

Notice  
Planning Board – Borough Council  
Borough of Far Hills  
Somerset County, New Jersey

Please take notice that there will be a joint meeting of the Far Hills Borough Planning Board and Borough Council on Monday, November 2, 2009 for the purpose of a public meeting on the DRAFT Highlands Master Plan Element for Far Hills Borough. The meeting will be held at 7:00 p.m. at the Far Hills Borough Hall, located at 6 Prospect Street, Far Hills, NJ 07931. Members of the public are invited to attend and offer comments on the DRAFT document.

The DRAFT Highlands Master Plan Element is on file, in the office of the Far Hills Planning Board at Borough Hall, 6 Prospect Street, Far Hills, NJ 07931, and is available for inspection during normal business hours.

Robin Collins  
Borough Clerk

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**BOROUGH OF FAR HILLS**  
Joint Planning Board and Borough Council Meeting  
**MINUTES**  
November 2, 2009

**CALL TO ORDER**

Chairman Feld called the meeting to order at 7:10 p.m. at the Far Hills Municipal Building. The Chairman read the open public meetings statement in accordance with the law.

**ROLL CALL**

Present: Feld, Tweedie, Torsilieri, Segal, Alboum, Carty (arrived late), Bortree, Errico, McCabe, Surks  
Karner, Larson, Vallone, Howland, Turpin  
Absent: Merola  
Also Present: Planner Banisch, Engineer Bolio, Attorney Henry, Municipal Clerk Collins

**APPROVAL OF MINUTES**

***October 5, 2009 Planning Board Meeting***

Motion by Councilwoman Tweedie, seconded by Mr. Alboum, and unanimously carried that the minutes from the October Planning Board meeting be approved, with Mr. Surks abstaining.

**APPROVAL OF BILLS**

***November 2009***

Motion by Councilwoman Tweedie, seconded by Mr. Alboum that the November 2009 bill list be approved.

Roll Call:

Aye: Feld, Tweedie, Torsilieri, Segal, Alboum, Merola, Bortree, Errico, Surks, McCabe

Nay:

Abstain:

Motion Carried.

**PRESENTATION**

***Ripplebrook, LLC/Doc's Farm, Inc.***

Susan Rubright of Brach Eichler LLC stated she is present for a concept review for Ripplebrook which is the owner of property located at the corner of Liberty Corner Road and Route 202, and also Doc's Farm which leases the farm buildings on the Ripplebrook property. The property is approximately 188 acres, and divided into two parts. In July the site plan review committee met with Ms. Rubright and one of the owners of Ripplebrook, Steven Gold, to discuss the possibility of developing the property. At this time Ms. Rubright would like to take the discussion to the next level and seek direction from the Planning Board prior to seeking approvals from the DOT, DEP, etc. Ms. Rubright stated that the owners of Ripplebrook would be interested in the possibility of assisting the Borough with satisfying some of its affordable housing obligations through the conversion of an existing hay barn on property to affordable units. A contractor has stated that the hay barn, which could be converted without any exterior improvements other than the addition of doors and windows, and which has electric and water, but no septic, could handle between 6 to 12 units. The property owners were not inclined to consider a group home on the site at this time. Ms. Rubright stated that the owners were hoping that the Borough would then consider permitting zoning changes on the back piece of the property to allow for the development of either townhouses or patio homes at 3 acre density. There would be more than 2, but fewer than 20 units. Board members asked

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questions regarding the size and boundaries of the property, asked to see plans for the property, asked the dimensions of the hay barn.

Jim Madsen stated that perc tests have been done that show the site would support a septic field for the proposed use. A wetlands delineation was also done and the determination was that wetlands were of an intermediate value; there's a 50-foot buffer associated with that. There are areas that could be developed that don't encroach on any environmentally constrained areas. Mr. Madsen stated there would be access off of Minebrook Road and the existing farm road would be utilized to access the proposed new development.

A discussion ensued as to the impact the Highlands plan would have upon development at this site, and whether the additional affordable housing units provided under this plan would offset the need to conform to the Highlands Regional Master Plan. Ms. Rubright stated that if the Borough opts in to Highlands the property owners would not be able to contribute towards COAH obligation because it could severely limit development of the other piece. Segal: is land considered developable under Highlands.

Ms. Rubright stated that the owners would like to keep some of the existing apartments as market units. There could be up to 12 units provided through the conversion of the hay barn; however utilizing as family units would be problematic due to the presence of horses on the property.

A discussion was held as regarding the length of term of affordability and possibility of providing the Borough with the right of refusal on renewal of the affordability of the proposed units.

Chairman Feld stated that the Planning Board would be happy to discuss this further with Mr. Gold.

**DRAFT HIGHLANDS MASTER PLAN ELEMENT**

Planner David Banisch stated that this public meeting is required to solicit public comment on Module 5 of the Highlands Regional Master Plan Conformance. No determination has been made as to whether the Borough will conform. A plan must be provided by March 2010 with a public hearing in April 2010. Mr. Banisch provided a status of basic Highlands Plan Conformance Modules, and an outline of Highlands Master Plan element (*attached*).

The Planning Board discussed the value to the Borough of conforming to the Highlands and the reasons why the Borough is exploring plan conformance at this time.

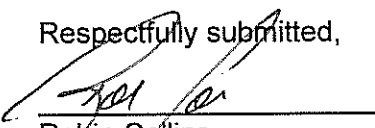
**PUBLIC COMMENT**

There was no public comment.

**ADJOURN**

Motion by Councilwoman Tweedie, unanimously carried, to adjourn the meeting at 9:45 p.m.

Respectfully submitted,

  
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Robin Collins,  
Municipal Clerk

UNAPPROVED

Far Hills Borough  
Highlands Regional Master Plan (RMP)  
Plan Conformance  
Module 5

DRAFT Master Plan Element

November 2, 2009

### Municipal Plan Conformance

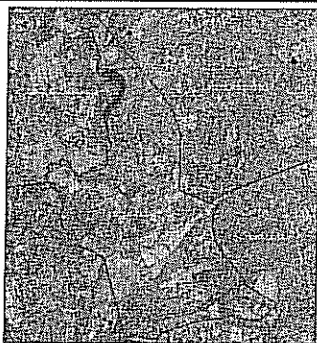
- Basic Plan Conformance
  - Voluntary requirements - adopting Master Plan Amendment & resource protection ordinances
- "Full" Plan Conformance
  - Longer-term planning requirements
  - Completed per implementation agenda/schedule
- Both steps are "Plan Conformance" under the Highlands Act and trigger municipal benefits

### Plan Conformance

- Municipal investigation is underway;
- Conducted by the Planning Board and the Borough Council;
- No Municipal determination has been made;
- Decision required prior to June 8, 2010; and
- Borough should submit resolution of intent and continue to investigate Plan Conformance with Highlands Council.

### Status of Basic Highlands Plan Conformance Modules

Module 1: Current Municipal Conditions & Build-Out Analysis -	100% Complete
Module 2: Land Use and Resource Capacity Analysis -	100% Complete
Module 3: Housing Element & Fair Share Plan	Extended by COAH to June 8, 2010; Minimal 12-09 submission to HC
Module 4: Highlands Environmental Resource Inventory	Draft plus Highlands req. revisions - complete
Module 5: Highlands Master Plan Element	Draft Complete
Module 6: Highlands Regulations	Under review/preparation
Module 7: Self Assessment, Implementation Plan & Petition	To be prepared



### Planning Area

- RMP Conformance is voluntary;
- Planning Board and Borough evaluation of Plan Area Conformance under Highlands Grant Program; and
- Future determination for Plan Conformance is yet to be made by municipality.
- Ongoing Investigation

### Planning Area RMP Plan Conformance

- Highlands Master Plan Element;
  - Supplement to Borough Master Plan
- Highlands Area Ordinance:
  - Supplement to the existing Zoning ordinance

### Basic Conformance Steps

- Conduct public meeting on Mod 5 and consider public input;
- Prepare draft Highlands Ordinance for Planning Board and Borough Council review (Module 6); and
- Prepare and submit petition for Plan Conformance (Module 7 – HC provided Template)

### Highlands Planning Area Exclusions

- Ordinance will identify certain activities excluded from the Highlands development and resource protection restrictions . . .

### Exclusions

Protections under “Exclusions” in Planning Area:

- A. Improvement to single-family dwelling existing as of date Highlands ordinance adoption:
  - a) dedicated solely to the single-family residential use;
  - b) disturbance less than 1 acre of land; and
  - c) impervious surface area of less than 1/4 acre
- B. Reconstruct existing building within the footprint prior to destruction related to fire, storm, natural disaster, or any unintended circumstance;

### Homeowners

Protections under “Exclusions” in Planning Area:

- C. Maintenance of any lawfully existing building or other structure
- D. Interior improvement, rehabilitation, or modification of any lawfully existing building or other structure; provided building footprint remains the same;
- E. Change in Use - Unless contrary to permitted uses, provided no expansion of footprint;

### Homeowners

Protections under “Exclusions” in Planning Area:

- F. Signs, building ornamentation, installation of windows, doors, chimneys, vents, shafts, heating, ventilation, or air conditioning equipment; provided no increase in building footprint more than 50 square feet; and
- G. Improvements to existing buildings to comply with American with Disabilities Act; and
- I. Agricultural or Horticultural Use and Development .

## Highlands Exemptions Planning Area

- Homeowners
- Vacant Lot Owner
- Houses of Worship

The exemptions in the Act allow most owners to proceed with home improvements or additions to houses of worship, schools, etc. that existed in August 2004 within certain limits.

## Exemptions

- Exemption #1. The construction of a single family dwelling, for an individual's own use or the use of an immediate family member, on a lot owned by the individual on the date of enactment of the Highlands Act (August 10, 2004) or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.
  - Exempt from Highlands regulations, including disturbance, impervious coverage and resource buffers (i.e. those regulations not in effect at the time of adoption of the Highlands Act, such as 1000' vernal pool buffer, steep slope restrictions).

## Vacant Lot Owner

▪ The construction of a single family dwelling on a lot in existence on the date of enactment of the Highlands Act (August 10, 2004), provided that the construction does not result in:

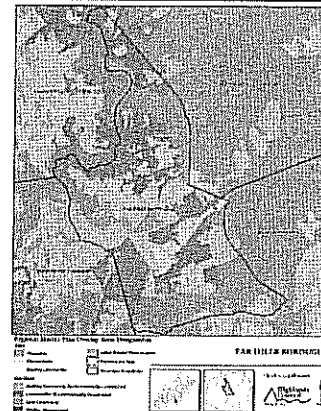
- the ultimate disturbance of one acre or more of land; or
- a cumulative increase in impervious surface by one-quarter acre or more.

## Schools & Houses of Worship

Houses of Worship - Any improvement, for non-residential purposes, to a place of worship owned by a nonprofit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence August 10, 2004, including new structures and additions to an existing building or structure, a site improvement, or a sanitary facility.

## Land Use Capability Map

- Protection Zone
- Conservation Zone
- Existing Community Zone
- Environmentally-Sensitive Sub-zones (Conservation and Existing Community)



## Policy Questions Existing Community Zone

- *Optional:* Mixed-use development projects and center-based planning initiatives (applicable to the Village)
- *Optional:* Future growth should be channeled into compact centers within Highlands Zones and Subzones, where feasible, provided suitable locations can be identified.
  - Smart growth principles and should be designed at permitted densities appropriate to community character, and water and wastewater systems capacities. The Planning Board will examine the potential for such opportunities.

## Land Uses

As to land use classifications: a review and comparison between municipal and Highlands Zones and Sub-Zones must be undertaken to assess compatibility and to determine whether zoning amendments (pertinent to non-exempt development) are necessary to achieve consistency.

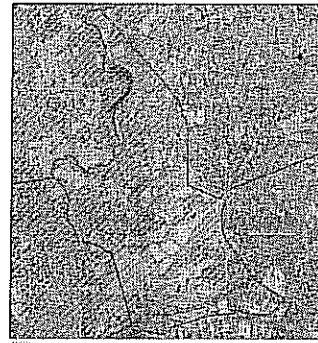
Until comparison is complete, permitted uses shall remain in effect for non-exempt development, with compliance to:

- a) all resource constraints;
- b) all applicable provisions of the NJDEP Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:30) and the NJ Dept. of Agriculture Ag. Development in the Highlands Rules (N.J.A.C. 2:92); and
- c) Highlands density and intensity requirements.

## Agricultural Resource Area

- a. ... agricultural and horticultural uses
- b. residential cluster development wherever the minimum thresholds can be satisfied (80% open space set aside required);

Very limited area in Far Hills Borough – Not applicable due to existing approval for lands designated Agricultural Resource Area.



## Cluster Development

Cluster Development Applicability in Far Hills Remains Unclear due to the limited buildout capacity identified for the Borough.

- Development is to be concentrated onto 20% of tract (few remaining candidate parcels);
- 80% remaining land permanently deed-restricted for ag. use (1<sup>st</sup> priority), cons. or open space; and
- 80% open space to be held by the homeowners, municipality or other entity.

## Cluster Development

As follow-up to adoption of the Highlands Element, the Borough will examine opportunities for cluster development on a municipal-wide basis using a holistic planning approach.

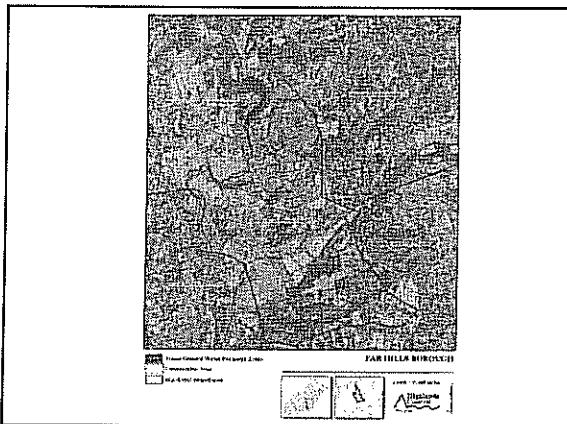
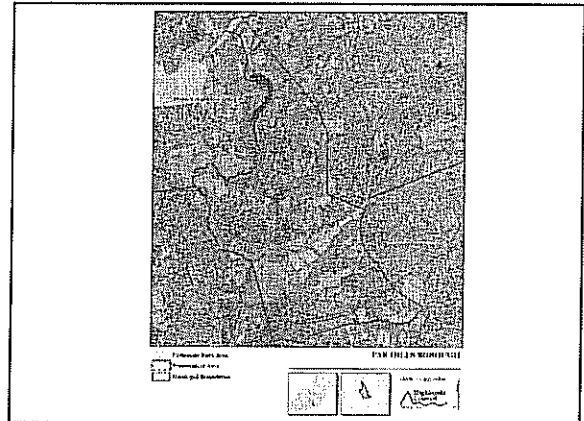
Cluster locations will be sought with the Board taking into appropriate locations based on:

- water and wastewater treatment capacity,
- natural resource constraints,
- proximity to infrastructure,
- suitability of Zone and Sub-Zone,
- potential to enhance community character, and
- efforts to achieve center-based development.

### **Carbonate Rock & Prime Groundwater Recharge Area**

**Prohibited Uses:** Major Potential Contaminant Source (PCS) expressly prohibited from any "Prime Ground Water Recharge Area".

**Permitted Uses:** Minor Potential Contaminant Source (PCS) shall be permitted conditioned upon submission, approval and implementation of an Operations and Contingency Plan. (Plan approved by the Board of Health, detailed information on design, management & means available to contain/remedy any contaminant discharges.

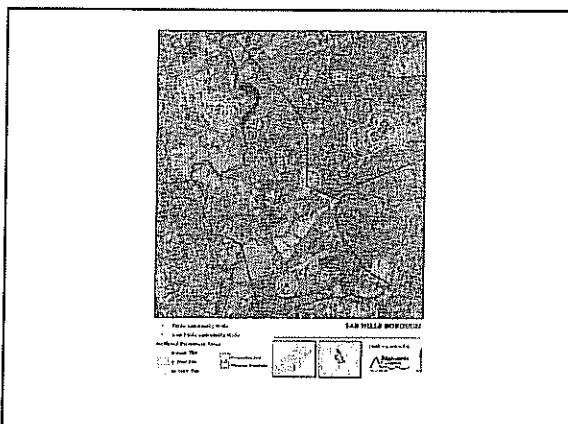


### **Wellhead Protection Areas**

**Tier 1** Major or Minor Potential Contaminant Source (PCS) shall be expressly prohibited from any portion of "Tier 1 Wellhead Protection Area".

**Tier 2** Major PCS shall be expressly prohibited from any portion of the Highlands Area delineated as a "Tier 2 Wellhead Protection Area".  
Minor PCS in "Tier 2 Wellhead Protection Area", permitted only on approval of an Operations and Contingency Plan.

**Tier 3** Major or Minor PCS in "Tier 3 Wellhead Protection Area", permitted only on approval of an Operations and Contingency Plan.



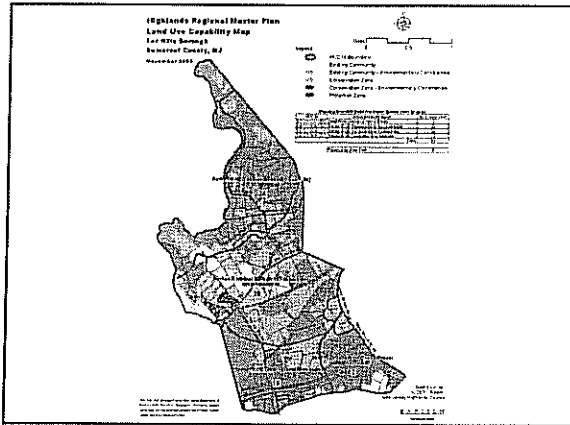
### **Density and Intensity of Development**

Modifications to the underlying density development standards:  
a) water availability or available septic system yield, and  
b) efficient use of new or extended water and wastewater utility infrastructure serving new development.

Amended standards SHALL NOT apply to lawfully existing or approved development at the time of adoption of the ordinances.

Amended standards SHALL apply to modifications or improvements to existing development that increase demand for water or increase septic system flow.





## Density and Intensity of Development

Analysis to determine specific density and intensity allowances for future non-exempt development within the Highlands Area:

- 1) The capacity for future growth and development;
- 2) Where such growth may be appropriate in the community; and
- 3) Specific allocation of growth within the Highlands Zones and Sub-Zones.

Analysis to take place with assistance of the Highlands Council Staff after Basic Plan Conformance.

## Basic Plan Conformance

Until the analysis can be completed, applications for development require project-by-project review.

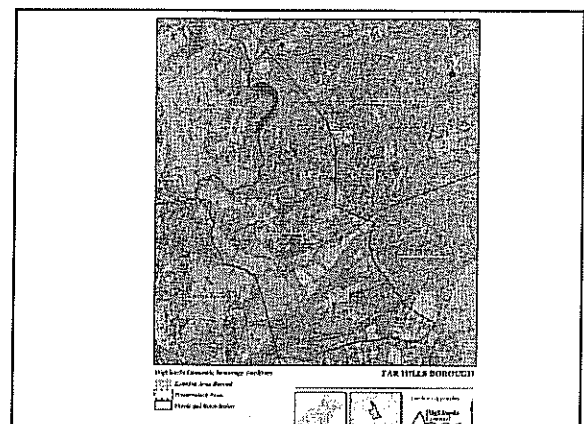
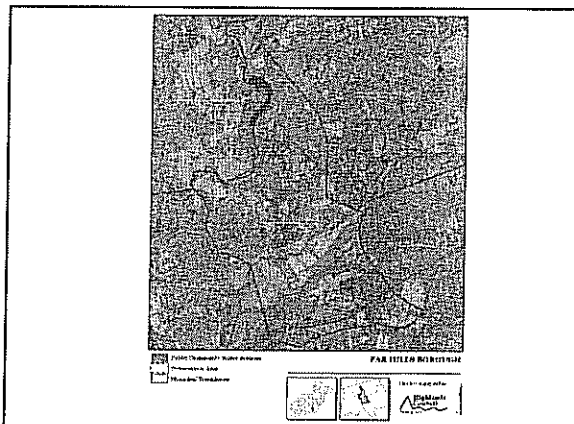
**Base Maps/Data.** Base data regarding water availability and wastewater treatment capacity:

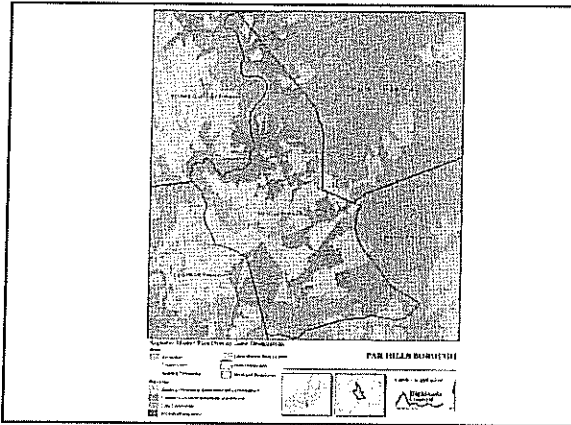
- Net Water Availability Map,
- Public Community Water Systems Map,
- Highlands Domestic Sewerage Facilities Map, and
- Septic System Yield Map.

## Basic Plan Conformance

### Water Availability

### Public Water Supply and Wastewater Utilities





### Basic Plan Conformance Septic Systems – Key Provisions

#### Planning Area – Nitrate Targets.

- Existing Community Zone – 2 mg/L, maximum
- Conservation Zone – 1.87 mg/L, maximum
- Protection Zone – 0.72 mg/L, maximum

### Waiver Requirements

The DEP may grant waivers on a case-by-case basis conditioned upon the DEP's determination that the statutory standards are met. A major Highlands Development may obtain one of the following three waivers:

1. **Public Health and Safety** -
2. **Redevelopment in previously developed areas as identified by the Highlands Council** - case-by-case basis for redevelopment in the Preservation area.
  - Either a brownfield site (DEP) or site with at least 70% impervious coverage.
3. **To avoid a Taking of Property without Just Compensation** - case-by-case basis review.

### Basic Plan Conformance Public Water Supply Utilities Wastewater Utilities – Extensions Net Densities

- New Single-Family Residential Development.**  
- 2 dwelling units per acre (DU/AC), min.
- New Multi-Family Residential Development.**  
(Optional)  
- 6 dwelling units per acre (DU/AC), min.
- New Mixed Use Development,** including residential and non-residential components.

### Basic Plan Conformance Septic Systems – Key Provisions

- The RMP equivalent dwelling unit (EDU) for non-residential septic uses equates to 2,400 square feet of Office/Commercial space and 18,182 square feet of Industrial space.

#### Planning Area RMP Build-Out Septic System Yield Analysis

HUC14	Subwatershed Name	All Zones Yield
02030103010080	Dead River (above harrisons Brook)	2
02030105060040	Raritan R NB (Peapack Bk to McVickers Bk)	24
02030105060070	Raritan R NB (incl Mine Bk to Peapack Bk)	39
02030105060090	Raritan R NB (Lamington R to Mine Bk)	18
	<b>Total</b>	<b>83</b>

## Density of Development

Far Hills Borough	Septic systems
Residential Units - Sewered	0
Septic System Yield	83
Total Residential Units	83
Non-Residential Jobs Sewered	0

## Prior cycle unmet need: 5 rental units

### 3rd Round Growth Share:

	No Highlands Conformance Required/Permitted	Highlands Conformance Required/Permitted
Obligation:	23.4 (23)	16.8 (17)
5:97-3.9 Family housing requirement 50 percent:	12	8.4 (8)
5:97-3.10.(b) Rental housing 25%:	5.85 (6)	4.2 (4)
Family rental requirement 12.5%:	2.925 (3)	2.1 (2)
5:97-3.10.(c) Age-Restricted Maximum = 25%:	5.85 (6)	4.2 (4)

### Borough Affordable Housing Initiatives

Two proposals are being reviewed and developed by the Site Plan Review Committee and could be credited against the Borough obligation as follows:

- A 12- or 16-unit family rental housing project on unrestricted Borough-owned land adjacent to the Fairgrounds; and
- An 11-bedroom group home for the elderly (46 Peapack Road).

## 12-unit Family Rental Project & 11-unit Age-Restricted Project

	Prior Cycle	3rd Round	
		No Highlands Conformance	Highlands Conformance
Obligation:	5	23	17
12 Family rentals:	5	7 (need 3 family rental before bonus)	7 (need 2 family rental before bonus)
Bonus 1:1 for each over family rental obligation**:	n/a	Max of 6 4 bonus (eligible after family rental min. of 3)	Max. of 4 4 bonus (eligible after family rental min. of 2)
Subtotal credits:		11	11
Remaining obligation:		12	6
11 Br group home for the elderly:	n/a	5- eligible credits (as per rule)	4- eligible credits (as per rule)
Deficit/surplus:	(Satisfied)	7 unit deficit (6 surplus age-restricted)	2 unit deficit (7 surplus age-restricted)

\*At least 1 family unit required to fully satisfy the Borough's obligation under CDAN's 5:97-1 et seq. projection for 2004 through 2018.  
\*\*5:97-3.20 Bonus cap (b) In no event shall the total number of bonuses for the growth share obligation granted in a municipal fair share plan exceed 25 percent of the projected growth share obligation.

## 16-unit Family Rental Project & 11-unit Age-Restricted Project

	Prior Cycle	3rd Round	
		No Highlands Conformance	Highlands Conformance
Obligation:	5	23	17
16 Family rentals:	5	11 (need 3 family rental before bonus)	11 (need 2 family rental before bonus)
Bonus family rental 1:1 for each unit in excess of rental obligation**:	n/a	Max of 6 6 bonus (eligible after family rental min. of 3)	Max of 4 4 bonus (eligible after family rental min. of 2)
Subtotal credits:		17	15
Remaining obligation:		6	2
11 Br group home for the elderly:	n/a	5- eligible credits	4- eligible credits
Deficit/surplus:	(Satisfied)	1-unit deficit (5 surplus age-restricted)	0 units remaining (7 surplus age-restricted)

\*At least 1 family unit required to fully satisfy the Borough's obligation under CDAN's 5:97-1 et seq. projection for 2004 through 2018.  
\*\*5:97-3.20 Bonus cap (b) In no event shall the total number of bonuses for the growth share obligation granted in a municipal fair share plan exceed 25 percent of the projected growth share obligation.

## The Highlands Historic and Cultural Resources Inventory

- Far Hills Railroad Station, Route 202
- Alexander and James Linn Homestead, Mine Brook Road, between Lake and Sunnybranch Roads
- Mine Brook Tributary Bridge, NJ Transit Gladstone Line over Mine Brook tributary, Milepost 37.94
- Natirar Estate [Historic District], County Rte 512
- Peapack Brook Rural Industrial Historic District, Old Dutch and Peapack Roads
- Raritan River Bridge, NJ Transit Gladstone Branch over Raritan River, Milepost 40.21

## Highlands Master Plan Key Elements

- Policies, Goals and Objectives
- Land Use Plan (Module 5)
- Housing Plan – to be submitted separately
- Conservation Plan (Module 5)
- Utility Services Plan
- Circulation Plan
- Land Preservation and Land Stewardship Plan
- Agricultural Retention/Farmland Preservation Plan
- Community Facility Plan
- Sustainable Economic Development Plan
- Historic Preservation Plan
- Development Transfer Plan (Optional)

## Questions / Comments

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