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**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING  
OF THE HIGHLANDS COUNCIL**

## **FINAL ~~DRAFT~~ CONSISTENCY REVIEW AND RECOMMENDATIONS REPORT**

**PETITION FOR PLAN CONFORMANCE:  
TOWNSHIP OF MOUNT OLIVE, MORRIS COUNTY**

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

**JANUARY 10, 2011**

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

**INTRODUCTION**

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

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

**REPORT SUMMARY**

**Municipality:** Township of Mount Olive

**Date of Petition Submission:** December 2, 2009

**Date Deemed Complete:** February 2, 2010

**Conformance Area:** Preservation Area

**Staff Recommendation:** Approve Petition with Conditions

<b>Administrative Submittals</b>	<b>Meets Requirements</b>	<b>Conditions of Approval</b>
1. Resolution or Ordinance	x	None
2. Record of Public Involvement	x	None
3. List of Current Planning and Regulatory Documents	x	Follow-Up Required per Section A.3
4. Other		N/A

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

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

<b>Optional Submission Items</b>	<b>Submission Date</b>	<b>Status/Recommendation</b>
1. RMP Updates	N/A	
2. Map Adjustments	N/A	
3. Center Designation Requests	N/A	
4. Highlands Redevelopment Area Designation Requests	N/A	
5. Other	N/A	

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

**A. REVIEW OF ADMINISTRATIVE SUBMITTALS**

1. **Resolution.** The Resolution petitioning the Highlands Council for Plan Conformance was adopted by the municipal Governing Body at its noticed public meeting of November 10, 2009. The document submitted is appropriately signed and certified by the Municipal Clerk to verify authenticity. The language of the Resolution relies upon the model provided by the Highlands Council. The Resolution clearly petitions the Highlands Council for Plan Conformance; conformance being proposed with respect to municipal lands located in the Preservation Area of the municipality only. The Preservation Area of Mount Olive Township encompasses 15,865 Acres while the Planning Area encompasses 4131 acres. At any time the Township may reconsider and petition for plan conformance for the Planning Area portion of the municipality.
2. **Record of Public Involvement.** The Petition includes appropriate documentation of the public process engaged in by the municipality with regard to the development of Petition materials and adoption of the Resolution petitioning the Highlands Council for Plan Conformance. The submission includes the following:
  - a. Copy of public meeting notice for a meeting of the Planning Board held on August 20, 2009 to discuss Plan Conformance and Petition components, including specifically, the draft Master Plan Highlands Element.
  - b. Copy of meeting agenda and adopted meeting minutes associated with the August 20, 2009 Planning Board meeting.
3. **List of Current Planning Documents.** The list of current municipal planning and regulatory documents is comprehensive and includes required dates of adoption, as applicable. Pursuant to Highlands Council Module 7 Municipal Plan Conformance Petition instructions, all of these documents should be available in the offices of the Highlands Council in Adobe pdf format. Staff review indicates that only some of the required documents are available Adobe pdf format as required. In order to address this Plan Conformance requirement, the documents listed below must be provided in Adobe pdf format:
  - a. Master Plan: Land Use Plan Amendment - July 2007
  - b. Stormwater Management Plan - March 2005
  - c. Master Plan: Land Use Plan Amendment - December 2004
  - d. Open Space Plan - June 2001

Please note that Highlands Council files contain a 2004 paper copy of the Land Use Code, however the most recent version is available online, so no additional copy or pdf version, is required to be submitted. The Land Use Code is available online at <http://www.ecode360.com/?custId=MO0360>.

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**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

**B. REVIEW OF PLAN CONFORMANCE PETITION COMPONENTS**

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

The Township of Mount Olive provided all components required by the Highlands Council. The first submission was included as requested within the municipality's Petition for Plan Conformance, while the remaining items were provided in accordance with the revised submission deadlines. Completed Highlands Council forms used to conduct preliminary submission reviews appear in Appendix A. Review of the final Housing Element and Fair Share Plan submission, dated September 17, 2009 (revised January 27, 2010) follows. These findings constitute a preliminary analysis of the Draft Housing Element and Fair Share Plan by the Highlands Council. Formal review will be conducted by COAH. These documents were filed with COAH on January 8, 2010. The final Housing Element and Fair Share Plan document appears to address the municipality's Fair Share Obligation. As to consistency with the requirements of the RMP, the Plan is satisfactory with regard to the items noted below.

- a. **Summary of Municipal Obligation.** The Municipal Obligation appeared to be correctly calculated and included the components listed below.
  - i. **Rehabilitation Share:** 67 units
  - ii. **Prior Round Obligation:** 45 units
  - iii. **Growth Share Obligation:** 505 units

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

b. **Municipal Growth Projections.** The Township of Mount Olive has submitted a petition to COAH and will not utilize Highlands Full Build-Out Projections because the Township intends to conform to the Regional Master Plan for the Preservation Area only. No calculations were submitted, however the figures are provided below, as prepared by Highlands Council staff, for comparison purposes only. Note: Highlands Full Build-Out Projections apply in the case of conformance for both Planning and Preservation Areas in accordance with COAH's instructional document, *Guidance for Highlands Municipalities that Conform to the Highlands Regional Master Plan*; COAH Growth Projections apply in all cases where the municipality is not petitioning for conformance for the whole of the municipality, until or unless modified by COAH consistent with the Guidance or as applicable, the Superior Court.

i. **Highlands Full Build-Out Projections**

- Residential Growth (housing units): 547
- Non-Residential Growth (jobs): 1,990
- Total Growth Share, after exclusions (units): 234

ii. **COAH Growth Projections through 2018**

- Residential Growth (housing units): 1,027
- Non-Residential Growth (jobs): 4,796
- Total Growth Share, after exclusions (units): 505

c. **Summary of Proposed Fair Share Plan.** The Fair Share Plan proposes to address the municipal obligation by use of the mechanisms and development projects listed below.

i. **Rehabilitation Program:** To date 34 units have been funded through the Morris County Department of Community Development program and, if necessary, the Township will provide supplemental funding through the Township's Affordable Housing Trust Fund to ensure completion of all required units. Anticipated Credits: 67

ii. **Prior Round Sites:**

1. 17 Glenside (rental) Bedrooms: 4
2. Rose House: Building #1 (rental) Bedrooms: 4
3. Rose House: Building #2 (rental) Bedrooms: 4
4. Rigenbach Lane (rental) Bedrooms: 2
5. Abiding Peace (senior: age-restricted) (rental) Units: 20

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

Anticipated Total Credits: 34

iii. **Other Prior Round Mechanisms:** Anticipated Rental Bonus Credits: 11

iv. **Third Round Projects/Sites:**

1. Woodfield – 72 Family Units
2. Abiding Peace – 40 Age Restricted Rental Units
3. 1 Locust Street – 4 Units
4. Mount Olive Manor – 50 Age Restricted Units
5. Paragon Village (independent living) – 14 Age Restricted Units
6. Paragon Village (assisted living) - 15 Age Restricted Units
7. Six River Road – 11 Rental Units
8. 122 Pleasant Hill Road – 5 Units
9. 44 Gold Mine Road – 3 Family Units
10. 27 Mt. Olive Road – 3 Family Units. Approvals in Place.
11. Mt. Olive Mews – 54 Family Units (Proposed)
12. Marveland Estates – 57 Family Units (Proposed)
13. Morris Habitat for Humanity (Wallman Way) – 4 Family Units (Proposed)
14. Morris Habitat for Humanity (Lozier Rd.) – 2 Family Units (Proposed)
15. Municipally Sponsored 100% Affordable Housing Development – 37 Family Units

Anticipated Total Credits: 370

v. **Other Third Round Mechanisms:**

1. Accessory Apartment Program: 4 Units
2. Market to Affordable Program: 17 Units
3. Compliance Bonus Credits: 50
4. Rental Bonus Credits: 76

Anticipated Total Credits: 147

vi. **Issues/Concerns & Recommendations:**

- The Habitat for Humanity projects are to be located in the Preservation Area. However, given the size of the lots, the development should not exceed the Major Highlands Development threshold.
- The Marveland Estates development contains both Protection Zone and Existing Community Zone (ECZ). Development is proposed to be limited to the ECZ. There are significant low integrity Riparian Areas on the site. The development proposal has received municipal

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

Planning Board approval. In the event that further approvals are required, the project may need to provide for mitigation in the event of impacts to those Riparian Areas.

- Any Accessory Apartments proposed for the Preservation Area will have to meet all requirements of the RMP and the Preservation Area Rules unless a Highlands Act exemption applies.
- Goals and objectives consistent with the goals and objectives found in the Model Housing Element appended to the Module 3 instructions have been inserted as revisions to the Township's proposed Master Plan Highlands Element (see Housing Plan section of the document).

**3. Environmental Resource Inventory (Module 4).** The proposed Township of Mount Olive Highlands Environmental Resource Inventory (ERI) is based on the Highlands Model ERI provided to municipalities by the Highlands Council. The document has undergone previous revisions under a collaborative process between the municipality and the Highlands Council to address and incorporate the input and concerns of all parties. The Township of Mount Olive Highlands ERI as now proposed contains all required Highlands ERI language and all applicable maps/exhibits, as necessary, to fully describe the Highlands Resources, Resource Areas, and Special Protection Areas located within the municipality. As such, the Highlands ERI is consistent with the RMP and the immediate mandatory requirements of Plan Conformance.

a. **Areas of Inconsistency.** None

b. **Recommendations to Achieve Consistency.** None

**4. Master Plan Highlands Element (Module 5).** The proposed Township of Mount Olive Master Plan Highlands Element is based on the model Highlands Element provided to municipalities by the Highlands Council. The document has undergone previous revisions under a collaborative process between the municipality and the Highlands Council to address and incorporate the input and concerns of all parties. The Township of Mount Olive Highlands Element as now proposed, contains all required Highlands Element language as necessary to fully address the immediate mandatory requirements of Plan Conformance. The Township will prepare all necessary maps/exhibits, as indicated below.

The specific components of the model Highlands Element are listed below. Where each is consistent with the Highlands Council model or otherwise satisfactorily addresses all RMP requirements for ~~Basic~~ Plan Conformance, the heading or sub-heading indicates "Consistent." Where any section of the model Highlands Element has been appropriately deleted due to non-applicability, the heading or sub-heading indicates "Not Applicable – Deleted." Where minor modifications are required to complete the document for purposes of adoption by the Planning Board, the heading or sub-heading indicates, "Minor



**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

Modifications Required for Completion.” If needed, explanatory discussion is provided. It is anticipated that this iterative process will continue between Mt. Olive and the Highlands Council as this element goes through the adoption process such that other modifications will occur subject to the conditions laid forth by the Council.

- a. **Policies, Goals & Objectives.** Consistent
  - i. Preservation Area Goals. Consistent
  - ii. Planning Area Goals. Not Applicable – Deleted
  - iii. General Purposes of Zoning. Consistent
  - iv. Relationship Between Highlands Act & MLUL. Consistent
  
- b. **Land Use Plan Element.** Consistent
  - i. Highlands Zones and Sub-Zones. Consistent
  - ii. Land Uses. Consistent
  - iii. Density and Intensity of Development. Consistent
  - iv. Cluster Development. Consistent
  - v. Land Use Inventory. Consistent
  - vi. Redevelopment Planning. Consistent
  
- c. **Housing Plan Element.** Review and findings concerning the Housing Plan Element appear at item #2 above, Housing Element & Fair Share Plan.
  
- d. **Conservation Plan Element.** Consistent
  - i. Forest Resources. Consistent
  - ii. Highlands Open Waters and Riparian Areas. Consistent
  - iii. Steep Slopes. Consistent
  - iv. Critical Habitat. Consistent
  - v. Carbonate Rock. Consistent
  - vi. Lake Management. Consistent
  - vii. Water Resources Availability. Consistent
  - viii. Prime Ground Water Recharge Areas. Consistent
  - ix. Water Quality. Consistent
  - x. Wellhead Protection. Consistent
  - xi. Low Impact Development. Consistent

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

- e. **Utility Services Plan Element.** Consistent
    - i. Preservation Area. Consistent
    - ii. Planning Area. Not Applicable – Deleted
    - iii. Planning & Preservation Areas. Not Applicable – Deleted
  - f. **Circulation Plan Element.** Consistent
  - g. **Land Preservation/Stewardship Plan Element.** Consistent
  - h. **Agriculture Retention/Farmland Preservation Plan Element.** Consistent
  - i. **Community Facilities Plan Element.** Consistent
  - j. **Sustainable Economic Development Plan Element.** Consistent
  - k. **Historic Preservation Plan Element.** Consistent
    - i. Historic, Cultural, and Archaeological Resources. Consistent
    - ii. Scenic Resources. Consistent
  - l. **Development Transfer Plan Element.** Inclusion of this Section is optional and the municipality has elected not to incorporate it.
  - m. **Relationship of Master Plan to Other Plans.** Consistent
  - n. **Exhibits.** Minor modification required to complete. The Township will insert all Exhibits in preparation for adoption of the Element.
5. **Highlands Area Land Use Ordinance (Module 6).** The proposed Township of Mount Olive Highlands Area Land Use Ordinance is based on the model Highlands Area Land Use Ordinance provided to municipalities by the Highlands Council. The document has undergone previous revisions under a collaborative process between the municipality and the Highlands Council, wherein the participants have determined appropriate ways to address and incorporate the input and concerns of all parties. Since the time of issuance of the Model, the Highlands Council has made certain revisions to the document to refine and simplify it for purposes of municipal implementation. The Township of Mount Olive Highlands Area Land Use Ordinance as proposed (and modified by the Highlands Council), contains all required Highlands Area Land Use Ordinance language to fully address the immediate mandatory requirements of Plan Conformance. As to maps/exhibits, please see section 5.m, below.

The specific components of the model Highlands Land Use Ordinance are listed below. Where each is consistent with the Highlands Council model or otherwise satisfactorily

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

addresses all RMP requirements for ~~Basic~~ Plan Conformance, the heading or sub-heading indicates “Consistent.” Where any section of the model Highlands Land Use Ordinance has been appropriately deleted due to non-applicability, the heading or sub-heading indicates “Not Applicable – Deleted.” Where minor modifications are required to complete the document for purposes of adoption, the heading or sub-heading indicates, “Minor Modifications Required for Completion.” If needed, explanatory discussion is provided. It is anticipated that this iterative process will continue between Mt. Olive and the Highlands Council as this element goes through the adoption process such that other modifications will occur subject to the conditions laid forth by the Council.

- a. **Article 1. Title, Purpose, Scope.** Consistent.
- b. **Article 2. Applicability.** Consistent.
- c. **Article 3. Definitions.** Consistent. The municipality will address/incorporate the modifications made by the Highlands Council. Please see ~~edited-revised~~ document text.
- d. **Article 4. Establishment of Highlands Area Districts.** Consistent.
- e. **Article 5. Highlands Area Zone District Regulations.** Consistent. Prior to ordinance adoption the Township will determine the method for septic system yield calculations as they apply to cluster development and to non-major Highlands Development in the Preservation Area.
- f. **Article 6. Highlands Area Resource Regulations.** Consistent, however some follow-up is required to complete the document. Municipality will address/incorporate minor edits provided by the Highlands Council.
  - i. Forest Resources. Consistent
  - ii. Highlands Open Waters & Riparian Resources. Consistent.
  - iii. Steep Slopes. Consistent
  - iv. Critical Habitat. Consistent
  - v. Carbonate Rock. Consistent
  - vi. Lake Management Area. Consistent
  - vii. Water Conservation & Deficit Mitigation. Consistent
  - viii. Prime Ground Water Recharge Areas. Consistent
  - ix. Wellhead Protection. Consistent.
  - x. Agricultural Resources. Consistent, with modifications required prior to ordinance adoption as follows:

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

- Section 6.10.3.A – Municipality to establish standards prior to ordinance adoption.
  - xi. Historic, Cultural & Archaeological Resources. The municipality has elected to delete this (optional) section.
  - xii. Scenic Resources. Consistent
- g. **Article 7. Highlands Area General Regulations.** Consistent
  - i. Affordable Housing. Consistent
  - ii. Low Impact Development. Consistent
  - iii. Conservation Restrictions. Consistent
  - iv. Stormwater Management. Consistent
  - v. Special Environmental Zone. Consistent
  - vi. Septic System Design and Maintenance. Consistent
- h. **Article 8. Planned Development Regulations.** Consistent as submitted, however additional information (Section 8.1.6.C, Bulk Requirements) required prior to adoption.
- i. **Article 9. Application Review Procedures & Requirements.** Consistent. However the municipality will finalize the following sections prior to ordinance adoption:
  - i. Section 9.3. Insert fees and escrows.
  - ii. Section 9.4.1. Insert number of copies.
  - iii. Section 9.4.14.B, -C. Address “if applicable” language.
- j. **Article 10. Appeals, Waivers, Exceptions.** Consistent.
- k. **Article 11. Enforcement, Violations, Penalties.** Consistent, however the municipality must finalize the following sections prior to ordinance adoption:
  - i. Sections 11.2 and 11.3. Specify municipal officials.
  - ii. Section 11.4. Insert applicable municipal penalty code.
- l. **Appendices.** Consistent
- m. **Exhibits.** The Exhibits, including the List of Exhibits and all in-text document references to Exhibits have been updated by the Highlands Council to include Highlands Council parcel-based maps, which indicate the locations and boundaries of

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

each Highlands Area, Zone, Resource, Resource Area, and Special Protection Area. These Exhibits were not available when the Model Land Use Ordinance was initially provided by the Highlands Council for use in preparing Petitions, but are crucial to the regulatory function of the Highlands Area Land Use Ordinance.

Please note that Exhibit 9 has been modified since first provided to the municipality to reflect the Township's decision at this time not to regulate Historic, Cultural and Archaeological Resources. It now contains only Scenic Resources. The Township may decide at any time in the future to include regulations for Historic, Cultural and Archaeological Resources if it so chooses. Funding may be made available to the Township, upon request, to assist in the determination of the inclusion and preparation of the regulations for Historic, Cultural and Archaeological Resources.

Please note that the revised maps have been provided in Adobe® pdf format, and in this case, should not be converted for insertion directly in the MSWord® version of the Ordinance. After adoption, they should accompany the Ordinance at all times, however, as an integral component of it – whether made available to the public in paper or electronic format. As provided currently, the maps are at a scale suited to printing on large plotters, for purposes of municipal reproduction and display (ensuring high-resolution detail).

**6. Petition Submission Documents (Module 7).**

- a. **Municipal Self-Assessment Report.** The Municipal Self-Assessment Report consists of two components as listed herein. The Report accurately describes the status of municipal Plan Conformance to date, indicating both municipal accomplishments and the items that remain to be completed to achieve ~~Full~~-Plan Conformance.
  - i. **Narrative Portion.** The Narrative Portion has been completed accurately.
  - ii. **Spreadsheet Portion.** The Spreadsheet Portion has been completed accurately.
- b. **Highlands Implementation Plan & Schedule.** The Highlands Implementation Plan and Schedule provides a template for future Plan Conformance activities. It is intended to indicate all outstanding items, both required and discretionary, along with estimated costs and timeframes for completion, for the municipality to achieve or exceed ~~Full~~-Plan Conformance with the Regional Master Plan.

As proposed by the municipality, the Highlands Implementation Plan and Schedule included all mandatory components required to achieve ~~full~~-Plan Conformance and incorporated realistic timeframe estimates associated with each mandatory element. The Highlands Implementation Plan and Schedule has been modified by the

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

Highlands Council since its first issuance however, and the municipality's document has been updated accordingly. The revised document includes cost estimates for each activity and prioritizes implementation tasks with a particular focus on the first few months after Highlands Council approval of Petitions, into and including the 2011 State fiscal year.

Recommended Highlands Council edits tailoring the revised document to the municipality (based on the Petition submittals) have been considered and included in the final version. In each case, release of funds will occur upon approval by the Highlands Council Executive Director of a Scope of Work for the project. The Highlands Council is proposing the allocation of funds for three resource management plans relevant to Mount Olive Township:

- i. **Water Use and Conservation Management Plan** for HUC14 02040105150090. The Highlands Council will serve as lead for this project. This subwatershed has a moderate deficit in Net Water Availability that can be addressed through planning at the subwatershed scale.
- ii. **Habitat Conservation Management Plan.** The municipality has indicated in its Initial Assessment Report the need for, and the Highlands Implementation Plan and Schedule includes, development of a Habitat Conservation Management Plan for the municipality to address the potential impacts of future development and redevelopment and to improve the targeting of mitigation efforts that might be required. Mount Olive has extensive critical habitat that is proximate to or within Existing Community Zones and other "at risk" areas. The plan will address habitat management needs in both the Preservation and Planning Areas. Funding will be made available to the Township upon approval of a scope of work by the Executive Director of the Highlands Council.
- iii. **Stream Corridor Protection/Restoration Plan.** The Township has indicated in its Initial Assessment Report the need for, and the Highlands Implementation Plan and Schedule includes, development of a Stream Corridor Protection/ Restoration Plan. The plan will identify critical corridors, focused especially on the South Branch Raritan River and tributaries, and identify methods to protect, restore and enhance these corridors while also addressing potential mitigation opportunities. Funding will be made available to the Township upon approval of a scope of work by the Executive Director of the Highlands Council.

**C. REVIEW OF OPTIONAL SUBMISSION COMPONENTS**

1. **RMP Updates.** The Petition for Plan Conformance was not accompanied by any requests for RMP Updates. However, the Highlands Council previously processed an RMP Update

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

affecting the Combe Fill North Landfill, Block 4100 Lot 10. In this update, the nature of the site as a landfill was acknowledged through a change in the applicable land use/land cover, resulting in a change in Land Use Capability Zone to Existing Community Zone. A summation of the Highlands Council's review and response appears at Appendix B.

2. **Map Adjustments.** N/A
3. **Highlands Center Designation Requests.** N/A
4. **Highlands Redevelopment Area Designation Requests.** N/A
5. **Other.** N/A

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

**D. PRELIMINARY-STAFF RECOMMENDATIONS**

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

**1. Approval with Conditions.** Highlands Council Staff recommend that this Petition for Plan Conformance be approved by the Highlands Council. The approval should be conditioned upon satisfactory completion of all items noted within Sections A through C of this Report (including all items addressed in the herein-referenced Highlands Council Staff-provided MSWord “Track-Changes” versions of the various Petition documents), and in addition, satisfaction of the below-listed requirements.

**a. Adoption of Approved Highlands ERI.** The Highlands Environmental Resource Inventory (ERI) shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. The municipal Environmental Commission (or Planning Board in the absence of an Environmental Commission) shall provide for and complete the required process of formal adoption of the ERI by the local Commission or Board. At the conclusion of the process, a certified copy of the adopted ERI shall be provided to the Highlands Council. The process of ERI adoption shall be conducted in accordance with all applicable legal requirements and protocols, and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the ERI, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the local Commission or Board.

**b. Adoption of Approved Master Plan Highlands Element.** The Master Plan Highlands Element shall be ~~completed in accordance with the requirements of Section B4 of this Report, and submitted to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the Highlands Element shall be~~ prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. The municipal Planning Board shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the Highlands Element by the municipal Planning Board. At the conclusion of the process, a certified copy of the adopted Highlands Element shall be provided to the Highlands Council. The process of Highlands Element adoption shall be conducted in accordance with all applicable legal requirements and protocols, and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule.



**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

Should this process lead to proposed modifications to any portion of the Highlands Element, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the local Planning Board.

- c. **Adoption of Approved Highlands Area Land Use Ordinance.** The Highlands Area Land Use Ordinance shall be completed in accordance with the requirements of Section B5 of this Report and to address municipal needs regarding internal development review procedures and other similar issues, and submitted to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the Highlands Area Land Use Ordinance shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. After the municipal Planning Board has adopted the Master Plan Highlands Element, the municipal Governing Body shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the Highlands Area Land Use Ordinance by the municipal Governing Body. At the conclusion of the process, a certified copy of the adopted Highlands Area Land Use Ordinance shall be provided to the Highlands Council with notice of its effective date. The process of Highlands Area Land Use Ordinance adoption shall be conducted in accordance with all legal requirements and protocols pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Highlands Area Land Use Ordinance, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the Governing Body.
- i. **Highlands Council Information and Training Sessions.** Prior to the effective date of the Highlands Area Land Use Ordinance, municipal representatives (e.g., Land Use Administrators, Zoning Officials, Planners) shall attend information and training session(s) to be provided by the Highlands Council on the implementation and administrative procedures set forth within the Ordinance. Such sessions will provide detailed instruction on application processes and procedures, notice requirements, Highlands Council referrals and call-up provisions, decision-making and formal action, variances, waivers, exceptions, and enforcement activities, and the implications of Highlands Act exemptions for local development reviews.
- d. **Adoption of Updated Zoning Map.** The Township shall prepare an updated Municipal Zoning Ordinance which shall be adopted immediately following or at

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

the time of adoption of the Highlands Area Land Use Ordinance, to reflect the new overlay Highlands Zones and Sub-Zones. The adoption process shall mirror that outlined above for the Highlands Area Land Use Ordinance.

- e. **COAH Approval of Housing Element & Fair Share Plan.** The Township submitted a petition for substantive certification to COAH on January 8, 2010. The Highlands Council shall be copied on all related correspondence and kept apprised of the process as it unfolds. Any subsequent revision to the Housing Element and Fair Share Plan shall be provided to the Highlands Council for review and approval prior to implementation by the municipality. Until and unless the municipality secures final approval of a Highlands Council-approved (as RMP Consistent) Housing Element and Fair Share Plan, this Plan Conformance component shall remain a conditionally approved item. (In recognition of potential changes in the applicable laws pertaining to the provision of affordable housing in the state of New Jersey, these requirements shall be considered subject to change, with the intent being only to ensure that the municipality remains in compliance with all applicable rules, regulations and requirements, at any given time, and maintains consistency with the RMP, so as to protect the municipality from legal challenge.)
- f. **Adoption of Ordinances Implementing Fair Share Plan.** Governing Body adoption of Ordinances required to implement the Fair Share Plan shall follow approval of the Housing Element and Fair Share Plan, in accordance with all requirements of the Superior Court or COAH, as applicable, and all legal requirements and protocols pertaining thereto. Plan implementation and continued compliance with the final Court- or COAH-approved Fair Share Plan moreover, shall be a condition of continued Plan Conformance approval, subject to Highlands Council review and monitoring.
- g. **Wastewater Management Plan (WMP).** The municipality shall work with Morris County to prepare a Wastewater Management Plan for approval by the NJDEP. This plan will be recognized as a chapter of the Morris County WMP in accordance with NJDEP Administrative Order 2010-03 and all applicable NJDEP rules and requirements. The current NJDEP due date for such Plans is April 11, 2011.
- h. **Adherence to Approved Highlands Implementation Plan & Schedule.** The municipality shall undertake to complete all remaining mandatory Plan Conformance activities listed in the Highlands Council-approved Implementation Plan & Schedule, in accordance with: a) the timeframes set forth therein, to the maximum extent feasible and practicable, or with such adjusted timeframes as may be authorized by the Highlands Council or otherwise mutually agreed by the municipality and the Highlands Council; and b) the availability of funding from the Highlands Council or, on a voluntary basis, by the municipality or other party, to ensure the satisfactory completion of each project or activity, or each phase of such project or activity, as appropriate. Non-mandatory Plan Conformance activities shall

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

neither take precedence over nor shall impede the completion of mandatory items and shall be undertaken only as time and resources are available to support them. In addition to the items below, the Highlands Implementation Plan & Schedule includes funding to support Highlands Redevelopment Area planning in appropriate areas of the Township, in both the Preservation and Planning Areas.

**i. Development/Approval of Implementation Plan Components.**

Within the constraints above, all planning, regulatory, and resource management documents shall be prepared and provided to the Highlands Council for review and approval prior to formal adoption by the applicable municipal board, commission, or governing body.

**ii. Adoption of Regulations Implementing Plan Components.**

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

**iii. Mandatory Components.**

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

- Water Use & Conservation Management Plan: ~~Note:~~The Highlands Implementation Plan & Schedule includes funding to develop a plan for HUC14 02040105150090. The Highlands Council will serve as lead for this project. See Section B.6 for further details.
- Habitat Conservation & Management Plan. ~~As initially discussed in the Township's Initial Assessment Report,~~ The Highlands Implementation Plan & Schedule includes funding to develop a plan for the township. Funding will be made available to the Township upon approval of a scope of work by the Executive Director of the Highlands Council. See Section B.6 for further details.
- Lake Restoration Management Plan

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

- Stormwater Management Plan (Updates Only)
- Land Preservation and Stewardship Program
- Septic System Management/Maintenance Plan
- Implementing ordinances associated with each of the above (long-term, as applicable), (adoption of which is anticipated earlier in the ~~full~~ Plan Conformance phase without need for a prior planning/program document). The Township's existing Right to Farm ordinance will be reviewed to confirm its adequacy under Plan Conformance.

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

**2. Optional Petition Requests.**

**i.a.** **Highlands Redevelopment Area Planning.** The Township, in discussions with Highlands Council staff, has identified the area of Route 46 and Sand Shore Road for potential designation as a Highlands Redevelopment Area. The redevelopment designation is proposed to be phased. Phase I is proposed to include existing industrial properties located in Block 8300 along the north side of Sand Shore Road. Phase II will review the expansion of the redevelopment area to surrounding developed properties along Route 46. Additional Highlands Redevelopment Areas in the area of Goldmine Road, and on Route 206 in the area of Bartley Road will also be reviewed for potential future redevelopment area designation. Funding will be made available to the Township upon approval of a scope of work by the Executive Director of the Highlands Council.

**j.b.** **Stream Corridor Protection/Restoration Plan.** As initially discussed in the Township's Initial Assessment Report, the Highlands Implementation Plan & Schedule includes funding to develop a plan for the township. Funding will be made available to the Township upon approval of a scope of work by the Executive Director of the Highlands Council.

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

**E. MUNICIPAL RESPONSE PERIOD**

The Highlands Council provided a Draft Consistency Review and Recommendations Report dated August 11, 2010, to the municipality on August 12, 2010. The Municipal Response Period expired on November 19, 2010. The municipality provided deliberative ~~new, revised, supplemental, or~~ amended materials, ~~items, or information~~ in support of the Petition for Plan Conformance, prior to expiration of that Period, for Highlands Council consideration.

The Municipal Response submittals included the items listed below, each described and discussed in relation to the matter of consistency with the Regional Master Plan and sufficiency to meet the requirements for ~~Basic~~ Plan Conformance.

1. **Master Plan Highlands Element.** Minor edits were returned by the municipality. The edits were primarily related to updated language provided to the municipality as part of the initial Highlands staff review. Section B4 of this Report has been updated accordingly, and reflects an enhanced degree of consistency with ~~Basic~~ Plan Conformance requirements.
2. **Highlands Area Land Use Ordinance.** Minor edits were returned by the municipality. The edits were primarily related to updated language provided to the municipality as part of the initial Highlands staff review. Section B5 of this Report has been updated accordingly, and reflects an enhanced degree of consistency with ~~Basic~~ Plan Conformance requirements.
3. **Highlands ERI.** Minor edits were returned by the municipality.

~~In addition, municipal representatives met with Highlands Council staff on January 6, 2011, at the municipality's prior request, to discuss specific issues primarily regarding procedural aspects of the Highlands Land Use Ordinance. Many non substantive changes to the draft ordinance were agreed to at that meeting and subsequent to Highlands Council approval of Plan Conformance, the municipality will may recommend non-substantive other modifications to the draft ordinance to better meld existing development review and development oversight procedures of the municipality with the provisions of the Highlands Land Use Ordinance. This also applies to the ERI and the Highlands Master Plan Element. As in all approval of Plan Conformance Petitions these changes can be made and agreed to by the Highlands Executive Director under the authority designated by the Council so long as the changes are consistent with the RMP. In the event that any substantive changes are proposed the Highlands Council approval will be required.~~

**F. COMMENTS FROM THE PUBLIC**

Following the Municipal Response Period and the incorporation by Highlands Council Staff of any revisions resulting from the Municipal Response, as noted above, the Draft Consistency Review and Recommendations Report ~~will~~ was ~~be~~ posted to the Highlands Council website and

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

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

~~Two comments were received from the New Jersey Highlands Coalition during the period established by the Highlands Council for receipt of written public comment (December 17, 2010 – January 5, 2011). The comment/response document is attached to this document, at Appendix C. Upon its completion, the comment/response document will be attached to this document, at Appendix C.~~

**G. FINAL RECOMMENDATIONS**

Based upon the comments received, the recommendations of Highlands Council Staff concerning the Petition for Plan Conformance of the Township of Mount Olive, ~~remain unchanged/require substantial revision/require only minor modifications~~ from the ~~Preliminary Staff Recommendations at Section D., above and/or Revised Recommendations, as discussed herein below.~~

In conclusion, the Highlands Council Staff recommends that the Petition for Plan Conformance of the Township of Mount Olive, be approved with conditions; with all applicable conditions being those listed and discussed in Section D, above.

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

**APPENDIX A**

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

**Preliminary Consistency Reviews**

**Mount Olive Township, Morris County**

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

**MODULE 3 REVIEW FORM December 8, 2009 Submission**

MUNICIPAL INFORMATION	
<b>Municipal Code:</b> 1427	<b>Date:</b> 02/11/10
<b>Municipality:</b> Mount Olive Township	

REVIEW CHECKLIST			
	Yes	No	N/A
1. Review Affordable Housing Obligation			
a. Prior Round Obligation Correct (see <a href="#">here</a> );	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Rehab Obligation Correct (Optional – See <a href="#">here</a> )	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Growth Share Obligation and Calculations Correct (see <a href="#">Workbook D</a> );	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Review of Highlands Consistency Review Report(s) required (use <a href="#">Site Review form</a> );	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Housing Transfer (RAHDP) Letter of Interest (Optional).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Sending	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Receiving	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

HIGHLANDS COUNCIL STAFF REVIEW	
<b>Follow up Required?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Comments:</b>	
<b>Reviewer Name:</b> James Humphries	
<b>Initial:</b> pjh	<b>Date:</b> 02/11/10



**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

SITE REVIEW FORM		
Municipality: Mount Olive Township	Date: 04/07/2010	
Project Name: Morris Habitat for Humanity 18 and 20 Wallman Way, and 24 Lozier Road		
Municipal Code: 1427	Project Size (Acres): 7115 sq .ft, 7152 sq.ft., 8350 sq.ft.	
Block(s) and Lot(s): Block 2203, Lots 2 and 3, Block 1300, Lot 44		
Municipality Claims Highlands Act Exemption?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Site Proposed to be Serviced by Public Wastewater?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Site Proposed to be Serviced by Public Water?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Project Description: One duplex unit per lot, each serviced by sewer and on site wells.		
PRESERVATION AND PLANNING AREAS AND LAND USE CAPABILITY ZONES		
Project Area located in which Highlands Act Area? (Check all that apply):		
Preservation Area <input checked="" type="checkbox"/>	Planning Area <input type="checkbox"/>	
Project Area within which Land Use Capability Zone or Sub-Zone? (check all that apply):		
Protection Zone <input type="checkbox"/>	Conservation Zone <input type="checkbox"/>	Existing Community Zone <input checked="" type="checkbox"/>
Lake Community Sub-Zone <input type="checkbox"/>	Conservation – Environmentally Constrained Sub-Zone <input type="checkbox"/>	
Wildlife Management Sub-Zone <input type="checkbox"/>	Existing Community – Environmentally Constrained Sub-Zone <input type="checkbox"/>	
HIGHLANDS OPEN WATERS AND RIPARIAN AREAS		
Project Area includes Highlands Open Waters Buffer?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Area includes Riparian Area?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments:		
STEEP SLOPES		
Severely or Moderately Constrained Steep Slopes	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments:		
CRITICAL HABITAT		
Project Area includes Critical Wildlife Habitat?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Project Area includes Significant Natural Area(s)?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Project Area includes Vernal Pool(s) within 1,000 ft?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments:		
HIGHLANDS COUNCIL STAFF REVIEW		
RMP Consistency Issues?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments: The development of each lot should not exceed the threshold for a major higlands development and therefore should be able to be constructed as proposed.		
Reviewer: PJH		

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

SITE REVIEW FORM		
Municipality: Mount Olive Township	Date: 04/08/2010	
Project Name: Marveland Estates		
Municipal Code: 1427	Project Size (Acres): 228 Acres	
Block(s) and Lot(s): Block 6000, Lots 5 and 6		
Municipality Claims Highlands Act Exemption?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Site Proposed to be Serviced by Public Wastewater?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Site Proposed to be Serviced by Public Water?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Project Description: Age restricted development with 20% family low mod set aside at approximately 1.4 units per acre.		
PRESERVATION AND PLANNING AREAS AND LAND USE CAPABILITY ZONES		
Project Area located in which Highlands Act Area? (Check all that apply):		
Preservation Area <input type="checkbox"/>	Planning Area <input checked="" type="checkbox"/>	
Project Area within which Land Use Capability Zone or Sub-Zone? (check all that apply):		
Protection Zone <input checked="" type="checkbox"/>	Conservation Zone <input type="checkbox"/>	Existing Community Zone <input checked="" type="checkbox"/>
Lake Community Sub-Zone <input type="checkbox"/>	Conservation – Environmentally Constrained Sub-Zone <input type="checkbox"/>	
Wildlife Management Sub-Zone <input type="checkbox"/>	Existing Community – Environmentally Constrained Sub-Zone <input type="checkbox"/>	
HIGHLANDS OPEN WATERS AND RIPARIAN AREAS		
Project Area includes Highlands Open Waters Buffer?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Area includes Riparian Area?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Comments: Substantial Open Water Buffers, completely covered by low integrity riparian areas.		
STEEP SLOPES		
Severely or Moderately Constrained Steep Slopes	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Comments: Limited area that should not affect development.		
CRITICAL HABITAT		
Project Area includes Critical Wildlife Habitat?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Project Area includes Significant Natural Area(s)?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Project Area includes Vernal Pool(s) within 1,000 ft?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments:		
HIGHLANDS COUNCIL STAFF REVIEW		
RMP Consistency Issues?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments: There are potential RMP consistency issues. However, as stated in the Township's submission, the development is proposed to be limited to the ECZ. The development will also need to mitigate any impacts to the Riparian Areas.		
Reviewer: PJH		

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

SITE REVIEW FORM		
Municipality: Mount Olive Township	Date: 04/07/2010	
Project Name: Mount Olive Mews		
Municipal Code: 1427	Project Size (Acres): 63 Acres	
Block(s) and Lot(s): Block 4100, Lots 80, 83 and 84		
Municipality Claims Highlands Act Exemption?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Site Proposed to be Serviced by Public Wastewater?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Site Proposed to be Serviced by Public Water?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Project Description: 216 Age restricted townhouses and 54 low/mod income apartments at 6 units		
PRESERVATION AND PLANNING AREAS AND LAND USE CAPABILITY ZONES		
Project Area located in which Highlands Act Area? (Check all that apply):		
Preservation Area <input type="checkbox"/>	Planning Area <input checked="" type="checkbox"/>	
Project Area within which Land Use Capability Zone or Sub-Zone? (check all that apply):		
Protection Zone <input checked="" type="checkbox"/>	Conservation Zone <input type="checkbox"/>	Existing Community Zone <input type="checkbox"/>
Lake Community Sub-Zone <input type="checkbox"/>	Conservation – Environmentally Constrained Sub-Zone <input type="checkbox"/>	
Wildlife Management Sub-Zone <input type="checkbox"/>	Existing Community – Environmentally Constrained Sub-Zone <input type="checkbox"/>	
HIGHLANDS OPEN WATERS AND RIPARIAN AREAS		
Project Area includes Highlands Open Waters Buffer?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Area includes Riparian Area?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Comments:		
STEEP SLOPES		
Severely or Moderately Constrained Steep Slopes	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments:		
CRITICAL HABITAT		
Project Area includes Critical Wildlife Habitat?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Project Area includes Significant Natural Area(s)?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Project Area includes Vernal Pool(s) within 1,000 ft?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments:		
HIGHLANDS COUNCIL STAFF REVIEW		
RMP Consistency Issues?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments: Approved site. Has a TWA permit approved through 9/11/2010.		
Reviewer: PJH		

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

**APPENDIX B**

**HIGHLANDS COUNCIL REVIEW**

**RMP Update**

**Township of Mount Olive, Morris County**

**Tax Block 4100 Lot 10**

**Combe Fill North**

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

Following is an excerpt from a Highlands Council letter to Mount Olive Township, Mayor Scapicchio, dated February 22, 2009, approving the request for an RMP Update pertinent to Township Tax Block 4100 Lot 10, known as Combe Fill North:

“Under the RMP’s Land Use Capability Zone Map, the subject parcel is classified as Existing Community Zone – Environmentally Constrained (see attached Land Use Capability Zone Map for Mount Olive Township identifying the subject parcel). The Highlands Council’s GIS-based model, Land Use Analysis Decision Support System (LANDS), initially found a majority of the subject parcel to be inconsistent with the criteria for the Protection Zone and the Existing Community Zone. This occurred because a majority of this parcel had been classified by NJDEP 2002 Land Use Land Cover Classification Code as “Barren” (7000 Series). Given this classification as Barren under the land use land cover data, LANDS classified the subject parcel as Existing Community Zone – Environmentally Constrained.

The information submitted by Mount Olive Township on January 15, 2009, documents that sixty-five (65) acres of the subject parcel had been used as a sanitary landfill between the years of 1966 and 1981. In addition, the information submitted by the township documents that the parcel was placed on the U.S. Environmental Protection Agency’s National Priorities List of Superfund Sites in 1982, and that after remediation was completed in 2004, the U.S. Environmental Protection Agency removed the parcel from the National Priorities List. Finally, the information demonstrates that a methane venting system, concrete drainage channels and monitoring wells remain on the subject parcel.

Given the comprehensiveness of the factual information submitted, and the review conducted by the Highlands Council, the Council believes that the subject parcel more properly should be classified as the Land Use Land Cover Classification “Mixed Urban or Built-Up Land” (1600). This code “typically includes developments along transportation routes and in cities, towns, and built-up areas where separate land uses cannot be mapped individually. Residential, Commercial, Industrial, and occasionally other land uses may be included” (Anderson et al, 1976).

As a result of this Land Use Land Cover Classification change, it is appropriate to reclassify the subject parcel Existing Community Zone. Consequently, the Highlands Council hereby approves the RMP Update for Block 4100, Lot 10 sought by Mount Olive Township. The two figures – Mount Olive Township: Land Use Capability Zone Map – Updated February 17, 2009, are attached to demonstrate the approved RMP Update; one figure shows the full municipal map and one shows the specific parcel in question.”

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

**APPENDIX C**

**PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES**

**Petition for Plan Conformance**

**Township of Mount Olive, Morris County**

The following comments were received from the New Jersey Highlands Coalition:

**Comment 1.** It is mentioned that the Highlands Council will serve as lead for a Water Use and Conservation Management Plan for Mt. Olive, but no further information is given. While we support this Plan being prepared, and at this early stage in conformance throughout the Highlands it makes sense that the Council take the lead, no further information is provided making it impossible to evaluate and provide comments.

**Response:** As with the Highlands Council's current pilot projects for the development of Water Use and Conservation Management Plans in various project areas around the Highlands Region, additional plans, such as the one identified for Mount Olive Township, will be based on the Goals, Policies and Objectives (Chapter 4) and "Highlands Restoration: Water Deficits" Program (Chapter 5) within the Regional Master Plan, in collaboration with the municipality. As detailed in the program description, development of such plans is coordinated with the relevant municipalities, major water users, the NJ Department of Environmental Protection, and other interests. Water Use and Conservation Management Plans are approved by the Highlands Council after a public comment period.

**Comment 2.** Further information should be provided on Mt. Olive's Wastewater Management Plan as referred to in the conformance documents. The documents simply state "The municipality shall work with Morris County to prepare a Wastewater Management Plan for approval by the NJDEP. ..." Since DEP's Highlands Rules state, "For both the planning area and preservation areas, the Department shall review the Highlands Council regional master plan and consider amending the appropriate areawide Water Quality Management Plans to maintain consistency with the regional master plan. The Department shall approve a Water Quality Management Plan amendment only after receiving from the Highlands Council a determination of consistency with the Regional Master Plan," there is no indication if this has or will happen. Please advise.

**Response:** For municipalities that are not petitioning for Plan Conformance with the Regional Master Plan for the entire municipality, as is the case for Mt. Olive, the municipality will work with the County (in the cases of Hunterdon, Morris, Somerset and Sussex Counties) or directly with the NJDEP (in the case of Bergen, Passaic and Warren Counties) to develop their Wastewater Management Plan chapter for that municipality. The Highlands Council will review the draft Wastewater Management Plan and provide a Consistency Determination pursuant to N.J.A.C. 7:38-1.1.

**FOR CONSIDERATION AT THE JANUARY 20, 2011 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report**

Where a municipality's Plan Conformance petition is approved for the full municipality, the Highlands Council will work directly with the municipality to develop the required Wastewater Management Plan that meets all requirements of both Plan Conformance and N.J.A.C. 7:15, and therefore will be fully compliant with N.J.A.C. 7:38-1.1 as well.