



CHRIS CHRISTIE  
Governor

## State of New Jersey

Highlands Water Protection and Planning Council  
100 North Road (Route 513)  
Chester, New Jersey 07930-2322  
(908) 879-6737  
(908) 879-4205 (fax)  
[www.highlands.state.nj.us](http://www.highlands.state.nj.us)



JACK J. SCHRIER  
*Acting Chairman*

EILEEN SWAN  
*Executive Director*

February 8, 2010

The Honorable Stephen Babinsky  
Pohatcong Township  
50 Municipal Drive  
Phillipsburg, NJ 08865

Subject: Petition for Plan Conformance  
2009 Plan Conformance Grant: Module 7  
Pohatcong Township - Grant #09-033-011-2120

Dear Mayor Babinsky:

Thank you on behalf of the Highlands Water Protection and Planning Council (Highlands Council), for your municipality's submission of a Petition for Plan Conformance. In accordance with Highlands Council Plan Conformance guidelines, we have reviewed your municipality's Petition for purposes of completeness. Please be advised that as of the date of this letter, additional submission materials are needed and the Petition has thus been deemed Administratively Incomplete.

Substantive review of the Petition cannot begin until all required items have been provided to the Highlands Council. It is important that missing items be provided in a timely fashion, particularly in the case of any Petition involving Preservation Area lands. We seek to expedite the process for all petitioners and will update the status of your Petition as any item is received. A detailed list of all components missing from your Petition is provided in the enclosure to this letter. Each item should be submitted in accordance with the procedures established under Module 7 of the Plan Conformance Grant Program, "Municipal Petitions for Plan Conformance."

For Preservation Area components, all items must be submitted to the Highlands Council within 45 calendar days of the date of this letter. For Planning Area components, we request that you submit all outstanding items as soon as possible.

We would be pleased to assist your municipality, including any staff and professionals working on the Petition, to address the outstanding items and encourage you to contact our offices as needed. A Highlands Council Staff Liaison has been assigned to each municipality to coordinate interactions with municipal staff and consultants on any issues regarding Petitions for Plan Conformance. The Staff Liaison for your municipality is Erika Webb Cramer, Regional Planner, who may be reached by telephone at (908) 879-6737 ext. 104 or via e-mail at [erika.webb@highlands.state.nj.us](mailto:erika.webb@highlands.state.nj.us). Should any Liaison assignment or contact information change, we will notify you without delay.

Please note that this letter has been copied to all individuals on the also enclosed Plan Conformance Service List, which was developed based on the most current municipal information available to the Highlands Council. The list should contain the names and contact information for the specific individuals designated by the municipality to receive copies of all direct communications from the Highlands Council regarding Plan

Conformance. Please review the Plan Conformance Service List for inclusion of all appropriate individuals and accuracy of contact information. To the extent feasible, we would prefer to send copies of the original paper communication to Service List representatives by e-mail. Please be aware that the Service List will become a public document, however, and should not contain personal e-mails that individuals may wish to keep private. Should modifications to the Service List be necessary, please forward the requested changes by e-mail to your Highlands Council Staff Liaison. Please be advised that the Service List should be limited to municipal officials, staff representatives, and/or municipal professionals responsible for guiding or assisting in the Plan Conformance process. All other interested parties will have access to municipal Plan Conformance reports, status, and Petition materials via postings and tracking sheets to be incorporated into the Highlands Council website. The Service List is a subset of the complete municipal contact list maintained by the Highlands Council, which will be updated by the municipality on-line, as discussed in the Module 7 instructions for Municipal Petitions for Plan Conformance (see Part C, on page 6). Separate instructions have been provided to your Clerk for this update process in time to meet the February 15 and March 15, 2010 deadlines.

Lastly, please be advised that to the extent that you have not already done so, invoices for work completed to date on all portions of the Petition package that have been submitted to the Highlands Council, may be submitted for payment. If you have questions or concerns regarding grants or invoices, please contact Herbert August, Manager of Grants Administration by telephone at (908) 879-6737 ext. 105, or via email at [herbert.august@highlands.state.nj.us](mailto:herbert.august@highlands.state.nj.us). Should you or other elected or appointed officials have any other questions, I will continue to be available to you for all Highlands matters and can be reached at (908) 879-6737 ext. 101, or via e-mail at [eileen.swan@highlands.state.nj.us](mailto:eileen.swan@highlands.state.nj.us).

We recognize the significant level of effort required to develop a complete Petition for Plan Conformance and appreciate what has been accomplished thus far. We look forward to receipt of all outstanding materials and to working with you to keep this process moving forward. Thank you for your continued cooperation.

Yours sincerely,



Eileen Swan  
Executive Director

enclosures

New Jersey Highlands Council Administrative Completeness Review  
Municipal Petition for Plan Conformance

**Municipality:** Pohatcong Township

**Date:** February 8, 2010

**SUBMISSION ITEMS NEEDED FOR COMPLETENESS**

**1. 2009 Plan Conformance Grant Program Documents**

**a. Module 5 – Highlands Master Plan Element**

- i. Proposed edits in MSWord Track Changes. As submitted, the document is not in track changes. If assistance is required in this regard, please contact your Highlands Council Staff Liaison.

**Advisory:** The listing(s) above is/are intended to be all encompassing for purposes of Administrative Completeness. However, a finding of Administrative Completeness shall in no event preclude the Highlands Council from requesting such additional information as may prove necessary during the process of its review of a Petition for Plan Conformance, to clarify, complete, correct or modify a Petition in the interest of ultimately achieving Plan Conformance.

**Submission Format:** All information should be provided in both electronic (MSWord, Adobe Acrobat, GIS Shape Files) *and* paper form in accordance with the Municipal Petitions Instructions Document (see Plan Conformance Grant Program Module 7).

**SUBMISSION ITEMS NEEDED FOR REVIEW  
OF OPTIONAL MUNICIPAL REQUESTS**

**Highlands Redevelopment Area Designation:** The Municipal Self-Assessment Report indicates that Pohatcong may seek a Highlands Redevelopment Area Designation. To pursue a formal request, please review the Highlands Redevelopment Area designation information and discussion provided within the Module 5 Model Master Plan Highlands Element (Land Use Plan section), and the designation criteria and procedures provided at our website: [http://www.highlands.state.nj.us/njhighlands/implementation/redevelopment\\_procedures\\_103008\\_final.pdf](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 procedural documents provided through the website:

- a. Description and illustration of proposed Redevelopment Area.
- b. Information, justification, evidence in support of request.

## RMP UPDATES/MAP ADJUSTMENTS

**Specific Municipal Requests:** The Highlands Council has reviewed all requests for RMP Updates and Map Adjustments contained in Petitions for Plan Conformance. Where sufficient information was provided, the Highlands Council is proceeding to substantive review of the proposal, and will notify the municipality. However, in many cases either the municipality indicated an interest in pursuing an RMP Update or Map Adjustment at a later date, or proposed such a change with limited or no information to support it. In the latter case, additional information will be requested for the Highlands Council to consider the proposal.

**Note to Preparer:** Please be advised that the RMP Updates program provides for updates to all substantive components of the RMP based upon the receipt of new, corrected, or updated factual information and verification by the Highlands Council, when and where necessary to improve the accuracy of the RMP. An RMP Update may, but will not necessarily result in a change of Highlands Land Use Capability Map (LUCM) Zone or Sub-Zone designation. Map Adjustments, on the other hand, allow for limited changes to the Land Use Capability Zone Map based on local planning factors, compliance with the intent and purpose of the Highlands Act and the RMP, and no net loss of resources or resource values, among other limitations. In order to receive approval of a Map Adjustment the applicable Regional Master Plan (RMP) criteria must be met (please see RMP Map Adjustment Program, Regional Master Plan, p.377).

In certain cases, the municipality may wish to consider additions or modifications to the Highlands Area Land Use Ordinance or to the underlying municipal Zoning Ordinance to address such aims as enhancement of environmental protection, rather than pursuing a Map Adjustment. Highlands Protection Zone requirements (e.g., septic system density allowances), for example, could be applied to any underlying municipal zoning district, as the municipality wishes. All such amendments will be considered and upon Highlands Council approval as a component of Plan Conformance, would be entitled to the same level of legal protection as other regulatory changes that are required for Plan Conformance pursuant to the Highlands Act. Application forms for RMP Updates are available at the Highlands Council website. The Highlands Council encourages all municipalities seeking changes such as Map Adjustments, which are not strictly fact-based, to contact our offices to discuss the issues with the Executive Director and appropriate staff.

**Submission Guidance:** Further guidance will be provided shortly based on your municipality's specific request(s) and all information submitted thus far concerning RMP Updates and Map Adjustments.