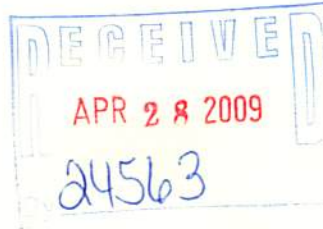


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26 April 2009

Ms. Eileen Swan, Executive Director
NJ Highlands Council
100 North Road
Chester, N.J. 07930

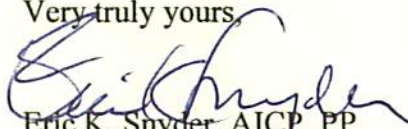
Re: Liberty Township Initial Assessment Report

Dear Ms. Swan:

Enclosed please find the Liberty Township Initial Assessment Report. The report has been prepared in accordance with the provisions of the grant approved by the Highlands Council for Liberty Township. We will follow up with the additiona study analysis of the Pequest Fish Hatchery water regime, also funded by the Initial Assessment Grant.

If there are any questions regarding the submitted information, please contact this office at your convenience.

Very truly yours,


Eric K. Snyder, AICP, PP
Township Planner

c: Mayor John Inscho
Treasurer Kevin Lifer
Township Land Use Board

**LIBERTY TOWNSHIP
BROAD BASED ASSESSMENT OF
MUNICIPAL PLANNING PROGRAM**

Introduction

This report is prepared pursuant to the guidelines established by the Highlands Council for Initial Assessment grants. This report is to document that the Township has accomplished the following tasks:

- 1) Assess its existing planning program for consistency with the Highlands RMP (i.e., by review and comparison between the RMP and municipal Master Plan, Zoning, Land Use, & Development Ordinances, and Environmental Resource Inventory);
- 2) Determine whether RMP Updates (factual corrections) are needed to make the RMP accurate and up-to-date (including maps, tables, and technical data);
- 3) Evaluate the extent of the municipal planning program changes necessary to achieve “Basic” and/or full Plan Conformance (see below);
- 4) Prepare any of the actual documents, inventories, maps, master plan and/or regulatory updates required to achieve Basic and/or full Plan Conformance; and
- 5) Determine the estimated cost to achieve Basic and/or full Plan Conformance.

Liberty Township has had a municipal planning program since the late nineteen eighties. The first master plan was prepared by Eric K. Snyder & Associates in 1988 and has been kept up-to-date in accordance with the New Jersey Municipal Land Use Law since then.

The overriding principles of the Township’s planning process have been to preserve the natural beauty of the Township. The most important elements are Mountain Lake, the Pequest River and the broad expanses of farmland in the area. Mountain Lake feeds the Pequest River, draining eventually into the Delaware at Belvidere. Mountain Lake is one of the original communities in the area and developed as a summer community, later converted into a year round residential community. At one time there was a significant commercial component in the community – a general store, two restaurants, a roller rink, and a tourist hotel. Today none of these activities remain. Only the former hotel is open as a multifamily residential facility.

During the building boom of the late 1980’s and 1990’s, the Township developed in a typical sprawling, large lot fashion with various subdivisions of relatively large single family homes developed on one, two and three acre lots.

During these periods of construction, the Township also saw a significant increase in the land holding of the State of New Jersey that comprises the State Fish Hatchery on U.S.

Route 46 and Jenny Jump State Park. Between the State holdings and the Great Meadows farmlands, the majority of the Township's land area has not been available for development for many years. This limited developable land base has been further reduced by topography, Danville Mountain and High Rock being the most visible examples of extremely steep slopes that preclude development. Finally, Mountain Lake Brook and the Pequest River limit development as they are restricted by floodplain and threatened and endangered species habitat protections.

The Liberty Township Environmental Commission has been active in studying the Mountain Lake Brook and Mountain Lake itself with a view to protecting it from further eutrophic impact. The lake is moderately eutropic. Unfortunately there are limited possibilities available to the Township for lake protection as the lake is developed to the shoreline for nearly all of its extent. Had the understanding of wastewater and land use impact on water bodies been better understood in the early years of the community's formation, shoreline protections and onsite stormwater controls could have been implemented and the lake rendered less eutrophic.

The Township has never had any particular problems caused by development per se beyond the eutrophication of the Lake. The Township is lightly settled. Water supplies have always been plentiful – the Fish hatchery pumps approximately one million gallons of water per day from the groundwater, discharging it into the Pequest. We are in the process of evaluating this information as it applies directly to the final deliverable for this grant. With the huge amounts of land sequestered from development and the limited usage of water by the farm operations in the Great Meadows, water has always been plentiful.

The Liberty Township Land Use Plan provides for residential and non-residential uses as well as extensive farm uses. The residential development pattern in the Township was begun at Mountain Lake with a typical small lot summer cottage community established. As this imposed little impact on water supplies or water quality and comprised nearly all residential development in the Township, the lake remained healthy. Although development increased in the Lake Just-It section and some scattered single family homes were built in the upper reaches of the Mountain Lake watershed, little additional impact occurred from these additions. The principal impact to the lake has been the move from seasonal to year-round use of the homes and businesses in the lake community. The lake has become eutrophic primarily from over use of marginal septic systems located on lots with far too little area or soil to dilute standard household effluent.

The hamlet of Townsbury, on the Pequest, along with Great Meadows, was the first year round settlements in the Township. Townsbury developed as a small river and rail oriented hamlet while Great Meadows has been part of the unique agricultural heritage of the Great Meadows area. They, along with the remaining scattered subdivisions are the Township's homesites.

Residential development over the remainder of the Township is large lot (one to three acre zoning) single family detached homes. By virtue of the topography, the meadows,

limited road network and the bypass of US 46 by Interstate 80, development in the Township has been small scale and of limited impact on the resource base.

Commercial development in the Township has been six small restaurants along U.S. 46, Hope-Great Meadows Road (WC 611) and two in Mountain Lake itself. Other than these, there are a handful of small businesses along U.S. 46. Overall, the Township has been and remains lightly settled.

The Township has maintained its planning program in complete consistency with the requirements of the Municipal Land Use Law (NJSA 40:55D-1 et seq.) and the NJ Fair Housing Act. Periodically, the Planning Board (now Land Use Board) has re-examined the master plan and approved amendments to the various elements of the plan. Most recently, the Township adopted a complete new revision to the Master Plan (September 17, 2003) and received Substantive Certification of the Housing Element and Fair Share Plan from COAH in July 2004. A third round petition for certification was submitted to COAH in 2005. Subsequently, the COAH rules were nullified by the Appellate Division, re-written and re-challenged. Currently, Liberty is to submit a revised third round plan to COAH by December 2009. Owing to the uncertain status of the rules and the inclusion of ninety-three percent of the Township in the Highlands Preservation area, the Township's fair share obligation under any growth share scenario is expected to be minimal. The Highlands Commission is required to provide build-out data to the Township. Under the proposed plan conformance procedures, the Highlands Commission have asked each municipality to correct the existing land use and land character information in order to provide this information. Again, this is not expected to be of particular importance as development is not expected to be appreciable in the foreseeable future.

Comparison of the Highlands Regional Master Plan and Liberty Township Master Plan Goals and Objectives

The Liberty Township Master Plan (Plan) sets out the goals and objectives of the Township as follows:

1. LAND USE

GOAL: Establish a balance of residential and non-residential uses so as to provide a full range of services as well as residential opportunities to the residents of Liberty Township.

OBJECTIVES:

- A. Emphasize and strengthen the three identified community centers (i.e. Mountain Lake, Townsbury and the Free Union Center).
- B. Encourage a development pattern that emphasizes pedestrian, non-motorized transportation.

- C. Encourage business and industrial development in appropriate areas, particularly retail and office construction along Hope-Great Meadows Road and Route 46.

2. HOUSING

GOAL: Provide zoning for, and to the extent possible, assist in the provision of a full range of housing opportunities within the Township.

OBJECTIVES:

- A. Encourage prospective developers to design residential areas to reinforce interpersonal interaction. Pedestrian and bikeways should be provided in connection with all new roadway development.
- B. Explore sources of funding to aid residents in rehabilitation of substandard housing. Investigate Small Cities and other funding opportunities.
- C. Prepare a periodic review of housing conditions in the Township.
- D. Provide a range of housing types hereby creating greater access to the housing market for all segments of the Township population.

3. ENVIRONMENTAL PROTECTION

GOAL: Identify and protect environmentally sensitive areas and natural resources.

OBJECTIVES:

- A. Identify sensitive resources within the Township. Provide clear standards to protect vegetation and wildlife habitats to the greatest extent possible.
- B. Provide development regulations that are responsive to specific site conditions. Ensure that uses permitted in any zone are consistent with the existing character of the land and do not require substantial modification of the land.
- C. Review development impact on the basis of whole natural systems.
- D. Augment base zoning density regulations by adding consideration of environmentally constrained areas such that densities shall be reduced where

such conditions exist.

- E. Support and promote the lake preservation activities through water-quality management, particularly from Mountain Lake and its sensitive downstream discharge area.

GOAL: Retain to the greatest extent possible the rural/farmland character of Liberty Township.

OBJECTIVES:

- A. Ensure that all existing stone rows and tree rows be maintained.
- B. Where stone rows and tree rows must be altered, reestablish the same.
- C. Prepare development regulations that would require a significant buffer between homes and existing rural streets.
- D. Minimize disturbance of forested tracts that are the subject of a development proposal.
- E. Call for development design that minimizes the use of curbing and maximizes the use of natural drainage flow and detention (via swales, etc.).

GOAL: To permit balanced development with respect for the natural resource base of the Township.

OBJECTIVES:

- A. Identify the components of the Natural Resource base.
- B. Develop an inventory of strengths and weaknesses of the Natural Resource base.
- C. Preserve areas of environmental sensitive land as open space.
- D. Create a zoning scheme that allows a reasonable use of property without negative impact upon critical resources.

GOAL: Protect critical natural resources of the Township.

- A. Identify wetlands, steep slopes and other water bodies
- B. Identify critical slopes and soils within the Township.

- C. Ensure that adequate protection exists in the Township Code for critical resources.

4. CIRCULATION

GOAL: Provide a safe and efficient vehicular transportation network throughout the Township.

OBJECTIVES:

- A. Review the road network, identifying areas of traffic hazards and needed improvements.
- B. Provide for new roadways where development pressure is expected and ensure that those roadways are connected through all properties in question through creation of an Official Map.
- C. Create a uniform system of street signage consistent with Liberty's rural character and the need for sufficient visibility for drivers.
- D. Investigate the potential for use of traffic calming devices in existing streets where traffic speeds are inconsistent with public safety.
- E. Investigate areas where a park and ride could be installed to assist residents in reducing transportation costs.
- F. Recommend to the Township Committee that a policy be established regarding takeover of private streets.
- G. Coordinate circulation improvement activities with Warren County and the State of New Jersey.
- H. Coordinate municipal and county highway policies in order to minimize the impact of roadside clearing.

GOAL: Provide alternative transportation opportunities.

OBJECTIVES:

- A. Provide a means by which pedestrian and bicycle traffic may be encouraged through designation of bicycle lanes and provision of pedestrian accessways.
- B. Perform a specific study of the Mountain Lake collector road system with an analysis of existing on-street parking and elimination of conflicts between

pedestrians and motorized traffic.

- C. Investigate all existing railroad rights-of-way for use as pedestrian paths, ensuring that they do not become subdivided and lost to public use.

5. COMMUNITY FACILITIES

GOAL: Create an identifiable municipal center to establish a sense of overall identity of the community.

OBJECTIVES:

- A. Study the Free Union/Municipal Complex and surrounding area for its potential as a town center.
- B. Review development regulations with a view to increasing flexibility of design to allow a mix of uses consistent with a rural community center.

GOAL: Foster a sense of community.

OBJECTIVES:

- A. Prepare development regulations, which encourage designs consistent with neighborhood interaction.
- B. Provide a Civic Center for municipal events and functions.

GOAL: Improve fire safety throughout the Township.

OBJECTIVE:

- A. Survey the township to identify locations for installation of underground water storage facilities. Associated access should be provided.

GOAL: Minimize the impact of wireless communication facilities in Liberty Township.

OBJECTIVES:

- A. Site communication facilities in such a manner as to meet the requirements of the service provider with construction of new towers minimized.

- B. Require that adequate site plan language be available in township code so as to mitigate the adverse visual impact of the necessary facilities.
- C. Ensure that a substantial buffer exists between wireless communication facilities and residential uses. Avoid locations for wireless communication facilities in residential districts.

6. HISTORIC SITES

GOAL: Undertake additional research into the historical resources of Liberty Township.

OBJECTIVES:

- A. Review the existing commercial facilities in the vicinity of Mountain Lake as to their character and importance to the lake community specifically, and to Liberty Township in general.
- B. Investigate means by which the documentation of historic sites in Liberty Township may be further established.

7. REGIONAL PLANNING

GOAL: Actively participate in regional planning programs.

OBJECTIVES:

- A. Continue to work with the Upper Delaware Watershed planning initiatives.
- B. Emphasize the inter-relationship of the Township's planning efforts with adjacent municipalities and the county.

The seven areas of concern noted above are fully consistent with good planning practice and environmental stewardship. In the comprehensive planning process required by statute and good planning practice, none of the seven can be considered by itself and without relationship to the other six. Underlying the entire practice of planning is the simple and logical need to keep municipalities functioning as proper places to live, work and play. This means that the tax base and the revenue from that tax base, on which the Township depends, cannot be removed or reduced without countervailing funding from another source. This now poses severe difficulties on responsible governing bodies. The Highlands rules provide little, if any, relief to governments dependent upon the property tax for solvency.

The Highlands Regional Master Plan fails to locate any area in the region as being an acceptable growth area. This is absurd as growth must occur somewhere in the region. It

should not be scattered as this simply fosters sprawl, fragments habitat and creates excessive service costs. Transfer of Development Rights, touted by the Commission as the answer to the inequitable removal of development rights by the DEP emergency rules and later by the Commission itself, has not been instituted and has not proven to be a viable tool in the absence of any reasonable central water and sewer services.

Conformance in the Preservation Area, mandated by statute, will require the near total halt to development in the Township. Various ordinances must be prepared and adopted and the Master Plan amended to support the required legislation. Given the scope of the required revisions, the Township estimates that no less than the initial \$50,000 plan conformance grant will be required. Additional planning monies will be required in order to identify the means by which the Township may remain able to provide health, safety and welfare services to its current and future residents and businesses.

Factual Data Updates Needed

There do not appear to be any substantial data updates required for Liberty Township at this time. The Highlands Preservation/Planning Area boundary is reasonably appropriate, as distinct from neighboring municipalities. The land use data have been updated insofar as buildable lands are now properly identified. As no growth areas have been identified in the Highlands Preservation Area and much of the remaining area is constrained by the Pequest River and steep slopes, the RMP will have to be amended to provide means, location and a realistic opportunity to allow development in some location in the Township and to build a functional economic base.

Funding Needed to Achieve Conformance

As indicated above, the RMP will have to be amended to provide means, location and a realistic opportunity to allow development in some location in the Township and to build a functional economic base. Additionally, substantial funding will be required for a comprehensive study of septic systems, subsidizing construction of alternative systems and funding a management system for septic management pursuant to the recently adopted DEP Water Quality Management rules. Additional funding will be required for development of a Wastewater Management Plan as Warren County has declined to act as the regional planning agency in this area.

At this time it is estimated that not less than \$50,000 will be required for a study of the Mountain Lake Brook sub-watershed. Once the scope of septic discharge is identified and alternative wastewater systems approved (See Pinelands Studies of aerobic systems), a septic management and upgrade program will be developed. This program, in order for it to be implemented, will depend upon substantial subsidies to homeowners for any upgrades required when individual systems fail.

Conclusion

Liberty Township will require a substantial amount of time and funding to achieve compliance with the Highlands Regional Master Plan. Notwithstanding the provision of model ordinances and master plan amendments, it is anticipated that the process will extend substantially beyond the end of 2009. As the process is the creation of the Highlands Council, Liberty Township expects that all necessary extensions of time beyond the fifteen month statutory deadlines will be provided by the Council.