

# Highlands Council Meeting

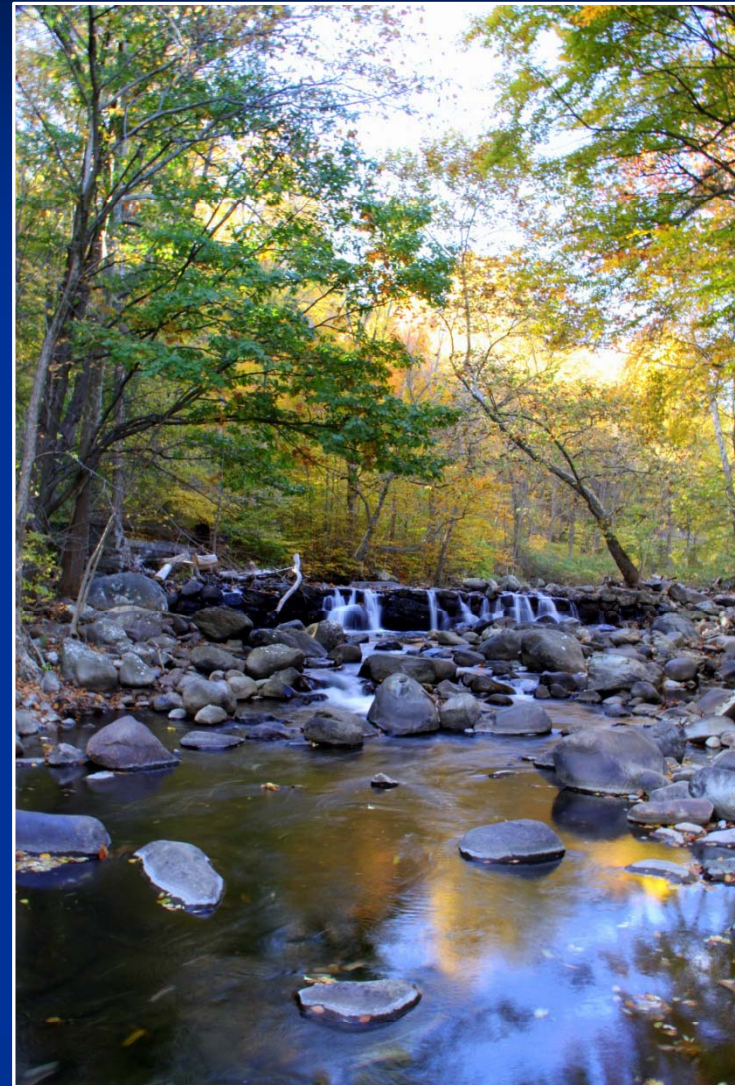
June 16, 2011



# Public Hearing

## Bloomingtondale Borough Petition for Plan Conformance

# Introduction to Bloomingdale

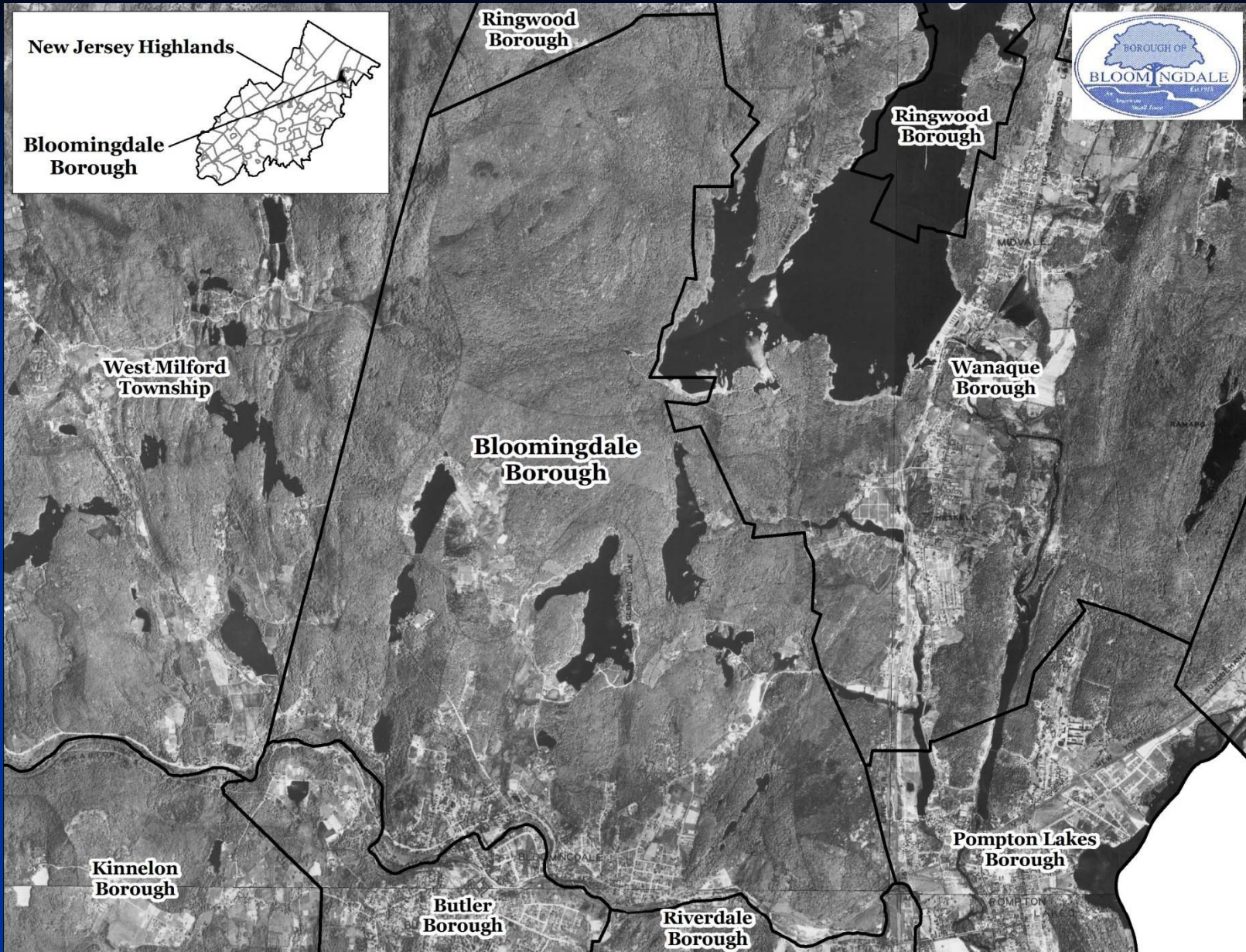


# Bloomington Borough

## Background Statistics



- Incorporated: 1918
- Population (2009 est.): 7,454
- Land Area: 5,917 acres/9.2 sq. mi.
  
- Total Forest: 4,328 acres
- Preserved Lands: 2,438 acres
- Wetlands: 322 acres



# Bloomingdale Borough - 1930

# Bloomingtondale Borough

## Significant Highlands Statistics

- Preservation Area Lands: 4,155 acres – 70%
- Planning Area Lands: 1,762 acres – 30%
  
- Protection Zone: 4,638 acres – 78%
- Existing Community Zone: 1,089 acres – 18% (Roads 3%)
  
- Forest Resource Area: 5,085 acres – 86%
- Highlands Open Water Protection: 3,162 acres – 53%
- Conservation Priority Areas: 1,956 acres – 33%

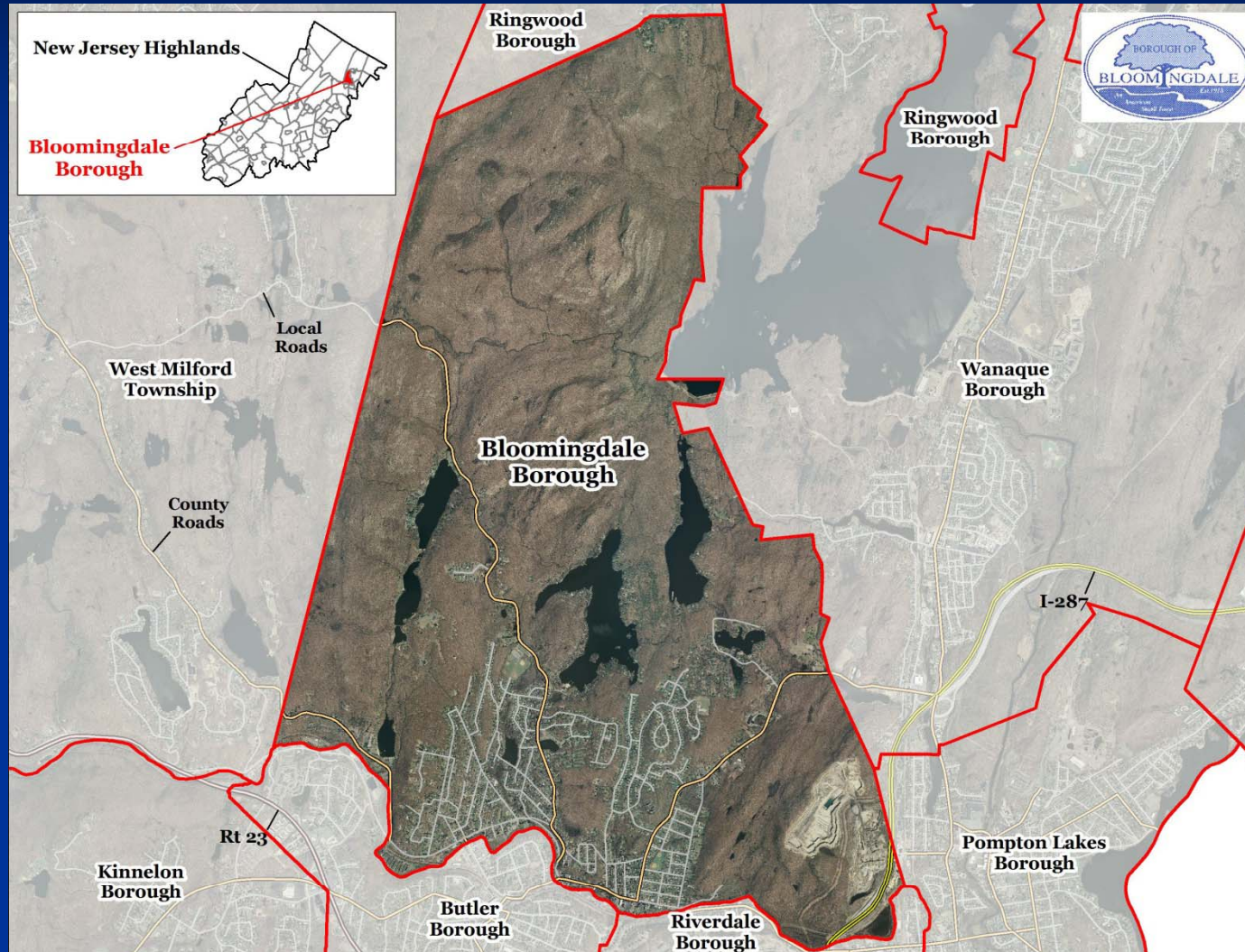
# Bloomingtondale Borough

## Background Statistics – Land Use



NJDEP Land Use/Land Cover (2007)	Plan	Pres	Percent
Residential (Single & Multi Family)	661	244	15.3%
Commercial (Retail)	81	2	1.4%
Industrial & Transportation & Utilities	53	7	1.0%
Agriculture (Crops & Plantations)	0	19	0.3%
Recreational Lands (Public & Private)	26	51	1.3%
Extractive Mining	127	0	2.2%
Other Urban or Built-Up Land	13	9	0.4%
<b>Subtotal Developed Lands</b>	<b>961</b>	<b>332</b>	<b>21.8%</b>
Mixed Forest	666	3,295	66.9%
Shrub & Scrub	10	21	0.5%
Mixed Wetlands	91	231	5.4%
Barren Lands	5	3	0.1%
Water	30	273	5.1%
<b>Subtotal Natural Lands</b>	<b>802</b>	<b>3,823</b>	<b>78.2%</b>
<b>Total</b>	<b>1,762</b>	<b>4,155</b>	<b>100.0%</b>

# Bloomingdale Borough

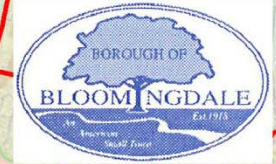
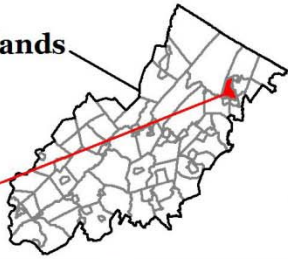


## Bloomingdale Borough Flyover



New Jersey Highlands

Bloomington  
Borough



Ringwood  
Borough

Ringwood  
Borough

West Milford  
Township

Wanaque  
Borough

Bloomington  
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Kinnelon  
Borough

Butler  
Borough

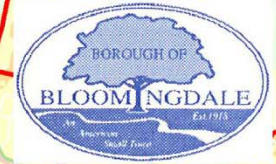
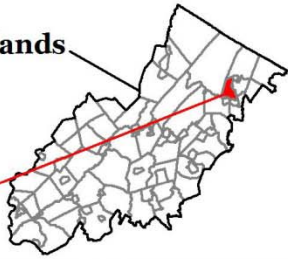
Riverdale  
Borough

**Legend**

-  Municipal Boundaries
-  Parcel Boundaries
-  Highlands Planning Area
-  Highlands Preservation Area
-  Lakes Greater Than 10 Acres
- Land Use Capability Zone**
  -  Protection
  -  Existing Community
- Land Use Capability Sub-Zone**
  -  Existing Community Environmentally Constrained
  -  Lake Community

New Jersey Highlands

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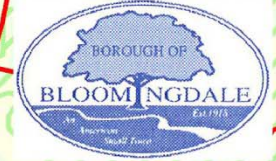
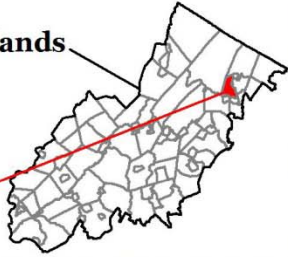
Riverdale  
Borough

**Legend**

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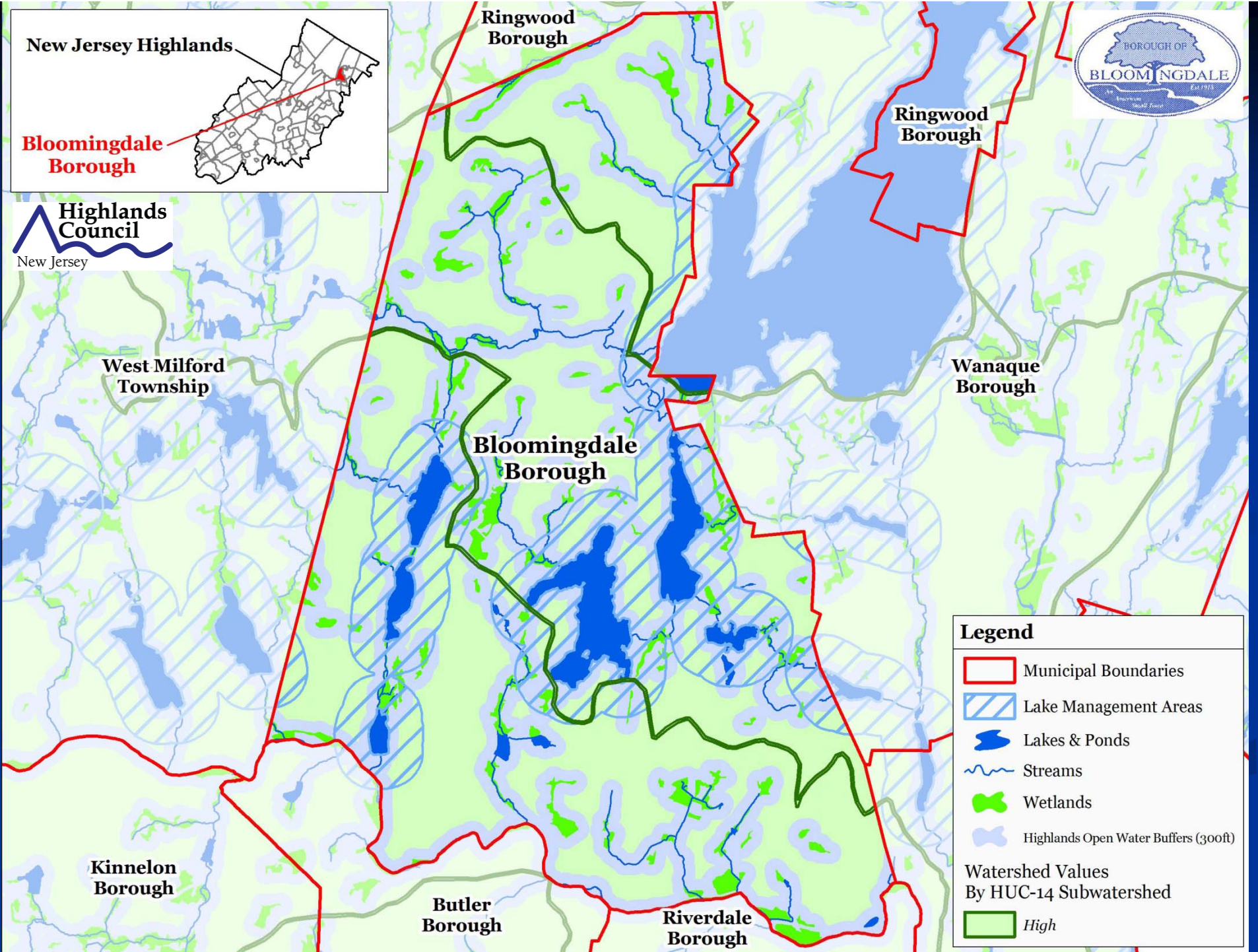
Kinnelon  
Borough

Butler  
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Riverdale  
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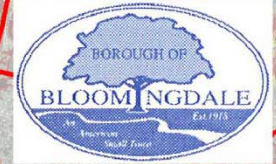
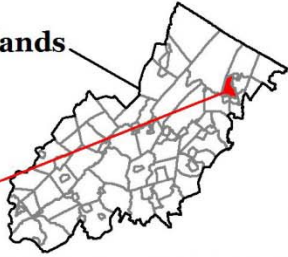
**Legend**

-  Municipal Boundaries
  -  Forest Resource Area
  -  Lakes Greater Than 10 Acres
  -  Total Forest Area
- Forest Integrity  
By HUC-14 Subwatershed
-  High



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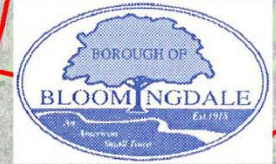
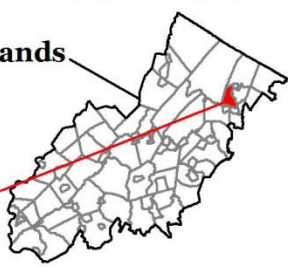
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**Legend**

-  Municipal Boundaries
-  Lakes Greater Than 10 Acres
- Steep Slope Protection Area**
  -  Severely Constrained
  -  Moderately Constrained
  -  Constrained/Limited Constrained

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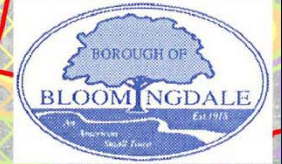
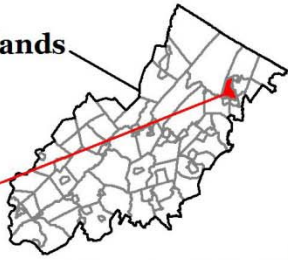
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**Legend**

-  Municipal Boundaries
-  Lakes Greater Than 10 Acres
-  Vernal Pools + 1000ft Buffer
-  Critical Wildlife Habitat

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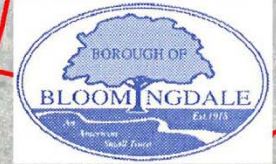
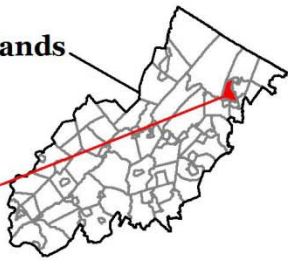
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**Legend**

- Municipal Boundaries
- Lakes Greater Than 10 Acres
- Prime Ground Water Recharge Areas
- Wellhead Protection Areas**
  - (Tier 1) 2-Year
  - (Tier 2) 5-Year
  - (Tier 3) 12-Year

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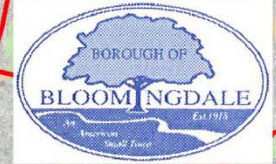
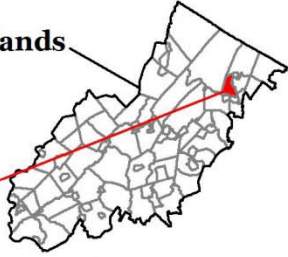
**Legend**

-  Municipal Boundaries
- Existing Area Served for:
  -  Public Community Water Systems
  -  Highlands Domestic Sewerage Facilities
  -  Highlands Domestic Sewerage Facilities and Public Community Water Systems
- Net Water Availability By HUC14 Subwatershed Million Gallons Per Day (MGD)
  -  -0.99 - -0.10
  -  -7.10 - -1.00
  -  Lakes Greater Than 10 Acres



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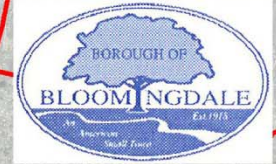
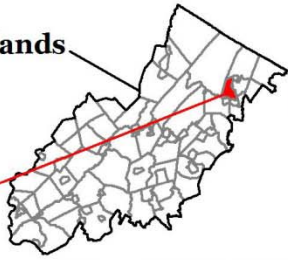
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**Legend**

-  Municipal Boundaries
- Conservation Priority Areas
  -  High
  -  Moderate
  -  Preserved Lands
  -  Lakes Greater Than 10 Acres

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**Legend**

-  Municipal Boundaries
-  Special Environmental Zone
-  Lakes Greater Than 10 Acres

# Bloomingtondale Borough

Passaic County, New Jersey



## PETITION FOR PLAN CONFORMANCE ADMINISTRATIVE RECORD

12/8/09	Petition for Plan Conformance Submitted, Full Municipality
1/22/10	Petition Deemed Administratively Complete
2/1/10	Petition Posted to Highlands Council Website
2/11/11	Draft Consistency Report Sent to Municipality
5/19/11	Final Draft Report Posted to Highlands Council Website
6/3/11	End of Public Comment Period (Start 5/19/11)
6/10/11	Final Report Posted to Highlands Council Website
6/16/11	Highlands Council Public Hearing

# Highlands Municipal Build-Out Report – Modules 1 & 2

- The Report uses a Limiting Factor Analysis to examine Land-Based, Resource-Based, and Utility-Based Capacities.
- The Highlands Municipal Build-Out Report for Bloomingdale Borough was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition.
- The Report is dated September 2009 and was posted to the Highlands Council website on September 30, 2009.
- Staff RMP Consistency Finding: CONSISTENT

# Housing Plan – Module 3

- Summary of Bloomingdale Borough's Fair Share Obligation
  - Rehabilitation Share: 16 Units
  - Prior Round Obligation: 168 Units
  - Growth Share Obligation: 9 Units
- Summary of Bloomingdale Borough's Fair Share Plan
  - Rehabilitation Share: Program funded by Borough Development Fee Ordinance (Total Credits: 16)
  - Prior Round Obligation: 99 Units Inclusionary Development; 32 Units Assisted Living; 37 Bonus Credits (Total Credits: 168)
  - Growth Share Obligation: 2 Units Assisted Living; 2 Units Special Needs Housing; 5 Units Family Rental; 2 Bonus Credits (Total Credits: 9)
- Staff RMP Consistency Finding: CONSISTENT

# Environmental Resource Inventory

## Module 4

- Describes & illustrates Highlands Resources, Resource Areas, and Special Protection Areas in the Municipality
- Bloomingdale's Submittal Based on Highlands Council Model Environmental Resource Inventory
  - All Applicable Narrative Portions Retained
  - All Applicable Exhibits Included
- Staff RMP Consistency Finding: CONSISTENT

# Master Plan Highlands Element Module 5

- Incorporates RMP Goals & Objectives into local planning; provides basis for effectuation of RMP
- Bloomingdale's Submittal Based on Highlands Council Model
  - All Applicable Narrative Portions Retained
  - All Applicable Exhibits Provided
- Staff RMP Consistency Finding: CONSISTENT

# Highlands Area Land Use Ordinance

## Module 6

- Sets forth regulatory provisions that protect Highlands Resources and effectuate the policies, goals and objectives of RMP at the local level.
- Bloomingdale's Submittal Based on Highlands Council Model
  - All Applicable Narrative Portions Retained
  - All Applicable Exhibits Provided by the Highlands Council (Parcel-Based)
- Staff RMP Consistency Finding: CONSISTENT



# Municipal Petition for Plan Conformance

## Module 7

- Consists of all Petition Supporting Materials: Petitioning Resolution/Ordinance, Self-Assessment Report, List of Current Planning Documents, Highlands Implementation Plan & Schedule
- Bloomingdale's Submittals Based on Highlands Council Models
  - Resolution (Preservation and Planning Areas) Complete
  - Self-Assessment Report Accurate & Complete
  - Highlands Implementation Plan and Schedule Complete
- Staff RMP Consistency Finding: CONSISTENT

# Bloomingtondale's Petition for Plan Conformance Public Comments Received

- The public comment period for Bloomingtondale's Petition for Plan Conformance opened May 19, 2011, and closed June 3, 2011. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system.
- **Input from Municipality:** The Borough indicated that it will not regulate historic resources via the Highlands Area Land Use Ordinance; chose not to adopt Cluster Development standards; and will not include a Development Transfer Plan element in the Master Plan Highlands Element.
- **Response:** Edits needed to address these Borough determinations have been incorporated into the applicable Petition documents.

# Bloomingdale's Petition for Plan Conformance

## Public Comments Received

**Comments Received From:** Wilma E. Frey, Senior Policy Manager, New Jersey Conservation Foundation (NJCF), on behalf of the NJCF, the New Jersey Highlands Coalition, the Pequannock River Coalition, and the Sierra Club – New Jersey Chapter.

- **Comment:** The memorandum supports Bloomingdale's Petition for Plan Conformance, particularly noting Borough conformance for both Planning and Preservation Areas, and opportunities to preserve and enhance significant Highlands water resources.
- **Response:** The Highlands Council acknowledges and concurs with the comment.

# Bloomingtondale's Petition for Plan Conformance

## Public Comments Received

- **Comment:** The memorandum expresses concern with regard to the 180-acre “Meer Tract,” a Prior Round Site included as a component of the Borough’s Fair Share Plan, and the characterization of it as provided by the Highlands Council Final Report. It correctly describes the Highlands Resources that constrain much of the site, including Critical Wildlife Habitat, High Integrity Riparian Area, Highlands Open Waters (including wetlands and streams), Open Water Buffers, Forest in a Forest Resource Area, and Steep Slopes. It discusses a report (copy provided), entitled “Federal Hill: an Extraordinarily Environmentally Sensitive and Historically Significant Area” developed in regard to the property by the Bloomingtondale Environmental Commission in 2003 and urges the Highlands Council to fully articulate the “constraints to any development on Federal Hill, the open space and historic preservation values of the site, and the substantial inconsistency with the RMP of the proposed development.”

# Bloomingdale's Petition for Plan Conformance Public Comments Received

- **Response:** The Highlands Council concurs with the findings of inconsistency with regard to Highlands Resource protections sought by the RMP and has amended the Final Consistency Report to incorporate more information concerning the Meer Tract. Extensive comments were submitted to the Council during the development of the RMP seeking reclassification of the site as an affordable housing site. The project was the subject of a February 28, 2007 Order granting a builder's remedy. The Council responded to these comments through the adoption of the RMP and retained the designation of the site in the Protection Zone. In addition, the RMP designated the site in the Conservation Priority Area (high and moderate) indicating that the site is a priority for open space protection. The Highlands Council conducted consistency reviews in response to a Notice of Appeal filed by Meer Bloomingdale Estates in the Appellate Division of the NJ Superior Court (later withdrawn). Preliminary and final site plan approval was granted by the Borough Planning Board on May 22, 2008.

# Bloomingtondale's Petition for Plan Conformance

## Public Comments Received

- **Response (Continued):** Despite the extent of Highlands resources potentially at issue, the Highlands Council acknowledges that the site is located in the Planning Area of the Highlands Region, and that the proposed project has obtained all necessary local and state approvals. Specifically, the project obtained NJDEP land use permits addressing environmental features on the site. In addition, the site is within an adopted sewer service area and received a treatment works approval from NJDEP authorizing a sewer connection as well as a permit authorizing a water main extension. Prior local and state approvals of this nature are not legally subject to the provisions of the RMP or of the municipality's (soon-to-be-adopted) effectuating Highlands Area Land Use Ordinance. Should changes occur that alter its protected approval status, the municipality and the Highlands Council will each have opportunity to reconsider the proposal. Absent such a change, the circumstances are such that the development continues to retain a "reasonable potential for development," meaning that, however inconsistent with the RMP, it remains feasible at this time as a means to address the Borough's housing obligations.

# Petition Disposition

## Bloomington Borough's Petition for Plan Conformance

Staff Recommendation: **APPROVE WITH CONDITIONS**

### PROPOSED CONDITIONS

- Adoption of Planning Area Petition Ordinance
- Adoption of Approved Checklist Ordinance
- Adoption of Completed Environmental Resource Inventory
- Adoption of Completed Master Plan Highlands Element
- Completion and Adoption of Highlands Land Use Ordinance
- Adoption of Updated Zoning Map
- Wastewater Management Plan
- Compliance with Fair Housing Act (Law Division, Superior Court)

This condition requires submission of updates on proceedings and Highlands Council review of any proposed changes to the Housing Element and Fair Share Plan.

# Petition Disposition

## Bloomington Borough's Petition for Plan Conformance

Staff Recommendation: **APPROVE WITH CONDITIONS**

### PROPOSED CONDITIONS, Continued

- Update/Development & Implementation of:
  - Lake Restoration Management Plan
  - Habitat Conservation and Management Plan
  - Water Use & Conservation Management Plan
  - Stormwater Management Plan (updates only)
  - Land Preservation & Stewardship Program
  - Stream Corridor Protection & Restoration Plan
  - Septic System Management/Maintenance Plan



# Bloomingtondale's Petition for Plan Conformance

## Future Highlands Protection Fund Grants

- **Highlands Implementation Plan and Schedule**

Grant funding is proposed for the following:

- **Highlands Redevelopment/Center Planning** to investigate specified areas for Highlands Redevelopment Area designation, and to explore potential Highlands Center designation, in furtherance of Bloomingtondale Vision Planning and Main Street Corridor Planning initiatives.
- **Sustainable Economic Development Master Plan Element** to be completed in conjunction with Highlands Redevelopment/Center Planning efforts.
- **Habitat Conservation and Management Plan** to identify species at risk, options for restoration of habitat, and standards for mitigation of unavoidable impacts of public and private projects.
- **Lake Restoration Management Plan (Phase I)** to conduct preliminary assessment of limnological status and environmental integrity of Borough lakes to determine needs for protection/restoration.

# Council Deliberation



Bloomington Borough