



State of New Jersey
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HIGHLANDS RMP CONSISTENCY DETERMINATION REVIEW

PROJECT INFORMATION	
Project Name: Bloomsbury Redevelopment B 32, L 1.01	Date: February 13, 2017
Name of Applicant: Stem Brothers	
Municipality: Bloomsbury Borough	County: Hunterdon
Lot and Block, if applicable: B 32, L 1.01	
Project Review Type: Redevelopment (70% IS)	
Description of Project: The subject property, which encompasses approximately 4.5 acres, is currently developed with a Citgo gas and fuel service center and deli/convenience store. The applicant is proposing to add a 3,000 square foot drive-in restaurant with associated parking. The area of the proposed expansion is currently part of a larger cornfield.	
PRESERVATION AND PLANNING AREAS AND LAND USE CAPABILITY ZONES	
Project Area located in which Highlands Act Area? (Check all that apply.):	
Preservation Area <input checked="" type="checkbox"/>	Planning Area <input type="checkbox"/>
Project Area within which Land Use Capability Zone or Sub-Zone? (check all that apply):	
Protection Zone <input type="checkbox"/> Conservation Zone <input type="checkbox"/> Existing Community Zone <input checked="" type="checkbox"/>	
Conservation – Environmentally Constrained Sub-Zone <input type="checkbox"/> Existing Community – Environmentally Constrained Sub-Zone <input type="checkbox"/>	
Lake Community Sub-Zone <input type="checkbox"/> Wildlife Management Sub-Zone <input type="checkbox"/>	
<p>The review below is organized by Regional Master Plan Goals, Policies and Objectives for each resource and smart growth category; C stands for Consistent, I for Inconsistent, and N/A means the goal, policy, or objective is not applicable. Project specific reviews are based on the application of these Policies and Objectives to the project site, and do not require the adoption of municipal ordinances. Documents reviewed for this analysis include all appropriate documents submitted to the NJDEP, Highlands Council GIS data and technical reports, and documents related to the State Planning Commission Plan Endorsement process where applicable.</p> <p><i>*Please note that the asterisked GPOs have been modified from the original RMP text to facilitate ease of review and clarification.</i></p>	
PART 1 NATURAL RESOURCES	
SUBPART A FOREST RESOURCES	
Project Area within Forest Resource Area? Yes	
If yes to above, is there Encroachment into a Forest within Forest Resource Area? No	
Comments: There are no forests on the project site. The proposed project would not impact forests.	
SUBPART B HIGHLANDS OPEN WATERS AND RIPARIAN AREAS	
Project Area includes Highlands Open Waters Buffer? No	
Highlands Open Waters Affected: Streams <input type="checkbox"/> Lakes & Ponds <input type="checkbox"/> Wetlands <input type="checkbox"/>	
Highlands Open Waters in Preservation Area: No	
Comments: There are no Highlands Open Waters present on the project site, nor does the site fall within a Highlands Open Waters Buffer or Riparian Area. The proposed project would not impact Highlands Open Waters and Riparian Areas.	

SUBPART C STEEP SLOPES					
Applicability: Steep Slope Protection Area of 5,000 square feet or more of contiguous steep slope(s) No					
Project Area includes: Steep Slopes >20% in Any Areas (severely constrained)? No					
Steep Slopes >15% in Forested Areas (severely constrained)? No					
Steep Slopes >10% in Riparian Area in Undeveloped Lands (moderately constrained)? No					
Comments: There are no Steep Slope Protection Areas within the project site. The proposed project would not impact steep slopes.					
SUBPART D CRITICAL HABITAT					
Project Area includes:					
Critical Wildlife Habitat? No	Significant Natural Area(s)? No	Vernal Pool(s) +1,000 ft? No			
Comments: There is no Critical Wildlife Habitat, Significant Natural Areas, or Vernal Pools within or adjacent to the project site. The proposed project would not impact Critical Habitat.					
SUBPART E LAND PRESERVATION AND STEWARDSHIP					
Project Area within Conservation Priority Area? No If yes, percentage? %					
Project Area within Special Environmental Zone? No If yes, identify properties (B/L):					
Project Area includes preserved land? No If yes, identify properties (B/L):					
Comments: The project site does not lie within a Conservation Priority Area or Special Environmental Zone nor does it include preserved land.					
SUBPART F CARBONATE ROCK (KARST) TOPOGRAPHY					
Project Area within or contributing to Carbonate Rock Area? Yes					
Regional Master Plan Goals, Policies, and Objectives:			C	I	N/A
Objective 1K4b: Applications for site plan or subdivision approval will include a multi-phased geotechnical site investigation (e.g., test borings, test pits) to locate any potential karst features and potential hazards to public health and safety, structures and ground water quality.			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
*Objective 1K4c: Ensure that all potential hazards to public health and safety, structures and ground water quality, including but not limited to concentrated surface water flows that dissolve carbonate rock, are fully addressed and mitigated in the construction plans and subsequent approval process, with the maximum emphasis on nonstructural measures, including, but not limited to, avoidance of modifications to the karst features.			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Objective 1K4d: Public works projects, including but not limited to water supply, sewerage, stormwater and transportation facilities, shall be constructed and maintained such that the potential for damage from karst features and the contamination of ground water are avoided.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
*Objective 1K4e: Prohibit new land uses and facilities that constitute unacceptable risks of discharge due to karst topography where karst features have been identified, including but not limited to: underground storage tanks; solid waste landfills; hazardous waste storage and disposal; and hazardous materials storage and handling.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: According to the Highlands Council GIS data, the subject parcel and the area surrounding the parcel are located in a Carbonate Rock Area. Neither the applicant nor the Borough are aware of a geotechnical study having been conducted for the existing development on the subject parcel (Borough approved on January 21, 1997) (though the applicant indicated that the detention basin on the parcel that serves the existing development was designed and constructed with a lining, in apparent recognition of carbonate rock geological conditions). As a condition of approval of this Highlands Redevelopment Area Designation, the Highlands Council will require the applicant to conduct a multi-phased geotechnical investigation. It is required that the geotechnical report include a detailed evaluation and recommendations regarding development and construction measures. The municipal engineer's review and approval of these measures prior to any construction being performed will be a condition of any Highlands Council approval.					

SUBPART G LAKE MANAGEMENT					
Project Area within Lake Management Area? No <i>If No, disregard remainder of Lake Management checklist.</i>					
Comments: The project site does not lie within a Lake Management Area.					
PART 2 WATER RESOURCES AND WATER UTILITIES					
SUBPART A WATER RESOURCES AVAILABILITY					
Proposed Water Use (GPD):					
Threshold for Review: Highlands Groundwater or Surface Water without NJDEP Water Allocation Permit - increase in demand:	≥ 6,000 GPD average, or	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		
	≥ 15 Dwelling Units; or	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		
	≥ 36,000SF Office/Commercial (floor area); or	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		
	≥ 272,730 SF Industrial (floor area).	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		
Source HUC14(s): Musconetcong R (Warren Glen to I-78)	Net Availability (MGD): -0.165399992118	HUC14 Constraint - Current Deficit Area (Y/N): Yes			
Regional Master Plan Goals, Policies, and Objectives:			C	I	
Policy 2B4: To strictly limit consumptive and depletive water uses to the water availability in each HUC14 subwatershed and to establish priorities for water uses that implement the policies and objectives of the RMP.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
*Policy 2B5: Require the use of water conservation, recycling and reuse methods (where appropriate) and devices for any redevelopment or development activity to minimize consumptive water use tailored to meet the resource protection and other goals for each Zone and considering subwatershed-specific conditions and Net Water Availability status.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
*Policy 2B6: Require that proposed public water supply and wastewater service areas, new or increased water allocations and bulk water purchases will not directly or indirectly cause or contribute to a Net Water Availability deficit, and where feasible will help mitigate any existing deficit.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2B6a: Areawide Water Quality Management Plans (WQMPs), Wastewater Management Plans (WMPs) or their amendments shall ensure that the proposed service area will not directly or indirectly cause or contribute to a Net Water Availability deficit, and shall be in conformance with any Water Use and Conservation Plan developed under Objective 2B8c.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
*Objective 2B6b: Require that any new or increased water allocation permits within the Highlands Region are in conformance with the policies and objectives of the RMP and do not result in significant reductions in safe yields for any water supply facility with an existing water allocation permit and the NJDEP-approved safe yield.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2B8a: Prevent net increases in consumptive or depletive water uses in Current Water Deficit Areas to prevent exacerbation of and help reduce or eliminate the deficit to ensure sustainable water supply, water resource and ecological values, emphasizing techniques including, but not limited to water reuse, recycling and conservation.			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 2B8b: Proposed new consumptive or depletive water uses within a Current Deficit Area shall only occur under the auspices of a Water Use and Conservation Management Plan approved under Objective 2B8c or through mitigation of the proposed consumptive or depletive use within the same HUC14 subwatershed through: a permanent reduction of existing consumptive and depletive water uses; ground water recharge in excess of the requirements of N.J.A.C. 7:8 (Stormwater Management Rules); or other permanent means. Where a Water Use and Conservation Management Plan has not been approved: 1. Each project shall achieve mitigation ranging from 125% to 200%, based on the severity of the Current Deficit and the amount of consumptive or depletive water use proposed; 2. Total consumptive and depletive water uses from any single project and all projects combined are not to exceed the Conditional Water Availability of Objectives 2B3a or 2B3b for any HUC14 subwatershed; 3. Mitigation shall be successfully completed prior to initiation of the water use, except as required by #4, below. Mitigation may be phased in keeping with project development;			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<p>4. For water uses where the combination of proposed consumptive and depletive water uses and current subwatershed deficit is high, according to a schedule established by the Highlands Council, off-site mitigation shall be successfully completed prior to any on-site construction. On-site mitigation shall be successfully completed prior to initiation of the water use but may be implemented concurrent with on-site construction. Mitigation may be phased in keeping with the level of consumptive or depletive water uses; and</p> <p>5. Mitigation plans for a project shall include: specific objectives for each mitigation component; monitoring and reporting requirements; methods by which shortfalls in meeting the mitigation objectives shall be addressed through additional action; and be guaranteed through performance bonds.</p>			
<p>Comments: The proposed Highlands Redevelopment Area is located in HUC14 subwatershed Musconetcong R (Warren Glen to I-78). This HUC14 subwatershed has a current Net Water Availability Deficit of -0.166 million gallons per day (MGD). The applicant proposes using an existing on-site well for water supply and discharging treated wastewater back to ground water through an existing on-site septic system, which is considered a consumptive use. The total daily water demand is estimated to be 1,750 GPD. Because the on-site well is located within a Current Deficit Area, the consumptive use will exacerbate a net water availability deficit, which is inconsistent with Objective 2B8a. Consistency can be achieved with on-site enhanced ground water recharge through the site's stormwater management (though it is recognized that concentrated infiltration of water on sites that are underlain by karst geology is challenging because infiltrated water may erode the limestone and create more karst conditions), or through water conservation or recharge within the same subwatershed. With respect to stormwater management, the applicant shall commit to incorporating low-impact development techniques, as outlined in the NJDEP Stormwater Best Management Practices Manual. Management of stormwater shall be addressed through the HPAA with redevelopment waiver permit process, to be consistent with Policy 2G5.</p>			
<p>SUBPART B PROTECTION OF WATER RESOURCES QUANTITY</p>			
<p>Project Area includes Prime Ground Water Recharge Area? Yes</p>			
<p>Has the municipality adopted a municipal groundwater recharge area map and accompanying Stormwater Plan and control ordinance? No</p>			
<p>Does the project require a waiver from strict compliance with the groundwater recharge requirements? Yes</p>			
<p>Regional Master Plan Goals, Policies, and Objectives:</p>	<p>C</p>	<p>I</p>	<p>N/A</p>
<p>Objective 2D3g: Require through Plan Conformance and local health ordinances, that existing land uses that have a significant potential to result in major discharges of pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a Prime Ground Water Recharge Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>*Policy 2D4: Restrict development and uses of land within a Prime Ground Water Recharge Area that reduce natural ground water recharge volumes or may directly or indirectly contribute to or result in water quality degradation.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Objective 2D4a: Development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Steep Slopes.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Objective 2D4b: Any development activity approved to occur in a Prime Ground Water Recharge Area shall provide an equivalent of 125% of pre-construction recharge volumes for the affected Prime Ground Water Recharge Area of the site within the following areas, in order of priority: (1) the same development site where feasible; (2) the same HUC14 subwatershed, or (3) an interrelated HUC14 subwatershed as approved by the Highlands Council where no feasible option exists in the same HUC14 subwatershed. This requirement shall apply to all portions of the Prime Ground Water Recharge Area where the recharge is disrupted through impervious surfaces, routing of stormwater runoff and recharge from natural flow paths, and other similar changes.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>*Objective 2D4c: The disruption of Prime Ground Water Recharge Area shall be minimized through the implementation of Low Impact Development Best Management Practices meeting the requirements of Objective 2D3a.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p>*Objective 2D4d: The disruption of Prime Ground Water Recharge Area shall be limited to no greater than 15% of the Prime Ground Water Recharge Area on the site and shall be preferentially be sited on that portion of the Prime Ground Water Recharge Area that has the lowest ground water recharge rates and the lowest potential for aquifer recharge.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>*Objective 2D4f: Prohibit new land uses, including those identified through Objective 2D3d, that have a significant potential to result in the discharge of persistent organic chemicals sources (including but not limited to existing discharges of industrial or other non-sanitary wastewater effluent) to ground water or to the land surface within a Prime Ground Water Recharge Area, such that they may degrade or contribute to the degradation of ground water quality.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Objective 2D4g: Require conformance with applicable components of regional stormwater management plans, where applicable, as a mandatory requirement for any site plan application.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: Review of the Highlands Council GIS data indicates that approximately 1.5 acres of the 4.5-acre parcel features mapped Prime Ground Water Recharge Area (PGWRA). The proposed project would encroach into the PGWRA, which is inconsistent with several of the objectives in the Water Resources Quantity section of the Regional Master Plan (as shown in the checklist above). This was explained to the applicant at the September 8, 2016 Pre-Application Meeting. In response, the applicant prepared and submitted a site specific investigation of the site’s soils using data provided by the Natural Resources Conservation Service (NRCS) (“Custom Soil Resource Report for Hunterdon County, New Jersey” prepared by NRCS dated September 13, 2016.) Specifically, the analysis focused on the permeability of the site’s soils (i.e., a determination of what is referred to as “hydrologic soil group code.”) The NRCS determines hydrological soil group codes (Recharge Groups) based on minimum infiltration rates with soils ranked “A” having the highest infiltration rates and “D” having the lowest. Soils with high infiltration rates will permit more precipitation to migrate vertically and provide greater recharge than soils with low infiltration rates. There are three types of soil on the site – Gladstone – Recharge Group B; Washington – Recharge Group B, and Turbotville – Recharge Group C. The majority of the proposed project activities would occur in the Turbotville soil series - Recharge Group C (some development – 12 of the new parking spaces, would occur in the Washington series – Group B). The rear of the property, which will not be developed or improved, falls within the Gladstone soil type – Recharge Group B. With respect to the majority of the proposed development being within Group C, the NRCS states that: “Group C soils are sandy clay loam. They have low infiltration rates when thoroughly wetted and consist chiefly of soils with a layer that impedes downward movement of water and soils with moderately fine to fine structure.”

The Highlands Council staff acknowledges the permeability data provided by the applicant and notes that the majority of the proposed development is an area mapped as Group C (low infiltration rates). However, a condition of approval of this Highlands Redevelopment Area Designation will be the requirement for the applicant to provide on-site enhanced ground water recharge, though it is recognized that concentrated infiltration of water on sites that are underlain by karst geology is challenging because infiltrated water may erode the limestone and create more karst conditions. However, low-impact development/best management practices (“green infrastructure”) must be investigated and utilized to the maximum extent feasible in order for the project to be found consistent with the RMP. Another potential mitigation measure (which will be evaluated through the HPAA with redevelopment waiver permit process, through Highlands Council staff coordination with NJDEP staff) would be to revegetate the remaining, rear portion of the parcel that will not be developed (currently cornfield.)

Finally, it is noted that the Highlands Act allows a waiver of any provision of a Highlands permitting review on a case-by-case basis for a Highlands Redevelopment Area Designation with Redevelopment Waiver, conditioned upon the finding by NJDEP that it meets the requirements of the narrative criteria described in Section 36 of the Act (N.J.S.A 13:20-34). In regards specifically to the protection of ground water resources, the narrative criteria in the Act states: “...would have a de minimis impact on water resources and would not cause or contribute to a significant degradation of surface or ground water...” In consideration of the low infiltration rates of the soils in that area of the parcel where the majority of the proposed activities would occur, and the fact that Highlands Council will require enhanced ground water recharge through the site’s stormwater management (using Stormwater Best Management Practices) or other on-site mitigation, it is anticipated that the proposed project would not cause or contribute to a significant degradation of ground water. It is recommended by Highlands Council staff that the Council waive the Highlands Regional Master Plan’s provision regarding proposed development in a mapped Prime Ground Water Recharge Area.

SUBPART C WATER QUALITY			
Is the Project Area a designated Brownfield or listed on the NJDEP Known Contaminated Sites List? No			
Project Area within Wellhead Protection Area (WHPA)? Yes			
If yes to above, check all that apply: Tier 1 <input checked="" type="checkbox"/> Tier 2 <input type="checkbox"/> Tier 3 <input type="checkbox"/>			
Name of Nearest Waterway(s) (1000 feet of Project Area): none within 1,000 feet of project area			
Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Objective 2G3b: Ensure that new land uses draining to a stream designated as impaired but lacking a TMDL (i.e., Sublist 5) avoid increased pollutant loadings for the parameter or parameters for which a TMDL is required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2G5a: Require recharge of clean stormwater rather than contaminated stormwater wherever feasible to meet stormwater management requirements, and to pretreat contaminated stormwater wherever its recharge is required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2G5b: Require Low Impact Development and other Best Management Practices standards for stormwater management to minimize the discharge of stormwater-entrained pollutants to ground and surface waters.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Objective 2H2a: Prohibit land uses that have a significant potential to result in the discharge of pathogens (including, but not limited to, septic systems and engineered stormwater infiltration from surfaces with significant potential for contact with pathogenic contaminants) to ground water or to the land surface within a designated Tier 1 Wellhead Protection Area, such that they may degrade or contribute to the degradation of ground water quality. Require that the construction of sewer lines within Tier 1 of a Well Head Protection Area prevent seepage of untreated sewage into ground water.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Objective 2H2b: Prohibit land uses that have a significant potential to result in the discharge of persistent organic or toxic chemical sources (including but not limited to existing discharges of industrial or other non-sanitary wastewater effluent) to ground water or to the land surface within a designated Tier 2 Wellhead Protection Area, such that they may degrade or contribute to the degradation of ground water quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2H2c: Land uses that have a significant potential to result in major discharges of persistent organic or toxic pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a designated Tier 3 Wellhead Protection Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2H5c: Ensure that development activities and existing land use activities implement best management practices to protect the quality of ground water within Wellhead Protection Areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The proposed development would entail encroachment into a Tier I Wellhead Protection Area (WHPA). However, the proposed drive-in restaurant with associated parking does not pose significant potential to result in the discharge of pathogens to ground water or to the land surface within a designated Tier 1 Wellhead Protection Area, such that they may degrade or contribute to the degradation of ground water quality.			
SUBPART D SUSTAINABLE DEVELOPMENT AND WATER RESOURCES			
WATER UTILITY			
Potable Water Supply? Yes		Domestic? No	
Source Water HUC(s): Musconetcong R (Warren Glen to I-78) Total Projected Water Demand: 1,750 GPD			
Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 2I1: Prohibit the expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area unless approved through a Highlands Applicability Determination (HAD) or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2I1b: The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.			
Objective 2J2a: Limit future water system demand and reduce existing demand where feasible by water systems that are dependent on Current Deficit Areas or Existing Constrained Areas as a source of water.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2J2b: Limit future water system demands to levels that will not create a Current Deficit Area where one does not currently exist.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2J4c: Allow the expansion or creation of public water systems within the Existing Community Zone of the Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to Objective 2J4a within the Existing Community Zone, or to serve new areas for development that meet all other requirements of the RMP. TDR Receiving Zones, affordable housing projects (where the affordable units exceed 10% of the total units), infill and redevelopment shall have higher priority for capacity than expansion of public water service areas within this Zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2J4d: All development within the Highlands Region, in areas that are not served by public water systems, shall be at a density that can be supported by on-site wells. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area will be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development in combination with the Agriculture Retention/Farmland Preservation Plan required by Objective 2J4b shall provide for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2J7a: Require the maximum feasible water conservation and recycling for any redevelopment or development activity, including renovations to existing single family residences and commercial/industrial buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The applicant is using an on-site well for water supply and discharging treated wastewater back to ground water through on-site septic systems. No expansion of the existing service area is proposed.			

WASTEWATER UTILITY			
Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 2I1: To prohibit the expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area unless approved through a Highlands Applicability Determination (HAD) or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2I1a: Designated sewer service areas in the Preservation Area shall be restricted to the Existing Area Served as of August 10, 2004, except to serve development that is approved through a HAD or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The applicant is using an on-site well for water supply and discharging treated wastewater back to ground water through on-site septic systems. No expansion of the existing service area is proposed.			

SEPTIC SYSTEM YIELD			
Septic System Proposed Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (proposed project would utilize existing septic system)			
Proposed Development	Units:	Floor Area:	
Regional Master Plan Goals, Policies, and Objectives:			C
			I
			N/A
Policy 2L2: To use the median background nitrate concentrations in ground water in the Highlands Region as a basis for establishing on-site wastewater treatment densities through Plan Conformance, local development review, and Highlands Project Review.			<input type="checkbox"/>
			<input type="checkbox"/>
			<input checked="" type="checkbox"/>
Objective 2L2c: Use the NJDEP Highlands Preservation Area rules and nitrate thresholds for the Preservation Area.			<input type="checkbox"/>
			<input type="checkbox"/>
			<input checked="" type="checkbox"/>
Comments: The site has an existing septic system.			
PART 3 AGRICULTURAL RESOURCES			
Area within Agricultural Resource Area? Yes		Area within Agricultural Priority Area? No	
If yes, percentage? 100%		If yes, percentage? %	
Project Area includes preserved farmland? No If yes, identify properties (B/L):			
Affects Farm Unit >250 acres? No		Includes Important Farmland Soils? Yes	
Agricultural Use or Development? Yes <i>Agricultural Uses or Development are excluded from review.</i>			
Comments: Based on review of the Highlands Council GIS data, the entire proposed Highlands Redevelopment Area is located within an Agricultural Resource Area and features important farmland soils. Based on a January 25, 2017 site visit, the portion of the parcel where the proposed development would occur is currently cornfield (though review of the Highlands GIS data indicates that no portion of the subject parcel is in agricultural use.) The policies and objectives of the RMP do not prohibit development of lands in agricultural use.			
PART 4 HISTORIC, CULTURAL, ARCHAEOLOGICAL, AND SCENIC RESOURCES			
Presence of Resources: No		Highlands Historic District Polygons Absence	
Highlands Historic Properties Polygons Absence		Highlands Historic Property Points Absence	
Archaeological Grids Absence		Highlands Scenic Resource Inventory Absence	
Description of Resources:			
Comments: Review of the Highlands GIS data indicates that the proposed Highlands Redevelopment Area does not feature any historic, cultural, archaeological, or scenic resources.			
PART 5 TRANSPORTATION			
Project supports local transportation/transit infrastructure? No			
Comments: The proposed Highlands Redevelopment Area does not include or require any road improvements.			
PART 6 FUTURE LAND USE			
SUBPART A LAND USE CAPABILITY ZONES			
Regional Master Plan Goals, Policies, and Objectives:			C
			I
			N/A
*Policy 6C1: Limit new human development in the Protection Zone to redevelopment, exempt activities, and environmentally-compatible low-density new land uses, in accordance with RMP resource protection needs and water quality and quantity capacity constraints.			<input type="checkbox"/>
			<input type="checkbox"/>
			<input checked="" type="checkbox"/>
Policy 6C2: Ensure any future development or redevelopment which does occur in a Protection Zone, is subject to standards and criteria which protect the land and water resources of the Protection Zone from any potential adverse impact to the maximum extent possible.			<input type="checkbox"/>
			<input type="checkbox"/>
			<input checked="" type="checkbox"/>
*Policy 6D3: Limit the use and development of lands within the Conservation Zone to agriculture use and development, including ancillary and support uses, redevelopment of existing developed areas, and environmentally-compatible low density land uses that are to the maximum extent possible achieved in compact development patterns, to be designed and developed in a manner which is compatible with the long term use of adjacent land for agricultural purposes.			<input type="checkbox"/>
			<input type="checkbox"/>
			<input checked="" type="checkbox"/>

Policy 6F3: To ensure that development activities within the Existing Community Zone are subject to standards and criteria which ensure that development and redevelopment incorporate smart growth principles and do not adversely affect natural resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Policy 6F4: To ensure that development and redevelopment within the Existing Community Zone are served by adequate public facilities including water supply, wastewater treatment, transportation, educational and community facilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Policy 6F5: To ensure that development and redevelopment in the Existing Community Zone are compatible with existing community character.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The subject parcel (Block 32 Lot 1.01) is within the Existing Community Zone. The construction of the proposed development would not adversely affect natural resources, as the area is already disturbed. Management of stormwater from the proposed facility shall be addressed through the HPAA with redevelopment waiver permit process, to be consistent with Policy 2G5 and 6N2 (as previously discussed.)			
SUBPART C REGIONAL GUIDANCE FOR DEVELOPMENT AND REDEVELOPMENT			
Objective 6H1b: Prevent the extension or creation of water and wastewater utility services in the Protection Zone, Conservation Zone and Environmentally Constrained Sub-Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the protection of agricultural and environmentally sensitive resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6H9: To incorporate smart growth principles and green building design and technology in development and redevelopment initiatives.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Management of stormwater from the project area shall be addressed through the HPAA with redevelopment waiver permitting process. Additional details shall be provided during the NJDEP HPAA permitting process to demonstrate the implementation of low-impact development techniques as addressed in the Low Impact Development Program of the RMP. The project should be designed to incorporate low-impact development techniques wherever possible, including stormwater management techniques. Any disturbance and construction activities should be managed to minimize impacts to the surrounding environment. By reusing and redeveloping previously disturbed areas, economic investment and community development within the framework of smart growth is assured. The project promotes smart growth policies by maintaining land use patterns, balancing economic development with resource protection, and providing an equitable distribution of the costs and benefits of redevelopment.			
SUBPART D REDEVELOPMENT			
Locally Designated Redevelopment Area? No If yes, name of site(s):			
Highlands Contaminated Site Inventory Tier 1 or Tier 2 Site(s)? No If yes, name of site(s):			
Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 6J1: To encourage Preservation Area redevelopment of sites with 70% or greater impervious surfaces or a brownfield in areas designated by the Highlands Council as Highlands Redevelopment Areas in accordance with N.J.A.C 7:38-6.6 and 6.7.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Policy 6J2: To encourage redevelopment in the Existing Community Zone in the Planning Area of brownfields, grayfields, and other previously developed areas that have adequate water, wastewater, transportation capacity, and are appropriate for increased land use intensity or conversion to greenfields, as approved through Plan Conformance or the Highlands Redevelopment Area Designation process.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: This proposal directly addresses the purposes of Policy 6J1 and 6J2. Management of stormwater from the project area shall be addressed through the HPAA with redevelopment waiver permitting process. The project should be designed to incorporate low-impact development techniques wherever possible, including stormwater management techniques. Any disturbance and construction activities should be managed to minimize impacts to the surrounding environment.			

SUBPART E SMART GROWTH			
Is the municipality involved in the State Planning Commission Plan Endorsement (PE) process? No			
If yes, status of PE process:			
Does the project area include a State Planning Commission designated or expired center? No			
If yes, center expiration date: 00/00/0000			
Is the Project Area located in a designated Highlands Center? No			
Regional Master Plan Goals, Policies, and Objectives:	<u>C</u>	<u>I</u>	<u>N/A</u>
Objective 6N2a: Implementation of on-site stormwater management features that maintain, restore and enhance the pre-existing natural drainage patterns of the site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6N2b: Limitations on the amount of impervious cover allowed on a site as a means to protect and increase stormwater infiltration and reduce stormwater runoff.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6N2c: Minimum requirements for site-specific hydrologic studies during local development review and Highlands Project Review which identify the velocity, volume and pattern of water flow into, through, and off of the parcel proposed for development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6N2d: Minimum requirements that stormwater management systems employ a “design with nature” approach.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6N2e: Minimum requirements for use of grass channels, dry swales, wet swales, infiltration basins, bio-swales and water gardens, green roofs, and other low-impact approaches to attenuate and control stormwater and provide multiple environmental benefits.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Management of stormwater shall be addressed through the HPAA with redevelopment waiver permit process. Additional details shall be provided as part of the NJDEP HPAA permitting process to demonstrate the implementation of low-impact development techniques as addressed in the Low-Impact Development Program of the RMP. The proposed project should be designed to incorporate low-impact development stormwater management techniques, to control runoff and assist recharge. Any construction activities should be managed to minimize impacts to the surrounding environment.			
SUBPART F HOUSING AND COMMUNITY FACILITIES			
Does the project area include an affordable housing site? No			
Regional Master Plan Goals, Policies, and Objectives:	<u>C</u>	<u>I</u>	<u>N/A</u>
Fair Housing Act: The Fair Housing Act (N.J.S.A 52:27D-329.9 a.) requires that all new residential development in the Highlands Region provide for a reservation of at least 20% of the units for low and moderate income households, to the extent that it is economically feasible. If the project does not fulfill this requirement, an economic feasibility determination should be present.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The proposed project is the expansion of an existing building. Given the current status regarding COAH’s Third Round Rules, it is unclear whether the proposed project would trigger the municipality’s affordable housing obligations.			
PART 8 SUSTAINABLE ECONOMIC DEVELOPMENT			
Regional Master Plan Goals, Policies, and Objectives:	<u>C</u>	<u>I</u>	<u>N/A</u>
Policy 8A1: To maintain and expand the existing job and economic base by promoting appropriate, sustainable, and environmentally compatible economic development throughout the Highlands Region.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: The proposal is consistent with the RMP regarding smart growth and sustainable economic development. By reusing an already developed parcel, economic investment can occur within an environmentally compatible site. The proposed redevelopment project seeks to expand an existing facility (currently a gas and fuel service center and deli/convenience store) by including a 3,000 square foot drive-in restaurant with associated parking.			
CONCLUSION			
This application is for a Highlands Redevelopment Area Designation wherein the Highlands Council designates an area for redevelopment activities with conditions and waivers as appropriate from the RMP; the second part of the process			

is that the applicant requests waivers from NJDEP regarding unavoidable impacts to resources affected by the proposal in order to retain economic viability.

As described in this Consistency Determination, the proposed project does not encroach upon, and would not affect, Forests, Highlands Open Waters and Buffers, Riparian Areas, Steep Slopes, Critical Habitat, Lake Management Areas, and Historic and Scenic Resources. The project site is located within a Carbonate Rock Area and a Tier 1 Wellhead Protection Area and the proposed project activities encroach into a Prime Ground Water Recharge Area.

It is the Highlands Council staff's draft recommendation that the Highlands Council approve the proposed Highlands Redevelopment Area designation with the conditions that:

1. **Carbonate Rock Area Geotechnical Investigation:** As a condition of approval of this Highlands Redevelopment Area Designation, the Highlands Council will require the applicant to conduct a multi-phased geotechnical investigation. It is required that the geotechnical report include a detailed evaluation and recommendations regarding development and construction measures. The municipal engineer's review and approval of these measures prior to any construction being performed will be a condition of any Highlands Council approval.
2. **Prime Ground Water Recharge Area:** A Highlands Redevelopment Area Designation waiver will be required from the Highlands Council for the Prime Ground Water Recharge Area provisions of the Regional Master Plan. Further, the applicant commits to ensuring that the proposed use of Block 32 Lot 1.01 provides on-site enhanced ground water recharge, though it is recognized that concentrated infiltration of water on sites that are underlain by Carbonate Rock (potential karst geology) must be carefully assessed because infiltrated water may erode the limestone and create more karst conditions. However, low-impact development/best management practices ("green infrastructure") must be investigated and utilized to the maximum extent feasible in order for the project to be found consistent with the RMP. Another potential mitigation measure (which will be evaluated through the HPAA with redevelopment waiver permit process, through Highlands Council staff coordination with NJDEP staff) would be to revegetate the remaining, rear portion of the parcel that will not be developed (currently cornfield.)
3. **Consumptive Water Use in Deficit HUC-14 Subwatershed:** The applicant commits to ensuring that the proposed use of Block 32 Lot 1.01 provides mitigation of the proposed consumptive water uses through on-site recharge (though as noted above, it is recognized that concentrated infiltration of water on sites that are underlain by karst geology must be carefully assessed because infiltrated water may erode the limestone and create more karst conditions) or water conservation practices within the same site or HUC14 subwatershed. With respect to stormwater management, the applicant shall commit to incorporating low-impact development techniques, as outlined in the NJDEP Stormwater Best Management Practices Manual. Management of stormwater shall be addressed through the HPAA with redevelopment waiver permit process, to be consistent with Policy 2G5. There shall be a coordinated review between the staff of the Highlands Council and the NJDEP to ensure that this condition is met.
4. **Stormwater Management:** The stormwater regulations must be followed in the project design through the HPAA with redevelopment waiver, as part of the NJDEP permitting process. The Highlands Council expects that under the NJDEP waiver, the applicant shall supply a stormwater management plan that incorporates low-impact development techniques and a construction implementation plan that minimizes disturbance during and after construction.
5. **N.J.A.C. 7:38 Rules - Three Percent Impervious Surface:** The site already has greater than 3 percent impervious surface. An HPAA redevelopment waiver will be required for impervious surface, based on approval of this Highlands Redevelopment Area.

6. **Conservation Restriction:** The remainder of the undeveloped portion of the property (Block 32 Lot 1.01) outside of the proposed Highlands Redevelopment Area shall be protected through a conservation restriction, specifically authorizing ecological restoration and maintenance, with recognition of any existing utility structures such as the existing septic system and drainage basins that may periodically need maintenance or replacement.

7. **Highlands Referral Ordinance:** Notwithstanding the HPAA with Redevelopment Waiver to be issued by the NJDEP, Bloomsbury Borough has adopted the Highlands Referral Ordinance that will require the municipal application for development for this project to be submitted to the Highlands Council for a consistency determination. At that time, Highlands Council staff will review the project to confirm the consistency of the application with this redevelopment designation.