



State of New Jersey

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HIGHLANDS RMP CONSISTENCY DETERMINATION REVIEW

| PROJECT INFORMATION | | |
|--|---|-----------------------|
| Project Name: Route 46 (Mount Olive Township) Highlands Redevelopment Area | | |
| Date: December 20, 2011 | | |
| Name of Applicant: Township of Mount Olive | | |
| Areawide WQMP: Upper Raritan (no change) | WMP: Mount Olive (no change) | |
| Municipality: Mount Olive Township | County: Morris | |
| Exempt project? No | Project specific amendment? No | WMP review? No |
| NJDEP Activity #: None | HPAA#: | |
| Lot and Block, if applicable: Block 8200 Lots 5 and 6 and Block 8100 Lots 49 and 50 | | |
| Sewer Service Area/WWTP Facility: New on-site septic system less than 2,000 gpd on Block 8200, Lot 5 | | |
| Sewer Service Area/WWTP Facility: New <input type="checkbox"/> Existing <input type="checkbox"/> <i>If existing provide the following:</i> | | |
| Proposed Change in Service Area or Wastewater Flow?: Projected wastewater flow 1,625 gallons per day | | |
| NJPDES #: N/A | Permit Discharge (MGD): N/A | |
| Type of Discharge: GW <input checked="" type="checkbox"/> SW <input type="checkbox"/> | Total Proposed Service Area (acres): <1 acre | |
| Total Existing Service Area (acres): | | |
| <p>Description of Project: The proposed Route 46 (Mount Olive) Highlands Redevelopment Area consists of properties in the Preservation Area zoned as Commercial District located in portions of Block 8200 (Lots 5 and 6) and Block 8100 (Lots 49 and 50) along Route 46 in Mount Olive Township, Morris County. The proposed Highlands Redevelopment Area is mostly developed with the exception of Block 8200 Lot 5, which is vacant and is largely an open field with a small wooded area to the north. The other parcels are fully built out as follows:</p> <ul style="list-style-type: none"> • Block 8200, Lot 6 is fully developed for an automobile dealership; • Block 8100, Lot 49 is fully developed for a restaurant use; and • Block 8100, Lot 50 is fully developed for a self-storage facility. <p>The maximum impervious cover under the Township ordinance is 60%. While one of the lots features slightly less than 60% impervious surface (Block 8100 Lot 50 has 54% existing impervious), the remaining developable areas are constrained by wetlands and open water buffers. Thus, future expansion of the three developed lots is foreclosed. The proposed Highlands Redevelopment Area incorporates the developed portions of those lots, and excludes any extensive portions that are lawn, field, and woodland.</p> <p>The Township of Mount Olive is seeking a Highlands Redevelopment Area Designation from the Highlands Council. The entire proposed Highlands Redevelopment Area is 533,274 sq ft (approximately 12.24 acres), with an existing impervious surface of 377,847 sq ft (approximately 8.67 acres) (71% impervious surface). The vacant parcel, Block 8200 Lot 5, is approximately 3.45 acres. Debeck Associates, LLC (Debeck), the owner of Block 8200 Lot 5, proposes to construct an automobile dealership consisting of a commercial building of 13,000 square feet (sq ft) and attendant parking for the storage of vehicles for sale and for customers and employees on Block 8200 Lot 5. The construction of the automobile dealership was previously approved by the Township of Mount Olive Planning Board, which granted preliminary and final major site plan approval for Block 8200, Lot 5 for Debeck and amended preliminary and final major site plan approval in conjunction with the development of Block 8200 Lot 6 for Subaru of Mount Olive, approved on December 10, 2009, memorialized on February 18, 2010. Block 8200 Lot 6 is fully developed. The</p> | | |

maximum occupancy of the proposed building will be 20 people and the proposed water usage would be 1,625 gallons per day. The site would be served by a new non-public (individual) well and a new individual subsurface disposal system (i.e., septic system).

Approval of Mt. Olive's request for a Highlands Redevelopment Area Designation is a prerequisite for an application by Debeck for a Highlands Preservation Area Approval (HPAA) with redevelopment waiver permit from the NJDEP. The Township of Mount Olive is aware that designation of the Highlands Redevelopment Area for these four properties will benefit the owner of Block 8200 Lot 5 to the exclusion of other landowners (all of which are in the Preservation Area) adjacent to the other three properties, based upon the existing local approvals, which approvals other parcels lack. However, the other parcels have developed to the extent approvable under the municipal ordinances and thus would not be adversely affected should this Highlands Redevelopment Area be approved.

PRESERVATION AND PLANNING AREAS AND LAND USE CAPABILITY ZONES

Project Area located in which Highlands Act Area? (Check all that apply):

Preservation Area If yes, percentage? 100 % Planning Area If yes, percentage? %

Project Area within which Land Use Capability Zone or Sub-Zone? (check all that apply):

Protection Zone Conservation Zone Existing Community Zone
 Conservation – Environmentally Constrained Sub-Zone Existing Community – Environmentally Constrained Sub-Zone
 Lake Community Sub-Zone Wildlife Management Sub-Zone

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.

PART 1 NATURAL RESOURCES

SUBPART A FOREST RESOURCES

Project Area within Forest Resource Area? No

If yes to above, is there Encroachment into a Forest within Forest Resource Area? NA

Forest Integrity Value (check one): High Medium Low

| Regional Master Plan Goals, Policies, and Objectives: | <u>C</u> | <u>I</u> | <u>N/A</u> |
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| Policy 1A2: To limit human development in the Forest Resource Area in the Preservation Area in order to protect and enhance forest resources, forest ecosystem integrity, Critical Habitat, and the quantity and quality of water resources. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 1A2c: To prohibit through local development review and Highlands Project Review the deforestation of lands within the Forest Resource Area of the Preservation Area for human development except where authorized as an exemption by the Highlands Act, or is an agricultural or horticultural development as defined at N.J.S.A. 13:20-31 and meets the requirement of that provision of the Highlands Act, or if qualifying as a major Highlands Development, the project must, at a minimum, be in conformance with the NJDEP Preservation Area Rules at N.J.A.C. 7:38-3.9. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 1A2d: To prohibit through Plan Conformance, local development review and Highlands Project Review the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into forested areas of the Forest Resource Area within the Planning Area except as provided for in Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area except as provided for in Policy 2I1 and Objectives 2I1a and 2I1b. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 1A2e: To require through local development review and Highlands Project Review that projects qualifying as major Highlands Developments, affecting or potentially affecting forests outside the Forest Resource Area in the Preservation Area, comply with the NJDEP Preservation Area Rules at N.J.A.C. 7:38-3.9. All projects in the Preservation Area that are not major Highlands Developments shall comply with Policies 1A1 and 1A2. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Policy 1A5: To prohibit through local development review and Highlands Project Review forest clear-cutting within the Forest Resource Area except in accordance with a Forest Management Plan approved by the State Forester. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 1B2: To limit through local development review and Highlands Project Review human development of forests to low impact residential development in the Protection Zone and the Conservation Zone in the Planning Area. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 1B3: To limit through local development review and Highlands Project Review deforestation in the Forest Resource Area and forested lands within High Integrity Forest Subwatersheds within the Existing Community Zone to maximum extent practicable. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 1B3a: Implementation through Plan Conformance of regulations, which limit the clearing of trees in conjunction with human development to circumstances where the clearing will not diminish the integrity of forest resources. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| Policy 1B5: To ensure that forest resources are protected on a site specific basis during local development review and Highlands Project Review. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Objective 1B5a: Applications for local development review and Highlands Project Review require identification of any forest area on and adjacent to a site in accordance with the Highlands Council's Method for Identifying Upland Forest Areas in the Highlands Region. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 1B7: To prohibit clear-cutting of forest lands except pursuant to an approved Forest Management Plan approved by the State Forester. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Policy 1C1: To require that conforming municipalities and counties address the protection of forested portions of Forest Resource Areas and High Integrity Forest Subwatersheds in their master plans and development regulations. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 1C3: To require that conforming municipalities adopt a tree clearing ordinance consistent with an approved community forestry plan under the New Jersey Forest Service Community Forestry Program as part of the municipal master plan and local development regulations. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments: Based on review of the Highlands Council GIS data, there is mapped forest in a Forest Resource Area in the southern portion of Block 8100 Lot 50; however, that area is excluded from the Highlands Redevelopment Area and no development is proposed for this parcel. There is mapped forest outside of a Forest Resource Area in the northern portion of Block 8200 Lot 5. The proposed construction would entail encroachment into this forest outside of a Forest Resource Area which would be inconsistent with Objective 1A2e and Policy 1B7. The forested area is fragmented and is surrounded by commercial development. The area to be disturbed is roughly 0.6 acres.

SUBPART B HIGHLANDS OPEN WATERS AND RIPARIAN AREAS

Project Area includes Highlands Open Waters Buffer? Yes

Highlands Open Waters Affected: Streams Lakes & Ponds Wetlands

Highlands Open Waters in Preservation Area: Yes

Watershed Value (Check one): High Medium Low

Area includes Riparian Area? Yes *If No, disregard remainder of Riparian Area checklist.*

Specific Riparian Area Features (Check all that apply): Flood Prone Areas Lakes & Ponds
 Riparian Soils Wetlands Wildlife Corridor Streams

Riparian Integrity Value (Check one per HUC14): High Medium Low HUC14: 02030105010040
 High Medium Low HUC14:
 High Medium Low HUC14:

| Regional Master Plan Goals, Policies, and Objectives: | C | I | N/A |
|--|--------------------------|-------------------------------------|-------------------------------------|
| Policy 1D4: Highlands Open Waters shall include a protection buffer of 300 feet from the edge of the discernable bank of the Highlands Open Waters feature, or from the centerline where no discernable bank exists. With respect to wetlands and other Highlands Open Waters features (e.g., seeps, springs, etc.), the feature shall include a protection buffer of 300 feet from the delineated Letter of Interpretation (LOI) line issued by the NJDEP for wetlands, or from a field-delineated boundary for other features. In areas where existing development or land uses within the protection buffers have reduced or impaired the functional values of the buffers, the Council will seek opportunities to restore the buffer and its functions. Any proposed disturbance shall, through local development review and Highlands Project Review, comply with Highlands Open Waters buffer standards. The protection buffer width for Category 2 streams in the Planning Area may be modified through a Stream Corridor Protection/Restoration Plan, as specified in Objective 1D4i. In approved Redevelopment Areas, the Council may, at its discretion, modify the required buffer, upon a showing of no alternatives, no impact to the functional value of the buffer, and provision of alternative approaches to enhancing or protecting Highlands Open Waters and resources of the buffer area. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Objective 1D4a: Require that all applications for approval through local development review and Highlands Project Review include the identification and mapping of Highlands Open Waters. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 1D4b: Preservation Area buffers for Highlands Open Waters shall comply with the Highlands Preservation Area rules at N.J.A.C. 7:38, which provide that all major Highlands developments are prohibited within Highlands Open Waters and its adjacent 300 foot buffer in the Preservation Area except for linear development, which may be permitted provided that there is no feasible alternative for the linear development outside Highlands Open Waters or its buffer. Structures or other land improvements existing within Highlands Open Waters buffer in the Preservation Area on August 10, 2004 may remain, provided that the area of disturbance is not increased other than through a HPAA. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses." | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Objective 1D4c: Require that proposed development within all Highlands Open Waters buffers (Preservation and Planning Areas) conforms through local development review and Highlands Project Review with the buffer requirements of N.J.A.C. 7:8 (Stormwater Management Rules), N.J.A.C. 7:13 (Flood Hazard Area Rules), and N.J.A.C. 7:7 (Freshwater Wetland Rules), and with any applicable requirements of a Regional Stormwater Plan adopted pursuant to N.J.A.C. 7:8 (Stormwater Management Rules). | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 1D4d: Structures or other land improvements existing within a Highlands Open Waters buffer of the Planning Area on August 10, 2004 may remain, provided that the area of disturbance shall not be increased unless approved through local development review or Highlands Project Review in compliance with RMP policies and objectives. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| <p>“land improvements,” “development,” “land disturbances,” or “land uses.”</p> | | | |
| <p>Objective 1D4e: In the Protection and Conservation Zones of the Planning Area, proposed disturbances of Highlands Open Waters buffers shall only occur in previously disturbed areas, unless a waiver is granted by the Highlands Council under Policy 7G2. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered “land improvements,” “development,” “land disturbances,” or “land uses.” Such proposed disturbances must demonstrate full utilization of the following performance standards in the listed order, to demonstrate the necessity of an encroachment into Highlands Open Waters buffers: 1) avoid the disturbance of Highlands Open Waters buffers; 2) minimize impacts to Highlands Open Waters buffers; and 3) mitigate all adverse impacts to Highlands Open Waters buffers so that there is no net loss of the functional value of the buffer, in compliance with Objective 1D4h. Minimization and mitigation opportunities shall be considered only upon a clear and convincing demonstration by the applicant that the protection buffer cannot be avoided and in no case shall the remaining buffer be reduced to less than 150 feet from the edge of Highlands Open Waters, unless a waiver is granted by the Highlands Council under Policy 7G2 and the proposed disturbance complies with Objective 1D4c.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>Objective 1D4f: In the Existing Community Zone of the Planning Area, proposed disturbances of Highlands Open Waters buffers shall only occur in previously disturbed areas, unless a waiver is granted by the Highlands Council under Policy 7G2 and the proposed disturbance complies with Objective 1D4c. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered “land improvements,” “development,” “land disturbances,” or “land uses.” Such disturbances shall employ performance standards such that all proposed disturbances of Highlands Open Waters buffers shall employ Low Impact Development Best Management Practices to mitigate all adverse modification to Highlands Open Waters buffers so that there is no net loss of the functional value of the buffer, in compliance with Objective 1D4h.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>Objective 1D4i: Develop through Plan Conformance and implement stream corridor or subwatershed-based Stream Corridor Protection/Restoration Plans which shall include Steps 1, 2, and 3, and may include Steps 4 and 5: 1. Identify areas where existing development, land disturbances, or land uses are within Highlands Open Waters buffers have removed or substantially impaired natural vegetation communities, and have significantly reduced or impaired the functional values of Highlands Open Waters buffers. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered “land improvements,” “development,” “land disturbances,” or “land uses”; 2. Identify and require opportunities for restoration of areas identified in Step 1 as part of mitigation requirements under a Highlands Act waiver or Objectives 1D4e and 1D4f, and public or nongovernmental restoration/stabilization projects; 3. Identify the extent of stream corridor features that are critical to supporting the functions of a healthy Highlands Open Waters buffer and that extend beyond the buffers required by Objectives 1D4b and 1D4c. The 300 foot buffer in these areas may be expanded to be most protective of these features which may include, but are not limited to, Critical Habitat, pollutant source areas identified through scientific techniques, and steep slopes; 4. Where Highlands Open Waters buffers include areas identified in Step 1, regarding Category 2 surface waters in the Planning Area only, the Stream Corridor Protection/Restoration Plan may identify where, based on scientific analysis of site-specific conditions (e.g., topography, vegetation cover type, habitat, soil type, upstream land uses and pollution inputs, width of floodplain, rate and volume of run-off), a buffer of less than the full 300 feet (but including the undisturbed buffer area at a minimum) is sufficient to maintain or improve the protection of Highlands Open Waters and Riparian Areas. The plan must identify alternative buffers that provide functional buffer values at least equivalent to existing conditions and are no less than 150 feet or no less than the extent allowed in State or municipal regulation (including Objectives 1D4b and 1D4c), whichever is greater. Further, the plan shall include a functional value assessment to ensure that there is no net loss in the overall functional value of the subwatershed’s stream buffers. Buffers established through this process shall be determined based on site conditions rather than fixed distances, reflecting findings of the scientific analysis, and shall be used in the site design and development review process regarding determinations of restoration, continued use, or increased use of the disturbed buffer area. Buffer averaging for the purpose of accommodating development proposals is deemed not to meet the requirements of this provision; and 5. Where a proposed Highlands Redevelopment Area would not meet, in full, Objectives 1D4b through 1D4h but affects an undisturbed buffer area determined to not be necessary for the protection of the functional values for Highlands Open Waters buffer (as determined through scientific analysis of site-specific conditions), modification of the undisturbed buffer may be allowed to no less than the extent allowed in State or municipal regulation. However the Council shall first determine that there is no alternative to the proposed reduction of the buffer, and require a showing of no impact to the functional values of the buffer and provision of alternative approaches to enhancing or protecting the Highlands Open Waters and resources of the buffer area. Restoration or enhancement of buffer functional values shall be provided on-site or within the same stream reach to achieve a net improvement of existing buffer functional values.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>Objective 1D4j: The Highlands Council may require on a case-by-case basis, through Highlands Project Review, an expansion of the 300 foot buffer to protect the habitat of a water or wetlands-dependant rare, threatened or endangered species, to the minimum expansion necessary to achieve protection of that species.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>Policy 1D5: Protect the integrity of the Riparian Areas through the application of RMP standards during local development review and Highlands Project Review.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>Objective 1D5a: Require that all applications for approval through local development review and Highlands Project Review include the identification and mapping of Highlands Riparian Areas, including those identified by the Highlands Council and by site-specific analysis.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>Objective 1D5b: Limit disturbance of existing natural vegetation or increases in impervious area within High and Moderate Integrity Riparian Areas in any Land Use Capability Zone to the minimum alteration feasible in areas beyond Highlands Open Waters buffer requirements; protect the water quality of adjacent Highlands Open Waters; and maintain or restore habitat value of the Riparian Area.</p> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>Objective 1D5c: Prohibit modifications to Riparian Areas in the Protection Zone except where a waiver is approved by the NJDEP or the Highlands Council under Policy 7G1 or 7G2.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| Objective 1D5d: Restrict modifications to Riparian Areas in the Existing Community Zone, other than those addressed by Objective 1D5b, that would alter or be detrimental to the water quality and habitat value of a Riparian Area. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 1D5e: Implement Low Impact Development Best Management Practices for any development activity proposed within a Riparian Area, which minimize both alterations of natural vegetation and increases in impervious area, in compliance with Policies 6N3 and 6N4 and provide for mitigation through restoration of impaired Riparian Areas in the same HUC14 subwatershed. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 1D5f: Require that development within Riparian Areas conforms through local development review and Highlands Project Review to any applicable requirements of a Regional Stormwater Plan adopted pursuant to N.J.A.C. 7:8 (Stormwater Management Rules). | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 1D5g: Require identification and implementation of opportunities where the restoration and enhancement of previously impaired Riparian Areas are feasible and appropriate as mitigation to any allowable modification to Riparian Area requirements. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments: Based on review of the Highlands Council GIS data, there is a mapped wetland/stream complex (Highlands Open Waters) and associated Riparian Area in the southern portion of Block 8100 Lot 50; however, that area is excluded from the Highlands Redevelopment Area and no development is proposed for this parcel. Block 8200 Lot 46 and Block 8100 Lots 49 and 50 feature Highlands Open Waters buffers and Riparian Areas; however, no new development is proposed for these areas, which are currently disturbed. The southeastern corner of Block 8200 Lot 5 features a Highlands Open Waters buffer for an off-site wetland that is located across the highway (Route 46). This buffer would be encroached by the proposed development (approximately 0.2 acres for proposed bio-retention facility in this location). This buffer is currently in a previously agricultural old field/shrub-scrub habitat. N.J.A.C. 7:38 rules for permitting and waivers will apply within the buffer.

SUBPART C STEEP SLOPES

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

| Regional Master Plan Goals, Policies, and Objectives: | C | I | N/A |
|---|--------------------------|-------------------------------------|-------------------------------------|
| Policy 1E6: To require through local development review and Highlands Project Review that applications for development include topographic information identifying the location of any Steep Slope Protection Areas located on the parcel proposed for development. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 1E7: To require through local development review and Highlands Project Review that applications for development involving parcels of land with slopes of 10% or greater include identification of forested lands, areas which are highly susceptible to erosion, depth to bedrock and Soil Capability Classes. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 1E8: To prohibit through local development review and Highlands Project Review land disturbance within areas which are Severely Constrained Slopes and Moderately Constrained Slopes, except for linear development in both the Preservation and Planning Areas that meets the requirements of N.J.A.C. 7:38-3.8(c)1-4. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 1E9: To require through local development review and Highlands Project Review the use of Low Impact Best Development Practices for any land disturbance or human development within areas, which are Constrained or Limited Constrained Slopes, or that involves an approved disturbance of a Severely Constrained or Moderately Constrained Slope. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Policy 1E10: To require that conforming municipalities and counties implement the steep slope protection provisions of Policies 1E2 through 1E9 through master plans and development regulations. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments: Based on review of the Highlands Council GIS data, there is a mapped area of Potential or Limited Constrained Slopes in the north central portion of Block 8200 Lot 5 that would be encroached by the proposed development. Per Policy 1E9, the use of Low Impact Best Development Practices would be required for the proposed land disturbance within an area that features Limited Constrained Slopes. The applicant shall provide for enhanced ground water recharge through stormwater management to meet the Low Impact Best Development Practices requirement.

SUBPART D CRITICAL HABITAT

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|-------------------------------|--|---------------------------------------|--|--|--|-------------------------------------|--|
| Project Area includes: | | Critical Wildlife Habitat? Yes | | Significant Natural Area(s)? No | | Vernal Pool(s) +1,000 ft? No | |
| Species of Concern: | | | | | | | |
| Landscape Rank: | | | | | | | |

| Regional Master Plan Goals, Policies, and Objectives: | C | I | N/A |
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| Policy 1F2: To prohibit through Plan Conformance, local development review and Highlands Project Review the direct impact of new human development or expansion or increased intensity of existing development within Critical Habitat. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 1F5: To establish a Habitat Conservation and Management Program, including minimum performance standards and criteria | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| for the protection, enhancement, and restoration of lands within Critical Habitat. | | | <input checked="" type="checkbox"/> |
| Policy 1F6: To require that applications for any local development review and Highlands Project Review for Critical Habitat be subject to minimum standards and criteria outlined in the Habitat Conservation and Management Plan. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 1F6a: Prohibit direct impacts from new development or expansion or increased intensity of existing development that will jeopardize the continued existence of, or result in the likelihood of the destruction or adverse modification of Critical Habitat, except as permitted through the issuance of a waiver under Policy 7G1 or 7G2. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 1F6b: Prohibit indirect impacts from activity that is off-site, adjacent to, or within Critical Habitat that will jeopardize the continued existence of, or result in the likelihood of the destruction or adverse modification of Critical Habitat, except as permitted through the issuance of a waiver under Policy 7G1 or 7G2. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 1F6c: Waiver applications under Policy 7G2 for local development in a municipality with a Council-approved Critical Habitat Conservation and Management Plan shall be subject to the minimum standards and criteria for waiver provisions as set forth in the plan, to the maximum extent practicable. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 1F6d: Waiver applications under Policy 7G2 for development in a municipality without a Council-approved Critical Habitat Conservation and Management Plan shall be subject to the Low Impact Development Best Management Practices required in Objective 1F5b. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 1F6e: A vernal pools protection buffer may be reduced only if an applicant can demonstrate, to the satisfaction of the Highlands Council in coordination with the NJDEP's Endangered and Nongame Species Program, that the reduction is the minimum feasible and that: <ul style="list-style-type: none"> • In an undisturbed wetland, documented and field-determined vernal pool-breeding wildlife require a smaller protective buffer, as documented in scientific literature; or • Existing land uses present a significant, insurmountable and permanent barrier to the migration or viability of vernal pool-breeding wildlife that is infeasible to mitigate. Requirements for demonstrating the above criteria shall be included in the Critical Habitat Conservation and Management Plan. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 1F6f: A Critical Wildlife Habitat area or Significant Natural Area delineation may be modified if an applicant can demonstrate, to the satisfaction of the Highlands Council in coordination with the NJDEP's Endangered and Nongame Species Program or Natural Heritage Program, that: <ul style="list-style-type: none"> • The nature of the site is such that it does not provide habitat for species of concern; • The species of concern are not present on the site during any critical part of their life cycle, do not depend upon the site for food, shelter or breeding, and the habitat; on the site is either unsuitable or not critical to species' recovery in the Region; or • Existing land uses present a human, natural or development barrier to the use of the site by species of concern. Requirements for demonstrating the above criteria shall be included in the Critical Habitat Conservation and Management Plan. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 1F7: To require through local development review and Highlands Project Review that projects qualifying as major Highlands Developments, affecting or potentially affecting Critical Habitat in the Preservation Area, comply with the NJDEP Preservation Area Rules at N.J.A.C. 7:38-3.11 and with the minimum standards and criteria outlined in the Critical Habitat Conservation and Management Plan. All projects in the Preservation Area that are not major Highlands Developments shall comply with Policies 1F1 through 1F6. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Comments: Based on review of the Highlands Council GIS data, there is an area of mapped Critical Wildlife Habitat in the southern portion of Block 8100 Lot 50; however, that area is excluded from the Highlands Redevelopment Area and no development is proposed for this parcel. The proposed development on Block 8200 Lot 5 would not entail encroachment into any Critical Wildlife Habitat, Significant Natural Areas, or Vernal Pools. | | | |
| SUBPART E LAND PRESERVATION AND STEWARDSHIP | | | |
| Project Area within Conservation Priority Area? Yes 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): | | | |
| Regional Master Plan Goals, Policies, and Objectives: | C | I | N/A |
| Policy 1H7: To identify and designate a Special Environmental Zone in the Preservation Area where development shall not occur in order to protect water resources and environmentally sensitive lands and which shall be permanently preserved through use of a variety of tools including, but not limited to, fee simple acquisition, easement acquisition, transfer of development rights programs, and development regulations. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 1H7b: Adopt and enforce development regulations which prohibit the development of those portions of a parcel of land which are located within a Special Environmental Zone. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 1H7c: Require through Plan Conformance, local development review, Highlands Project Review, and NJDEP review under N.J.A.C. 7:38 that development shall not occur within a Special Environmental Zone. In any Special Environmental Zone, any exemption identified through Policy 7F1 or waiver issued under the Highlands Act under Policy 7G1 or 7G2 shall be conditioned upon a determination that the State or local government unit has exhausted all means for the permanent preservation of these lands through use of preservation tools including, but not limited to, fee simple acquisition, easement acquisition, and transfer of development rights. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 1I3: To require conforming municipalities and counties to require conservation or land stewardship easements, enforceable by the Highlands Council and at least one of the following: the appropriate municipality, the County Agriculture Development Board, the SADC, Green Acres, or a non-profit land trust organized pursuant to § 501 (c)(3) of the federal tax code and engaged in the protection of land for the purpose of providing long-term stewardship of important resources as a condition of development approval for lands within parcels proposed for development that are identified for preservation on a proposed site plan or subdivision plat. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments: Based on review of the Highlands Council GIS data, the proposed Highlands Redevelopment Area does not lie within a Special Environmental Zone. There is an area mapped as Conservation Priority Area (Moderate) in the southern portion of Block 8100 Lot 50; however, that area is excluded from the Highlands Redevelopment Area and no development is proposed for this parcel. The proposed development on Block 8200 Lot 5 would not entail encroachment into any Conservation Priority Area.

SUBPART F CARBONATE ROCK (KARST) TOPOGRAPHY

Project Area within or contributing to Carbonate Rock Area? No

Comments: Based on review of the Highlands Council GIS data, the proposed Highlands Redevelopment Area is not located in a Carbonate Rock Area.

SUBPART G LAKE MANAGEMENT

Project Area within Lake Management Area? No *If No, disregard remainder of Lake Management checklist.*

Comments: Based on review of the Highlands Council GIS data, the proposed Highlands Redevelopment Area is not located in a Lake Management Area.

PART 2 WATER RESOURCES AND WATER UTILITIES

SUBPART A WATER RESOURCES AVAILABILITY

| Source HUC14(s): | Net Availability (MGD): | HUC14 Constraint - Current Deficit Area (Y/N): | HUC14 Constraint - Existing Constrained Area (Y/N): | Conditional Availability (MGD): |
|-------------------|-------------------------|--|---|---------------------------------|
| 1. 02030105010040 | -0.344291 | Yes | Y | |

| Regional Master Plan Goals, Policies, and Objectives: | C | I | N/A |
|--|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
| Objective 2B4a: Give highest priority for the use of non-agricultural Net Water Availability or Conditional Water Availability within Protection Zone and Conservation Zone subwatersheds, through a Water Use and Conservation Plan developed under Objective 2B8c, local development review, and Highlands Project review: 1. To address a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for Net Water Availability; 2. To serve a designated Highlands Redevelopment Area; 3. To serve a cluster development that complies with Objective 2J4b; and 4. To serve affordable housing projects where at least 10% of the units are affordable. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 2B4b: The highest priority for use of Net Water Availability or Conditional Water Availability within Existing Community Zone subwatersheds, through a Water Use and Conservation Plan developed under Objective 2B8c, local development review and Highlands Project review to serve documented threats to public health and safety from contaminated water supplies, designated TDR Receiving Zones, infill development, designated Highlands Redevelopment Area, affordable housing projects where at least 10% of the units are affordable, or new areas for development that meet all other requirements of the RMP. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 2B4c: Establish and implement mandatory stormwater reuse for recreational and other non-agricultural irrigation, as well as other non-potable water purposes to minimize both the volume of stormwater discharges and water withdrawals for these purposes. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 2B4d: The highest priority for agricultural water uses in the Conservation Zone shall be those Preservation Area uses that promote agricultural and horticultural uses and opportunities that are compatible with protection of the Highlands environment, and those Planning Area uses that promote the continuation and expansion of agricultural, horticultural, recreational, and cultural uses and opportunities. Compatible agricultural and horticultural uses shall minimize consumptive water uses through efficiency measures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Policy 2B5: To require, through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, and Highlands Project Review, the use of water conservation, recycling and reuse methods (where appropriate) and devices for any redevelopment or development activity, including renovations to existing residential, institutional, commercial or industrial buildings, 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: To require through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, Highlands Project Review, and interagency coordination 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, Wastewater Management Plans 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: NJDEP Water Allocation decisions and Highlands Project Reviews shall ensure 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"/> |

| | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|
| <p>Policy 2B7: To ensure through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, and Highlands Project Review that the use of Net Water Availability and Conditional Water Availability within each subwatershed supports development patterns that are in conformance with RMP policies and objectives.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>Policy 2B8: To require through Plan Conformance, local development review, and Highlands Project Review the efficient and effective use of water availability, the planning for future water needs, the reduction and elimination of water deficits, and the mitigation of new consumptive or depletive use in any Current Deficit Areas or subwatersheds that could become deficit areas based on projected development and water uses, to ensure sustainable water supply, water resource and ecological values in conformance with RMP policies and objectives.</p> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>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.</p> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>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:</p> <ol style="list-style-type: none"> 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; 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 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. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>Objective 2B8c: Water Use and Conservation Management Plans shall be required through municipal Plan Conformance for all subwatersheds to meet the policies and objectives of Goal 2B, to ensure efficient use of water through water conservation and Low Impact Development Best Management Practices, and to avoid the creation of new deficits in Net Water Availability. Where developed for Current Deficit Areas, the plans shall include provisions to reduce or manage consumptive and depletive uses of ground and surface waters as necessary to reduce or eliminate deficits in Net Water Availability, or to ensure continued stream flows to downstream Current Deficit Areas from Existing Constrained Areas, to the maximum extent practicable within each HUC14 subwatershed. Water Use and Conservation Management Plans shall demonstrate through a detailed implementation plan and schedule how and when the current deficit will be resolved in a subwatershed prior to approval for new water uses in the subwatersheds with the most severe deficits (i.e., in excess of 0.25 million gallons per day), and the plan shall be implemented prior to initiation of new water uses.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>Objective 2B8d: All water users within a Current Deficit Area shall seek funding and opportunities to meet the intent of Objective 2B4b.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>Objective 2B8e: Allow water resource transfers between or from Highlands subwatersheds only when there is no other viable alternative and where such transfers would demonstrably not result in impairment of resources in any subwatershed. Potential effects on upstream and downstream subwatersheds should be included in any such evaluation.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>Comments: The proposed Highlands Redevelopment Area is located in HUC14 subwatershed 02030105010040 (Raritan River SB – 77d 44m 15s to Rt. 46)). This HUC14 subwatershed has a current Net Water Availability Deficit of -0.344 million gallons per day (MGD). The applicant proposes using an on-site well for water supply and discharging treated wastewater back to ground water through an on-site septic system, which is considered a consumptive use. The total daily water demand is not given in the application, but a wastewater daily flow of 1,625 gpd is estimated. Indoor water use tracks closely with wastewater flow, but does not account for outdoor or process water use. Of particular concern is potential for large water use associated with a car wash or vehicle wash-downs. The amount of outdoor water use for lawn irrigation appears limited given the relatively large amount of impervious surfaces being proposed. The applicant shall provide an estimated total daily water demand including uses that might be highly consumptive, such as lawn irrigation or non-recycled car washing. If the total water demand consists of no lawn irrigation or car wash facility, then a consumptive use coefficient of 10% would be properly be applied and serve as the basis for calculating deficit mitigation requirements to reflect car wash-down uses on the lot. 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. Mitigation ranging from 125% to 200% of the consumptive use is required under Objective 2B8b, with the most likely mitigation requirement in this case being either 125% or 150%. Consistency can be achieved with on-site enhanced ground water recharge through the site’s stormwater management, or through water conservation or recharge within the same subwatershed. The annual mitigation recharge requirement will be calculated once total daily water demand is calculated, but will be in addition to the ground water recharge requirements of N.J.A.C. 7:8. With respect to stormwater management, the applicant will be required to comply with</p> | | | |

N.J.A.C. 7:8 and local stormwater ordinances. Management of stormwater shall be addressed through the HPAA with redevelopment waiver permit process, to be consistent with Policy 2G5.

SUBPART B PROTECTION OF WATER RESOURCES QUANTITY

Project Area includes Prime Ground Water Recharge Area? No

Comments: Based on review of the Highlands Council GIS data, the proposed Highlands Redevelopment Area is not located in a Prime Ground Water Recharge Area.

SUBPART C WATER QUALITY

Project Area within Wellhead Protection Area? Yes Public Non-Community

If yes to above, check all that apply: Tier 1 Tier 2 Tier 3

Name of Nearest Waterway(s) (1000 feet of Project Area): Headwaters of an unnamed tributary of Mine Brook

SWQS Classification:

Description of Impairments, or TMDL:

| Regional Master Plan Goals, Policies, and Objectives: | C | I | N/A |
|---|-------------------------------------|-------------------------------------|-------------------------------------|
| Policy 2G2: To reduce or avoid water quality impacts using requirements for water quality protection measures for new land uses through local development review and Highlands Project Review. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 2G3: To adopt and implement water quality protections through Plan Conformance, local development review and Highlands Project Review. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 2G3a: Prohibit land uses that would increase pollutant loadings to waters for which TMDLs have been adopted by the NJDEP unless in compliance with the relevant TMDL. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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 2G3c: Water Quality Management Plans, Wastewater Management Plans or amendments shall demonstrate that the proposed service area will not directly or indirectly support development that would be in violation of an adopted TMDL. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 2G5: To adopt and implement stormwater management controls through Plan Conformance, local development review and Highlands Project Review. | <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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 2G5c: Implement agricultural best management practices for water conservation, water reuse, nutrient and pesticide application, animal waste management, environmental restoration, pollution assessment and prevention, and irrigation efficiency in farm operations for the protection of ground and surface water quality. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 2G6c: Require conforming municipal and county master plans and development regulations to incorporate relevant TMDLs, additional water quality protection measures and wellhead protection for public water supply wells and nitrate standards as development standards. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 2H2: To develop and implement, through Plan Conformance, local development review and Highlands Project Review, resource protection measures to protect and enhance ground water and water supply resources within Wellhead Protection Areas consistent with the source water assessments for each water supply source. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input checked="" 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 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 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: Require that 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Objective 2H4a: Require site specific and municipal stormwater management plans to address wellhead protection requirements. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 2H5: To require that conforming municipalities revise master plans and development regulations to address wellhead protection requirements. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 2H5b: Restrict development activities that pose threats to the water quality of public water supply wells. | <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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 2H5d: Amend Areawide Water Quality Management Plans or Wastewater Management Plans for conforming municipalities and counties to ensure that any activity associated with the proposed service area will not adversely affect a Wellhead Protection Area. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Comments: Based on review of the Highlands Council GIS data, the proposed development on Block 8200 Lot 5 would entail encroachment into a Tier I and a Tier II Wellhead Protection Area (WHPA). The NJDEP's NJGeoWeb interactive mapping shows that this WHPA overlay is for a Non-Community Public Water Supply Well for the properties adjacent to the lot. Both the septic system and the bioretention facility area are proposed in a Tier 1 WHPA, which is inconsistent with Objective 2H2a. However, there is no viable alternative location available for either facility. Therefore, a waiver is necessary for both facilities (and any other inconsistencies related to the Tier I WHPA), with both facilities being located and designed in such a manner as to minimize the potential for ground water contamination. Further, an Operations and Contingency Plan approved by the Township and the Highlands Council will be required to ensure that no volatile organic contaminants are introduced by the facility. | | | |
| SUBPART D SUSTAINABLE DEVELOPMENT AND WATER RESOURCES | | | |
| WATER UTILITY | | | |
| Potable Water Supply? No | Domestic? Yes | | |
| Source Water HUC(s): | | | |
| Public Community Water System? No | If PCWS, Name of Facility: | | |
| PCWS ID No: N/A | Total Projected Water Demand of Project: 1,625 gallons per day | | |
| Comments: The applicant for Block 8200 Lot 5 will be using a new on-site well for water supply and will discharge treated wastewater back to ground water with minimal consumptive uses. The other lots have existing development. | | | |
| WASTEWATER UTILITY | | | |
| NJPDES Permit Number: N/A | Projected Flow of Project (GPD): | | |
| HDSF Facility? No | HDSF Available Capacity (MGD): | | |
| Subject to Allocation Agreement? No | Capacity Allocated from HDSF (MGD): | | |
| Extent of HDSF Service Area Included in WMP: Full <input type="checkbox"/> Partial <input type="checkbox"/> | | | |
| Wastewater Treatment Facility: (Individual Subsurface Sewage Disposal System) | | | |
| Service Area: | | Wastewater Discharge Flow (MGD): < 2,000 GPD | |
| NJPDES-DGW: Existing <input type="checkbox"/> Proposed <input type="checkbox"/> | Existing: Increase: | | |
| NJPDES-DSW: Existing <input type="checkbox"/> Proposed <input type="checkbox"/> | Existing: Increase: | | |
| Comments: The applicant for Block 8200 Lot 5 will use an on-site well for water supply and discharge treated wastewater back to ground water through on-site septic systems. No expansion of the existing sewer service area is proposed. | | | |
| SEPTIC SYSTEM YIELD | | | |
| Proposed Nitrate Target(s) (mg/l): | Annual Recharge Rate Used: Drought <input type="checkbox"/> Average <input type="checkbox"/> | | |
| | Protection Zone | Conservation Zone | Existing Community Zone |
| Municipal Septic System Density (acre/unit) | | | |
| HC Septic System Density (acre/unit) | | | |
| Municipal Septic System Yield (units) | | | |
| HC Septic System Yield (units) | | | |
| 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 2L2a: Use the median concentrations of nitrate in ground water for Planning Area HUC14 subwatersheds where the Protection Zone is predominant as the nitrate target for new development reliant on septic systems within the Protection Zone. The median is 0.72 mg/L. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 2L2b: Use the median concentrations of nitrate in ground water for Planning Area HUC14 subwatersheds where the Conservation Zone is predominant as the nitrate target for new development reliant on septic systems within the Conservation Zone. The median is 1.87 mg/L. | <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 checked="" type="checkbox"/> | <input type="checkbox"/> |

| | | | |
|--|---|--------------------------|-------------------------------------|
| Objective 2L2d: Use a nitrate target of 2 mg/L for the Existing Community Zone within Planning Area, on a project-by-project basis, where new development will rely on septic systems. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 2L2e: New residential development using septic systems where clustering or conservation design techniques are employed shall have a gross density (for all parcels involved in the development proposal) based on the nitrate dilution target appropriate for the Land Use Capability Zone, but with the density for the developed portion of the site based on a nitrate dilution target not to exceed 10 mg/L or any more stringent requirement as required by N.J.A.C. 7:15. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 2L3f: Carrying capacity shall be documented through the Land Use Capability Septic System Yield Map as the number of allowable septic systems per Conservation and Protection Zone for each HUC14 subwatershed, taking into account the nitrate target, the HUC14 subwatershed drought ground water recharge, and the acreage that is privately owned, undeveloped or underdeveloped, and not preserved. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 2L2g: New residential development utilizing septic systems shall be designed in a manner that ensures that the untreated well water meets the State drinking water quality standards and that minimizes the risk of well contamination due to the flow of septic system plumes within or between developed lots, addressing general ground water flow patterns, major fracture systems and other appropriate geological, geophysical and hydrogeological issues. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Comments: The applicant for Block 8200 Lot 5 proposes a new septic system for site development within the Preservation Area, which is inconsistent with Objective 2L2c and therefore requires a waiver from Preservation Area septic system density limitations. | | | |
| 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? Yes | Includes Important Farmland Soils? Yes | | |
| Agricultural Uses? Yes | | | |
| Comments: Based on review of the Highlands Council GIS data, the entire proposed Highlands Redevelopment Area is located within an Agricultural Resource Area. The parcel where new development is proposed (Block 8200 Lots 5) is mapped as part of agricultural fields designated as a Farm Unit greater than 250 acres and as being in Agricultural Use. Based upon review of aerial photography, the parcel is not in active agricultural use, but rather exhibits old field/shrub-scrub habitat and is not adjacent to any 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 | | | |
| Project Area within which Land Use Capability Zone or Sub-Zone? (check all that apply): | | | |
| Protection Zone <input type="checkbox"/> Conservation Zone <input checked="" type="checkbox"/> Existing Community Zone <input type="checkbox"/> | | | |
| Conservation – Environmentally Constrained Sub-Zone <input checked="" 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"/> | | | |
| Regional Master Plan Goals, Policies, and Objectives: | C | I | N/A |
| Policy 6C1: To 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 and to ensure that the impacts of development using exemptions under the Highlands Act (see Policy 7F1) are considered in regional protection measures. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 6C1a: Centers in the Protection Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 6C2: To ensure through Plan Conformance, local development review and Highlands Project Review that any future development or redevelopment which does occur in a Protection Zone is subject to standards and criteria which protect the land | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| and water resources of the Protection Zone from any potential adverse impact to the maximum extent possible. | | | |
| Policy 6D3: To limit through Plan Conformance, local development review and Highlands Project Review 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"/> |
| Objective 6D3b: Centers in the Conservation Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems. | <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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 6F5: To ensure that development and redevelopment in the Existing Community Zone are compatible with existing community character. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 6F6a: Center based development initiatives shall be planned within the Existing Community Zone at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan. Densities of five dwelling units and above are encouraged, and are required in areas designated as voluntary TDR Receiving Zones where TDR benefits are sought under the Highlands Act. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Comments: The parcel (Block 8200 Lot 5) in which the proposed construction would take place is largely within the Conservation 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 HPAAs with redevelopment waiver permit process, to be consistent with Policy 2G5 and 6N2. | | | |
| SUBPART C REGIONAL GUIDANCE FOR DEVELOPMENT AND REDEVELOPMENT | | | |
| Regional Master Plan Goals, Policies, and Objectives: (it is important to note the policy regarding discretionary growth - Policy 6H7 Provisions and standards relating to regional growth activities which increase the intensity of development shall be discretionary for conforming municipalities and counties): | C | I | N/A |
| Policy 6H1: To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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"/> |
| Objective 6H1d: Cluster and conservation design development plans and regulations shall consider existing community character, incorporate smart growth design principles, and require Low Impact Development including but not limited to: locating development adjacent to existing infrastructure such as water, wastewater, transportation, and public facilities to limit the degree of new impervious surface, and permitting smaller residential lots in order to incorporate community open space and existing natural resources into the design. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 6H3: To require conforming municipalities to include site development programs, such as clustering and lot averaging, to protect natural and agriculture resources. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 6H6: To integrate public parks and green spaces into development and redevelopment projects and ensure restoration of impaired natural resources to the extent required by law, at a minimum, and where feasible to a greater extent to maximize long term value of the project. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 6H7: Provisions and standards relating to regional growth activities which increase the intensity of development shall be discretionary for conforming municipalities and counties. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 6H8: Regional growth, where accepted through local planning and regulations, should identify opportunities to maximize land use intensity while protecting natural features and community character. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 6H8a: Development and redevelopment initiatives shall encourage the use of Highlands Development Credits as a means to enhance the existing or adjacent community while protecting local and regional natural resources. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 6H8b: Preparation and implementation of standards ensuring that development protects environmentally sensitive resources in all Land Use Capability Zones and Sub-Zones. | <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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Comments: Inconsistencies with Policy 6H1 have been addressed above (see Highlands Open Water buffers, Riparian Areas, Forest, Wellhead Protection Areas and water availability). Management of stormwater from the project area shall be addressed through the HPAAs with redevelopment waiver permitting process. The project should be designed to incorporate low impact development techniques where feasible, including stormwater management techniques used for mitigation. Any disturbance and construction activities should be managed to minimize impacts to the surrounding environment. Designation of the proposed Highlands Redevelopment Area including Lot 5.01 | | | |

provides for beneficial public use. 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 a maintaining land use patterns, balancing economic development with resource protection, and providing an equitable distribution of the costs and benefits of redevelopment. The proposed use of Lot 5.01 does not create a substantial change to the existing development pattern of this area.

SUBPART D REDEVELOPMENT

Locally Designated Redevelopment Area? NA **If yes, name of site(s):**

Highlands Designated Redevelopment Area? NA **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"/> |
| Policy 6J3: To encourage redevelopment in the Conservation and Protection Zones in the Planning Area of brownfields and grayfields 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 6L1: To require that conforming municipalities identify any development, redevelopment, and brownfield opportunities in the local land use plan element of their master plans, as appropriate. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 6L2: To require that conforming municipalities amend development regulations and zoning to enable project implementation of local redevelopment initiatives that are identified under Policy 6L1 and locally endorsed through Plan Conformance. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 6L2a: Municipal review of local redevelopment projects consistent with RMP smart growth and Low Impact Development policies and objectives. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments: During the Plan Conformance Petition process, through discussions with Highlands Council staff, the Township of Mount Olive identified areas along Route 46 and Sand Shore Road for potential designation as a Highlands Redevelopment Area. Phase II was proposed to include existing commercial properties located along Route 46 (the subject of this Consistency Determination.) The Township of Mount Olive’s Petition for Plan Conformance has been approved by the Highlands Council (Highlands Council Resolution # 2011-1 adopted on January 20, 2011.)

This proposal directly addresses the purposes of Policy 6J1 and 6J2. Management of stormwater from any new development in the proposed Highlands Redevelopment Area shall be addressed through the HPAA with redevelopment waiver permitting process. Such a project should be designed to incorporate low impact development techniques where feasible, including stormwater management techniques used for mitigation. 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

| Regional Master Plan Goals, Policies, and Objectives: | C | I | N/A |
|--|--------------------------|--------------------------|-------------------------------------|
| Policy 6N2: To require municipalities and counties to adopt stormwater management Low Impact Development standards to preserve or mimic the natural hydrologic features and characteristics of the land. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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"/> |

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| 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"/> |
| Policy 6N3: To require through Plan Conformance that municipalities and counties adopt Low Impact Development practices to minimize land disturbance during construction activities. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 6N4: To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 6N5: To require through Plan Conformance that municipalities and counties incorporate programs for community and neighborhood design that support a variety of housing options, mixed uses, redevelopment, adaptive re-use of historic sites and structures, and infill development in their master plans and development regulations. | <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. The proposed project for Block 8200 Lot 5 should be designed to incorporate low impact development stormwater management techniques, including vegetated areas 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 **3rd Round Status:** Petition

| Regional Master Plan Goals, Policies, and Objectives: | C | I | N/A |
|--|--------------------------|--------------------------|-------------------------------------|
| Policy 6O7: To require that conforming municipalities implement both the resource protection requirements of the RMP along with the New Jersey Supreme Court’s doctrine, in its Mount Laurel decisions, that every municipality in a “growth area” has a constitutional obligation to provide through its land use regulations, sound land use, and long range planning, a realistic opportunity for a fair share of its region’s present and prospective needs for housing for low and moderate income families. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 6O8: To require that conforming municipalities update and adopt a housing element, fair share plan, and implementing ordinance(s) to reflect current conditions and resource protection requirements of the RMP. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 6O8a: Conforming municipalities, through housing plans, will evaluate and provide for alternate mechanisms to address affordable housing obligations where RMP resource protection standards restrict the ability of planned but not built sites to be developed for affordable housing. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments: Most lots within the proposed Highlands Redevelopment Area are fully developed with commercial facilities. The proposed project for Block 8200 Lot 5 is the construction of an automobile dealership.

PART 7 LANDOWNER EQUITY

Is the project exempt from the Highlands Act? No

Does the project support the use of Highlands Development Credits? No

| Regional Master Plan Goals, Policies, and Objectives: | C | I | N/A |
|--|-------------------------------------|--------------------------|-------------------------------------|
| Objective 7F1c: Preservation Area exemptions issued by the NJDEP in accordance with N.J.A.C. 7:38, shall be required, where appropriate, prior to consideration of a local development review or a Highlands Project Review. Guidance shall specify the exceptions where a review may proceed absent an exemption determination from the NJDEP. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 7F1d: Planning Area exemptions, issued by the Highlands Council, shall be required, where appropriate, prior to consideration of a local development review or a Highlands Project Review. Guidance shall specify the exceptions where a review may proceed absent such an exemption determination. Applications for exemptions submitted to the Highlands Council shall be based upon the application requirements exemptions codified in N.J.A.C. 7:38. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 7F1f: Activities authorized under exemptions #9 and #11, which require a finding that the activity is consistent with the goals and purposes of the Highlands Act, shall be based upon a finding that the proposed activities are consistent with Highlands Act, the RMP, any rules or regulations adopted by the NJDEP pursuant to the Highlands Act, or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit specifically to conform them with the RMP. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 7G1: For the Preservation Area, coordinate with NJDEP during Highlands permit review for any major Highlands development including the review of waivers on a case-by-case basis: 1) if determined to be necessary in order to protect public health and safety; 2) for redevelopment in certain previously developed areas as identified by the Highlands Council, or 3) in order to avoid the taking of property without just compensation. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Policy 7G2: For both the Preservation Area and the Planning Area, a waiver may be issued by the Highlands Council on a case-by-case basis from the requirements of the RMP or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit specifically to conform them with the RMP: 1) if determined to be necessary in order to protect public health and safety; 2) for redevelopment in certain previously developed areas as identified by the Highlands Council, or 3) in order to avoid the taking of property without just compensation. Any waiver issued shall be conditioned upon a determination that the proposed development meets the requirements prescribed for a finding as listed in Section 36.a of the Highlands Act to the maximum extent possible. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Policy 7G3: For both the Preservation Area and the Planning Area during local development review, any variance or exception issued shall be conditioned upon a written determination, specifically included in an approving resolution, that the proposed development meets the requirements prescribed for a finding as listed in Section 36.a of the Highlands Act to the maximum extent possible. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments: Mount Olive Township is applying to the Highlands Council for a Highlands Redevelopment Area designation in a previously developed area. The applicant for Block 8200 Lot 5 will subsequently seek an HPAA with

| redevelopment waiver from NJDEP, consistent with Policies 7G1 and 7G2. | | | |
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| PART 8 SUSTAINABLE ECONOMIC DEVELOPMENT | | | |
| Regional Master Plan Goals, Policies, and Objectives: | C | I | N/A |
| 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"/> |
| Policy 8A2: To preserve the high quality of life in the Highlands Region through economic planning of the RMP. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 8A3: To identify and pursue state and federal programs that offer financial and/or technical assistance for sustainable economic development in the Highlands Region. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 8A5: To advocate for appropriate public investment in the Highlands Region through the strategic location of public facilities and institutions that will spur sustainable and appropriate economic activity. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Objective 8A6a: Coordinate with municipalities and counties as local and regional strategies are developed to improve the tax base and to create jobs and economic opportunities consistent with the policies and objectives of the RMP. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 8C1: To promote recreation and tourism based economic initiatives, which derive economic benefit from sustainable use of the natural resources of the Highlands Region. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Comments: The intended use for Block 8200 Lot 5, as supported by this proposed Highlands Redevelopment Area, is for the construction of an automobile dealership. | | | |
| PART 9 AIR QUALITY | | | |
| Regional Master Plan Goals, Policies, and Objectives: | C | I | N/A |
| Policy 9A1: To encourage capital facility development and redevelopment that leads to attainment of the National Ambient Air Quality Standards (NAAQS). | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 9A2: To support continued, consistent and thorough air quality monitoring and assessment programs as a means of evaluating and managing major air toxic point sources that affect the Region. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 9A3: To encourage land use development and redevelopment practices that promote center-based growth and mixed-use development and offer alternative modes of transportation as a means to reduce automobile dependency, vehicle miles traveled, vehicle trip length, and duration, for the reduction of local and regional air pollutants and of carbon dioxide emissions linked to global warming. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 9A4: To encourage and support state and federal air quality monitoring for the Highlands Region and regulatory action to reduce levels of air pollutants including but not limited to: ozone, carbon dioxide, sulfur compounds, volatile organic compounds, methane, and fine particulate matter pollutants in the Highlands Region. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 9A5: To encourage energy efficient design and green building practices in support of regional resource protection and smart growth planning policies. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Policy 9A6: To support State and federal initiatives that will reduce air pollution emanating from power plants, incinerators and landfills within and affecting the Highlands Region and particularly in Warren County due to out-of-State power plant air pollution. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Comments: Air quality impacts associated with the proposed construction will likely include emissions from fossil-fueled construction equipment and fugitive dust. Such air quality impacts, however, will generally be temporary, localized and insignificant. | | | |
| CONCLUSION | | | |
| <p>This application is for a Highlands Redevelopment Area Designation wherein the Highlands Council designates an area within the Preservation Area for redevelopment activities with conditions and waivers as appropriate from the RMP. Subsequently, the owner of an affected parcel may request waivers from NJDEP, pursuant to N.J.A.C. 7:38, regarding unavoidable impacts to resources affected by proposed development in order to retain economic viability.</p> <p>The proposed Highlands Redevelopment Area is consistent with the Highlands Act and Highlands Council procedures regarding designation of a Highlands Redevelopment Area with at least 70% existing impervious surface. The proposed construction would entail encroachment into forest outside of a Forest Resource Area which would be inconsistent with Objective 1A2e and Policy 1B7. However, the forested area is fragmented and is surrounded by commercial development. The construction is also inconsistent with Policy 1D4 and Objectives 1D4b and 1D5b as it entails encroachment into a Highlands Open Waters buffer; however, the on-site buffer on Block 8200 Lot 5 (the only lot on which development is proposed) is previously agricultural (old field/shrub-scrub habitat.) There is a mapped area of Potential or Limited Constrained Slopes in the central to southern portion of Block 8200 Lot 5 that would be encroached by the proposed development. In accordance with Policy 1E9, the use of Low Impact Best Development Practices would be required for the proposed land disturbance within an area which features Limited Constrained Slopes. The applicant shall minimize site runoff through enhanced ground water recharge through stormwater management to meet the Low Impact Best Development Practices requirement. The proposed project is inconsistent with Objectives 2B8a and 2B8b because the on-site water demand represents new consumptive uses within a Current Deficit Area. Consistency would require that the applicant provide an estimated total daily water demand including uses that might be highly consumptive, such as lawn irrigation or non-recycled car washing. If the total water demand consists of no lawn irrigation or car wash facility, then a consumptive use coefficient of 10% shall</p> | | | |

be applied. Mitigation of either 125% or 150% shall be required, depending on whether the consumptive use exceeds 1,000 gpd. Consistency shall be achieved with on-site enhanced ground water recharge through the site's stormwater management, or through water conservation or recharge within the same subwatershed. The annual mitigation recharge requirement will be calculated once total daily water demand is calculated, but will be in addition to requirements of N.J.A.C. 7:8.

Construction of the proposed facilities on Lot 5 within the Highlands Open Waters buffer and consumptive water use in a Current Deficit Area must be addressed through the redevelopment waiver process under N.J.A.C. 7:38. Stormwater regulations also must be followed in the project design upon HPAA with redevelopment permitting. The project should be designed to incorporate low impact development techniques where feasible, including stormwater management techniques used for mitigation. Any disturbance and construction activities should be managed to minimize impacts to the surrounding environment. A waiver from NJDEP will be required for the project on Block 8200 Lot 5 regarding the Preservation Area rules (N.J.A.C. 7:-38) for upland forest, septic system density and the maximum 3% impervious surface.

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

1. A waiver from NJDEP will be required for the project on Block 8200 Lot 5 regarding the Preservation Area rules (N.J.A.C. 7:-38) for upland forest, Highlands Open Waters buffer, septic system density and the maximum 3% impervious surface;
2. The Township of Mount Olive commits to permanent protection and stewardship of a forested buffer between Block 8200 Lot 5 and the residential development to the north of the parcel. This would protect the residents from any visual impact and maintain habitat.
3. The proposed encroachment into a Highlands Open Waters buffer is entirely within the buffer that was previously agricultural (currently old field/shrub-scrub habitat) area which would not result in a net impact to the functional value of the buffer (in conformance with Policy 1D4) and therefore qualifies for a waiver;
4. An Operations and Contingency Plan is required to ensure that no volatile organic contaminants are introduced to ground water by the facility.
5. The Township of Mount Olive commits to ensuring that the proposed use of Block 8200 Lot 5 provides mitigation equal to 125% to 150% of the proposed consumptive water uses (to be determined after the applicant provides an estimate of total water use) through on-site recharge or water conservation practices within the same site or HUC14 subwatershed, in addition to NJDEP requirements for maintenance of pre-development recharge under N.J.A.C. 7:8. There shall be a coordinated review between the staff of the Highlands Council and the NJDEP to ensure that this condition is met; and
6. The stormwater regulations must be followed in the project design upon HPAA with redevelopment permitting, as part of the NJDEP permitting process. There shall be a coordinated review between the staff of the Highlands Council and the NJDEP such 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.