

Highlands Regional Master Plan: Initial Assessment Study

Township of Mine Hill Morris County, New Jersey

June, 2009

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INTRODUCTION

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The purpose of this report is to provide Mine Hill Township with information regarding the Highlands Regional Master Plan (“RMP”), a review of Mine Hill Township’s available land use data and regulations and how it relates to the goals and objectives of the RMP. The report will assess the level of consistency between the RMP and Mine Hill Township’s planning and land use regulations and requirements to bring the Township’s local plans and ordinances into conformance with the RMP.

THE NEW JERSEY HIGHLANDS REGION AND REGIONAL MASTER PLAN

The New Jersey Highlands Region is an area of 859,358 acres located in the northwest region of the State. The Highlands Region includes 88 municipalities in parts of seven (7) counties: Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren. In addition to its stunning landscape, the Highlands serves as a vital source of drinking water for over half of New Jersey residents.

The legislature designated specific boundaries for the Highlands Region including the Preservation Area and the Planning Area within the Highlands Water Protection and Planning Act (Highlands Act) in 2004. (See attached Highlands Regional Context Map.)

The New Jersey Highlands Water Protection and Planning Council (Highlands Council) was created through passage of the Highlands Act and was given the task of developing a RMP. The goal of the RMP includes restoration and enhancement of the critical resources within the Highlands Region. The RMP’s main focus is to protect, restore and enhance water quality and water quantity in the Highlands Region which is an essential source of drinking water for approximately one-half of the State’s population. The Highlands Act seeks to protect important resources including forest areas, wetlands, steep slopes, prime agricultural lands, and historic sites, in addition to open space waters.

A major purpose of the RMP is to determine the amount and type of development and activity which the ecosystem of the Highlands Region can sustain. It provides the basis to determine the capacity of the Highlands Region to accommodate appropriate economic growth while ensuring the sustainability of the resources in the Region.

The Highlands Council grant program provides funding for projects that promote the goals of the Highlands Act or furthers the RMP. The Initial Assessment Grant Program allows municipalities the opportunity to assess the requirements and benefits of Plan Conformance without an obligation to conform.

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INITIAL ASSESSMENT GRANT

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

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

The analysis will indicate if and where the Highlands land use coverages shown on the latest version of the Council's Land Use Capability Map (LUCM) is inconsistent with existing conditions in Mine Hill Township. The report will identify these areas and specify adjustments that should be made to the LUCM to correct any inconsistencies or inaccuracies. It is our understanding that adjustments will be considered during Plan Conformance.

Documents Reviewed

1985	Land Use Plan Update
1988	Master Plan
1988	Housing Element
1988	Fair Share Housing Plan
1988	Updated Fair Share Housing Plan
1994	Master Plan Re-examination Report
1996	Housing Element and Fair Share Plan
2001	Master Plan Re-examination Report
2004	Master Plan Re-examination Report and Housing Element and Fair Share Plan
2006	Comprehensive Land Development Ordinance
2006	Amended Housing Element and Fair Share Plan

Information Sources

Highlands Regional Master Plan
Highlands Water Protection Act and Planning Rules
Highlands Council Basic Plan Conformance for Municipalities Key Requirements
Highlands Council Plan Conformance Guidelines
Highlands Council Interactive GIS Mapping

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COMMUNITY PROFILE

The Township of Mine Hill is located in the northwestern section of Morris County. State Highway Route 46 runs through the center of Mine Hill Township which is bordered by Roxbury Township to the west, Wharton Borough to the north, the Town of Dover to the east and Randolph Township to the south. Mine Hill was once an active mining center starting in the early 1700's producing some of the richest sources of iron ore in the country.

Today, Mine Hill is predominantly a residential community with a population of approximately 3,500 in a three (3) square mile area. The Route 46 corridor contains a central commercial district in the Township. Portions of the Township are served by public water and sewer systems. Available census data shows Mine Hill Township population has been relatively flat in the last decade. Open space and recreation is provided throughout the Township including the Mine Hill Beach Recreation Area and Heddon Park.

The Township of Mine Hill lies entirely within the Planning Area. No lands within the Township of Mine Hill are within the Preservation Area where Plan Conformance is mandatory. Conformance in the Planning Area is voluntary.



Mine Hill Lake and Beach

THE REGIONAL MASTER PLAN GOALS, POLICIES AND OBJECTIVES

The RMP contains Region-wide goals as well as Preservation and Planning Area-specific goals. Region-wide goals include the following:

- Protect, restore and enhance the quality and quantity of surface and ground waters.

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- Preserve farmland and historic sites and other historic resources.
- Preserve outdoor recreation opportunities, including hunting and fishing, on publicly owned land.
- Promote conservation of water resources.
- Promote brownfield remediation and redevelopment.

The goals for the Planning Area include:

- 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 the State Development and Redevelopment Plan (SDRP) 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 RMP covers ten topics, which are as follows:

- Natural Resources
- Water Resources and Water Utilities
- Agricultural Resources
- Historic, Cultural, Archaeological, and Scenic Resources
- Transportation
- Future Land Use
- Land Owner Equity
- Sustainable Economic Development
- Air Quality
- Local Participation

First each of the ten topics are summarized, analyzed and mapped where applicable, then the RMP lists the associated goals, policies and objectives for each topic and finally programs that will implement the policies and objectives are detailed. The last chapter of the RMP discusses implementation of the plan through conformance, coordination, project review and local, State and Federal programs.

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Evaluation of Plan Conformance with Highlands RMP

The purpose of the section of the report is to assess Mine Hill Township's existing planning program for consistency or inconsistency with the Highlands RMP, understand what Plan Conformance means as applied to Mine Hill and identify the need for RMP updates (discrepancies between municipal maps, data or information and that of the RMP). The section is divided into the ten topics addressed in the RMP. Each topic is summarized; its RMP goals are listed, consistencies and inconsistencies between Mine Hill's planning documents and the RMP are detailed, map adjustments are described and the steps needed to achieve Plan Conformance are outlined.

1. Natural Resources

Natural resources, such as wetlands, forests, animal habitats and water bodies are interrelated and interdependent systems that span the eighty-eight Highlands municipalities. The RMP evaluates the effect land development has on these invaluable resources and has established a framework to protect and manage these natural resources. Six resources are analyzed in the RMP, which include:

- Forest resources,
- Open waters and riparian areas,
- Steep slopes,
- Critical habitats,
- Carbonate rock (Karst) and
- Lakes, ponds and reservoirs.

To effectively study these resources, the Highlands Council used a watershed based assessment to evaluate each natural resource's current ecological value and protection needs. With the results of the resource analysis, the Council is able to identify areas of the Region with exceptionally high ecological values that should be prioritized for conservation.

Regional Master Plan Goals

The RMP created goals, policies and objectives for each of the six natural resources it examined, which are then used as the basis for implementing the requirements of the Highlands Act. The goals listed within the RMP are broad statements of intent, which have policies that offer a more thorough statement of direction. Objectives provide specific requirements that will be used to measure implementation progress and plan conformance. For purposes of a concise report, only the goals for each natural resource are included in this Initial Assessment Report.

Forest Resources

Forests provide recharge of ground water aquifers, protect stream water quality, confiscate carbon, fight global warming, provide a habitat for plants and animals and afford the Region with recreational resources. Since forests are an essential part of the Highlands' natural resources the RMP provides for their protection with the following goals:

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Goal 1A: Protection of large areas of contiguous forested lands of the Highlands Region to the maximum extent possible.

Goal 1B: Protection and enhancement of forests in the Highlands Region.

Goals 1C: Conforming municipalities and counties include forest protection programs in their Master Plans and development regulations.

Open Waters and Riparian Areas

To achieve the Highlands' goals for water quality, open waters and riparian areas must be protected and enhanced. The RMP has four areas of action to address, which include identifying and inventorying each type of resource area, evaluating the integrity of each resource area, establishing resource protection measures and establishing programs to promote consistent standards for protection, restoration and acquisition of important waters in the Region. The following goal is listed in the RMP for open waters and riparian areas:

Goal 1D: Protection, restoration and enhancement of the Highlands open waters and riparian areas.

Steep Slopes

Steep slopes are another resource that provide plant and animal habitats as well as recreational opportunities. Disturbing steep slopes can result in erosion, silting of water bodies or damage to wetlands. To protect steep slopes, the RMP has one goal:

Goal 1E: Protection and enhancement of the natural, scenic and other resources of the Highlands Region by protection of steep slopes from inappropriate development and disturbance.

Critical Habitats

The next natural resource is critical habitats for both plants and animals, which the RMP categorizes into three types of habitats for the Region – critical wildlife habitat, significant natural areas and vernal pools. The RMP would like municipalities to develop a critical habitat conservation and management plan to protect these resources. Two goals are associated with critical habitats:

Goal 1F: Protection and enhancements of critical wildlife habitats, significant natural areas and vernal pools.

Goal 1G: Inclusion of critical habitat area management programs in the Master Plans and development regulations of conforming municipalities and counties.

Carbonate Rock Topography

Carbonate rock (Karst), also known as limestone and dolomite, is found throughout the Highlands Region. The importance of carbonate rock is that its aquifers are high yielding water supplies that can be easily contaminated. The RMP lists one goal to protect this resource:

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Goal1K: Protection of ground water quality and public safety regarding Karst features in the Highlands.

Lake Management

The Highlands Region is dotted with lakes, which are susceptible to harm if the shore land is overdeveloped or contaminated. Maintaining the water quality of lake communities is an important objective of the RMP, which lists three goals for this natural resource:

Goal1L: Protection of Highlands Region lakes from the impacts of present and future development.

Goal 1M: Protect the unique character of Highlands lake communities.

Goal 1N: Maintain public and private lakes, or restore lake beds and downstream areas when lakes are drained.

Municipal Plans & Regulations

Mine Hill Township's current and previous Master Plan reports, Master Plan Re-Examinations and the Land Use Code have limited information regarding the Township's goals for natural resources. The Township has not completed a Natural Resource Inventory making available information limited.

The following review examines the Township's available natural resource data as it relates to the aforementioned specific natural resources in comparison to the Highlands RMP goals for those natural resources.

Forest Resources

There are significant forested areas throughout the larger undeveloped tracts within Mine Hill Township; however, they are not designated as Forest Resource Areas by the Highlands Council (See attached Forest Resource Area Map). The majority of these remaining forested lands are owned by the Municipality or Morris County. The Highlands Land Use Capability Zone Map includes forested lands along Canfield Avenue, Dickerson Mine Road and Randall Avenue within the Protection Zone. However, other vacant forested areas are contained within both the Existing Community Zone and Existing Community – Environmentally Constrained Zone.

Mine Hill Township's Master Plan Reports and Land Use Ordinance do not specifically address forest resources. General Township goals are to promote the conservation of open space and valuable natural resources. The Land Use Ordinance sets forth General Design criteria to protect significant environmental features which includes "areas of significant Horticultural or Conservation Features, these include mountain ridges, valleys, scenic vistas and significant horticultural features. These areas are valuable because of their beneficial impact or the social environment and their importance in ecological systems. Development should be designed to preserve these areas" (Land Development Code 25-6.28a.4). The ordinance also requires development applications to prepare and submit an

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Environmental Impact Statement which must address critical impacts to vegetated areas. The Land Development Ordinance was amended in 2002 to incorporate a chapter regarding tree removal (Chapter 12-20). This chapter sets forth criteria for tree removal within the Township. Tree removal permit information and tree replacement requirements.

Open Waters and Riparian Areas

Mine Hill Township is traversed by streams designated as Category One Waters by the NJDEP. These streams encumber 300 foot buffers along their corridors. Areas surrounding the existing lakes bordering Roxbury Township, the C-1 streams and wetland areas throughout the Township have been designated open water protection areas by the Highlands Council. The overall watershed value however was designated as "low".

Mine Hill Township is traversed by Jackson Brook and Spring Brook to the north and east and tributaries to the Lamington River to the southwest. Each of these open waters is protected by a designated Riparian Buffer (see attached Open Water Protection Area Map). All of these open waters have been designated as C-1 streams by the NJDEP and have an associated 300 foot Riparian Buffer for protection.

The 1988 Master Plan and subsequent Reexamination Reports include as goals to secure safety from flood and to encourage preservation of sensitive environmental areas. Jackson Brook is recognized as a significant benefit to Mine Hill as providing environmental amenities which are coincidental with the aquatic environment. The County of Morris prepared an extensive study of the Jackson Brook due to its importance to the region, which was supported by Mine Hill Township. The Master Plan's Conservation Plan Element addresses the need for preservation of environmentally sensitive lands only in general terms. The Land Development Ordinance requires delineation of watercourses and floodplains on all subdivision and site plan applications as well as identification of surface waters and drainageways in the required E.I.S. document. Several sections of the Land Development Ordinance address the need to protect floodplain areas and hydrologic sensitive areas (Sections 25-6.28, 25-7.2.19, 25-10.8 and 10.9) with restrictions on building within flood areas and establishment of buffers along stream corridors.

Steep Slopes

The RMP divides steep slopes into three categories: slopes 10% to less than 15%, 15% to less than 20% and 20% and greater within an area of at least 5000 square feet containing any combination of the defined slope categories. Steep slope areas occur predominantly in the eastern portion of the Township with the largest areas concentrated in vacant lands on the north side of Hurd Street. Other mapped areas of steep slopes occur in vacant lands south of Randall Avenue and within the properties north of Iron Mountain Road, most likely resulting from the land mining activities associated with that property. (See attached Steep Slope Protection Area Map.)

Steep slopes are addressed within the Master Plan documents as lands worth preserving. Strategies such as cluster development are encouraged in order to protect steep slope areas.

The Land Development Ordinance addresses protection of steep slopes in several areas including identification of slopes greater than 15% in the E.I.S. and designated as "Environmentally Sensitive

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Areas” not suitable for development (Section 25-10.9). Slopes in excess of 25% are deemed “Areas of Excessive Slope within the General Design Criteria” (Section 25-6.28 a.2.) where development may be unsuitable or restricted.

Critical Habitats

The Highlands Council lists three (3) types of critical habitats:

- Critical wildlife habitat including areas supporting rare, threatened and endangered species;
- Significant natural areas including areas supporting endangered plant species and NJDEP Natural Heritage priority sites;
- Vernal pools.

Various areas of Critical Habitat were identified by the Highlands Council throughout the Township. Two (2) areas along Canfield Avenue have possible Vernal Habitats. A portion of the undeveloped tracts in the northeastern section of the Township have been designated as having Critical Wildlife Habitat, as well as an area of undeveloped land west of Canfield Avenue in the southwestern portion of the Township. (See attached Critical Wildlife Habitat Map.)

Neither the Township’s Master Plan documents nor the Land Use Ordinance address potential critical habitats within the Township or the protection of such habitats.

Carbonate Rock Topography

Carbonate Rock is limited to the westernmost boundary of Mine Hill Township adjacent to Roxbury Township. The majority of this area around the Route 46 corridor and south to Triple Lake is already fully developed. (See attached Carbonate Rock Area Map.) There is no history of problems related to Karst geology in Mine Hill Township.

Neither the Master Plan nor subsequent Reexamination reports address Carbonate Rock. The Land Development Ordinance does not contain any specific regulations or requirements regarding Carbonate Rock. Lands underlain with Carbonate Rock are designated as “Environmentally Sensitive Areas...which appear substantially subject to negative development impacts or consequences... and shall not be disturbed in residential development except as and only to the extent permitted by the Planning Board”.

Prime Groundwater Recharge Areas

Prime Groundwater recharge areas identified throughout Mine Hill Township are largely coincidental with the large forested undeveloped tracts north of Iron Mountain Road, along Randall Avenue, along Hurd Street and lands west of Canfield Avenue. Community well-head protection areas occur along the Township’s western boundary extending from several existing community well resources located in adjacent Roxbury Township. The smaller non-community well head protection zones are designated within Mine Hill, one along Route 46 in the center of the Township and the second to the south along Canfield Avenue. (See attached Prime Groundwater Recharge Area and Wellhead Protection Area Maps.) Neither the Master Plan nor subsequent Reexamination Reports address well-head protection or groundwater recharge areas.

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Lakes, Ponds & Reservoirs

Mine Hill Township is home to two (2) lakes. Triple Lake (Mine Hill Lake) lies on the western Township border with Roxbury Township and is part of the Mine Hill Beach recreation area. Hedden Park Lake lies on the Township's southern border with Randolph Township and the Town of Dover and is within the Hedden County Park lands.

The Township's Land Development Ordinance addresses protection of lakes through several sections including "Streams, Bodies of Water, Flood Areas" (Section 25-7.2.19) and "Hydrologic Sensitive Areas" (Section 25-10.8) where buffers to water bodies are required. In addition, surface waters must be addressed in the E.I.S. as a requirement for site plan and subdivision applications.



Heddon Park

Map Adjustments

Forest Resources

Preserved properties that contain forest resources as defined on the Regional Master Plan should be shown on Highlands Mapping.

Open Waters and Riparian Areas

The data provided on rivers and streams within the Township appears accurate. The riparian data needs to be verified.

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Steep Slopes

The areas which have been delineated by the Highlands as steep slope should be analyzed and compared to existing conditions to identify if there is any need for mapping adjustments.

Critical Habitats

The Critical Habitat area delineated by the Highlands is questionable. A portion of the Critical Wildlife Habitat area is located at the end of Iron Mountain Road. That property is currently under construction for an industrial use building (Lot 14.01 Block 201). Fronting on Route 46, the Stow Away Storage project is also under development but is partially contained within the Critical Wildlife Habitat (Lot 7, Block 1207). Several vacant lots along Randall Avenue (in Block 1201) which are contained within the Critical Wildlife Habitat have been targeted for affordable housing development by Mine Hill Township.

Carbonate Rock Topography

The area outlined by the Highlands as Carbonate Rock should be checked against existing conditions within Mine Hill to determine if there is any need for adjustments to the Highlands GIS mapping.

Lake, Ponds & Reservoirs

The GIS data presented by the Highlands includes the two (2) existing lakes within Mine Hill Township. There is at least one known pond within the Township, located in the southwestern area of the municipality off the Dickerson Mine Road. The Highlands should amend their data to reflect this water body.

Achieving RMP Consistency

To achieve consistency with the RMP goals, policies and objectives regarding natural resources, Mine Hill Township will need to prepare and/or adopt:

- Natural Resource Inventory (NRI)
- Conservation Plan Element of Master Plan that uses the NRI as the basis with a detailed discussion of each resource areas to be protected by regulations and rationale for their protection
- Development Review checklists which require that all natural resources on the property be identified, which would be a minimum condition of completeness

2. Water Resources and Water Utilities

The Highlands Act was essentially created to protect drinking water supplies. To that end, there are several main issues with regard to water resources in the Region – availability of water, protection and restoration of water availability, protection of water quality, management of land development to ensure carrying capacity of water resources are not exceeded and use of water utility capacity in a manner that ensures compatibility with the carrying capacity of water resources.

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Regional Master Plan Goals

The first and foremost concern of the Highlands is water availability, a vital issue in determining growth both within the Highlands Region and those areas served outside the Region. Through field research and mapping, the Highlands Council has determined where sufficient water availability exists and allocated these resources among future uses as shown in the Land Use Capability Zone Map. The goals to protect water availability are as follows:

Goal 2A: Protection of the value of the Highlands Region as an “essential source of drinking water, providing clean and plentiful drinking water for one-half of the State’s population” (Highlands Act, Section 2), along with the ecological values of clean water, through the protection, enhancement and restoration of water resources quantity, flow characteristics and quality as fundamental to ensuring that there are adequate water supplies to support these needs.

Goal 2B: Protection, restoration and enhancement of water quality and quantity of surface and ground waters, and to determine “the amount and type of human development and activity which the ecosystem of the Highlands Region can sustain while still maintaining the overall ecological values thereof, with special reference to surface and ground water quality and supply.”

Second, is the issue of water resource quantity and protecting the replenishment of this asset. The RMP provides three goals for guidance:

Goal 2C: Refinement of water availability methods and estimates.

Goal 2D: Maintenance of hydrologic integrity through the protection of ground water recharge.

Goals 2E: Improvement of ground water recharge through regional management efforts.

The third concern with water resources is the quality of water. The RMP strives to protect, enhance and restore the quality of water resources in the Highlands through the following goals:

Goal 2F: Assessment and restoration of surface and ground water quality of the Highlands Region.

Goal 2G: Protection, restoration and enhancement of the water quality of the Highlands Region.

Goal 2H: Limitation of the type and amount of human development in the wellhead protection areas of public water supply wells.

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The fourth issue regarding water resources is sustainable development, which will ensure that water supply, quality and quantity are protected. Goals for guidance are as follows:

Goal 2I: Limitation of the expansion of water and wastewater infrastructure in the preservation area.

Goal 2J: All existing and future development in the Highlands Region that use public water supply systems are served by adequate and appropriate infrastructure.

Goal 2K: All existing and future development in the Highlands Region that use public wastewater treatment systems are served by adequate and appropriate infrastructure.

Goal 2L: Ensure that on-site wastewater system discharges do not exceed the natural capacity of ground water to attenuate loadings, exacerbate existing nitrate impairment, or contribute to potential nitrate impairment for sub watersheds within the Highlands Region.

Goal 2M: Refinement and improvement of the ground water resource management element.

Municipal Plans & Regulations

The majority of Mine Hill Township receives its potable water from the Mine Hill Township Water Department. The Township is supplied water by the Morris County Municipal Utilities Authority (MCMUA). The MCMUA water is supplied by wells located in adjacent Randolph Township. The system has a capacity of approximately 17.36 MGM. Currently municipal water records list 1440 water service connections in the Township. Four (4) lots within Mine Hill Township are serviced by the Dover Water Department and three (3) lots are serviced by the Wharton Water Department. Many properties are serviced by private wells due to lack of infrastructure and/or capacity limitations (See attached Public Community Water Systems Map.)

The available municipal planning documents and regulations have limited policies for potable water capacity, quality or service area expansion. The Utilities Element indicates the Township's water service is provided by the MCMUA. The plan recommended investigating a water tower site within the Township in 1988 which has been constructed off Randall Avenue. The Utilities Element has not been updated since 1988 and should be reevaluated in light of the numerous changes in regulations at the State level. The Land Use Ordinance contains requirements with regard to potable water in Section 25-7-2.3 "water" where developers are required to be connected to public water where available and reasonable. Water main requirements are outlined in Section 25-7-2.15. Water utility information is required in the site plan and subdivision application checklist and must also be addressed in the EIS.

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There are some inconsistencies between Mine Hill's planning documents and the RMP for water resources and utilities. The Township does not have an NRI with well head protection areas or a Conservation Plan Element that outlines the importance of well head protection areas (see attached Wellhead Protection Areas map). The municipality also does not have a Water Use and Conservation Management Plan.

Map Adjustments

Mine Hill Township is served by public water and sewer. The attached Potable Water & Sewer Service Areas map indicates where sewer and water is available according to the Highlands. Information provided by the Township and the utility companies indicates that there are discrepancies between the data and mapping prepared by the Highlands Council and existing conditions. These utility mapping errors were analyzed and reported by this office to the Highlands Council during the Module 1 review.

Achieving RMP Consistency

To achieve consistency with the RMP goals, policies and objectives regarding water resources, Mine Hill Township will need to prepare and/or adopt:

- NRI with reference to the NJDEP maps of Well Head Protection Areas for public community systems
- Master Plan needs to establish well head protection as a policy of Mine Hill Township, specifying the purposes and benefits as cited in the Conservation Plan Element
- Conservation Plan Element that establishes the importance of well head protection, which uses the NRI as the basis
- Development Review Checklists which require as a minimum data regarding proximity to well head
- Land Use Ordinance amendment that specifies at minimum that the purpose of the ordinance is to achieve the purposes of and implement the RMP policies 2H1 through 2H5 and their underlying objectives, as applicable to the municipal development regulations with a direct link between the ordinance and municipal policy as stated in the Master Plan
- Water Use and Conservation Management Plan

3. Agricultural

Agriculture is a critical component of the economy and culture of the Highlands. Between 1986 and 2002 the Region lost an average of 1,700 acres of agricultural land per year. Additionally, between 1998 and 2003 more than 10,000 acres or 13% of field crop lands were lost. It is important to recognize where these farmlands are and protect them from both the forces of development and the economy.

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The RMP focuses on identifying high quality agricultural lands in need of preservation and creating a process to ensure the financial resources to protect these lands.

Regional Master Plan Goals

Agriculture is a historic land use that continues to be an economic generator for the area. The RMP contains two objectives for agricultural resources – preserve agricultural land as well as the viability of the agricultural industry. To meet these objectives five goals are delineated:

Goal 3A: Protection and enhancement of agricultural resources and the agricultural industry in the Highlands Region.

Goal 3B: Protection and enhancement of agricultural sustainability and viability of the agricultural industry within the Highlands Region.

Goal 3C: Minimize construction of non-agricultural development-inducing water and wastewater infrastructure in agricultural resource areas.

Goal 3D: Protection and enhancement of surface and ground water quality and natural resources in the Highlands Region and agricultural resources areas.

Goal 3E: Conforming municipalities and counties include agricultural retention/farmland preservation plan elements in their Master Plans and development regulations.

Municipal Plans & Regulations

Currently there are two (2) properties within the Township that are classified as Farm Qualified or “3B”. These properties are located on the southern portion of the municipality. These two (2) parcels are located in the Office/Industrial Zone. The Highlands Council has gathered data from the New Jersey Department of Agriculture and the State Agriculture Development Committee to derive indicators, such as preserved farms, contiguous farms greater than 250 acres, agricultural uses 10 acres or greater and prime soil locations to determine agricultural priority areas. As shown on the attached Agricultural Resources map there are three categories of priority – high, moderate and low. The map illustrates that the Highlands RMP has no agricultural priority areas or farmland preservation areas within the municipality. (See attached Agriculture Maps.)

Agriculture has not historically been a significant land use in Mine Hill Township.

Discrepancies between the Highlands RMP and Mine Hill’s planning documents include, but are not limited to, the lack of a Farmland Preservation Element, NRI, development review checklists requiring information on agricultural resource areas, soils, etc. and land use ordinances regulating agricultural resource areas. However, agriculture is not a major land use within the Township.

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Map Adjustments

An analysis of the agricultural priority areas and existing agricultural lands outlined by the Highlands Council should be checked against existing conditions within Mine Hill to determine if there is any need for adjustments to the Highlands GIS mapping.

Achieving RMP Consistency

To achieve consistency with the RMP goals, policies and objectives regarding natural resources, Mine Hill Township will need to prepare and/or adopt at minimum:

- Natural Resource Inventory (NRI) that incorporates by reference the Highlands Council maps of Land Use Capability Zones, the Planning Areas and Agricultural Resource Areas and identify through accompanying maps and narrative the Agricultural Resource Areas, existing land use including all farmland, preserved open space, vacant and developed land, and USDA NRCS Soil Survey Geographic Database (SSURGO) for farmland soil types and soil quality, including Prime, Statewide, Unique, and Locally Important farmland soils.
- Agriculture Retention/Farmland Preservation Plan Element if deemed necessary/desirable by the Township with a reference to RMP policies 3A4 and 3A5 and objectives 3A4b, 3A5a – 3A5d and policies 3C1 and 3E2 into the policies, goals and objectives section of the Master Plan.
- Development Review Checklist amendments that require as a minimum condition of completeness information on agricultural resource areas, soils, etc.
- Land Use Ordinance that adopts by reference RMP policies 3A4 and 3A5 and objectives 3A4b, 3A5a – 3A5d and policies 3C1 and 3E2 and Highlands Act definitions at NJSA 13:20-3.

4. Historic

The Highlands has a rich history that has dotted the Region with cultural and archaeological resources such as buildings, structures and historic districts and sites. Beautiful scenic vistas flourish throughout the eighty-eight municipalities. These types of resources attract visitors to the Region and should be managed to take advantage of their contribution to the local economy.

Malhorn Dickerson, who was New Jersey's 12th governor and his family owned and operated the Dickerson Mine. It was the largest ore mine in the area and supplied much of the iron ore used during the revolutionary War. The last mine in the Township closed in the late 1960's.

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Regional Master Plan Goals

The Highlands Region abounds with historic buildings, districts and sites as well as cultural artifacts and scenic vistas that make it a unique area. In order to preserve these special resources the RMP proposed three goals:

Goal 4A: Protection and preservation of the historic, cultural and archaeological resources of the Highlands Region.

Goal 4B: Protection and enhancement of the scenic resources within the Highlands Region.

Goal 4C: Conforming municipalities and counties should include minimum standards for historic, cultural, archaeological, and scenic protection in municipal and county Master Plans and land development regulations.

Municipal Plans & Regulations

Mine Hill Township dates back to the early 1700's as an active mining center. It was officially incorporated in 1923, formerly a portion of Randolph Township. Mine Hill Township had some of the richest sources of iron ore in the country. Malhorn Dickerson, who was New Jersey's 12th governor, and his family owned and operated the Dickerson Mine. It was the largest ore mine in the area and supplied much of the iron ore used during the Revolutionary War. The last mine in the Township closed in the late 1960's. (See attached Abandoned Mines Map.)

Mine Hill Township hosts one (1) property listed on the New Jersey and National Registers of Historic Places, the Bridget Smith Homestead. Built in 1855, this house was used to give refuge to Irish-American "widows of the mines" in the mid to late 19th century. It is the last intact example of iron miners' housing in the area and provides a unique glimpse into the past of working class families, more notably the difficult life of immigrant working women raising families in the late 1800's.



Bridget Smith Homestead

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The Township's Master Plan does not specifically address historic preservation, but does state it encourages preservation of historic places of interest among its goals and objectives. The Land Development Ordinance requires that Environmental Impact Statements include Historic features within its project assessment.

Much attention is given to mines in both the Master Plans and the Land Development Ordinance from a safety/reclamation/development perspective rather than one of historic preservation.

Map Adjustments

The Highlands did not publish their GIS data with regards to historic resources. The RMP does contain a map of the entire Region and the location of historic properties, but it is unable to be evaluated at such scale. The Highlands should provide its GIS data to the municipality so Mine Hill Township can compare its historic data with the Highlands' information.

Achieving RMP Consistency

Achieving consistency with the RMP regarding historic resources will require Mine Hill Township to, at a minimum, prepare and/or adopt:

- Historic Preservation Plan Element that establishes the importance of preserving the identified historic, cultural and archaeological resources of the Highlands Region in the policies, goals, objectives section of the Master Plan. Adopt by reference RMP policies 4A3 through 4A5 (each with their associated objectives) into the Historic Preservation Plan Element. Relate the policies to the MLUL purposes as appropriate.
- Development Review Checklists that as a minimum condition of completeness, require for all applications a list of sites or districts identified in the Highlands Historic and Cultural Inventory that are located adjacent to or within site of the proposed development, or from which the development site lies in view, etc.

5. Transportation

The RMP is charged with balancing resource protection and an effective transportation system. Efficient land use and smart growth principles can manage many transportation related concerns. These smart growth principles mean mixed-use development, higher densities and a more compact built environment. Finally, the RMP focuses on creating more transportation choices other than the automobile, which could include rail, bus, bicycle and pedestrian travel.

Regional Master Plan Goals

The Highlands Act requires the RMP to promote a transportation system that is consistent with resource protection needs and smart growth policies. To meet the Act, five transportation-related goals are contained within the RMP.

Goal 5A: Provision of safe and efficient mobility within the Highlands and between the Highlands and destinations outside of the Region.

Goal 5B: Maintenance of safe and effective level of service on the existing Highlands road system without the use of capacity improvements that could trigger additional development in areas that are not appropriate for “growth inducing” land uses.

Goal 5C: Transportation improvements within the Highlands Region that are consistent with the Highlands Regional Master Plan.

Goal 5D: A multi-modal transportation system which facilitates the movement of people and goods within and through the Highlands Region without adversely affecting ecosystem integrity and community character.

Goal 5E: Minimization of travel demand and vehicle miles of travel.

Municipal Plans & Regulations

Mine Hill Township is served by State Route 46 which runs east-west through the heart of the central commercial area. County Route 669 (Canfield Ave.) also passes through Mine Hill and connects Route 46 to State Route 10 to the south in Randolph Township. Access to Interstate Route 80 is less than two (2) miles to the north of the Township. Some of the Township neighborhoods have sidewalks, which encourages walking.

A Circulation Plan Element was included with the 1988 Master Plan. It noted that the major arterials within the municipality are Route 46, Randolph Avenue and Canfield Avenue. Concerns were raised on the varying width of Route 46 and resulting traffic issues with passing and merging along the busy commercial corridor which was reiterated in the subsequent Reexaminations. The 1994 Reexamination recommended that the Township encourage and strongly endorse the installation of pedestrian sidewalks throughout the Township.

The Land Use Ordinance does include language with regard to design standards for all subdivisions which includes a discussion of Vehicular and Pedestrian Improvements (Section 25-7.2.5), Street Right of Way and Pavement Width (Section 25-7.2.10.1), Street Pavement Specifications (Section 25-7-2.10.2), and Street Design Standards (Section 25-7.10.3) and Sidewalks (Section 25-7.2.10.4).

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Zoning of course impacts the transportation network. Industrial and commercial uses bring truck traffic into busy central commercial areas. High density developments can potentially crowd roadways. Farming vehicles can impede traffic flow. Each type of land use has a different impact on the transportation network that isn't necessarily negative if designed for the context of the surrounding system.

Although Mine Hill Township has a Circulation Plan Element, it is over 20 years old. In order to be consistent with the RMP, the Township would need to update this Element. Additionally, an NRI would need to be completed with reference to the Highlands' policies for transportation and a new Land Use Plan Element would need to be crafted to incorporate the policies of the Highlands with regards to transportation.

Map Adjustments

As a part of the Module 1 Plan Conformance process, the Township was provided right-of-way information by the Highlands. The Highlands data and existing roadways appeared consistent. This was reported to the Highlands Council through the Module 1 process.

Achieving RMP Consistency

The following items are needed, at a minimum, to achieve consistency with the RMP goals, policies and objectives regarding transportation:

- NRI that incorporates by reference the RMP policies and objectives.
- Land Use Plan Element that incorporates the policies and objectives of the RMP.
- Circulation Plan Element that adopts by reference RMP Policies 5B2, 5B3, and 5C6 and incorporates the Highlands Council maps of the Roadway and Transit Network and the Land Use Capability Baseline Transportation and Transit Indicator map and the Land Use Capability Zone.

6. Future Land Use

Using information on current land use patterns and zoning along with the natural resource inventory results (sections 1 – 3 of the RMP); the Highlands created land use capability zones to guide future land use. Each zone studied what its carrying capacity for development could be. The carrying capacity is determined by two components – natural resource capacity (i.e. forests, streams, etc.) and infrastructure capacity.

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The Highlands then created three primary zones – protection, conservation and existing community and four subzones – wildlife management, conservation/environmentally constrained, existing community/environmentally constrained and lake community. The zones essentially determine where development will be limited and where future growth can occur. The **Protection Zone** contains high natural resource lands, which are important in maintaining drinking water quality. Land acquisition is a high priority in the Protection Zone; consequently development activities will be very limited. The **Wildlife Management Zone** consists of Federal and State-owned lands. The land within this zone is for conservation only. The **Conservation Zone** includes agricultural and forest land that should be preserved when feasible. Next, is the **Existing Community Zone**, which consists of land with concentrated development of existing communities. These lands typically have existing infrastructure that can sustain infill and redevelopment. The **Existing Community Zone – Environmentally Constrained Zone** has land which provides a critical habitat, steep slopes or forested lands within the Existing Community Zone that are recommended to be preserved. This zone is not appropriate for development according to the Highlands. Finally, there is the **Lake Community Zone**; these lands are in the Existing Community Zone but within 1,000 feet of a lake. This zone has a management plan, which protects the lake water quality.

Regional Master Plan Goals

The RMP provides an outline for future land use that directs where development can and can't occur. The RMP promotes compact development and redevelopment in existing communities where there are existing public facilities. A total of six goals are related to future land use.

Goal 6A: Use the Highlands land use capacity map series as a framework for determining the character, location and magnitude of new growth and development in the Highlands Region.

Goal 6B: Preservation of the land and water resources and ecological function of Highlands areas in the protection zone.

Goal 6C: Limitation of development in the protection zone to development and redevelopment which does not adversely affect the natural resources of the Highlands Region ecosystem.

Goal 6D: Protection and enhancement of agricultural uses and preservation of associated land and water resources in highlands areas in the conservation zone.

Goal 6E: Incorporation of regional development patterns and related environmentally sensitive areas within existing community zones.

Goal 6F: Support of compact development, mixed use development and redevelopment and maximization of water, wastewater and transit infrastructure investments for future use of land and development within the existing community zone.

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In addition to future land use, this section contains one goal related to RMP updates.

Goal 6G: Continually update and improve the Highlands land use capacity map series.

Next, the RMP looks at development and redevelopment and their related goals, which include:

Goal 6H: Guide development away from environmentally sensitive and agricultural lands and promote development and redevelopment in or adjacent to existing developed lands.

Goal 6I: Conforming municipalities and counties incorporate regional and local land and water resource planning and management programs in their Master Plans and development regulations.

Goal 6J: Accommodation of regional growth and development needs through the reuse and redevelopment of previously developed areas, including brownfields, grayfields and underutilized sites.

Goal 6K: Concentrate residential, commercial and industrial development, redevelopment and economic growth in existing developed areas in locations with limited environmental constraints, access to existing utility and transportation infrastructure.

Goal 6L: Conforming municipalities and counties consider development, redevelopment and brownfields opportunities in their Mater Plan.

Goal 6M: Protection and enhancement of Highlands resources through the remediation of contaminated sites in Region.

The RMP recommends “smart growth” as an approach to future land use, which is defined in the Plan as concentrated development patterns with compact, walkable land use patterns that typically have mixed-use development.

Goal 6N: Use of smart growth principles, including low impact development, to guide development and redevelopment in the Highlands Region.

Finally, the RMP looks at goals and objectives with regard to housing as a land use within the Highlands. The RMP hopes to provide a full range of housing typologies in the Region over time.

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Goal 6O: Market-rate and affordable housing sufficient to meet the needs of the Highlands Region within the context of economic, social and environmental considerations and constraints.

Municipal Plans & Regulations

The Township of Mine Hill is significantly developed. The central commercial district around the Route 46 corridor is surrounded by residential lots and several parcels of public lands. Industrial development is concentrated in the northwestern area of the Township along Iron Mountain Road. Two vacant parcels currently designated as qualified farms are zoned office/industrial in the southeast corner of the Township east of Canfield Avenue.

Multifamily development is limited in Mine Hill Township. The largest project is located off Thomastown Road (Block 1503 Lot 1). The westerly portion of the parcel was developed previously for 66 townhomes and the easterly portion of the property is currently under construction for 48 additional townhomes. Another development is located on County Route 662/East Randolph Avenue (Block 1502 Lot 1) in the southeastern section of the Township. Two (2) vacant properties are zoned for additional multifamily housing including the tract off of the southwest side of Canfield Avenue located in the PMARC Zone (Planned Multifamily Age Restricted Community) and the tract located between Randall Avenue and Route 46 which is in the RAH Zone (Residential Affordable Housing) and is proposed to be developed with a majority of the COAH Second Round units. The majority of the vacant lands left in Mine Hill Township is within the SF Zone (Single Family) and are owned by either Morris County or Mine Hill Township. Many of these properties are environmentally constrained and/or encumbered by existing abandoned mines.

Lack of available public sewer infrastructure and additional available public water availability is a limiting factor in development for Mine Hill Township.

Currently Mine Hill Township has nine (9) zoning districts that regulate land use, of which five (5) are residential zones. They include the following:

- RAH – Residential Affordable Housing, no minimum lot size specified, permits senior citizen housing and townhouses for low and moderate income families.
- SF – Single Family Residential, lot sizes range from 20,000 SF to 40,000 SF relative to public water and sewer availability, permits single family detached homes.
- TH – Townhouse, lot size for single family same as SF Zone, townhomes 2,000 SF interior, 3,000 SF corner. Townhome density = 3 du/ac with public water only, 6 du/ac with public water and sewer, permits single family detached homes and townhomes.
- TH-1 – Townhouse, TH – Townhouse, lot size for single family same as SF Zone, townhomes 2,000 SF interior, 3,000 SF corner. Townhome density = 4 du/ac with public water only, 6 du/ac with public water and sewer, permits single family detached homes and townhomes.

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- PMARC – Planned Multifamily Age Restricted Community, multi-family age restricted dwellings, parks and recreation facilities, government buildings and schools . Density = 6 du/ac maximum 275 units.

In addition to the residential zones, there are four (4) non-residential zones, which include:

- C – Commercial, no minimum lot size, permits retail, office, etc.
- CI-1 – Commercial/Industrial, minimum lot size 40,000 SF permits retail, office, wholesale establishment, etc.
- CI-2 – Commercial/Industrial, no minimum lot size square feet, permits retail, office, theatres, etc.
- O/I - Office Industrial, minimum lot size 40,000 SF, permits manufacturing, scientific research, light warehousing, business offices, and telecommunication towers.

The Land Development Ordinance also includes a Mined Areas Overlay District. (See attached Zoning and Land Use Maps.)

The Highlands designated lands within Mine Hill Township to various Land Use Capability Zones including the Protection Zone, the Existing Community Zone, the Existing Community – Environmentally Constrained Subzone and the Lake Community Subzone. The majority of the Township has been delineated as an Existing Community Zone, which mainly consists of developed parcels. The northern and southern areas of the Township have been outlined as Protection Zones, which limits development activities. The area designated as Existing Community Environmentally Constrained Subzone cover mostly open tracts, many of which are owned by the Township and County. The Lake Community subzones surround the Triple Lake (Mine Hill Lake) and another man-made lake on the northwest Township border with Roxbury Township.

Map Adjustments

The GIS data presented by the Highlands Council does not reflect the rezoning of the Canfield Building Associates tract which permits 275 residential units to be developed on Block 606, Lot 1.01 and Block 1101, Lot 1.02 and has determined this area to be a Protection Zone – this should be changed to an Existing Community Zone. Also, vacant parcels in Blocks 101, 201, and 203 are zoned for Commercial/Industrial development, some of which are currently under construction or contain active sand and gravel pits. The Block 1201 lands located along Randall Avenue are zoned PAH and are designated for affordable housing that will address the bulk of the Township’s Second Round COAH obligation (See Appendix ‘B’). The multifamily Thomastown Road Development (Block 1503, Lot 1) is also currently shown in the Protection Zone and should be changed to the Existing Community Zone. These areas should also be removed from the Protection Zone and be placed in the Existing Community Zone. The existing approvals and site conditions should be reviewed and/or verified to correct this data before it is finalized.

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Achieving RMP Consistency

The following items are needed, at a minimum, to achieve consistency with the RMP goals, policies and objectives regarding future land use:

- NRI that incorporates the RMP Land Use Capability Map Series as the basis for the seven overlay zones of the Region
- Utility Services Plan Element that includes the Land use Capability Map Series and a policy statement that references RMP policy 6A1, policy 2L2 with all relevant objectives into the policies, goals and objectives section of the Utility Services Plan Element
- Land Use Plan Element with the Land Use Capability Map Series and a policy statement referencing RMP policy 6A1 and 2L2. Additionally, it must relate the policies to the MLUL purposes as appropriate.
- Land Use Ordinance that adopts the Land Use Capability Map Series to the limits of the municipal boundary lines and its associated policies
- Conservation Plan Element adopting by reference the Land Use Capability Zones, Planning Area designation and maps of the Highlands resources including a policy statement reflecting the RMP
- Development Review Checklists should be revised to match RMP
- Land Use Ordinance that requires clustering as mandatory for residential development
- Land Use Ordinance that specifies at minimum the purpose of the ordinance is to implement the RMP policies and objectives for smart growth, community design and low impact development.

7. Land Owner Equity

The delineated land use capability zones have an impact on land development and value, therefore, the RMP addresses land owner equity. The Highlands Act provides a number of tools that “mitigate” impacts, including transfer of development rights, exemptions, waivers and land acquisition. Transfer of development rights (TDR) permits the transfer of development potential from preservation areas to growth areas or receiving zones. The problem with this program is that the Highlands cannot require municipalities to create receiving zones – they are voluntary. The Highlands can only recommend areas that are appropriate as receiving zones.

Exemptions and waivers are another form of mitigation. The Highlands allows 17 exemptions, which are summarized below:

- Construction of a single family dwelling for own use or family use.
- Construction of a single family dwelling on existing lot.
- Developments with prior Municipal and DEP Approvals.
- Reconstruction of buildings or structures within 125% of the footprint.
- Improvement to a single family dwelling, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system.
- Places of worship, schools, or a hospitals: 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 on the

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date of enactment of this act, including but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility.

- Woodland and Forest management plans: An activity conducted in accordance with an approved woodland management plan pursuant to section 3 of P.L.1964, c. 48 (C.54:4-23.3) or the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester.
- Trails on public or private lands: The construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.
- Repair of transportation or infrastructure systems: 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 this act and does not result in the construction of any new through-capacity travel lanes.
- Transportation safety projects: 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.
- Public utility lines, rights of way, or systems: 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 this act.
- Reactivation of rail lines/rail beds: The reactivation of rail lines and rail beds existing on the date of enactment of this act.
- Public Infrastructure: 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.
- Mining or Quarrying: 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.
- Site Remediation: The remediation of any contaminated site pursuant to P.L.1993, c. 139 (C.58:10B-1 et seq.).
- Military lands: Any lands of a federal military installation existing on the date of enactment of this act that lie within the Highlands Region.
- Affordable Housing: A major Highlands development located within an area designated as Planning Area 1 (Metropolitan), or Planning Area 2 (Suburban), as designated pursuant to P.L.1985, c. 398 (C.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 filed in 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. The exemption provided pursuant to this paragraph 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".

If a project falls into one of these seventeen exemptions then it is exempt from the Highland Act and the RMP.

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Finally, there are three waivers that the Highlands allows NJDEP to permit on a case by case basis. These waivers are as follows:

- Where a project is necessary to protect public health and safety,
- Redevelopment in previously development areas, and
- Necessary to avoid a taking of property without just compensation.

Regional Master Plan Goals

The RMP admits that it has an impact on “landowner expectations” (i.e. development yield, value, etc.) and contains eight goals related to this issue, which are as follows:

Goal 7A: Protection of lands that have limited or no capacity to support human development without compromising the ecological integrity of the Highlands Region through mechanisms including but not limited to a Region-wide transfer of development rights program.

Goal 7B: Provisions for compensation through a region-wide program of transferable development rights to landowners whose properties have limited or no capacity to support additional development based upon analyses conducted by the Highlands Council and who are disproportionately burdened by the provisions of the Highlands Act.

Goal 7C: Creation of a Highlands development credit bank.

Goal 7D: Establishment of sufficient Highlands receiving zones to create a positive market for TDR credits.

Goal 7E: Maximization of the transfer and use of HDCs (Highlands Development Credit).

Goal 7F: Ensure that Highlands Act exemptions are properly issued and monitored.

Goal 7G: Ensure that Highlands Act permits and waivers are properly issued, tracked and monitored.

Goal 7H: Mitigation to the maximum extent possible of the impacts of exempt development on the ecosystem integrity of the Highlands Region through use of innovative land use programs.

Municipal Plans & Regulations

Currently, land owner equity is not an issue in Mine Hill Township. The zoning districts have been in place and have performed as expected. Land owner equity may become an issue if the Township decides to opt into the Highlands, especially if development rights of the larger lot property owners are severely impacted.

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In order to alleviate land owner impacts throughout the Region the Highlands has included the transfer of development rights (TDR) as a mitigation tool. TDR permits the transfer of development potential from preservation areas to growth areas or receiving zones. The Highlands cannot require municipalities like Mine Hill Township to create receiving zones – they are voluntary. The Highlands can only recommend areas that are appropriate as receiving zones. The Highlands has determined that Mine Hill Township may be an appropriate location for TDR and has identified two (2) vacant municipally owned parcels as potential TDR sites. One site is located between Canfield Avenue and Randolph Avenue off Alan Lane (Block 1401 Lot 8). The second site is located on Bassett Lane (Block 1310 Lot 9). See attached Highlands Map for Potential Areas for Voluntary HDC Receiving Zones which includes various sites identified as redevelopment opportunities mostly centered along the Route 46 corridor.

Map Adjustments

Mine Hill Township will need to evaluate the option of hosting a potential TDR site to determine if it is appropriate for the Township. The Township currently anticipates using the Alan Lane site identified by the Highlands Council for recreation and open space.

Achieving RMP Consistency

The RMP does not contain any information regarding methods for achieving consistency for land owner equity at the municipal level. The majority of the objectives associated with this topic must be carried out by the Highlands Council.

8. Sustainable Economic Development

The Highlands Act encourages appropriate patterns of development and economic growth in certain areas within the Region. The RMP realizes that economic growth in appropriate areas of the Region is a benefit to all residents and states that municipalities which chose to grow can craft economic development plans. What type of economic development will occur depends upon location and availability of land or redevelopment potential. Furthermore, due to the amount of protected open space, scenic vistas and historic places the Region offers a number of recreational and tourism opportunities that can be built on and expanded with little impact to the environment.

Regional Master Plan Goals

Five goals serve to guide sustainable economic development within the Highlands:

Goal 8A: Sustainable economic development in the Highlands Region.

Goal 8B: Protection and enhancement of the agriculture industry in the Highlands Region.

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Goal 8C: Expansion of compatible and sustainable tourism and recreation within the Highlands Region.

Goal 8D: Expansion of innovative technology and entrepreneurial businesses including home office, energy efficiency and resource conservation enterprises in the Highlands Region.

Goal 8E: Estimate and track over time the costs and benefits associated with plan implementation and the protection of critical resources of the Highlands Region.

Municipal Plans & Regulations

Economic development has been a concern since the 1988 Master Plan and has been reiterated in each Reexamination report since then. In 1988, the Economic Plan recommended encouraging industrial growth and cluster development to provide open space and recreation area. In 1988, the plan concluded Mine Hill Township was economically stable. Growth within the Township is somewhat impacted by environmentally constrained lands, the affects of significant previous mining activity and lack of public sewer availability. (See attached Sewer and Septic Maps.) The 2001 Reexamination stated concerns over the lack of consistent tenant occupancy in the Iron Mountain Road Industrial area and the perceived general deterioration of housing stock relative to aesthetic appearance and general upkeep of the structures.

Map Adjustments

The Highlands did not complete any GIS mapping related to this topic. Therefore, there are no mapping adjustments related to economic sustainability.

Achieving RMP Consistency

To achieve consistency on the topic of sustainable economic development with the RMP, Mine Hill will need to prepare and/or adopt:

- Economic Plan Element that adopts by reference RMP policies and objectives 8A6, 8D1 and 8D1a into the policies, goals and objectives section of the Master Plan. Additionally, the policies must be related to the MLUL purposes as appropriate.

9. Air Quality

Just as there is a connection between land use and transportation, there is a connection between land development, transportation and air quality. Not only do vehicles emit pollutants, so too do industrial and commercial facilities as well as residences. It is important to the Highlands Council that high air quality be maintained for the Region.

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Regional Master Plan Goals

There is only one goal related to air quality in the RMP, which is as follows:

Goal 9A: Reduction of air pollution through use of alternative and efficient modes of transportation and the use of renewable energy sources.

Municipal Plans & Regulations

Neither the municipal planning documents nor regulations contain language on air quality.

Map Adjustments

The Highlands did not complete any GIS mapping related to this topic. Therefore, there are no mapping adjustments related to air quality.

Achieving RMP Consistency

The RMP does not contain any information with achieving consistency with regard to air quality other than its objective to encourage development design to include measures to avoid or limit the creation of air pollutants.

10. Local Participation

Encouraging local participation is required as a part of the Highlands Act. The final topic of the RMP promotes local, County, State and Federal participation and coordination. The involvement of municipalities is critical to verify the GIS mapping that has been completed and to engage in the Plan Conformance process.

Regional Master Plan Goals

The RMP encourages local municipal participation throughout the process and contains one goal for this objective:

Goal 10A: Maximize municipal participation to ensure the RMP achieves its long term goals of protecting, enhancing and restoring Highlands resources and maintaining a sustainable economy in the Highlands Region.

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Map Adjustments

The Highlands did not complete any GIS mapping related to this topic. Therefore, there are no mapping adjustments related to local participation.

Achieving RMP Consistency

Mine Hill Township is participating in both the Initial Assessment Grant and the Plan Conformance Grant process at this time.

Summary of Findings

This initial assessment reveals that conformance to the Highlands Regional Master Plan will require significant master plan amendments, new and/or amended land use regulations and zoning amendments.

The GIS mapping of natural resources will need to be amended to reflect existing conditions within the Township. Also, the Land Use Capability Zone map places properties slated for residential development in the Protection Zone, a conflict with the Township's zoning ordinance to develop these properties for residential uses including affordable housing. The Township's position is that further development will be vital to its financial sustainability described in this report in the Existing Community Zone and help it address the COAH obligations.

Properties approved for development, projected for future development and/or under construction include:

Block 1201, Lots 1, 4, 7, 8, 10, 12, 13 - "Sweetswood Ellison Tract" Randall Ave. (84 acres targeted for residential development including 67 low and moderate income units). A majority of the COAH units proposed to address the Township's Second Round COAH obligations are proposed for this development.

Block 606 Lot 1.01/Block 1101 Lot 1.02 - Canfield Building Association (275 residential units permitted per court settlement).

Block 1503 Lot 1 – Thomastown Road – Forty-eight (48) additional townhomes currently under construction. Sixty-six (66) townhomes were previously constructed on this tract.

Block 2004 Lot 1 – Hurd Street – approved townhouse development.

Block 1207 Lot 7 – Route 46 – under development for Stowaway Storage.

Block 1201 Lot 13 – Water Tower lot.

Block 901 lot 13 – To be developed by Berkendorf Nursery. The site is currently developed.

Block 101 Lot 1 – Currently under use as sand and gravel operation.

Block 201, Lots 22.01, 23, 24, 25.01, 27.01, and 29.01 – Vacant tracts in approved industrial development.

Block 203, Lots 10.01, 11.01, 12.01, and 14.01 – Approved industrial development. The site is under construction.

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The above properties should be in the Existing Community Zone instead of the Protection Zone or Existing Community Environmentally Constrained Zone. The Highlands Land Use Capability Zone Map should be revised accordingly.

Anticipated Cost to Achieve Plan Conformance

The Highlands Council has already set aside funding for Plan Conformance to assist municipalities in developing all the components necessary for a petition for Basic Plan Conformance – note that this is not for full Plan Conformance. The work to gain Basic Plan Conformance has been divided into seven modules with allocated grant amounts, which are as follows:

- Current Municipal Conditions and Build-Out Analysis Module - \$15,000
- Land Use and Resource Capacity Analysis Module - \$10,000
- Housing Element & Fair Share Plan Module - \$7,500
- Highlands Environmental Resource Inventory Module- \$ 2,000
- Highlands Master Plan Element Module - \$2,500
- Highlands Regulations Module - \$5,000
- Municipal Self Assessment, Implementation Plan & Petition Module - \$8,000

This totals to a minimum of \$50,000 in grant monies available to gain Basic Plan Conformance. Although, from experience Maser is aware that a Housing Element & Fair Share Plan will cost much more than the allocated \$7,500, especially to guide it to and through substantive certification.

The cost to complete Basic Plan Conformance is estimated to range from \$80,000 to \$125,000. The actual cost will depend upon the time devoted to complete all the required Master Plan Elements, ordinances, and other planning documents necessary for Plan Conformance.

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Highlands Regional Master Plan: Initial Assessment Study
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INITIAL ASSESSMENT GRANT REPORT ADDENDUM: TOWNSHIP OF MINE HILL

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

	EXISTING ERI/NRI		EXISTING MASTER PLAN		EXISTING LAND USE ORDINANCES		Action(s) Required
	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	Includes Topic?	Addresses RMP?	
Forest Resources	No	No	No	No	Yes	No	Complete ERI, supplement MP and LDO to include topic and incorporate RMP provisions. Supplement development review checklists as required by RMP. Major& minor revisions necessary.
Highlands Open Waters & Riparian Areas	No	No	No	No	Yes	No	Complete ERI, supplement MP and LDO to include topic and incorporate RMP provisions. Supplement development review checklists as required by RMP. Major& minor revisions necessary.
Steep Slopes	No	No	No	No	Yes	No	Complete ERI, supplement MP and LDO to include topic and incorporate RMP provisions. Supplement development review checklists as required by RMP. Major& minor revisions necessary.
Critical Habitat	No	No	No	No	No	No	Complete ERI, supplement MP and LDO to include topic and incorporate RMP provisions. Supplement development review checklists as required by RMP. Major& minor revisions necessary.

Highlands Regional Master Plan: Initial Assessment Study

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	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?	
Carbonate Rock	No	No	No	No	No	No	None.
Lake Management	No	No	No	No	Yes	No	None.
Water Resources Availability	No	No	No	No	No	No	Complete ERI, supplement MP and LDO to include topic and incorporate RMP provisions. Supplement development review checklists as required by RMP. Major& minor revisions necessary.
Prime Groundwater Recharge	No	No	No	No	No	No	No actions required; Belvidere does not own the water system.
Water Quality	No	No	No	No	No	No	Complete ERI, supplement MP and LDO to include topic and incorporate RMP provisions. Supplement development review checklists as required by RMP. Major& minor revisions necessary.
Wellhead Protection	No	No	No	No	No	No	Complete ERI, supplement MP and LDO to include topic and incorporate RMP provisions. Supplement development review checklists as required by RMP. Major& minor revisions necessary.
Stormwater Management	No	No	No	No	Yes	No	Complete ERI, revise MP and LDO to incorporate RMP provisions. Minor revisions necessary.
Water/Wastewater	Yes	No	Yes	No	Yes	No	Complete ERI, revise MP and LDO to incorporate RMP provisions. Major& minor revisions necessary.

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	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?	
Utilities							
Septic Densities	No	No	No	No	No	No	Complete ERI, supplement MP and LDO to incorporate RMP provisions. Major& minor revisions necessary.
Low Impact Development	No	No	No	No	No	No	Complete ERI, revise MP and LDO to incorporate RMP provisions. Major& minor revisions necessary.
Transportation	No	No	Yes	No	Yes	No	Complete ERI, revise MP and LDO to incorporate RMP provisions. Major& minor revisions necessary.
Land Preservation & Stewardship	No	No	No	No	Yes	No	Complete ERI, revise MP and LDO to incorporate RMP provisions. Major& minor revisions necessary.
Agricultural Resources	No	No	No	No	No	No	Complete ERI, revise and supplement MP and LDO to incorporate RMP provisions. Supplement development review checklists as required by RMP. Major& minor revisions necessary.
Cluster Development	No	No	No	No	Yes	No	Complete ERI, revise MP and LDO to incorporate RMP provisions. Major& minor revisions necessary.
Community Facilities	No	No	Yes	No	Yes	No	Complete ERI, revise MP and LDO to incorporate RMP provisions. Major& minor revisions necessary.
Sustainable Economic Development	N.A.	N.A.	No	No	No	No	Complete ERI, revise and supplement MP and LDO to incorporate RMP provisions. Major& minor revisions necessary.

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	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?	
Historic, Cultural, Archaeological Resources	No	No	Yes	No	Yes	No	Complete ERI, revise and supplement MP and LDO to incorporate RMP provisions. Supplement development review checklists as required by RMP. Major & minor revisions necessary.