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JACK SCHRIER
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EILEEN SWAN
Executive Director

May 28, 2010

The Honorable Edward Hanics
Borough of Alpha
1001 East Boulevard
Alpha, NJ 08865

Subject: RMP Update and Map Adjustment Request

Dear Mayor Hanics:

This letter is to advise you that the Highlands Council has reviewed your requests for RMP Updates and Map Adjustments submitted through your initial Municipal Petition for Plan Conformance.

RMP Updates pertain to factual discrepancies regarding existing land conditions, the correction of which may, but will not necessarily result in a change of Highlands Land Use Capability Map (LUCM) Zone or Sub-Zone designation. The data used for the development of the LUCM Zones are from 2002 (for land use/land cover) or approximately 2005 (for utility service areas) and the current conditions may be different from the original period. The RMP Updates Program is designed to identify such changes and to incorporate the current information in the Highlands spatial database.

Map Adjustments are requests for a policy change in the LUCM Zone or Sub-Zone based on local planning considerations, regardless of the correctness of existing land condition. It is an appropriate means to address the requirements of a planned development or redevelopment activity that cannot be accomplished through a Highlands Act Exemption in accordance with N.J.S.A 13:20-28, a Public Health and Safety Waiver, an RMP Update, or a Highlands Redevelopment Area designation.

Finally, a qualifying area may be proposed for designation as a Highlands Center, which may incorporate a combination of RMP Updates, Map Adjustments, Highlands Redevelopment Area designations and other means of achieving a Center-based community that meets the policies and objectives of the RMP.

The municipality requested 11 RMP Updates or Map Adjustments. The enclosed responses provide details on the results of the Highlands Council's review. The Highlands Council found the petition and supporting materials provided information sufficient for processing three of these requests as RMP Update, which will be incorporated into the Highlands spatial database. Please note that the updated information will not necessarily result in a change of LUCM Zone or Sub-

Zone designation. A RMP Update Report incorporating the RMP Update will be provided, along with a determination of whether a change to the LUCM Zone resulted.

For three of the requests, the information provided on current and existing land conditions is consistent with that of the Highlands Council. These requests do not constitute an RMP Update. The municipality may propose to make use of other policies of the RMP to effect a policy change in LUCM Zone, including for example the Map Adjustment program or, for qualifying areas, a Highlands Center designation.

An additional four requests require additional supporting information for the Highlands Council to appropriately review this request as an RMP Update, more. In some cases the request will be better addressed through Map Adjustments or Highlands Center designations. Instructions are provided in the attached responses regarding completion and submittal of an RMP Update Form or Map Adjustment and Highlands Center Designation Inquiry Forms available through the NJ Highlands Council Website.

In addition to the detailed responses, we have enclosed a Summary of Findings which addresses common issues regarding requests for RMP Updates or Map Adjustments. We ask that the municipality consider this Summary of Findings prior to submitting RMP Updates or Map Adjustments as it provides guidance on how requests are reviewed and alternative methods for policy changes to the existing LUCM Zone or Sub-Zone.

If the Municipality wishes to pursue these or additional RMP Updates, Map Adjustments or a Highlands Center designation, please complete and submit the appropriate form available through the NJ Highlands Council Website:

<http://www.highlands.state.nj.us/njhighlands/planconformance/>

If you need further assistance on updates and/or adjustments please contact Roger Keren, Director of GIS at (908) 879-6737 or email at roger.keren@highlands.state.nj.us.

The Highlands Council looks forward to continued collaboration with you as we continue Plan Conformance with the RMP. Should you have any questions or concerns with the foregoing, please contact me at (908) 879-6737.

Yours Sincerely,



Eileen Swan
Executive Director

Encl. Detailed Responses
Summary of Findings

c: David K Maski, PP, AICP Van Cleef

Municipality: Alpha Borough

Date: May 28, 2010

**RMP UPDATES/MAP ADJUSTMENTS
MUNICIPAL RMP UPDATE REVIEW**

1. **Municipal Request:** The Conservation Zone in the eastern portion of the Borough covers several existing commercial and industrial buildings that are serviced by public water and wastewater – Block 100 Lots 1, 1.01, 1.09, 10, 10.03 and Block 100.01 Lot 2. These properties ought to be made part of the Existing Community Zone.

Findings: Municipal information submitted is sufficient for processing an RMP Update and will be incorporated into the Highlands spatial database. These developed portions of these parcels will be incorporated into the Existing Area Served for both Wastewater Treatment other than Septic Systems and Public Water System. Please note that the updated information will not necessarily result in a change of Highlands Land Use Capability Map (LUCM) Zone or Sub-Zone designation. A RMP Update Report incorporating the RMP Update will be provided, along with a determination of whether a change to the LUCM Zone resulted.

2. **Municipal Request:** Vulcanite Quarry (Block 97, Lot 2) & Alpha Quarry (Block 99, Lot 2)
 - a. Both the Vulcanite and Alpha quarries have Lake Community Sub-Zones to their north. As noted, these are not lakes and the sub-zones should be removed.
 - b. The Conservation Zone in the southwest portion of the Borough includes the excavated portion of the Vulcanite Quarry, (Block 97, Lot 2) which has been erroneously identified as a “Lake Greater than 10 Acres” surrounded by Highlands Open Water Buffers. Prior contamination at the quarry has been remediated with the intention of reusing the site for industrial reuse. This site should be incorporated into the Existing Community Zone.
 - c. As in the case of the Vulcanite Quarry, the Alpha Quarry (Block 99, Lot 2) has also been erroneously identified as a “Lake greater than 10 Acres” and has been placed in the Protection Zone. This quarry is also a former municipal land fill that has been identified as a Superfund Site. The Site is located in the Borough’s Industrial Zone and is being considered for industrial use following remediation; and should be incorporated into the Existing Community Zone.

Findings: (a) Regarding the Lake Community Sub-Zones, the municipal information submitted is sufficient for processing an RMP Update and will be incorporated into the Highlands spatial database. Please note that the updated information will result in a change of Highlands Land Use Capability Map (LUCM) Zone or Sub-Zone designation. A RMP Update Report incorporating the RMP Update will be provided, along with a determination of the change to the LUCM Zone. The Highlands Council has used its recently acquired LiDAR data to more accurately define sub-watersheds for all Highlands lakes greater than 10 acres. Based on the analysis it is determined that the developed areas around these quarries do not meet the definition of a Lake Community Zone.

(b and c) Regarding the lands adjacent to both quarries the municipality may propose to make use of other policies of the RMP to effectuate a policy change in LUCM Zone, including the Map Adjustment program, (See A, Summary of Findings). In addition, the municipality may wish to consider proposing a Highlands Redevelopment Area designation for this property if the proposed redevelopment is not consistent with the current RMP LUCZ. Highlands Redevelopment Areas may be proposed for NJDEP-designated brownfields

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and for previously developed sites that meet minimum criteria. To pursue a formal request, please review the Highlands Redevelopment Area designation information and discussion provided within the model Master Plan Highlands Element (Land Use Plan section), and the designation criteria and procedures provided on the Highlands Council website at

http://www.highlands.state.nj.us/njhighlands/implementation/redevelopment_procedures_103008_final.pdf

The website document is directly applicable to the Preservation Area, but similar procedures are required for the Planning Area, other than the requirement for 70% impervious surface. The Highlands Council will need the following information in accordance with the details as listed within the procedural documents provided through the website:

- a. Description or illustration of requested Highlands Redevelopment Area Designation
- b. Information, justification, evidence in support of request

Regarding the identification of Highlands Open Water buffer areas around the quarry, Highlands Open Waters are defined as all springs, streams including intermittent streams, wetlands, and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region, but shall not mean swimming pools (N.J.A.C. 7:38). Therefore, in accordance with the Highlands Act definition the quarry water bodies are considered Highlands Open water bodies. However, please note that the identification of a Highlands Open Water is not a factor regarding the determination of the Land Use Capability Zone. The protection of Highlands Resources (i.e. Highlands Open Water Buffers) apply across all LUCM Zones (Preservation and Planning Areas), and development activities must conform through local development review and Highlands Project Review with the requirements of the RMP and various NJDEP regulations. In the case of the quarry water bodies the evaluation of the nature and extent of Highlands Open water buffer areas would be a component of future development activities.

3. **Municipal Request:** Alpha Quarry (Block 99, Lot 2) is shown as preserved open space on the initial Highlands parcel data base reviewed under Module 1. Although owned by the Borough, this parcel is not designated as open space.

Findings: Municipal information submitted is sufficient for processing an RMP Update and will be incorporated into the Highlands spatial database. Please note that the updated information will not result in a change of Highlands Land Use Capability Map (LUCM) Zone or Sub-Zone designation. A RMP Update Report incorporating the RMP Update will be provided.

4. **Municipal Request:** The Protection Zone extends westward from the Alpha Quarry crossing the abutting railroad right-of-way to Block 98, Lot 1. Based on the resource maps provided by the Highlands Council, it is not evident why this parcel was placed in the Protection Zone. If it is an extension of the Alpha Quarry "Lake" designation it should be reclassified as Existing Community Zone.

Findings: Municipal information provided on current and existing land conditions is consistent with that of the Highlands Council. The request does not constitute an RMP Update. However, the municipality may propose to make use of other policies of the RMP to effectuate a policy change in LUCM Zone, including the Map Adjustment program, (See A, Summary of Findings). Identification of a Highlands Open Water is not the determining factor regarding Land Use Capability Zone. In this case, the resource in this area consists of Prime Ground Water Recharge, and other indicators that determined it to be Protection Zone. This area would have resulted in an Existing Community Zone designation if these resources were not present. Prime Ground Water Recharge Areas (PGWRA) analysis is a broad-scale analysis to determine which areas provide the greatest recharge within a HUC14 subwatershed, and thus are more in need of environmental protections.

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5. **Municipal Request:** The majority of Block 96 Lot 5 is in the Protection Zone. This is the Borough's affordable housing zone and a site plan has been approved for the construction of 92 single-family homes and 16 affordable condo units. This site has public water and wastewater service and should be incorporated into the Existing Community Zone.

Findings: In order for the Highlands Council to appropriately review this request as an RMP Update, more supporting information is required. Please complete and submit an RMP Update Form available through the NJ Highlands Council Website listed above. The specifics regarding the status of local approvals and NJDEP permits is part of the information required for an RMP Update.

6. **Municipal Request:** Much of the Existing Community Environmentally Constrained Sub-Zone appears to be based on the presence of "Forested Areas." The majority of these designations are, in fact, railroad rights-of-way consisting of one inactive (Block 300 Lot 1) and one active (Block 211 Lot 1) freight line, and should be considered for removal from Sub-Zone.

Findings: Municipal information provided on current and existing land conditions is consistent with that of the Highlands Council. The request does not constitute an RMP Update. However, the municipality may propose to make use of other policies of the RMP to effectuate a policy change in LUCM Zone, including the Map Adjustment program, (See A, Summary of Findings). In general, the LUCM Zone designations of Highlands Right-of-ways reflect the lands around them. However, the Highlands Act includes several critical exemptions (#9, 10, 11 and 12) for Highlands Right-of-ways which apply in both the Preservation and Planning Areas, (See Q, Summary of Findings).

7. **Municipal Request:** The Existing Community Environmentally Constrained Sub-Zone covers the western edge of the Borough's affordable housing project (Block 96, Lot 5). The Existing Community Environmentally Constrained Sub-Zone should be removed.

Findings: In order for the Highlands Council to appropriately review this request as an RMP Update, more supporting information is required. Please complete and submit an RMP Update Form available through the NJ Highlands Council Website listed above. The specifics regarding the status of local approvals and NJDEP permits is part of the information required for an RMP Update.

8. **Municipal Request:** Block 103, Lot 1 has been approved for 48 single-family homes and the portion of the site identified as Existing Community Environmentally Constrained Sub-Zone should be removed from this Sub-Zone.

Findings: In order for the Highlands Council to appropriately review this request as an RMP Update, more supporting information is required. Please complete and submit an RMP Update Form available through the NJ Highlands Council Website listed above. The specifics regarding the status of local approvals and NJDEP permits is part of the information required for an RMP Update. Please note that the resource in this area consists of Prime Ground Water Recharge. Prime Ground Water Recharge Areas (PGWRA) analysis is a broad-scale analysis to determine which areas provide the greatest recharge within a HUC14 subwatershed, and thus are more in need of environmental protections.

9. **Municipal Request:** The Conservation Environmentally Constrained Sub-Zone should be redrawn to exclude the entire farmstead (house and farm buildings) on Block 97.01 Lots 6 and 6.01 as opposed to only a portion of the farmstead as presently drawn.

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Findings: In order for the Highlands Council to appropriately review this request as an RMP Update, more supporting information is required. Please complete and submit an RMP Update Form available through the NJ Highlands Council Website listed above. Specifically, the appropriate Land Use code for the area in question. The resource in this area consists of Prime Ground Water Recharge. The Prime Ground Water Recharge Area (PGWRA) analysis is a broad-scale analysis to determine which areas provide the greatest recharge within a HUC14 subwatershed, and thus are more in need of environmental protections. PGWRAs may include limited impervious surfaces such as buildings or pavement. However, soil units and land cover are typically mapped at scales at which do not distinguish these individual features. The PGWRA analysis does not consider the effects of individual surfaces, but evaluates the recharge of the land form in relation to its surrounding area. Please provide the appropriate NJDEP Modified Anderson Land Use Land Cover classification for the additional farmstead areas and the area will be reexamined for an RMP Update.

10. **Municipal Request:** Block 97, Lot 1. The municipal base ball fields should be removed from the Existing Community – Environmentally Constrained Sub-Zone.

Findings: Municipal information provided on current and existing land conditions is consistent with that of the Highlands Council. The request does not constitute an RMP Update. However, the municipality may propose to make use of other policies of the RMP to effectuate a policy change in LUCM Zone, including the Map Adjustment program, (See A, Summary of Findings). The Protection resource in this area consists of Prime Ground Water Recharge. The Prime Ground Water Recharge Area (PGWRA) analysis is a broad-scale analysis to determine which areas provide the greatest recharge within a HUC14 subwatershed, and thus are more in need of environmental protections. PGWRAs may include limited impervious surfaces such as buildings or pavement. However, soil units and land cover are typically mapped at scales at which do not distinguish these individual features. The PGWRA analysis does not consider the effects of individual surfaces, but evaluates the recharge of the land form in relation to its surrounding area.