



2009 Plan Conformance Grant Program
Module 7.
Municipal Self-Assessment Report
Pohatcong Township, Warren County

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

October
2009

MODULE 7: MUNICIPAL SELF-ASSESSMENT REPORT

PLAN CONFORMANCE GRANT PROGRAM MODULE 7: MUNICIPAL SELF-ASSESSMENT REPORT

Introduction

The purpose of this Municipal Self-Assessment (MSA) Report is to provide municipalities with a template for the narrative portion of the MSA Report described in the Module 7 Instructions (Section B. 9). The MSA Report summarizes all draft changes to the municipal planning and regulatory programs to date (based at a minimum on the results of Modules 2 through 6 of the 2009 Plan Conformance Grant Program) and all changes that will remain necessary after Basic Plan Conformance to achieve Full Plan Conformance with the Highlands Regional Master Plan (RMP). The MSA Report should consist of a brief narrative only, with the assessment reliant substantially upon inclusion of completed checklists for the MSA Report and the draft Highlands Implementation Plan and Schedule, which were provided as Appendix A with the Module 7 Instructions.

The MSA Report Checklist provides a list of Basic Plan Conformance submission items for the municipal Petition for Plan Conformance. The MSA Report below follows the sequence of the checklist and provides narrative to assist municipalities in completing this MSA Report and the Checklist. The MSA Report Checklist asks the municipality to indicate if the level of preparation of the submission item addresses Basic or Full Plan Conformance. Items denoted by the checkmark box indicate those required to achieve Basic Plan Conformance unless otherwise noted.

Each item in the MSA Report asks for a Status update, as does the MSA Report Checklist. The status in the MSA Report should indicate for each item, whether it is complete as provided in the petition, or will require additional work under Full Plan Conformance. It should also indicate whether an existing document has been included as a substitution for a Module or section of any Module. This would apply for example, if the municipality provided an existing Environmental Resource Inventory (ERI) with edits to achieve consistency with the RMP instead of the Highlands Module 4 ERI. Another example would be where a municipality provides existing municipal regulations for a specific natural resource, such as steep slopes, as a substitute for the Module 6 model Highlands Land Use Ordinance provisions relative to the natural resource. This should be noted as appropriate in the MSA Report and in the status column of the MSA Report Checklist.

The Highlands Implementation Plan and Schedule Checklist includes all tasks that are not required for Basic Plan Conformance and are not indicated as having been completed in the MSA Report Checklist. For each of these tasks, the Highlands Implementation Plan and Schedule Checklist ask for an “anticipated completion date.” The anticipated completion date shall be calculated based on the date of the Highlands Council’s approval of the Petition for Plan Conformance. For example, if the approval of the Petition for Plan Conformance is granted on April 1, 2010, the anticipated completion date for tasks on the Highlands Implementation Plan and Schedule for the requirements of Full Plan Conformance would begin after April 1, 2010. The anticipated completion date for most of these tasks should fall into the range of six (6) to fifteen (15) months from the approval of the Petition for Plan Conformance. However, some tasks (e.g., Water Use and Conservation Management Plans) may require a longer timeframe. The Highlands Implementation Plan and Schedule submitted with the Petition is considered a draft to be finalized only after discussion between the Highlands Council staff and the municipality prior to the Highlands Council approval of the Petition. The final Implementation Plan and Schedule will not only guide the municipality’s Full Plan Conformance activities, but will identify the need for future Plan Conformance grant funding.

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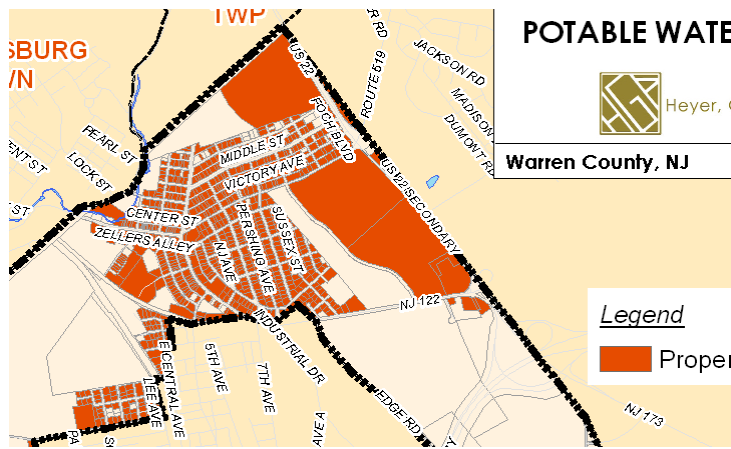
Municipality, County (municipality to insert) Pohatcong Township, Warren County

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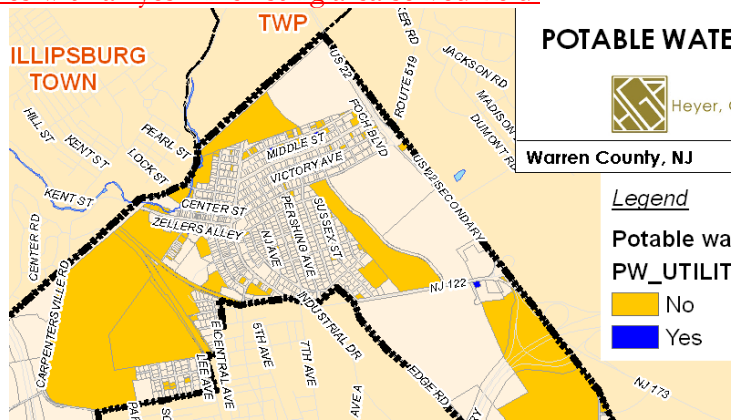
1. Modules 1 and 2: Highlands Municipal Build-Out Report

The final Highlands Municipal Build-Out Report and supporting documents and files were prepared by the Highlands Council, provided to the municipality, and posted on the Highlands Council website. The Report may be incorporated by reference in the petition. The Highlands Council is providing these reports, so the status in the MSA Report Checklist is complete except where this report is still in development. If relevant, provide comments in the narrative to supplement the final Report.

Status: Municipality to insert narrative The Township has completed Modules 1 and 2 and the reports are on file with the Highlands Council. There is an issue with the Highlands Geodatabase file for the public water existing area served. The attribute table in the Highlands Geodatabase file for the public water existing area served has been updated to include data from the engineer’s office. However, upon display in a map format, the properties that were originally depicted correctly (either yes or no) by the Highlands cannot be displayed. For example, in the northern portion of Pohatcong, changes were made to show accurate service area to display as below.



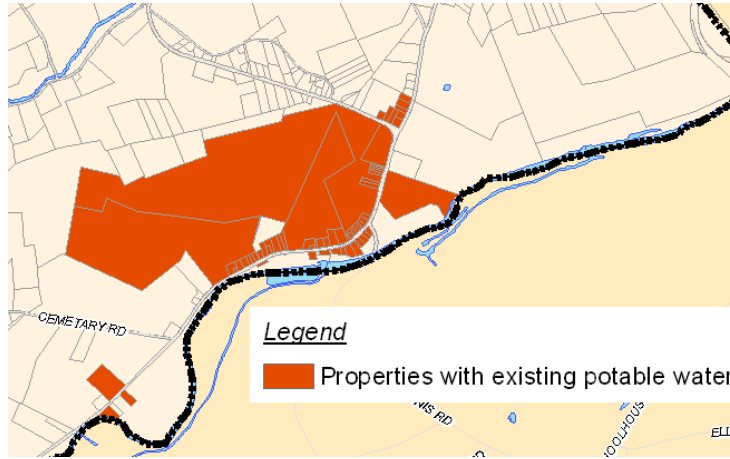
The first map was created using the template provided by the Highlands. The red symbology indicates all properties with a “yes” in existing area served field.



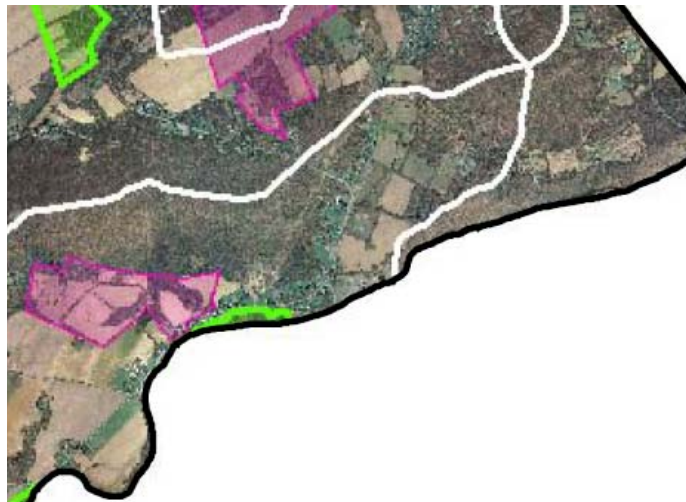
However, any change to the display symbology of the Highlands template causes the map to display only those properties where changes were made (either yes or no) with the remaining properties, including those correctly identified by the Highlands, to be displayed as “all other

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values". This appears to be technical error with map display function (and should not affect build-out calculations).



However, there are several properties in the southeastern portion of the township are currently served by Consumers NJ Water Company (Phillipsburg). These have been updated in the Geodatabase as being in the current service area. These properties are not displayed as such in Map 4 of the build-out report as seen in the image below.



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2. Module 3: Housing Element and Fair Share Plan

The Highlands Council has developed a timeline for the preparation and submission of petitions for substantive certification based on the COAH deadline extension of June 8, 2010. At minimum, the December 8, 2009 petition must include the following: a. Summary of Housing Obligations, b. Summary and Consistency Review of Proposed Prior Round Sites, and c. Housing Partnership Program narrative (including proposed participation in the Regional Affordable Housing Development Partnership Program or RAHDPP, where applicable). The Module 3 Instructions provide narrative on these submission requirements. The municipality should provide status comments in the narrative to supplement submission items a. through c. as appropriate. [NOTE: Additional submittals are required as of March 1, 2010 (due: draft Housing Element and Fair Share Plan) and June 8, 2010 (due: final versions of each), resulting in submittal of an adopted Housing Element and completed Fair Share Plan by the latter date.]

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Status: Municipality to insert narrative (complete or requires additional work) The Township is submitting the required information as stated above with this Petition. The Township is committing to the required submittals as scheduled and outlined above. Please see the 2009 Plan Conformance Grant Program Documents for more information.

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- 3. Module 4: Highlands Environmental Resource Inventory (ERI)**
The requirements for Basic Plan Conformance include supplementing a municipality's existing ERI to include all Highlands resource information (or adopting a new ERI if none exists). The Highlands Council provided a model Highlands ERI along with tabular data, which may be used as either a supplement to an existing municipal ERI or as a stand-alone ERI, where the municipality has not previously adopted one. Please indicate in the narrative below whether the Highlands Model will be incorporated into an existing ERI or Natural Resource Inventory, or will be used as a stand-alone document. For municipalities that have already submitted a draft ERI, please indicate whether Highlands Council staff comments and edits have been addressed in the final draft ERI or if outstanding issues need consideration.

Status: Municipality to insert narrative (complete or requires additional work) The Township has completed Module 4 and the report is on file with the Highlands Council. The 2009 Highlands Model ERI is intended to be a standalone ERI, however it should be noted that several other Municipal documents, such as the September 2004 Open Space and Recreation Plan, the April 2008 Farmland Preservation Plan and the draft 2010 Historic Preservation Plan have similar analyses and may contain additional information and more in-depth analyses of certain resources. The Township has received the Highlands Council review of the submitted draft and is submitting a draft with this petition to address all outstanding issues. The Township looks forward to the Highlands Council review of the document and will work to bring the draft into compliance for final adoption.

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- 4. Module 5: Highlands Element of Municipal Master Plan**
The requirements for Basic Plan Conformance include revisions to municipal master plans that will bring them into alignment with the Highlands RMP. The Highlands Council provided a Model Municipal Master Plan "Highlands Element" to assist municipalities in addressing the mandatory master plan requirements necessary to achieve Basic Plan Conformance. The Highlands Element is intended to be used as a supplement to existing municipal master plans for application to land use and development in that portion of the municipality for which Plan Conformance is sought. Each section of the Highlands Element is referenced below, and it is noted in the narrative if requirements are for Basic or Full Plan Conformance. For municipalities that have already submitted a draft Highlands Element, please indicate whether Highlands Council staff comments and edits have been addressed in the final draft Highlands Element or if outstanding issues need consideration. **[NOTE: Under 4.a through 4.l below, where an item is listed as a "Basic Plan Conformance requirement" all of the necessary information has already been provided to the municipality as part of the Model Highlands Element prepared by the Highlands Council. Inclusion of the text in the draft municipal Highlands Element submitted with the petition constitutes completion of the requirement.]**
- a. **Statement of Policies, Goals and Objectives:** Basic Plan Conformance requirement.
 - b. **Land Use Plan Element:** Basic Plan Conformance requirement. However, an up-to-date Land Use Inventory (inventory) is not a requirement for Basic Plan Conformance. The municipality should submit their most current inventory. If the inventory requires updates it will be a Full Plan Conformance requirement. If an up-to-date inventory has been completed

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and submitted with the petition; it should be noted as “Full” in the level of preparation column in the MSA Report Checklist.

- c. **Housing Plan Element:** Included in the Module 3 submission.
- d. **Conservation Plan Element:** Basic Plan Conformance requirement.
- e. **Utility Services Plan Element:** Basic Plan Conformance requirement.
- f. **Circulation Plan Element:** Basic Plan Conformance requirement. This Plan supplements an existing municipal Element, as applicable to goals and objectives for the Highlands Area. Where no Plan exists; one will be developed and adopted as a Full Plan Conformance task.
- g. **Land Preservation and Land Stewardship Plan Element including updated preserved land inventory and map:** Basic Plan Conformance requirement. This Plan supplements an existing municipal Element, as applicable to goals and objectives for the Highlands Area. Where no Plan exists; one will be developed and adopted as a Full Plan Conformance task. The updated preserved land inventory and map is a Full Plan Conformance task.
- h. **Agriculture Retention/Farmland Preservation Plan Element (if applicable) including updated preserved land inventory and map:** Basic Plan Conformance requirement. This Plan supplements an existing municipal Element, as applicable to goals and objectives for the Highlands Area. Where no Plan exists; one will be developed and adopted as a Full Plan Conformance task. The updated preserved farmland inventory and map is a Full Plan Conformance task.
- i. **Community Facilities Plan Element:** Basic Plan Conformance requirement. This Plan supplements an existing municipal Element, as applicable to goals and objectives for the Highlands Area. Where no Plan exists; one will be developed and adopted as a Full Plan Conformance task.
- j. **Sustainable Economic Development Plan Element:** Basic Plan Conformance requirement.
- k. **Historic Preservation Plan Element:** Basic Plan Conformance requirement. This Plan supplements an existing municipal Element, as applicable to goals and objectives for the Highlands Area. Where no Plan exists; one will be developed and adopted as a Full Plan Conformance task.
- l. **Relationship of Master Plan to State/Regional/Local Plans:** Basic Plan Conformance requirement.
- m. **Development Transfer Plan Element:** Optional

Status: *Municipality to insert narrative (complete or requires additional work)* The Municipality is submitting a draft Highlands Element of Municipal Master Plan with this petition. The Township looks forward to the Highlands Council review of the document and will work to bring the draft into compliance for final adoption. It should be noted that the draft Highlands Element was inadvertently edited without track changes being enabled. The draft being submitted does not have the track changes noted, but is being submitted to meet the statutory deadline. A revised draft with the track changes enabled will be submitted for review as soon as possible. The maps included are in pdf file format and have been edited from the ERI maps or other Municipal planning documents to provide the proper notation. Any additional maps or revisions necessary shall be submitted for review as soon as map templates are available.

It should also be noted that the Township will be submitting an Affordable Housing Element and Fair Share Plan as scheduled and outlined above. The Township has adopted a new Farmland Preservation Element and the plan is under review by the NJ DOA SADC at this time for compliance with the requirements of the Municipal PIG Grant program. The Township can provide a copy to the Highlands Council at its request. The Township will work with the

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Highlands Council to reconcile the two documents, with the review and approval of the NJ DOA SADC. The Township is in the process of drafting a Historic Preservation Element. The Historic Preservation Commission is working with the Township Planner on revising the draft document to meet MLUL standards. The Township can provide a copy to the Highlands Council at its request. The Township will work with the Highlands Council to reconcile the two documents.

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5. Module 6: Highlands Land Use Ordinance

The requirements of Basic Plan Conformance include the regulation of new development through a Highlands Land Use Ordinance. The Highlands Council developed a model Highlands Land Use Ordinance, including language addressing all requirements applicable to Basic Plan Conformance. In accordance with instructions provided for Module 6; the municipality should submit an edited version of the model Highlands Land Use Ordinance and if applicable, may submit existing municipal ordinances that are more restrictive or more comprehensive with respect to certain resources. [Note: Development of additional municipal regulations concerning the prevention of pollution and public health threats from existing land uses will be required as a component of Full Plan Conformance in the years 2010 and beyond. As such, these are not included in the MSA Report Checklist, but do appear in the Highlands Implementation Plan and Schedule.]

Status: The Municipality is submitting a draft Highlands Land Use Ordinance with this petition. The Township looks forward to the Highlands Council review of the document and will work to bring the draft into compliance for final adoption. The maps included are in pdf file format and have been edited from the ERI maps or other Municipal planning documents to provide the proper notation. Any additional maps or revisions necessary shall be submitted for review as soon as map templates are available.

Municipality to insert narrative (complete or requires additional work)

6. Redevelopment and Rehabilitation Plans (Adopted or Proposed)

Redevelopment and Rehabilitation Plans are not a requirement of Basic Plan Conformance. The municipality may choose to incorporate narrative on adopted or proposed redevelopment and rehabilitation plans to supplement the Petition for Plan Conformance.

Status: ~~Municipality to insert narrative~~ The Municipality is not submitting any Highlands Redevelopment or Rehabilitation Plans with this petition. However, it should be noted that the Township is considering one or more Highlands Redevelopment Area designations in the Planning Area on properties in the Route 22/Route 122 corridor that are either currently developed, have approvals for development or are part of the existing sewer service area.

7. Management Plans and Ordinances

Management plans and ordinances are not a requirement for Basic Plan Conformance. The municipality may wish to supplement their Petition for Plan Conformance with available draft plans or ordinances, such as a Wastewater Management Plan or a Stormwater Management Plan.

Status: ~~Municipality to insert narrative~~ The Municipality is not submitting any Management Plans with this petition. The petition documents include a listing of Municipal Plans and Ordinances and the Municipality will provide copies at the Highlands Council request.

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8. Discretionary Items, List (Optional)

Discretionary items are not a requirement of Basic Plan Conformance. These are additional materials beyond those required for a Petition for Plan Conformance that the municipality believes will support the petition. For example, a draft or adopted municipal ordinance that supports the Petition for Plan Conformance.

Status: ~~The Municipality is not submitting any Discretionary Items with this petition. Municipality to insert narrative~~

Draft Highlands Implementation Plan and Schedule Checklist – Full Plan Conformance Tasks

Municipalities shall also include a draft Highlands Implementation Plan and Schedule Checklist, which provides a listing of items from the MSA Report Checklist that are not required for Basic Plan Conformance and are not indicated by the municipality as having been completed. To the extent known, the municipality should insert a brief narrative below indicating the anticipated approach (not including budget estimates) to achieving the tasks listed in the draft Highlands Implementation Plan and Schedule Checklist. For example: preparation of incomplete portions of the Highlands Element will be developed by the municipality's professional planner; conservation management plans will be developed following receipt of guidance from the Highlands Council, with assistance from professionals having specialized expertise in each area. The municipality may prioritize Full Plan Conformance tasks based upon municipal interest and the Highlands Council will work to assist in addressing those priorities.

The actual schedule for Full Plan Conformance will be developed by the municipality and the Highlands Council during the review of the Petition for Basic Plan Conformance.

Status: ~~Municipality to insert narrative~~

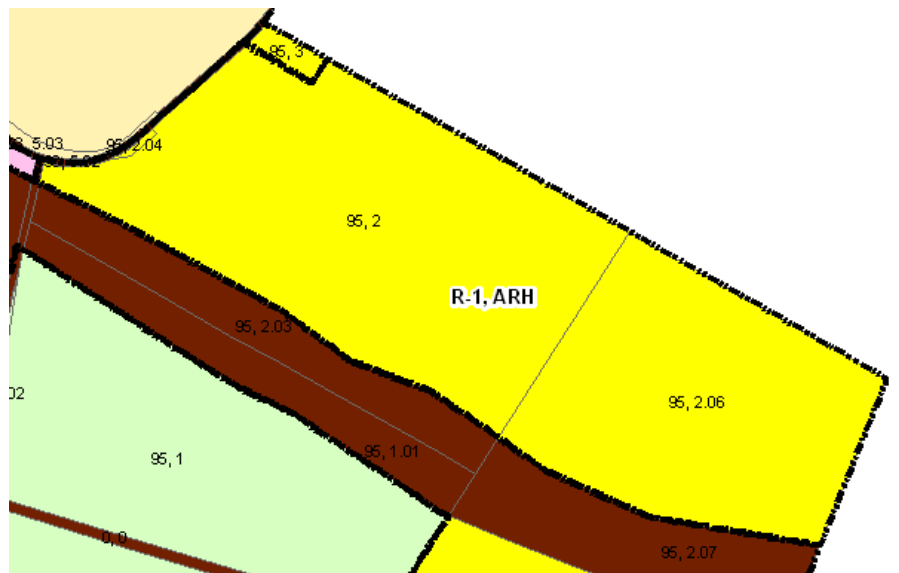
The Township is submitting a draft Highlands Implementation Plan and Schedule Checklist with this petition. The Township will continue to work with its professionals, staff and the Highlands Council to address all issues related to Highlands Plan Conformance. As indicated by the Township Council Resolution that is included with this Petition, the Township is indicating its intent to conform to the Highlands Regional Master Plan in the Highlands Planning Area. However, there are certain properties for which the Township has already approved or has reviewed site plans for, that are included in the Protection and Conservation Zones of the Planning Area and the Township may be seeking Map Adjustments or designations of Highlands Redevelopment Areas in order to agree to Full Plan Conformance in the Planning Area so as not to jeopardize the Township's Substantive Certification from the Council on Affordable Housing or the last remaining opportunities for environmentally sensitive development of commercial properties to ensure a balanced land use approach in the Township.

These properties include Hamptons at Pohatcong site, the Regency of Pohatcong site, the Warren Business Park, and the former Laneco property. The Regency and Hamptons sites are both part of the Township's COAH Third Round Fair Share Plan. Concerns for each of the properties are detailed below.

Hamptons at Pohatcong

The Hamptons at Pohatcong site (Block 93, Lots 4 & 5) is located in the western portion of the Township with the railroad right-of-way to the north and Interstate 78 to the south. EAI Investments - Hamptons at Pohatcong has received preliminary subdivision approval on a 170-acre property to create 401 single-family lots, two apartment buildings containing a total of 44 low and moderate-income flats, and one lot for future retail, all of which are to be served by sewer and water.

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The property has received preliminary subdivision approval to create 148 age-restricted single-family lots, 160 age-restricted townhouse units and a clubhouse with recreational amenities, all of which are to be served by sewer and water. This development is part of the Township's COAH Third Round Fair Share Plan. The project is in Pohatcong Township's R-1 Rural Residential zoning district, and is utilizing the specifically designated ARH Age Restricted Housing overlay zoning district applied to this particular property, which is the product of litigation and is also a component of the Township's current Affordable Housing Plan, which is currently under court jurisdiction. The ARH zone allows a specific number of age-restricted units on the site based on an overall density of two dwelling units per gross acre of land. The ARH zoning district standards allow 168 age-restricted dwelling units. The ARH overlay zoning allows the transfer of an additional 122 age-restricted from Block 99, Lot 4 that is to be protected as open space.

The RMP has placed the parcel in the Conservation Environmentally Constrained Zone of the Planning Area with more than 87 acres of the 88-acre property are designated as developable by the RMP.

The property is not located in an existing wastewater service area. By court order, the site is contracted to get 18,000 gallons per day (contract of 0.018 million gallons per day) but the actual requirement is for 62,000 gallons per day (0.062 MGD). The property is not located in an existing public potable water service area.

The Township will need to work with the Highlands Council to resolve these issues and make a final determination of the ability to develop this component of the Township's current Affordable Housing Plan either through Map Updates, Map Adjustments or other methodology prior to a final commitment to conform to the Highlands Regional Master Plan in the Planning Area.

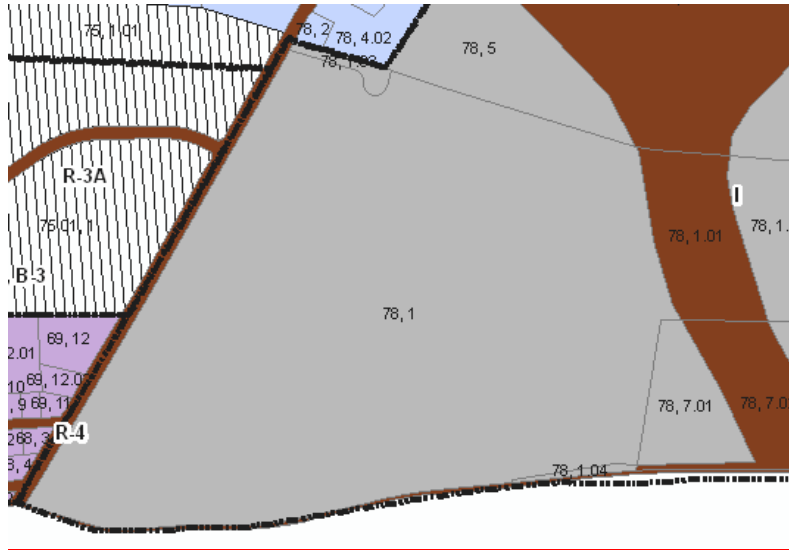
Former Laneco property (Walmart site)

The current Wal-Mart and Former Laneco Properties (Block 75, Lot 1, Block 75, Lot 1.01, and Block 75.01, Lot 1) are located at the corner of the intersection of New Jersey State Highway Route 22 and New Brunswick Avenue, also known as U.S. Route 122. The properties are presently intersected by Bliss Boulevard which connects New Brunswick Avenue (Route 122) and St. James Avenue (Warren County Route 519).

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Warren Business Park

The Warren Business Park (Block 78, Lot 1), with an area of 103.09 acres, is the last, large parcel in the Industrial zone. It is located in an accessible portion of the Township between New Brunswick Avenue and Interstate 78. The RMP has placed a majority (93.71 acres) of the parcel in the Conservation Zone of the Planning Area and a smaller portion (9.37 acres) in the Conservation Zone - Environmentally Constrained.



According to the Highlands Build-Out Geodatabase for Pohatcong, based on the RMP, about 85.66 acres are developable and about 12.42 acres are environmentally constrained and include agricultural priority lands. Based on the current municipal zoning, the FAR for Industrial zone is 0.35. The Township has been considering rezoning the property completely or with an overlay zone that would allow for a mixed-use center with a 25% affordable housing set aside if necessary for Substantive Certification of its Housing Plan under COAH. Alternatively, the Township has considered adjusting the Industrial Zone use categories that would be further defined and be predicated on the ability of any applicant to operate within the limits of the existing road network and traffic conditions.

The property is located within the Phillipsburg STP/HDSF existing wastewater service area and is currently connected to the service, but is not developed. However, based on the Highlands build-out type for this property, it is assumed that septic system will have to be used. It is not clear if the parcel would qualify for any exemptions of the Highlands Act and would therefore need Highlands Council Approval for development.

The Township will need to work with the Highlands Council to make a final determination of the ability to develop this property per the current zoning prior to a final commitment to conform to the Highlands Regional Master Plan in the Planning Area. The Township is considering Map Updates, Map Adjustments or designating the area as a Highlands Redevelopment Area.