15%	100%	All activities
15% to 19.9%	50%	All activities subject to compliance with this §19-5.729
20% to 24.9%	25%	All activities subject to compliance with this §19-5.729
25% to 29.9%	10%	Only transitional grading
30% or more	0%	No disturbance permitted

Additional steep slope regulations and requirements are found in §19-5.729.

III. PROGRAM CONSISTENCY REVIEW

The Highlands Regional Master Plan (RMP) consists of multiple Elements, which represent the major policy areas covered in the Plan and correspond with the goals set forth in the Highlands Act. These Elements, and their projected impact on Denville Township's planning program, are discussed below.

A. Forested Areas

Mapping: Forest Resource Area
Forest Area

RMP Synopsis

Protecting the integrity of Highlands region forests is dependent on the maintenance of large contiguous forested areas and healthy forest stands. The RMP delineates the areas within the Highlands region that exhibit the least fragmentation and are the most vital for the maintenance of ecological processes. Lands within the Forest Resource Area were included because they express one or more of the following indicators: a contiguous forest patch of equal to or greater than 500 acres in size; an area consisting of greater than 250 acres of core forest area greater than 300 feet from an altered edge; or areas that include greater than 45 percent of mean total forest cover and mean distance to the nearest patch.

Also of importance to the Highlands region forests is the integrity of the forested subwatersheds that provide important water quality benefits. The Forest Cover Integrity Map assigns an integrity level to every subwatershed in the Highlands region, including high, moderate and low. A high integrity forest subwatershed is defined as one which is predominantly forested, including a high proportion of forest cover consisting of high core area, large patch size, and a low distance to nearest patch. Moderate integrity forest subwatersheds are those that are predominantly forested, but do not exhibit a high proportion of forest cover, core area or patch size and an increase in distance to nearest patch. Low integrity forest subwatersheds are those that are predominantly non-forested or include low values for proportion of forest cover and patch size, or a high distance to nearest patch.

The RMP sets forth numerous goals, policies and objectives relating to Forested Areas, as follows:

- To limit human development in the Forest Resource Area in the Preservation Area as follows: implement regulations which limit permissible uses to maintenance of pre-existing uses and restoration of impaired forest areas; prohibit deforestation for human development, except where exempt from the Highlands Act; and prohibit the expansion or creation of public water supply systems and public or community wastewater systems into forested areas.
- To prohibit in the Planning Area the expansion or creation of public water supply systems and public or community wastewater systems into forested areas of the Forest Resource Area where located in a Protection Zone, Conservation Zone, or Environmentally-Constrained Sub-Zone.
- To prohibit forest clear-cutting within the Forest Resource Area, except in accordance with a Forest Management Plan.
- To limit human development of forests to low impact residential development in the Protection Zone and the Conservation Zone in the Planning Area.
- To limit deforestation in the Forest Resource Area and forested lands within High Integrity Forest

Subwatersheds within the Existing Community Zone (ECZ) to the maximum extent practicable.

- To ensure that forest resources are protected on a site-specific basis during local development review.
- To address the protection of Forest Resource Areas and High Integrity Forest Subwatersheds in municipal master plans and development regulations, including the adoption of a Community Forestry Plan Element of the master plan and municipal tree protection and clearing ordinances.

In order to assist municipalities with the implementation of these goals, policies and objectives, the Highlands Council will provide model documents that can be adopted or used to supplement the existing planning programs. A model tree protection ordinance, as well as guidance on Community Forestry Plans, forest conservation and mitigation plans, forest stewardship plans, and low impact development best management practices will be provided.

Denville Township Plans and Regulations

As shown on the maps, the forest resource areas identified are located in the southern and northern-most portions of the Township. These areas correspond to the larger contiguous forested areas found within the municipality. The forested area map also identifies the larger tracts of contiguous forested areas.

A review of the Township's 1976 Natural Resources Inventory (NRI) does not identify forest resources, therefore, **the Township's NRI must be revised to reflect the locations and descriptions of Forest Resource Areas as contained in the RMP.**

The Township's 2000 Master Plan and 2006 Reexamination report do not contain any language regarding forested areas or the protection thereof. Reference to tree removal is however found within the Conservation Plan element. However, in order to achieve consistency with the RMP, the Township will need to revise its master plan as follows: **Prepare a more comprehensive Conservation Plan Element incorporating the relevant goals, policies and objectives contained in the RMP. The Township must also prepare a Community Forestry Plan Element, which will be used to maintain and improve forest cover in developed areas and provide the basis for a required tree clearing ordinance.**

The Township's land use regulations do not address forested resources or areas and only address trees to a limited extent. Applications involving steep slopes are required to identify all trees of 3" diameter and greater. In addition to steep slopes applications, §13-5 of the Township's General Code requires Tree Removal Permit applications which require information pertaining to the size and number of trees to be removed. **Therefore, the Township's land use regulations will need to be revised to incorporate the applicable RMP goals, policies and objectives, low impact development best management practices, and tree protection and clearing ordinances.**

B. Open Waters and Riparian Areas

Mapping: Highlands Open Waters
Riparian Areas
Riparian Integrity by HUC14 Watershed

RMP Synopsis

Highlands Open Waters include all springs, wetlands, intermittent and perennial streams, and bodies of surface water, both natural and/or artificial. Riparian Areas are areas adjacent to, and hydrologically interconnected with, rivers and streams. These are areas which exhibit periodic inundation or saturation of soils, periodic flooding, and include wildlife corridors within 300 feet of a surface water feature.

The integrity of Riparian Areas are defined by the area's ability to provide water protection and ecological function. These categories include:

- High Integrity Riparian Areas: Predominantly natural vegetation, including high quality habitat for water/wetland dependent species, and a generally low incidence of impervious area, agricultural uses, and/or road crossings.
- Moderate Integrity Riparian Areas: Contain a higher incidence of impervious area, agricultural uses, and road crossings, and a reduced proportion of natural vegetation, including high quality habitat for water/wetland dependent species.
- Low Integrity Riparian Areas contain a high proportion of impervious area, agricultural uses, and road crossings, and minimal natural vegetation, including high quality habitat for water/wetland dependent species.

A high priority is for a municipality to develop and implement a Stream Corridor Protection/Restoration Plan, which will be used as a basis for both development review and restoration activities. The Stream Corridor Protection/Restoration Plan identifies existing disturbed areas within the open waters buffers, identify and require opportunities for restoration of such areas, and identify the extent of stream corridor features that are critical to supporting the functions of a healthy buffer. In cases where a Stream Corridor Protection/Restoration Plan has not been approved by the Highlands Council, development applications in individual municipalities will be required to strictly adhere to the RMP goals, policies and objectives noted as follows:

- To establish a protection buffer of 300 feet from the edge of the discernable bank of streams, from the delineated LOI line for wetlands, or from a field delineated boundary for other Highlands Open Waters features. The protection buffer width may be modified for Category 2 streams in the Planning Area or in approved Redevelopment Areas.
- To require that all local development applications include the identification and mapping of Highlands Open Waters and Riparian Areas.
- To prohibit all major Highlands developments within Highlands Open Waters and their 300-foot buffer in the Preservation Area, except for linear development, which may be permitted provided there is no feasible alternative.
- In the Protection, Conservation and Existing Community Zones, to allow disturbances of Highlands Open Waters buffers only in previously disturbed areas.
- To limit disturbance of existing natural vegetation or increases in impervious area within High and Moderate Integrity Riparian Areas in any Land Use Capability Zone to the minimum alteration feasible in areas beyond Highlands Open Waters buffer requirements; protect the water quality of adjacent Highlands Open Waters; and maintain or restore habitat value of the Riparian Area.
- To prohibit modifications to Riparian Areas in the Protection Zone, except where a waiver is approved by the NJDEP or Highlands Council.
- To restrict modifications to Riparian Areas in the ECZ that would alter or be detrimental to the water quality and habitat value of a Riparian Area.
- To implement Low Impact Development Best Management Practices for any development activity proposed within a Riparian Area, which minimize both alterations of natural vegetation and increases in impervious area and provide for mitigation through restoration of impaired Riparian Areas in the same subwatershed.

Denville Township Plans and Regulations

As shown on the Highlands Open Waters Map, the associated buffer areas are located throughout the Township, and include the major lakes and streams. The Riparian Areas Map indicates similar buffer areas but is slightly expanded to include intermediate water bodies not classified as open waters. Additionally, the Riparian Integrity by HUC14 Map assigns a riparian area integrity level to every subwatershed in the Township, including high, moderate and low. As shown, the northwestern portion of the Township) is classified as high integrity (Beaver Brook); the north/northeastern portion of the Township (Rockaway River) subwatershed and in a small southwestern portion (Millbrook) are classified as moderate integrity; with the remainder of the Township (Den Brook) subwatershed classified as low integrity riparian area.

The Township's 1976 NRI provides a description of water resources, but is basically limited to stream flows, flooding, dissolved solids and similar water quality attributes. Due to the fact that the NRI was prepared well before the 2004 NJDEP's adoption of the Surface Water Quality Standards (SWQS) and Surface Water Classifications, the document does not identify key water bodies as identified in the RMP, including Category One streams. Moreover, the NRI does not address riparian areas or the 300-foot protection area buffers required for Highlands Open Waters. **The Township's NRI must be revised to reflect the locations and descriptions of Highlands Open Waters and associated buffers, Riparian Areas, and Riparian Integrity.**

The 2000 Master Plan includes a Conservation Plan element also provides mapping of some surface water features, however, such mapping and text is limited. Riparian areas and the 300-foot protection area buffers are not identified. The Township's master plan does not contain a Stream Corridor Protection/Restoration Plan, as required by the RMP. **Therefore, in order to achieve consistency with the RMP, the Township's master plan must be revised to include an updated Conservation Plan Element, containing the relevant RMP goals, policies and objectives; a Stream Corridor Protection/Restoration Plan; and the adoption of the Land Use Capability Zones into the Land Use Plan Element, because many of the RMP's goals, policies and objectives rely on these designations.**

The Township's land use regulations do not contain specific regulations for wetlands consistent with the New Jersey Freshwater Wetlands Protection Act. These regulations require that all development applications identify the location of any wetlands and wetland transition areas on-site, and submit a NJDEP-issued letter of interpretation "LOI" or certification that wetlands do not exist. The only reference is the submission of an LOI as part of relevant development applications as part of the submission process. Additionally, there are no Township's land use regulations specifically address the RMP requirements for open waters and riparian areas, namely the creation of 300 foot buffers

around all open waters and limitations of development based on the Land Use Capability Zones. **The Township's land use and stormwater management regulations will need to be revised as follows: require that applicants identify and map Highlands Open Waters, 300-foot buffer areas and Riparian Areas; incorporate the Land Use Capability Zone designations; and limit development in accordance with each of the applicable RMP goals, policies and objectives as set forth above.**

C. Steep Slopes

Mapping: Steep Slopes
Steep Slopes and Riparian Areas

RMP Synopsis

Areas that are significantly constrained by steep slopes have been identified to ensure that the level of protection for these areas is appropriate. The Steep Slope Areas Map identifies slopes that include a minimum of 5,000 square feet and comprise the following slope classifications:

- slopes of 20 percent or greater,
- slopes between 15 percent 20 percent
- slopes between 10 percent and 15 percent that occur within Riparian Areas.

The RMP defines slopes as follows:

Severely Constrained Slopes: Lands with slopes of 20 percent or greater and lands within Riparian Areas with slopes of 10 percent and greater;

Moderately Constrained Slopes: All non-Riparian Area lands having a slope of 15 percent to less than 20 percent, which are forested; and.

Moderately Constrained Slopes: All non-Riparian Area lands having a slope of 15 percent to less than 20 percent, which are non-forested, and either are highly susceptible to erosion, have a shallow depth to bedrock, or have a Soil Capability Class indicative of wet or stony soils;

Limited Constrained Slopes: All non-Riparian Area lands having a slope of 15 percent to less than 20 percent, which are non-forested, and are not highly susceptible to erosion, do not have a shallow depth to bedrock, and do not have a Soil Capability Class indicative of wet or stony soils.

The RMP goals, policies and objectives relating to Steep Slopes include:

- To require that applications for development include topographic information identifying the location of any Steep Slope Protection Areas.

- To require that applications for development involving parcels of land with slopes of 10 percent or greater include identification of forested lands, areas which are highly susceptible to erosion, depth to bedrock, and Soil Suitability Classes.
- To prohibit land disturbance within areas which are considered Severely Constrained Slopes and Moderately Constrained Slopes, except for linear development that meets the requirements of the Highlands Water Protection and Planning Act Rules.
- To require the use of Low Impact Best Development Practices for any land disturbance or human development within areas which are Constrained or Limited Constrained Slopes, or that involves an approved disturbance of a Severely Constrained or Moderately Constrained Slope.

In order to assist municipalities with the implementation of these goals, policies and objectives, the Highlands Council will provide model steep slope protection standards for inclusion in municipal planning documents.

Denville Township Plans and Regulations

As shown on the accompanying maps, steep slopes found within the Township's are found along the ridgelines which run throughout the municipality. There are also pockets of moderate and steep slopes found scattered in the Township.

The Township's NRI includes text and maps relating to steep slope areas in Denville. These slopes however are based on USGS 20' contour lines and not as representative as the more detailed mapping provided by the RMP. Slope categories range from 0%-8%; 8%-15%; 15%-25% and 25% and greater. Erosion potential based on soil type is also provided in the NRI. **The NRI will need to be revised to provide definitions and mapping of steep slopes which reflects the RMP slope designations.** Additionally, although the NRI contains text and mapping as it pertains to depth to bedrock, susceptibility to erosion, and soil suitability classes, it does not identify Severely, Moderately or Limited Constrained Slopes based on these factors as compared to the RMP. **The NRI must also be revised to reflect the slope constraint classes defined in the RMP.**

The 2000 Master Plan identifies the need for steep slope regulations. As noted in the 2006 Reexamination report, the Township adopted steep slope disturbance regulations in 2005. While the Plan goals are generally consistent with the RMP, it does not reflect the specific goals, policies and objectives. **The Township's master plan documents**

must be revised to include an updated Conservation Plan Element, which incorporates the relevant goals, policies and objectives contained in the RMP as it pertains to steep slope protection.

As found within §19-5.729, the Township's land use regulations contain specific regulations for steep slopes. These regulations limit disturbance to:

- 50% Disturbance for slopes ranging 15%-19.9%;
- 25% Disturbance for slopes ranging 20%-24.9%;
- 10% Disturbance for slopes ranging 25%-29.9%;
- 0% Disturbance for slopes 30% and greater

These regulations are not entirely consistent with the RMP's requirements for how to identify and protect steep slopes. **The Township's land use regulations must be revised to require applicants to identify steep slopes and slope constraint classes as defined in the RMP; to limit development in accordance with each of the applicable RMP goals, policies and objectives; and to include low impact development best management practices related to steep slope areas.**

D. Critical Habitats

Mapping: Critical Wildlife Habitat
Significant Natural Areas
Vernal Pools

RMP Synopsis

There are three (3) main categories of Critical Habitats identified within the RMP consisting of:

- Critical Wildlife Habitat: Includes habitat for rare, threatened or endangered species;
- Significant Natural Areas: Habitat of regionally significant ecological communities, including habitat for documented threatened and endangered plant species;
- Vernal Pools: Confined, ephemeral wet depressions that support distinctive, and often endangered, species that are specially adapted to periodic extremes in water pool levels.

The RMP recommends that municipalities develop and implement a Critical Habitat Conservation and Management Plan which will be used as a basis for both development review and restoration activities. Critical Habitat Conservation and Management Plans shall address the applicable goals, policies and objectives outlined in the RMP. Where a Critical Habitat Conservation and Management Plan has not been approved by the Highlands Council, site-by-site development applications in municipalities will be required to strictly adhere to the RMP goals, policies and objectives below.

The RMP goals, policies and objectives relating to Critical Habitats include:

- To prohibit the direct impact of new human development or expansion or increased intensity of existing development within Critical Habitat.
- To implement a Habitat Conservation and Management Program through a Critical Habitat Conservation and Management Plan. Such Plan shall establish performance standards requiring all development to employ Low Impact Development Best Management Practices as follows: 1) avoid the disturbance of Critical Habitat, 2) minimize impacts to Critical Habitat, and 3) mitigate all adverse modification to Critical Habitat so that there is no net loss of habitat value. Additional performance standards shall include requirement and criteria for

mitigation of disturbed Critical Habitat, and the enhancement or restoration of historically disturbed Critical Habitat.

- To include in a Critical Habitat Conservation and Management Plan a Critical Habitat Overlay District, which identifies habitat in need of protection from fragmentation and other anthropogenic impacts, habitat critical to maintaining wildlife and plant populations, and habitat that serves other essential ecosystem functions such as carbon sequestration and ground water recharge.
- To require that applications for any local development review for Critical Habitat be subject to minimum standards and criteria outlined in a Habitat Conservation and Management Plan.
- To require that projects qualifying as major Highlands developments, affecting or potentially affecting Critical Habitat in the Preservation Area, comply with the Highlands Water Protection and Planning Act Rules and with the minimum standards and criteria outlined in the Critical Habitat Conservation and Management Plan.

In order to assist municipalities with the implementation of these goals, policies and objectives, the Highlands Council will provide model conservation and management overlay district ordinances.

Denville Township Plans and Regulations

The accompanying maps identify the locations of these resources within Denville Township. As shown on the Critical Wildlife Habitat Map, critical habitat areas are located throughout the municipality and are primarily located within the forested areas, lakes and stream corridors. The Significant Natural Areas Map does not indicate any such areas within the Township. Similarly, the Vernal Pools Map indicates that there are no vernal pools located within the Township, however a portion of the 1,000' buffer extends into the Township in the vicinity of Route 46 at the Mountain Lakes/Parsippany-Troy Hills boundary.

The Township's 1976 NRI includes an extensive inventory, in both text and map form, of the endangered species and valuable habitats. However, because the NRI was prepared well before the adoption of the RMP or the NJDEP data upon which its critical habitat mapping relies, it does not identify critical habitats or significant natural areas in a manner consistent with the RMP. The NRI does not address vernal pools. **The NRI**

will need to be revised to reflect the locations and descriptions of Critical Wildlife Habitat, Significant Natural Areas, and Vernal Pools, as contained in the RMP.

Denville's master plan documents do not contain language regarding critical habitats or the protection thereof. Therefore, in order to achieve consistency with the RMP, the Township will need to revise its master plan. An updated **Conservation Plan Element incorporating the relevant RMP goals, policies and objectives must be prepared. The Township must also prepare a Critical Habitat Conservation and Management Plan incorporating the performance standards set forth in the RMP and establishes a Critical Habitat Overlay District.**

The Township's land use regulations do not address critical habitats. **To be consistent with the RMP, the Township must amend its land use regulations to incorporate minimum performance standards and a Critical Habitat Overlay District ordinance.**

E. Land Preservation and Stewardship

Mapping: Preserved Lands
 Conservation Priority
 Agricultural Priority

RMP Synopsis

The RMP identifies the location of preserved open space, farmland, water supply watershed lands, and conservation easements throughout the region. The Highlands Act contemplates preservation of additional open space and farmland resources in order to protect and enhance ecosystem function, protect drinking water resources, and provide for passive and recreational lands. To accomplish these purposes, the RMP includes strategies for land preservation and stewardship among preservation partners, and ensuring that sufficient financial, institutional, and innovative resources are made available for these purposes.

Goals, policies and objectives relating to Land Preservation and Stewardship include:

- To establish and fund local open space acquisition and stewardship programs or to expand existing open space and stewardship programs.
- To adopt and enforce development regulations for the Special Environmental Zone in the Preservation Area, where development shall not occur in order to protect water resources and environmentally sensitive lands and which shall be permanently preserved through use of a variety of tools including, but not limited to, fee simple acquisition, easement acquisition, TDR programs, and development regulations. These zones are identified spatially on the Conservation Priority Area Map.
- To include an Open Space Preservation and Land Stewardship Element in municipal master plans.
- To identify and delineate existing preserved open space, including fee simple and easements; maintain a current Recreation and Open Space Inventory (ROSI); and identify lands subject to stewardship programs in municipal master plans.
- To require conservation or land stewardship easements as a condition of development approval for lands within parcels proposed for development that are identified for preservation on a proposed site plan or subdivision plat.

- To establish stewardship and monitoring programs for preserved lands owned by the municipality or county by fee acquisition or easement acquisition.

To assist municipalities with the implementation of these goals, policies and objectives, the Highlands Council will provide model Cluster/Conservation Design development standards, and will establish a technical assistance program to aid in the development of stewardship plans. The Highlands Council will also develop an outreach and education program for Highlands landowners to help them take advantage of funding opportunities available for land preservation.

Denville Township Plans and Regulations

Denville Township has numerous parcels preserved for public open space in the form of both municipal, county and state lands. Township-owned open space is located throughout the municipality, State- and County-owned open space is primarily concentrated in the northern portions of the Township. The Township was required to verify the accuracy of this data during Plan Conformance Module 1 (Current Municipal Conditions & Build-Out Analysis) and found several preserved parcels that were not recognized on the RMP map. These parcels were submitted to the Highlands Council as RMP updates.

As indicated on the attached maps, the RMP does not indicate any agricultural priority areas. Several areas of conservation priority areas of moderate value are indicated throughout Denville. These areas tend to include steep sloped areas and wetland/wetland buffer areas. **The Township should continue to review and inform the Highlands Council of additional parcels acquired for preservation as they occur as Denville continues to fosters an active annual open space acquisition program.**

The Township's 1976 NRI does not address preserved lands in Denville. The 2000 Master Plan and subsequent 2006 Reexamination Report provide for a detailed Open Space Program. An extensive inventory of parks and preserved open spaces in the Township are included within these documents and the Township has actively pursued the acquisition of open space parcels as funding is made available.. To bring the Township's master plan into conformance with the RMP, several items must be addressed. **The Township needs to consolidate its inventory of existing and proposed preserved lands into one complete document and include same within an updated NRI and updated Open Space Element. The Township also needs to review the inventory to ensure it is up-to-date and consistent with RMP mapping. Additionally, the Township must also amend its Open Space Plan Element to**

incorporate the relevant goals, policies and objectives contained in the RMP, as well as to include land stewardship strategies, currently not addressed in the Township's master plan documents. As part of its review of land stewardship strategies, the Township should consider participation in the voluntary Highlands TDR Program, which is further discussed in the previous chapter of this report.

The Township's land use regulations permit optional clustering within several of the large lot (1 acre or more) single-family zones including the C, RC, R-1, R-1A and R-1B districts. The required open space is to be preserved by dedication for public open space or for public recreational facilities. The purpose of the open space must be for any of the following uses: undeveloped open space, public or private recreation facilities, public schools, school grounds and municipal purpose buildings. A minimum open space area of 8 acres (10 acres in R-1B) is required. To ensure suitable maintenance of the open space, the establishment of a property owner's association or other open space organization is required. **To be consistent with the RMP, the Township must amend its land use regulations to incorporate the pertinent RMP goals, policies and objectives.**

F. Carbonate Rock (Karst) Topography

Mapping: Carbonate Rock Area

RMP Synopsis

The term karst describes a distinctive topography that indicates dissolution of underlying carbonate rocks by surface water or ground water over time. This dissolution process causes surface depressions and the development of such features as sinkholes, sinking streams, enlarged bedrock fractures, caves and underground streams. Such features function as funnels, directing surface water runoff into karst aquifers. Stormwater basins, septic system leaching fields, sewers, agricultural runoff, lawn runoff, underground pipelines, and soil disturbance can serve to add contaminants directly into ground water. It is important to regulate development activities within these carbonate rock areas to address the potential problems.

The RMP relied upon existing New Jersey Geologic Survey and United States Geological Survey data to map areas of the Highlands region which are underlain by carbonate rocks. The RMP goals, policies and objectives relating to Carbonate Rock are as follows:

- To identify and delineate karst features and subwatersheds that drain surface water into the Carbonate Rock Area.
- For municipalities in, or within subwatersheds draining directly to, the Carbonate Rock Area, to ensure protection of public health and safety and the quality of ground waters from inappropriate land uses and pollutant discharges.
- To require that applications for site plan or subdivision approval include a multi-phased geotechnical site investigation to locate any potential karst features and potential hazards to public health and safety, structures, and ground water quality.
- To require that all potential hazards to public health and safety, structures, and ground water quality are fully addressed and mitigated in the construction plans and subsequent approval process.
- To prohibit new land uses and facilities that constitute unacceptable risks of discharge due to karst topography where karst features have been identified, including, but not limited to, underground storage tanks, solid waste landfills,

hazardous waste storage and disposal, and hazardous materials storage and handling

In order to facilitate these goals, policies and objectives, the Highlands Council will provide critical requirements for development ordinances, as well as develop a technical guidance manual containing requirements for multi-phased geotechnical studies.

Denville Township Plans and Regulations

According to the Carbonate Rock Area Map in the RMP, Denville Township does not contain any such areas.. The Township's 1976 NRI also contains no mention of carbonate rock (karst) topography within the Township. **Based on this finding, it would appear that the Township does not have to amend its planning documents. If such areas are ultimately found within the Township, the municipality would need to pursue RMP Updates and revise its NRI, master plan, and land use regulations in accordance with the RMP goals, policies and objectives.**

G. Lake Management

Mapping: Lake Management Area

RMP Synopsis

Protection, restoration and enhancement of the water quality of lakes and to protect the unique character of the Highlands lake communities require a delineation of lake resources to provide for land use and water resource planning. The RMP identifies the locations of lakes greater than 10 acres in size and associated lake management areas. Lake management areas include four tiers:

1. Shoreland Protection Tier: Area measured 300 feet or the first public road perpendicular to the shoreline of the lake;
2. Water Quality Management Tier: Area measured 1,000 feet perpendicular from the shoreline of the lake, including the Shoreland Protection Tier;
3. Scenic Resources Tier: Area measured 300 to 1,000 feet perpendicular from the shoreline of the lake;
4. Lake Watershed Tier: The entire land area draining to the lake.

The RMP goals, policies and objectives relating to Lake Management include:

- To establish unique standards (as compared to lakes within the Protection and Conservation Zones) for the Lake Community Sub-Zone within the ECZ within 1,000 feet of lakes, particularly with respect to the Shoreline Protection Tier, to prevent degradation of water quality, harm to lake ecosystems, and promote aesthetic values within the ECZ.
- To adopt and implement standards for application to public lakes in the Shoreland Protection Tier to address direct and proximate impacts upon the lake, such as shoreline modification and development, docks, piers, boathouses, dredging, vegetation removal, increased impervious cover, and pollutant discharges.
- To adopt and implement standards for application to public lakes in the Water Quality Management Tier to prevent or minimize continuous pollutant sources that can contribute pollutants overland or through ground water to the lake from greater distances than the Shoreland Protection Tier.

- To adopt and implement standards for application to public lakes in the Scenic Resources Tier, including requirements for vegetative screening of buildings, building height limitations, and limits on tree and understory removal.
- To develop and adopt lake restoration plans for each of the municipality's developed lakes that has been identified as water quality impaired to restore, protect and, where possible, enhance lake water quality through management of pollutant sources in the Lake Watershed Tier. Total Maximum Daily Loads (TMDLs) adopted by the NJDEP to address known pollution problems may be used as lake restoration plans.
- To adopt standards for lake character and aesthetics for application to public lakes.
- To encourage increased public access to publicly-owned lakes, within the lake's carrying capacity and while maintaining the lake character.
- To discourage or control teardowns that result in altered lake-community character, and the potential loss of historic and cultural values, and to encourage community-supported limitations in lot coverage and building height for new construction.
- To establish and implement performance and development standards for shoreline uses which achieve compatibility among shoreline activities and nearby neighborhoods.
- To utilize recreational sites as opportunities to educate the public regarding the ecological value of the lake environs.
- To explore appropriate means to provide public recreation at the shoreline and on the water while ensuring retention of opportunities for passive recreation.

To assist municipalities with the implementation of these goals, policies and objectives, the Highlands Council will establish standards for adoption by municipalities for the Shoreland Protection Tier, Water Quality Management Tier, and Scenic Resources Tier. The Highlands Council will also implement measures to encourage the maintenance of public and private lakes and the restoration of lake beds and downstream areas when lakes are drained.

Denville Township Plans and Regulations

The Lake Management Area Map identifies the locations of lakes greater than 10 acres in size and associated Lake Management Areas within Denville Township. As shown, these lakes include Estling Lake, Indian Lake and Hollstein Lake which are located south of Route 80, and Lake Arrowhead, Cedar Lake, Rock Ridge Lake and Cook's Pond located north of Rote 80. A portion of the Cedar Lake management area is located within the Protection zone while the remaining portions of Denville's lakes are located within the Existing Community and Existing Community Environmentally Constrained sub-zones.

The Township's NRI identifies, in both text and map form, the lakes included on the Lake Management Area Map. However, because the NRI was prepared well before the adoption of the RMP, it does not address Lake Management Areas or the four tiers that comprise them. **Therefore, the NRI will need to be revised to reflect the locations and descriptions of Lake Management Areas, as contained in the RMP.**

Denville's master plan documents only address lakes and their surrounding areas to a very limited extent. The 2000 Plan and subsequent 2006 Reexamination report only identify the lakes but do not provide any recommendations, other than existing and proposed land use (single-family zoning). The only other master plan document relating to lake management is the Township's Stormwater Management Plan Element, which contains basic boiler-plate goals and recommendations for the minimization of pollutants in stormwater runoff from new and existing development. **To achieve consistency with the RMP, the Township must update the Conservation Plan Element, which incorporates the relevant goals, policies and objectives contained in the RMP. The Township will also need to develop and adopt Lake Restoration Plans for each of the Township's developed lakes that have been identified as water quality impaired.**

The Township's land use regulations do not directly address lake management as contemplated by the RMP. Denville's stormwater management regulations contain standards for the minimization of pollutant sources, both over land or through ground water, however these standards are general and do not contain the specific requirements contained in the RMP. **The Township must amend its land use regulations to require that all applications for development identify lakes and Lake Management Areas in accordance with the lake management tiers. The Township must also revise its land use regulations to incorporate the applicable performance and development standards set forth in the RMP's goals, policies and objectives.**

H. Water Resources Availability

Mapping: Net Water Availability by HUC14

RMP Synopsis

One of the Highlands RMP objectives is to sustain the region's water resources. The availability of water is an essential factor in determining the capacity for growth and continued economic stability for existing development within the Highlands region. The availability of water for ecological purposes is also critical to sustaining the aquatic ecosystems of streams, ponds, and lakes.

The RMP provides a method for identifying the quantity of available water resources throughout the region. Groundwater availability was determined using stream flow information, with thresholds based upon the predominant Land Use Capability Zone for each HUC14 sub-watershed. Where net water availability is positive, it is assumed there is water available beyond the existing demand. Where the net water availability is negative, the subwatershed is deemed a current deficit area, meaning existing uses are exceeding sustainable supplies.

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

- To develop Water Use and Conservation Management Plans for all subwatersheds that will set priorities for use of available water (where net water availability is positive) and will establish provisions to reduce or manage consumptive and depletive uses of ground and surface waters (where developed for Current Deficit Areas). In all cases, efficient use of water is required through water conservation and Low Impact Development Best Management Practices to make the best use of limited resources.
- To require that proposed new consumptive or depletive water uses within a Current Deficit Area only occur under the auspices of an approved Water Use and Conservation Management Plan, or through mitigation of the proposed use through a permanent reduction of existing consumptive and depletive water uses, ground water recharge in excess of Stormwater Management Rules, or other permanent means.
- To conditionally provide water availability (Conditional Water Availability) within a Current Deficit Area with appropriate standards regarding its use. A Current Deficit

Area subwatershed that is primarily within the Protection Zone or Conservation Zone shall be assigned Conditional Water Availability not to exceed an aggregate of 1 percent of Ground Water Capacity. A Current Deficit Area subwatershed that is primarily within the ECZ shall be assigned Conditional Water Availability not to exceed an aggregate of 2 percent of Ground Water Capacity.

- To assign highest priority for the use of non-agricultural Net Water Availability or Conditional Water Availability within Protection Zone and Conservation Zone subwatersheds to uses that address threats to public health and safety from contaminated water supplies, cluster developments (subject to certain conditions), affordable housing projects where at least 10 percent of the units are affordable, and development permitted through a Highlands Redevelopment Area or takings waiver.
- To assign highest priority for the use of Net Water Availability or Conditional Water Availability within an ECZ to uses that address threats to public health and safety from contaminated water supplies, designated TDR Receiving Zones, infill development, designated Highlands Redevelopment Area, affordable housing projects where at least 10 percent of the units are affordable, or new areas for development that meet all other requirements of the RMP.
- To assign highest priority for agricultural water uses in the Conservation Zone to those Preservation Area uses that promote agricultural and horticultural uses and opportunities compatible with protection of the Highlands environment, and those Planning Area uses that promote the continuation and expansion of agricultural, horticultural, recreation and cultural uses and opportunities.
- To require the use of water conservation, recycling, and reuse methods and devices for any redevelopment or development activity, including renovations to existing structures, to minimize consumptive water use.
- To ensure that area-wide Water Quality Management Plans (WQMPs), Wastewater Management Plans (WMPs) or their amendments will not directly or indirectly cause or contribute to a Net Water Availability deficit, and will help mitigate any existing deficit.

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

Denville Township Plans and Regulations

As shown on the Water Availability by HUC14 Map, the central and southern portion of the Township (Den Brook and Mill Brook Subwatersheds) or approximately 40%-50% of the Township are considered to have positive net water availability. The remaining portions of Denville has negative net water availability and is therefore deemed a Current Deficit Area. The subwatershed with the most severe deficit (-7.10 to 1.00 MGD) is partially located within the Aquifer Sensitive Area Overlay.

The Township's 1976 NRI addresses groundwater in Denville Township by identifying groundwater geology and potential aquifer recharge areas. The NRI does not address the availability of water resources in the Township, as required for RMP Plan Conformance. **The Township will need to review Water Resources Availability, and amend the NRI to incorporate this data in both text and map form.**

Denville's 2000 Master Plan does not address water resources availability only insofar as acknowledging the existing lakes, streams and rivers within the municipality. The document indicates that the Township was one of the original charter members of the Rockaway River Watershed Cabinet, however, the focus was based on flood control and not groundwater resource. **To achieve consistency with the RMP, the Township must update the Conservation Plan Element, which incorporates the relevant goals, policies and objectives contained in the RMP. Additionally, the Land Use Plan Element will have to be revised to assign density development standards in accordance with the relevant goals, policies and objectives contained in the RMP. Finally, the Township will need to develop a Water Use and Conservation Management Plan for all subwatersheds that will set priorities for use of available water (where net water availability is positive) and establish provisions to reduce or manage consumptive uses of ground and surface waters (where developed for Current Deficit Areas).**

The Township's land use regulations set forth limitations for development within the ASA Aquifer Sensitive Area Overlay Zone. All new residential development is required to connect to a central sewer system. Where sewers are not available, a minimum lot area of three (3) acres is required. The Township's land use regulations also address water resources availability in that all applications for site plan and major subdivision approval are required to submit an Environmental Impact Assessment, which evaluates the development's potential impacts on water supply and proposed measures to minimize any adverse impacts on this resource.

Additional regulations will need to be incorporated in order to be consistent with the RMP. The Township must amend its land use regulations in conformance

with the Water Use and Conservation Management Plans required for all subwatersheds, including the criteria for prioritizing and assigning conditional water availability based on Land Use Capability Zones. Additionally, the Township must adopt low impact development best management practices relating to water resources availability, including the use of water conservation, recycling, and reuse methods and devices for any redevelopment or development activity, including renovations to existing structures, to minimize consumptive water use.

I. Prime Groundwater Recharge

Mapping: Prime Ground Water Recharge Areas

RMP Synopsis

The RMP focuses on a variety of measures to protect the replenishment of water resources in the Highlands region through ground water recharge and other means to ensure the maintenance of aquatic ecosystems and human water usage. The RMP has mapped the best areas for recharge, which is defined as the areas in each subwatershed having the highest recharge rates and, provide at least 40% of total recharge for that particular subwatershed. Protection of these lands and the quality and quantity of recharge from them is a high priority in the RMP.

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

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

- To prohibit the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into Prime Ground Water Recharge Areas within the Protection or Conservation Zone.

In order to assist municipalities with the implementation of these goals, policies and objectives, the Highlands Council will provide model municipal development regulations and master plan elements for the protection of Prime Ground Water Recharge Areas. Additionally, the Highlands Council will develop technical guidance for Low Impact Development and other Best Management Practices.

Denville Township Plans and Regulations

The accompanying Prime Ground Water Recharge Areas Map displays the areas within Denville Township that have the highest recharge rates, based on soil, precipitation, land cover and other factors. As shown, the areas defined as Prime Ground Water Recharge Areas in Denville, according to the RMP, correspond with the undeveloped portions of oversized lots and other relatively less developed areas of the Township.

As noted above with respect to water resources availability, the Township's NRI only addresses groundwater insofar as it identifies the location of Denville's three major aquifers. However, the NRI does not address the Township's prime ground water recharge areas, as required for Plan Conformance. **Therefore, the Township will need to review and verify the accuracy of the RMP data as it relates to Prime Ground Water Recharge Areas, and amend the NRI to incorporate this data in both text and map form.**

Denville's Stormwater Management Plan Element and stormwater management regulations address groundwater recharge in the Township. However, since they were prepared prior to the adoption of the RMP, they are not consistent with that document. **As such, in order to achieve Plan Conformance, the Township's Stormwater Management Plan Element and stormwater management regulations must be revised to incorporate permitted uses, minimum site design guidelines and development standards for such areas, in accordance with the RMP. The Township must also review the low impact development best management practices contained in its stormwater management regulations and if necessary, amend them to address Prime Ground Water Recharge Areas.**

J. Water Quality

Mapping: Impaired Waters Overall Assessment by HUC14
Wellhead Protection Areas

RMP Synopsis

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

Surface Water Quality: The Highlands Council, working with the NJDEP, prepared a map which displays the quality of surface water by HUC14 subwatershed throughout the Highlands region. The Impaired Waters Overall Assessment by HUC14 Map, indicates that water bodies in 119 of the 183 subwatersheds in the Highlands region are impaired or threatened. The NJDEP, as required by the Federal Clean Water Act, has adopted regulatory, enforceable plans, known as Total Maximum Daily Loads (TMDLs) for many waterbodies to reduce pollutant levels and restore surface water quality.

Ground Water Quality: The NJDEP has identified (but not mapped) several categories of ground water contamination areas, which provide information on ground water quality impacts related to natural ground water quality, permitted discharges or contaminated site remediation. Classification Exception Areas and Well Restriction Areas are areas where the ground water quality standards are exceeded. Currently Known Extent Areas are those areas known to be compromised because the water quality fails to meet drinking water and/or ground water quality standards. Deed Notice Exhibits document known soil contamination at levels that may restrict the use of, or access to, a property because soil contamination can lead to impacts on ground water quality. There is no equivalent to the TMDL process for ground water quality, but several programs exist to regulate ongoing discharges, reduce the potential for accidental discharges, and restore ground water quality from past pollution events.

Wellhead Protection: A Wellhead Protection Area (WHPA) is a mapped area around a public water supply well that delineates the horizontal extent of ground water captured by a public water supply well pumping at a specific rate over a specific time. A WHPA has three tiers which serve to mark the boundaries for priority areas for the protection of ground water quality. Tier 1 is a two-year time of travel; Tier 2 is equivalent to a five-year time of travel; and Tier 3 is equivalent to a twelve-year time of travel. The WHPAs for public community water supply systems in the Highlands region are depicted in the Wellhead Protection Areas Map.

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

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

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

Denville Township Plans and Regulations

As shown on the accompanying Impaired Waters Overall Assessment by HUC14 Map, the northern and western portions of the Township are deemed to have impaired water quality. The southern and eastern portions of the Township, south of Route 80 are deemed to be non-impaired.

The accompanying Wellhead Protection Areas Map indicates the locations of the Township's public water supply wells and the associated two-year, five-year and twelve-year protection tiers. As shown, Denville Township contains four public water supply wells in the northern portion of the municipality and three non-public wells. Protection areas associated with neighboring municipal wells extend into the Township along the western, northern and eastern municipal borders.

The Township's NRI addresses water quality to a limited extent. Regarding surface water, the NRI identifies, in both text and map form, Denville's major surface water bodies. Water standards used in the 1976 well predates the NJDEP's 2006 "Integrated Water Quality Monitoring and Assessment Methods", which were used to develop the RMP's Impaired Waters Overall Assessment by HUC14 Map. And is therefore inconsistent with the RMP. While the NRI indicates the location of community and private wells, no discussion on wellhead protection areas are provided, and is therefore inconsistent with the RMP. **As such, in order to achieve Plan Conformance, the Township will need to review and verify the accuracy of the RMP data as it relates to Surface Water Quality, Ground Water Quality, and Wellhead Protection Areas, and amend the NRI to incorporate this data in both text and map form.**

Denville's Stormwater Management Plan Element is fairly consistent with the RMP's goals, policies and objectives relating to water quality. The Plan also provides background discussion, goals, and design and performance standards for the protection of ground water and water supply resources, with reference to TMDLs and wellhead protection areas. **The Township's master plan documents must be supplemented to incorporate the relevant goals, policies and objectives contained in the RMP for water quality and wellhead protection.**

The Township's land use regulations contain both stormwater management regulations, and wellhead protection area requirements. The stormwater management regulations appear to be generally consistent with the RMP's goals, policies and objectives related to water quality in that they require recharge of clean stormwater rather than contaminated stormwater wherever feasible, pretreatment of contaminated stormwater wherever its recharge is required, and implementation of Low Impact Development Best

Management Practices standards. **The Township should review the model stormwater management regulations once released by the Highlands Council and, if necessary, supplement its existing regulations with additional standards set forth in the model. The Township must also amend its wellhead protection regulations to incorporate standards and restricted uses that are applicable to all of the Township's wellhead protection areas and incorporate Low Impact Development Best Management Practices standards into the wellhead protection ordinance.**

Lastly, it does not appear that the Township's land use regulations are consistent with the RMP's goals, policies and objectives related to TMDLs. There are currently no restrictions on land uses that would increase pollutant loadings to waters for which TMDLs have been adopted by the NJDEP, nor are there requirements that new land uses draining to a stream designated as impaired but lacking a TMDL avoid increased pollutant loadings **Therefore, the Township must amend its land use regulations by incorporating water quality protection measures related to TMDLs.**

K. Public Water/Wastewater Utilities and Private Septic Systems

Mapping: Land Use Capability Public Community Water Systems Map
Land Use Capability Domestic Sewerage Facilities Map
Land Use Capability Septic System Yield Map

RMP Synopsis

The Highlands Council developed three maps as part of the Land Use Capability Map Series that pertain to public water/wastewater utilities and private septic systems. The Land Use Capability Public Community Water Systems Map provides an overview of the areas of the Highlands region that are currently served by the public community water systems and their estimated net capacity. The Land Use Capability Domestic Sewerage Facilities Map provides an overview of the areas of the Highlands region that are currently served by the Highlands Domestic Sewerage Facilities and their estimated capacity. Highlands Domestic Sewerage Facilities include publicly-owned and investor-owned domestic wastewater treatment facilities. Finally, the Land Use Capability Septic System Yield Map identifies septic system yields by HUC14 subwatersheds, the results of which are based on a median nitrate concentration analysis.

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

- To prohibit the expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area, unless approved through a Highlands Applicability Determination (HAD) or a HPAA waiver.
- To prohibit the creation or extension of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally Constrained Sub-Zones of the Planning Area, unless they are shown to be necessary to address threats to public health and safety from contaminated water supplies, cluster developments (subject to certain conditions), and development permitted through a Highlands Redevelopment Area or takings waiver.
- To allow for the creation or extension of public water supply systems or wastewater collection systems within the ECZ of the Planning Area to serve lands that are appropriate for designated TDR Receiving Zones, infill, redevelopment, to serve new areas for development that meet all other requirements of the requirements of the

RMP, or to address the same provisions set forth above for the Protection Zone, the Conservation Zone and the Environmentally Constrained Sub-Zones.

- To require that new residential development served by public water supply systems and public wastewater collection and treatment systems be at a minimum density of ½ acre per dwelling unit for the developed part of the site (excluding wetlands, Highlands Open Waters buffers, and recreational space).
- To require that new non-residential development served by public water supply systems and public wastewater collection and treatment systems be designed to target a floor area ratio (FAR) of 0.84 for the developed part of the site, to the maximum extent feasible.
- To require the use of recycled or re-used water wherever possible, including aesthetic purposes and non-potable purposes such as fountains, golf courses, and other recreational, commercial or agricultural uses.
- To use the median nitrate concentrations in ground water as a basis for establishing septic system densities in the Planning Area (septic system densities in the Preservation Area shall rely on the NJDEP Highlands Preservation Area rules). The median nitrate concentrations for the Protection and Conservation Zones within the Planning Area are 0.72 mg/L and 1.87 mg/L, respectively. The median that shall be used, on a project-by-project basis, for the ECZ in the Planning Area is 2 mg/L. New residential development using septic systems where clustering or conservation design techniques are employed shall have a gross density based on the nitrate dilution target appropriate for the Land Use Capability Zone, but with the density for the developed portion of the site based on a nitrate dilution target not to exceed 10 mg/L.

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

Denville Township Plans and Regulations

The accompanying Land Use Capability Public Community Water Systems Map and Land Use Capability Domestic Sewerage Facilities Map illustrate the areas within Denville Township that are currently served by potable water utilities and sewer utilities, respectively. It is noted that the Township was required to verify the accuracy of this data during Plan Conformance Module 1 (Current Municipal Conditions & Build-Out Analysis) and found a number of discrepancies between the RMP maps and data provided by the Denville Township Water and Sewer Department. Corrected data was submitted to the Highlands Council as RMP Updates, which, as discussed in more detail in the next chapter of this report, are factual corrections to the data in the RMP. **The Township should continue to monitor and inform the Highlands Council of additional areas being actively served by water and sewer service providers.**

The accompanying Land Use Capability Septic System Yield Map identifies septic system yields in Denville by HUC14 subwatershed, the results of which are based on the median nitrate concentration analysis illustrated in the accompanying Median Nitrate Concentration by HUC14 Map.

Morris County has been working with the NJDEP since mid-2008 towards the preparation of a County-wide Wastewater Management Plan that will be in conformance with the New Jersey Water Quality Planning Act (N.J.S.A. 58:11A-1 et seq.) and Water Quality Management Planning Rules (N.J.A.C. 7:15-3.4). This revised Wastewater Management Plan is expected to be completed by September, 2009. Denville has been actively involved in the process.

Based on discussions with Morris County officials, it is expected that although the County WMP will be consistent with NJDEP regulations, it will not be consistent with the RMP in that it will not remove properties within the Protection Zone, the Conservation Zone and the Environmentally Constrained Sub-Zones of the Planning Area from future sewer service areas. Instead, the County WMP will simply contain a notation that municipalities participating in Highlands Plan Conformance process will prepare their own WMP in conformance with the provisions of the RMP. **The Township will need to prepare an updated Wastewater Management Plan, which restricts future creation or extension of sewer service based on the Land Use Capability Zones, as set forth in the RMP. The Township must also prepare an updated Utilities Plan Element, which incorporates the RMP goals, policies and objectives relating to water and wastewater. Finally, the Township must prepare land use regulations specifying where new or expanded public water supply systems, public**

wastewater collection and treatment systems and community on-site treatment facilities can be provided, based on the RMP goals, policies and objectives.

With regard to density and intensity of development, the Township needs to make major changes in order to be consistent with the RMP. For example, as set forth above, the RMP requires that new residential development served by public water supply systems and public wastewater collection and treatment systems are at a minimum density of ½ acre per dwelling unit. However, a significant portion of existing areas served by water and sewer in Denville are located in the R-1 (40,250sf) zone district which requires a lower density development than indicated in the RMP. Additionally, the RMP requires that new non-residential development served by public water supply systems and public wastewater collection and treatment systems be designed with a floor area ratio (FAR) of 0.84 for the developed part of the site. Within the Township's office and industrial zone districts however, current standards permit a maximum FAR of only 0.25 (25%), which is well under the 84% called for in the RMP. Finally, whereas the RMP requires that median nitrate concentrations in ground water be used as a basis for establishing septic system densities in the Planning Area, and that such septic system densities vary by Land Use Capability Zone, this is not reflected in the Township's existing planning program. **Therefore, in order to be consistent with the RMP, the Township must amend its Land Use Plan Element and land use regulations to incorporate revised standards for density and intensity of development in zoning districts based on utility capacity and maximum septic system yields, as set forth in the RMP.**

L. Agricultural Resources

Mapping: Agricultural Resource Area

RMP Synopsis

As described within the RMP, agriculture is a vital component of the economy, culture and landscape of the Highlands region. It provides economic benefits through agricultural production and agri-tourism, provides a local food source to area residents, and helps maintain the rural character. For purposes of identifying critical agricultural lands in the Highlands region, the distribution, size and quality of existing farms were examined. The most important agricultural resources were determined to be those farming landscapes that account for 250 acres or more of contiguous farmland; farms that include Important farmland soils; extent of the lands adjoining a farm that is in agricultural use; and concentrations of preserved farmland.

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

- To implement Agriculture Retention/Farmland Preservation Plan Elements and development regulations promoting preservation in Agricultural Resource Areas (ARAs) and limiting non-agricultural uses within the ARA to those uses that support the preservation of farmland, avoid conflicts with agriculture, maintain and enhance the sustainability and continued viability of the agricultural industry, protect important farmland soils, and meet resource management and protection requirements of the RMP.
- To require mandatory clustering for residential development in an ARA, where it is not feasible to preserve agricultural lands within the ARA by such methods as fee simple acquisition, easement acquisition, or a TDR Program. The use of clustering shall preserve at least 80 percent of the total cluster project area in perpetuity in agricultural use or for environmental protection.
- To permit limited development, including family and farm labor housing in ARAs, which are necessary to support the viability of the agricultural operation, upon a demonstration that the proposed development is consistent with the resource management and protection requirements.
- To prohibit the development of additional water and wastewater infrastructure in an ARA within the Conservation and Protection Zones of the Planning Area, unless it

meets the provisions for water and wastewater utility creation and expansion in the RMP, and will maximize the preservation of agricultural lands within the ARA.

- To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agricultural impervious cover to the total land area of a Farm Management Unit of greater than 3 percent but less than 9 percent to develop and implement a Farm Conservation Plan.
- To require any agricultural or horticultural development in the Preservation Area and the Planning Area which involves new agricultural impervious cover to the total land area of a Farm Management Unit of 9 percent or greater to develop and implement a Resource Management System Plan.
- To include an Agriculture Retention/Farmland Preservation Plan (AR/FPP) Element in municipal master plans and development regulations.
- To incorporate Right to Farm provisions into municipal master plans and development regulations where farmland preservation programs or a significant agricultural land base exist.

In order to assist municipalities with the implementation of these goals, policies and objectives, the Highlands Council will develop Cluster/Conservation Design Development Conformance Guidelines for incorporation into municipal planning programs. The Council will also provide a model Right to Farm ordinance.

Denville Township Plans and Regulations

According to the Agricultural Resource Area Map in the RMP, Denville Township does not contain any such areas. As part of Module 1 (Current Municipal Conditions & Build-Out Analysis), the Township reviewed and identified those properties in the municipality assessed as qualified farms, which revealed a number of farmland assessed parcels scattered throughout the Township. **Therefore, the Township should verify that there are, in fact, no areas in the Township that meet the RMP definition of Agricultural Resource Area. If such areas are found within the municipality, the Township will need to pursue RMP Updates and revise its NRI, master plan, and land use regulations in accordance with the RMP goals, policies and objectives, as set forth above.**

M. Historic, Cultural, and Archaeological Resources

Mapping: Historic Preservation

RMP Synopsis

Historic, cultural and archeological resources attract people to the region and must be managed to take advantage of their contribution to economic vitality and a high quality environment for the future. In cooperation with the State Historic Preservation Office (SHPO), the Highlands Council prepared a baseline inventory of the 618 historic and cultural resources within the Highlands region. This includes all properties listed on the New Jersey or the National Register of Historic Places, all properties which have been deemed eligible for listing on the New Jersey or National Register, and all properties for which a formal SHPO opinion has been issued. The inventory for Denville is reflected in the Historic Preservation Map.

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

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

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

Denville Township Plans and Regulations

The accompanying Historic Preservation Map identifies the locations of Denville's historic, cultural and archeological resources listed on the New Jersey or the National Register of Historic Places, deemed eligible for listing on the New Jersey or National Register, and/or have been issued a formal SHPO opinion. As shown, the Township contains several historic parcels and travelways, including the Morris Canal, railroad right-of-way, Knuth Farm and several open space parcels.

The Township's NRI does not address historic, cultural or archeological resources in Denville, however its 2000 Historic Preservation Plan Element recommends policy issues pertaining to voluntary preservation and enhancement. **The Township must review its historic, cultural and archeological resources inventory to make sure it is up-to-date and prepare amendments to the Historic Preservation Plan Element. Additionally, this Element must also be amended to incorporate the relevant goals, policies and objectives contained in the RMP.**

The Township's ordinances do not address historic resources preservation. **The Township should review the Highlands Council's model historic preservation standards upon release in order to incorporate standards in Denville's existing ordinances. RMP's goals, policies and objectives relating to historic preservation must also be incorporated for RMP consistency.**

N. Transportation

Mapping: Roadway Network
 Transit Network
 Transportation and Transit Conditions

RMP Synopsis

The Highlands RMP identifies transportation systems consisting of the network of roads, railways, and bridges that supports various modes of travel such as automobile, bus, rail, truck, bicycle and pedestrian. The major roadways and commuter rail lines within the Township are shown on the Roadway Network Map and Transit Network Map.

A consistent issue pertaining to transportation systems is one of balancing regional transportation needs and environmental integrity. The region can achieve the goals outlined in the Highlands Act by encouraging a more compact mixed-use pattern for new development and redevelopment, creating more transportation choices, including mass transportation, bicycle, and pedestrian travel. The RMP supports transit-oriented development as an example as an alternative to sprawl. The RMP also supports low impact development practices as a key to reducing surface runoff pollution, as well as context sensitive design as a strategy based on designing and planning projects in close collaboration with communities and stakeholders.

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

- To improve public safety through implementation of traffic calming measures in areas with high pedestrian activity.
- To provide for safe and efficient pedestrian connections and promote safe routes for children to travel to and from school.
- To promote more efficient use of existing road capacity by appropriate means, including increased bus, van, jitney, and car pool ridership.
- To require an evaluation of potential growth inducing effects such as substantial new land use, new residents, or new employment that could occur as a result of road improvements for increased motorized vehicle traffic capacity.
- To prohibit road improvements in areas for which a Growth Inducing Study demonstrates that proposed improvements do not support the RMP resource

protection and smart growth policies and are likely to be growth-inducing for lands with limited or no capacity to support human development without a significant adverse impact on the Highlands ecosystem.

- To limit road improvements where roads are constrained by topography, forested lands, or the community character of land uses fronting on the road.
- To promote the use of mass transit and other alternative modes of transportation.
- To adopt a Circulation Plan Element in municipal master plans that coordinates with the Land Use Plan and demonstrates consistency with the RMP. Additionally, the Circulation Plan Element and associated development regulations shall facilitate the development of mixed land uses in locations that result in reduced average trip lengths, increase community and regional connectivity, and support existing development patterns, as well as include an evaluation of shared parking opportunities to support transit, commuter, commercial and mixed-use neighborhoods.

In order to assist municipalities with the implementation of these goals, policies and objectives, the Highlands Council will provide a model Circulation Plan Element and model development standards relating to circulation.

Denville Township Plans and Regulations

The accompanying maps depict the major roadways and public transportation routes within Denville Township. As shown on the Roadway Network Map, Denville's major roadways include Interstate Route 80, U.S. Route 46 and State Route 53 in the central portion of the Township, and State Route 10 in the southern portion of the Township. The Transit Network Map indicates, the Township has two rail stations and one park and ride area. The Denville Train Stations are served by the New Jersey Transit Morris & Essex and Boonton Lines. The Map also indicates that a portion of the Township is served by a freight line which serves the industrial uses located off of Luger Road. Also shown is that the Township is served by a number of public and private bus routes, with service along Interstate Routes 80, 46, 10, and Route 53.

The Township's Circulation Plan Element was prepared in 2000 and includes an inventory of roadways and public transportation options, a review of traffic congestion, and recommendations for new roads and roadway improvements. The plan also identifies mass transit opportunities. Pedestrian circulation is not specifically addressed in the Plan with the exception of sidewalk recommendations as part of any new

development plans. Due to the fact that this element was prepared well before the adoption of the RMP, they do not incorporate many of the RMP goals of promoting a multi-modal transportation system and limiting the demand for single-occupancy vehicle travel. **The Township must prepare an up-to-date Circulation Plan, and coordinate with the changes to development density/intensity in the Land Use Plan Element (as may be modified by the RMP), and addresses the goals, policies and objectives related to Transportation in the RMP.**

O. Redevelopment, Smart Growth, Housing and Community Facilities

RMP Synopsis

Future land use in the Highlands region is guided by the RMP Land Use Capability Zones, which direct development away from environmentally sensitive and agricultural lands. The RMP also establishes a framework for future land use which involves the following:

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

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

- To encourage Preservation Area redevelopment of sites with 70 percent or greater impervious surfaces or a brownfield in areas designated as Highlands Redevelopment Areas.
- To encourage redevelopment in the Conservation and Protection Zones and ECZ in the Planning Area of brownfields and grayfields and (and, in the ECZ, other previously developed areas) that have adequate water, wastewater, transportation capacity, and are appropriate for increased land use intensity or conversion to greenfields.
- To require identification of any development, redevelopment, and brownfield opportunities in the Land Use Plan Element of municipal master plans, as appropriate.

- To amend municipal development regulations and zoning to enable project implementation of local redevelopment initiatives that are identified under municipal master plans, consistent with RMP smart growth and Low Impact Development policies and objectives.
- To encourage new development in the ECZ in the form of “center-based” and mixed-use development, where desired by the municipality. Densities of five dwelling units per acre or more is encouraged.
- To incorporate programs for community and neighborhood design into municipal master plans and development regulations, including minimum requirements for the use of Low Impact Development and sustainable design practice to support affordable maintenance of housing, particularly affordable housing; regulations and guidelines advocating mixed-use development and redevelopment; regulations and guidelines that incorporate form-based zoning to support compact, walkable communities; increased opportunities for pedestrian and bicycle networks; and regulations and guidelines advocating shared parking, driveways, and other infrastructure in order to limit paved surfaces.
- To require that municipalities develop an Economic Plan Element of the municipal master plan, which provides strategies for achieving sustainable and appropriate economic development and identifies any development, redevelopment, and brownfield opportunities.
- To adopt municipal Low Impact Development Best Management Practices where disturbance of Highlands resources is proposed to avoid or minimize the net loss of Highlands resources. The RMP provides site-specific techniques relating to site design, building orientation, landscaping, water conservation, stormwater management, and ground water recharge.
- To require the identification of existing and planned community facilities and encourage shared service opportunities as part of the local Community Facilities Plan Element.
- To require that municipalities implement both the resource protection requirements of the RMP and the NJ Supreme Court’s doctrine that every municipality in a “growth area” has a constitutional obligation to provide a realistic opportunity for a fair share of its region’s present and prospective needs for affordable housing.

- To require that municipalities update and adopt a Housing Element, Fair Share Plan, and implementing ordinance(s), which evaluate and provide for alternate mechanisms to address affordable housing obligations where RMP resource protection standards restrict the ability of planned but not built sites to be developed for affordable housing.

In order to assist municipalities with the implementation of these goals, policies and objectives, the Highlands Council will provide model Economic and Community Facilities Plan Elements. The Council will also provide a Smart Growth Manual and Community Development Design Guidebook, which can be used by municipalities to develop standards for mixed-use, infill, historic resources, green building, cluster and lot-averaging, redevelopment, affordable housing, community facilities, and other smart growth issues. The Council will also develop technical guidance for Low Impact Development and other Best Management Practices.

Denville Township Plans and Regulations

Redevelopment: With regard to redevelopment, the Township's 2000 Master Plan and subsequent 2006 Periodic Reexamination Report states that there are no areas in the municipality that are presently contemplated for being designated as an 'area in need of redevelopment' pursuant to the Local Redevelopment and Housing Law. The Township remains open to redevelopment on an as-needed basis as it pertains to individual site redevelopment. **As part of Plan Conformance, it is recommended that the Township continue to monitor and identify lands within the Township that may be appropriate for redevelopment in accordance with the RMP goals, policies and objectives, and to encourage the redevelopment of these lands through Land Use Plan and development regulation amendments.**

Smart Growth: The Township has limited involvement with smart growth policies, and therefore there is much that the Township must do to ensure that its entire planning program is consistent with the RMP's goals, policies and objectives relating to smart growth and low impact development. **For example, as part of the Land Use Plan amendment process, the Township will need to analyze the ECZ portions of the municipality to determine if there are any other areas suitable for compact, mixed-use development and, if so, prepare master plans and development regulations encouraging their development in accordance with "center-based" design standards. The Township must also amend its master plan and development regulations to incorporate additional low impact development and sustainable design standards, such as green architecture, reuse of existing**

structures, indigenous landscaping, gray water reuse, solar energy use, and LEED (Leadership in Energy and Environmental Design) certification. The Township should consult the Highlands Council's Smart Growth Manual and Community Development Design Guidebook in both of these efforts. The Township must also update the Economic Plan Element of the master plan, which provides strategies for achieving sustainable and appropriate economic development and identify any opportunities for infill development and redevelopment.

Housing and Community Facilities: With regard to housing, the Township has a long history of providing for low- and moderate-income housing in accordance with the Council on Affordable Housing (COAH) regulations. The Township's most recent Housing Element and Fair Share Plan was prepared in 2000 and addressed Denville's second round COAH obligation. The Plan concluded Denville's previous inclusionary zoning measures, implemented under its first round plan, more than satisfied the Township's additional obligation under the second round. The Township's affordable housing developments include Denville Family Housing, Cook's Pond Senior Housing, and additional credits for Regional Contribution Agreements (RCA), group homes and bonus credits for rental and age-restrictions.

COAH adopted new rules in November, 2004 for the implementation of their third round methodology. The Township prepared and submitted a new Housing Plan to COAH in 2006 addressing the third round obligations. The third-round rules however, were subsequently determined, through litigation, to require modification. A new set of revised third round rules were adopted in 2008. Denville, due to its participation in Highlands Plan Conformance process, was granted an extension to prepare a new Housing Element and Fair Share Plan. **The Township must prepare and adopt a new Housing Plan no later than December 8, 2009.**

The Township's most recent Community Facilities Plan Element was prepared in 2000. It provides an inventory of Denville's existing community facilities, parks and open space and recommendations for long-range improvements and preservation. The 2006 Reexamination Report recommended that the Planning Board request input and current data from the Board of Education, and assemble current data regarding recent additions to the Township's inventory of community facilities. The Community Facilities Plan has not yet been updated. **The Township must prepare an updated Community Facilities Plan Element, which identifies existing and planned community facilities, and encourages shared service opportunities in accordance with the RMP's goals, policies and objectives.**

IV. STEPS TO BASIC PLAN CONFORMANCE

A. Basic versus Full Plan Conformance

The Highlands Council has created a two-step process for Plan Conformance. Under Full Plan Conformance, a municipality's planning program will reflect all elements of the RMP, as well as the results of specific environmental and planning analyses at the local level. However, in an effort to assist Preservation Area municipalities in achieving mandatory conformance within the 9 to 15 month deadline, the Highlands Council will grant "Basic" Plan Conformance once the municipality has satisfactorily completed all immediate mandatory conformance requirements.

Basic Plan Conformance does not relieve a municipality from the obligation to achieve Full Plan Conformance, but minimizes the upfront requirements and commits the municipality to fulfillment of the remainder in accordance with a Highlands Council-approved Action Plan and Implementation Schedule. Basic Plan Conformance will entitle the petitioner to all of the rights and benefits of Full Plan Conformance, provided that the Implementation Plan and scheduling requirements included therein are rigorously adhered to.

The process of Basic Plan Conformance is also available to the Planning Area, but is not mandatory and has no statutory deadline. Municipalities in the Planning Area however, must adhere to the same December 8, 2009 deadline for Basic Plan Conformance in order to be eligible to receive extensions and utilize the adjusted growth projections from the Council on Affordable Housing. The Township has already adopted a "Notice of Intent" indicating its intent to pursue Plan Conformance for both the Preservation and Planning Areas by the December 8, 2009 deadline.

B. Key Requirements for Basic Plan Conformance

The following section details each of the key requirements for Basic Plan Conformance:

1. Build-Out Analysis

The Township is required to prepare a Build-Out Analysis, on a parcel-by-parcel basis, of the entire municipality. The analysis will involve a two-step process using models provided by the Highlands Council, which will then correspond with Highlands Plan Conformance Modules 1 and 2, respectively.

Module 1: The Highlands Council will provide the Township with current information available regarding developable lands, preserved lands, and areas served with potable water and wastewater utilities, which will then be verified for accuracy by the Township. **Denville has already completed this step; revisions were submitted to the Highlands Council in March. Once the Highlands Council reviews the municipally-revised data, it will provide an updated Municipal Build-Out Geodatabase and local build-out Land Use Capability Map series capacity conditions based on existing local conditions.**

Module 2: The Township will use the Municipal Build-Out Geodatabase from module 1 and the Land Use Capability Map series capacity conditions to evaluate the extent to which the build-out for developable lands under current municipal zoning will exceed available capacity for water availability, wastewater utilities, and septic system yield. This information will then be used to perform a “limiting factor” analysis regarding the developable lands and associated constraints. Overall, the exercise will highlight any conflicts between current municipal zoning and the RMP, and help establish appropriate zoning densities.

2. Environmental Resource Inventory

Module 4: The Township is required to supplement its existing Natural Resources Inventory (NRI) by adoption of Highlands Resource Area Maps, along with descriptions of Highlands Resource categories as defined in the RMP. Highlands Resource categories include the following, where applicable: Forest Resources, Open Waters and Riparian Areas, Steep Slopes, Critical Habitat, Carbonate Rock Topography, Lakes, Ponds and Reservoirs, Water Resources, Agricultural Resources, Historic and Cultural Resources, Scenic Resources, and Infrastructure. The Highlands Council will provide the Township with a model Highlands NRI, along with tabular data, which can be used by Denville to supplement its existing NRI.

3. Master Plan

Module 5: The Township is required to adopt a “Highlands Element” as a supplement to the municipal Master Plan. The Highlands Element is required to contain the following components: Policies, Goals, and Objectives; Land Use Plan; Housing Plan; Conservation Plan; Utility Services Plan; Circulation Plan; Open Space Plan; Agriculture Retention/Farmland Preservation Plan; Community Facilities Plan; Economic Plan; Historic Preservation Plan; Relationship of Master Plan to State/Regional/Local Plans; and an optional Development Transfer Plan.

The Highlands Council will provide municipalities with a model Highlands Element for Basic Plan Conformance, which the Township may adopt as a supplement to its existing Master Plan. The Township may either retain the Highlands Element as a stand-alone document in the Master Plan, with the understanding that all portions of previously adopted plan components inconsistent therewith would be repealed, or the Township can amend each plan component to reflect the contents of the Highlands Element.

Amendments to each master plan element are required for purposes of Basic Plan Conformance as follows:

(a) Policies, Goals, and Objectives: Adopt all broad-based, municipal-relevant Goals, Policies, and Objectives contained in the RMP, modified to apply at the local level. Where modified to apply to the local level, the resulting policies and objectives must be no less stringent than those stated within the RMP. Where the Goals, Policies, and Objectives in the RMP are discretionary, the Township may choose which to incorporate, if any.

(b) Land Use Plan: The Township is required to adopt all applicable Highlands Land Use categories, including Areas, Zones, and Sub-Zones. The Township is required to adopt the Land Use Capability Map (LUCM) series, which includes the Land Use Capability Zone Map, Land Use Capability Water Availability Map, Land Use Capability Public Community Water Systems Map, Land Use Capability Domestic Sewerage Facilities Map, and Land Use Capability Septic System Yield Map. Additionally, the Township must adopt, by reference, Highlands water and wastewater management provisions as the major criteria for assessing proposed density/intensity of development. The Township is also required to incorporate the basis for cluster development standards into the municipal Land Use Plan. Lastly, the Township is required to prepare an up-to-date developed land inventory map.

(c) Housing Plan: The Township is required to adopt all applicable RMP Goals, Policies, and Objectives as they relate to Housing, modified to apply to the local level. As part of Highlands Plan Conformance **Module 3**, the Township will be required to prepare a new Housing Element and Fair Share Plan addressing its third-round requirements. This plan must incorporate the results of the Build-Out Analysis prepared as part modules 1 and 2 in the determination of housing and employment projections for the Township through 2018.

(d) Conservation Plan: The Township is required to adopt the Highlands Resource Area Maps, as applicable, as well as Highlands Resource categories as defined within the RMP. Additional requirements include the adoption of the specific applicable RMP

Goals, Policies, and Objectives, as they relate to each of the Highlands Resource categories, as modified to apply at the local level. The plan will need to cross-reference to any applicable municipal resource maps, data, studies, environmental inventories, etc., that supplement, enhance, or refine the Highlands resource information. Since the Conservation Plan is intended to be based on the Highlands Natural Resource Inventory (NRI), much of the required information set forth above can simply be duplicated from this effort.

(e) Utility Services Plan: The Township is required to adopt all applicable RMP Goals, Policies, and Objectives as they relate to Utilities, as modified to apply to Denville. The Township is also required to recognize and adhere to adopted Highlands water and wastewater technical guidance documents, and emphasize that existing water and sewer service will not be extended:

- (1) in the Preservation Area, unless approved through a Highlands Preservation Area Approval (HPAA) pursuant to N.J.A.C. 7:38 or deemed exempt from the Highlands Act, or
- (2) in the Protection and Conservation Zones, unless in conformance with the RMP requirements.

The Township is also required to incorporate into the Utility Services Plan the basis for preparation and adoption of a water deficit management plan, wellhead protection plan, septic system management/maintenance plan, and stormwater management plan, to the extent that these do not exist or require amendment to gain consistency with the RMP.

(f) Circulation Plan: Requires the Township to adopt all applicable RMP Goals, Policies, and Objectives as they relate to Circulation, modified to apply to Denville. Additionally, the Township must ensure coordination with the Land Use Plan and incorporation of smart growth principles.

(g) Open Space Plan: The Township is required to adopt all applicable RMP Goals, Policies, and Objectives as they relate to Recreation and Open Space, modified to apply to the local level as well as referencing the existing Open Space Plan. An up-to-date, mapped Recreation and Open Space Inventory must also be adopted.

(h) Agriculture Retention/Farmland Preservation Plan (if applicable): An Agriculture Retention/Farmland Preservation Plan Element is required where applicable. In such cases, the municipality is required to adopt all applicable RMP Goals, Policies, and Objectives as they relate to Agricultural Resources. In addition, the municipality must

incorporate a commitment to the Right to Farm Act, and, if applicable and desired, incorporate a commitment to the protection and promotion of farm labor housing. The municipality must also adopt an up-to-date, mapped inventory of preserved farmland.

The Township needs to determine whether an Agriculture Retention/Farmland Preservation Plan Element is appropriate for Denville. It does not appear that such an Element would be required for Denville's Plan Conformance, given that no areas of the Township are designated as an Agricultural Resource Area or Agricultural Priority Area in the RMP. The Township may elect to prepare a Farmland Preservation Plan, given that it does have several qualified farm land parcels in the community.

(i) Community Facilities Plan: The Township is required to adopt applicable RMP Goals, Policies, and Objectives as they relate to Community Facilities. Additionally, the Township is required to incorporate energy efficiency goals and consideration of shared services.

(j) Economic Plan: The Township is required to adopt all applicable RMP Goals, Policies, and Objectives as they relate to Sustainable Economic Development. In addition, the Township must provide for coordination with Highlands Council eco-, agri- and heritage tourism programs, where applicable.

(k) Historic Preservation Plan: The Township is required to adopt all applicable RMP Goals, Policies, and Objectives as they relate to Historic, Cultural, Archeological, and Scenic Resources. Additionally, the plan must include a listing and discussion of any historic, cultural, archaeological, and scenic resources listed in Highlands Historic, Cultural, Archeological, and Scenic Resources Inventories.

(l) Relationship of Master Plan to Other Plans, Including RMP: The Township is also required to provide a policy statement indicating that proposed development and/or redevelopment in the municipality, as set forth in the municipal Master Plan, is consistent with the RMP.

(m) Development Transfer Plan (optional): At the Township's discretion, it may also prepare and adopt a Development Transfer Plan Element. Creation of a Development Transfer Plan Element would be the first step towards voluntary participation in the Highlands TDR Program, which is intended to preserve sensitive resources by permitting the transfer of development rights from areas identified for preservation (Sending Zones) to areas more appropriate for increased growth (Receiving Zones).

As previously discussed in this report, the RMP identifies a number of areas in Denville as Potential Areas for Voluntary TDR Receiving Zones. These are further categorized into Greenfield Opportunities and Redevelopment and Infill Opportunities. The Township should, therefore, consider the potential benefits and drawbacks of Denville's voluntary participation in the Highlands TDR Program. If the Township decides to pursue voluntary participation, the Development Transfer Plan Element would need to incorporate all applicable RMP Goals, Policies, and Objectives.

3. Environmental Resource Inventory

Module 4: The Township is required to supplement its existing Natural Resources Inventory (NRI) by adoption of Highlands Resource Area Maps, along with descriptions of Highlands Resource categories as defined in the RMP. Highlands Resource categories include the following, where applicable: Forest Resources, Open Waters and Riparian Areas, Steep Slopes, Critical Habitat, Carbonate Rock Topography, Lakes, Ponds and Reservoirs, Water Resources, Agricultural Resources, Historic and Cultural Resources, Scenic Resources, and Infrastructure. As part of Plan Conformance Module 4, the Highlands Council will provide the Township with a model Highlands NRI, along with tabular data, which can be used by Denville to supplement its existing NRI.

4. Land Use Ordinances/Development Regulations

The Township is required to adopt a "Highlands Regulations" section as a supplement to the municipal Zoning/Land Development Ordinances. The Highlands Regulations are required to include the following sections: Definitions; Zone Districts and District Regulations; Application Submission Checklists; Notice Requirements; Highlands Council Review; Resource Area and Supporting Regulations; and Application Procedures.

As part of Plan Conformance **Module 6**, the Highlands Council will provide municipalities with sample Highlands Regulations, which the Township may adjust as needed for municipal applicability. The Township may also propose specific revisions to existing regulations to achieve conformance with the RMP. Specific requirements include:

(a) Definitions: The Township is required to adopt definitions specific to the RMP. The Highlands Council will provide the Township with these definitions so as to avoid interference with existing municipal zoning definitions.

(b) Zone Districts and District Regulations: The Township is required to adopt a caveat applicable to existing municipal zone districts and district regulations, indicating that NJDEP Preservation Area Rules and Highlands RMP Provisions will apply with respect to non-exempt development. It must also be noted that water and/or wastewater treatment availability and limitations on utility extensions may affect lot size and lot coverage requirements.

(c) Application Submission Checklists: Amendments are required to the application submission checklist ordinance so as to provide that any application for development include the following items:

- 1) For applicants in the Preservation Area claiming an exemption from the Highlands Act, a Highlands Applicability Determination from the NJDEP;
- 2) For applicants in the Planning Area claiming an exemption from the Highlands Act, a Highlands Planning Area Exemption Determination from the Highlands Council;
- 3) For non-exempt development applications in the Preservation Area, a Highlands Preservation Area Approval (HPAA) or HPAA with waiver from the NJDEP;
- 4) For all non-exempt development applications, a Highlands Consistency Determination from the Highlands Council indicating that the proposal is consistent with the RMP or can be revised to achieve consistency via specific changes outlined therein; and
- 5) For non-exempt development applications having received a Consistency Determination indicating that specific revisions are required to achieve consistency, a certification from the applicant's professional(s) affirming that the plans have been revised to specifically address the inconsistencies identified by the Highlands Council and that to the best of his/her knowledge, they have achieved consistency.

(d) Notice Requirements: The Township is required to amend its notice requirements to require the following:

- 1) That, for any non-exempt development applications, the applicant shall provide notice to the Highlands Council at least 10 days prior to the date on which the application is scheduled for consideration by the Planning Board or Board of Adjustment;
- 2) That such applications be deemed complete prior to scheduling, and that a copy of the complete application be sent to the Highlands Council along with such notice; and

- 3) That the applicant provide copies of any subsequent revisions to such applications to Highlands Council at the same time these are provided to the reviewing board.

(e) Highlands Council Review: The Township is required to include a requirement that, in the case of any non-exempt development applications, the reviewing board shall provide a certified copy of the fully-executed resolution memorializing its final decision in the matter to the Highlands Council within 10 days of its adoption.

(f) Resource Area and Supporting Regulations: The Township is required to adopt Highlands ordinance requirements regulating water and wastewater, Highlands resources, and all Highland Resource Areas located within the municipality. These will apply to all non-exempt development. Resource regulations will require that development applications include maps and plans identifying and delineating Highlands resources, and that application approvals be conditioned upon imposition of conservation easements to protect them (to the extent that the reviewing board's final decision does not approve their disturbance). Resource area regulations will ultimately cover the following: steep slopes, forest areas, open waters and riparian areas, ground water recharge management, wellhead protection, stormwater management, right to farm, critical habitat, carbonate rock areas, agricultural resources, lake management, Low Impact Development, and historic, cultural, and scenic resources, as may be applicable.

(g) Application Procedures: The Township is required to adopt procedural requirements applicable to resource area applications and review thereof. Also, the Township must amend the various application forms and fee/escrow ordinance amendments (as appropriate), and determine and assign responsibility for review of application packages pertinent to these areas by the qualified individual(s).

5. RMP Updates

The Highlands Council recognizes that the various maps, data and technical information contained in the RMP was created at a regional scale and that new, updated or additional information may be available at the county or municipal level. As a result, the RMP Updates Program was designed to allow counties and municipalities to submit factual revisions, corrections or updates to the RMP. For Basic Plan Conformance, the Township is required to prepare a list of proposed RMP Updates, along with the justification for each. The Township has already submitted several RMP updates to the Highlands Council as part of its module 1 analysis. Proposed RMP Updates will be

reviewed by the Highlands Council for accuracy and used to determine whether changes are appropriate.

6. Map Adjustments

The Map Adjustment Program was designed to allow for the exchange of additional planning information between the Highlands Council and counties/municipalities in order to ensure sound regional planning. A Map Adjustment is a Council-approved adjustment of the Land Use Capability Zone Map designations and shall only be undertaken after other means, such as RMP Updates and Highlands Act waivers and exemptions, have proven inadequate to address the underlying planning issue.

7. Municipal Self-Assessment and Implementation Schedule

At the time the Township submits its Petition for Basic Plan Conformance, it is required to include a Municipal Self-Assessment (MSA) Report. The MSA Report must list and discuss all changes to the Township's planning program that will remain necessary after Basic Plan Conformance in order to achieve Full Plan Conformance. The MSA Report must also include a proposed Implementation Schedule, which indicates the timeframe for anticipated completion of each outstanding item leading to Full Plan Conformance.

As part of Plan Conformance **Module 7**, the Highlands Council will provide municipalities with a sample resolution (required for the Preservation Area) and a sample ordinance (required for the Planning Area) for municipal adoption, which, when accompanied by the rest of the aforementioned key requirements, will constitute a complete Petition to the Highlands Council for Plan Conformance.

V. ANTICIPATED COSTS & PROJECT TIMEFRAMES

The Township of Denville has until December 8, 2009 to complete the steps necessary for Basic Plan Conformance and submit its Petition to the Highlands Council. This date is also the deadline for submission to the COAH for third round substantive certification. The following table details each of the key requirements for Basic Plan Conformance and the estimated submission dates and cost associated with each. The table also indicates the base amount of Highlands grant funding available for each requirement. The Highlands has made available additional funds (up to \$100,000 total) for additional work pertaining to achieving basic and full plan conformance.

Estimated Timeframes and Costs for Basic Plan Conformance Township of Denville

Requirement	Estimated Submission	Estimated Cost	Highlands Base Grant Amount
Conduct Highlands Build-Out Analysis (Module 1) and submit to Highlands Council for review	March, 2009	\$15,000	\$15,000
Conduct second step of Highlands Build-Out Analysis (Module 2) and submit to Highlands Council for review	July, 2009	\$10,000	\$10,000
Prepare draft Housing Element and Fair Share Plan (Module 3) and submit to Highlands Council for review	November, 2009	\$10,000	\$7,500
Prepare draft Environmental Resource Inventory (Module 4) and submit to Highlands Council for review	August, 2009	\$7,500	\$2,000
Prepare draft Highlands Master Plan Element (Module 5) and submit to Highlands Council for review	October, 2009	\$5,000	\$2,500
Prepare draft Highlands Development Regulations (Module 6) and submit to Highlands Council for review	November, 2009	\$8,000	\$5,000
Adopt Housing Element and Fair Share Plan	November, 2009	\$1,000	--

Prepare Municipal Self-Assessment (MUA) and Implementation Schedule (Module 7) and submit with draft plans, ordinances, RMP Updates, Map Adjustments, and Petition for Plan Conformance to Highlands Council	December 8, 2009	\$8,000	\$8,000
Submit Petition for Substantive Certification to COAH	December 8, 2009	\$2,500	--

HIGHLANDS ACT EXEMPTIONS

For purposes of local development activities and concerns, the following activities listed below are exempt from meeting the requirements of the Highlands Act, Regional Master Plan (RMP), and any NJDEP or municipal regulations adopted to be in conformance with the RMP:

1. The construction of a single-family dwelling, for an individual's own use or the use of an immediate family member, on a lot owned by the individual on August 10, 2004 or on a lot for which the individual has on or before May 17, 2004 entered into a binding contract of sale to purchase that lot;
2. The construction of a single-family dwelling on a lot in existence on August 10, 2004, provided that the construction does not result in the ultimate disturbance of more than one acre of land or a cumulative increase in impervious surface by one-quarter acre or more;
3. A major Highlands development that received on or before March 29, 2004:
 - a. One of the following approvals pursuant to the "Municipal Land Use Law,":
 - i. Preliminary or final site plan approval;
 - ii. Final municipal building or construction permit;
 - iii. Minor subdivision approval where no subsequent site plan approval is required; or
 - iv. Preliminary or Final subdivision approval where no subsequent site plan approval is required; and

- b. At least one of the following DEP permits, if applicable to the proposed major Highlands development:
 - i. A permit or certification pursuant to the "Water Supply Management Act";
 - ii. A water extension permit or other approval or authorization pursuant to the "Safe Drinking Water Act";
 - iii. A certification or other approval or authorization issued pursuant to the "The Realty Improvement Sewerage and Facilities Act (1954)";
 - iv. A treatment works approval pursuant to the "Water Pollution Control Act,"; or
- c. One of the following DEP permits, if applicable to the proposed major Highlands development, and if the proposed major Highlands development does not require one of the permits listed above:
 - i. A permit or other approval or authorization issued pursuant to the "Freshwater Wetlands Protection Act";
 - ii. A permit or other approval or authorization issued pursuant to the "Flood Hazard Area Control Act
- d. The exemption provided in c. above applies only to the land area and the scope of the major Highlands development addressed by the qualifying approvals applicable to the project and described in a-c. above and shall expire:
 - i. If any of those qualifying approvals expire;
 - ii. If construction beyond site preparation does not commence within three years after August 10, 2004; or
 - iii. If construction ceases for a cumulative total of one year after August 10, 2007.
- 4. Reconstruction of any building or structure for any reason within 125 percent of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction or redevelopment does not increase the lawfully existing impervious surface by one-quarter acre or more. This exemption shall not apply to the reconstruction of any agricultural or horticultural building or structure for a non-agricultural or non-horticultural use;

5. Any improvement to a legally existing single-family dwelling in existence on August 10, 2004, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system as long as the improvement maintains the use as a single-family dwelling as defined by code or ordinance in the municipality in which the dwelling is located and does not permit the use of the structure as a multiple unit dwelling;
6. Any improvement, for non-residential purposes, to a place of worship owned by a nonprofit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence August 10, 2004, including but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility;
7. An activity conducted in accordance with an approved woodland management plan issued pursuant to the Farmland Assessment Act, N.J.S.A.54:4-23.3 or for public lands, the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester;
8. The construction or extension of trails with non-impervious surfaces (use definition of "impervious" in the act to establish the meaning of non-impervious) on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established and filed with the deed for the lots on which the easement exists;
9. The routine maintenance and operations, rehabilitation, preservation, reconstruction, or repair of transportation or infrastructure systems by a State entity or local government unit, provided that the activity is consistent with the goals and purposes of the Highlands Act and does not result in the construction of any new through-capacity travel lanes;
10. The construction of transportation safety projects and bicycle and pedestrian facilities by a State entity or local government unit, provided that the activity does not result in the construction of any new through-capacity travel lanes;
11. The routine maintenance and operations, rehabilitation, preservation, reconstruction, repair, or upgrade of public utility lines, rights of way, or systems, by a public utility, provided that the activity is consistent with the goals and purposes of the Highlands Act;

12. The reactivation of rail lines and rail beds existing on August 10, 2004;
13. The construction of a public infrastructure project approved by public referendum prior to January 1, 2005 or a capital project approved by public referendum prior to January 1, 2005;
14. The mining, quarrying, or production of ready mix concrete, bituminous concrete, or Class B recycling materials occurring or which are permitted to occur on any mine, mine site, or construction materials facility existing on June 7, 2004;
15. The remediation of any contaminated site pursuant to N.J.S.A. 58:10B-1 et seq.;
16. Any lands of a federal military installation existing on August 10, 2004 that lie within the Highlands Region; and
17. A major Highlands development located within an area designated as Planning Area 1 (Metropolitan), or Planning Area 2 (Suburban), as designated pursuant to the State Planning Act, N.J.S.A. 52:18A-196 et seq. as of March 29, 2004, that on or before March 29, 2004 has been the subject of a settlement agreement and stipulation of dismissal issued by the Superior Court, or a builder's remedy issued by the Superior Court, to satisfy the constitutional requirement to provide for the fulfillment of the fair share obligation of the municipality in which the development is located. This exemption shall expire if construction beyond site preparation does not commence within three years after receiving all final approvals required pursuant to the "Municipal Land Use Law," N.J.S.A. 52:18A-196 et seq.

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INITIAL ASSESSMENT GRANT REPORT ADDENDUM (Page 2)

TOWNSHIP OF DENVERVILLE

	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?	
Water/Wastewater	No	No	Yes	No	No	No	Develop standards for NRI & LUO. Revise MP to incorporate RMP provisions. Major revisions required.
Utilities	No	No	Yes	No	No	No	Develop standards for NRI & LUO. Revise MP to incorporate RMP provisions. Major revisions required.
Septic Densities	Yes	No	No	No	No	No	Revise NRI. Develop standards for MP and LUO to incorporate RMP provisions. Major revisions required.
Low Impact Development	No	No	No	No	No	No	Develop standards for NRI, MP and LUO to incorporate RMP provisions. Major revisions required.
Transportation	No	No	Yes	No	No	No	Develop standards for NRI & LUO. Revise MP to incorporate RMP provisions. Major revisions required.
Land Pres/Stewardship	No	No	Yes	No	No	No	Develop standards for NRI & LUO. Revise MP to incorporate RMP provisions. Major revisions required.
Agricultural Resources	Yes	No	No	No	No	No	Revise NRI. Develop standards for MP and LUO to incorporate RMP provisions. Major revisions required.
Cluster Development	N/A	N/A	Yes	No	Yes	No	Revise MP and LUO to incorporate RMP provisions. Major revisions required.
Community Facilities	N/A	N/A	Yes	No	No	No	Revise MP and LUO to incorporate RMP provisions. Major revisions required.
Sustainable Economic Development	N/A	N/A	Yes	No	No	No	Revise MP and LUO to incorporate RMP provisions. Major revisions required.
Historic, Cultural, Archaeological Resources	No	No	Yes	No	No	No	Develop standards for NRI & LUO. Revise MP to incorporate RMP provisions. Major revisions required.