



# State of New Jersey

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*Executive Director*

## Highlands Council Staff Recommendation Report Highlands Capital Project Review Kinnelon Shelter and Community Center (Block 45502, Lot 119)

Date: August 16, 2018. Final Version as adopted by Highlands Council Resolution 2018-10.

Re: Application Type:	<i>Highlands Capital Project Review</i>
Name:	<i>Kinnelon Shelter and Community Center</i>
Municipality:	<i>Kinnelon Borough</i>
County:	<i>Morris</i>
Highlands Act Area:	<i>Preservation Area</i>
LUCM Location:	<i>Existing Community Environmentally Constrained Subzone and Existing Community Zone</i>
Property:	<i>Block 45502, Lot 119</i>
Proposed Use:	<i>Community Shelter/ Community Center and Recreational Fields</i>

### 1.0 PROJECT DESCRIPTION

Kinnelon Borough (the Borough) is Conforming for both the Planning and Preservation Areas of the Highlands Region. 97.4% (11,985 acres) of the Borough is located in the Preservation Area, 2.6% (325 acres) is in the Planning Area.

The Borough is seeking to construct a Shelter and Community Center with adjacent natural surface athletic fields to service the local community. The proposed building will include meeting rooms, a multi-purpose room, a kitchen, restroom facilities, and will provide emergency shelter for the Borough.

The lot is known as Block 45502, Lot 119 and consists of 10.6 acres of primarily forested land. The project location is adjacent to the existing Kinnelon Recreation Park (Block 45502 Lot 120). Prior to 2003, the eastern portion of the property had been developed with a farmhouse and outbuildings. The farm residence and other structures have been removed and the area has been allowed to naturally revert to a scrub-shrub forest condition, characterized by invasive species and weedy growth. The western portion of the property consists of forested land surrounded on two sides by single family residences and the Kinnelon Recreation Park to the south.

Five acres of the parcel will be disturbed and/or developed through the proposed project, including 58,966 square feet (1.35 acres) of total impervious surface. The remaining disturbed areas will be converted to natural surface athletic fields or reserved for utility rights of way. The remaining 5.6 acres of the property will not be disturbed and will be preserved in perpetuity.

## 2.0 PROJECT HISTORY

The Borough and the current owner of the property, Pompton Plains Reformed Bible Church (the Church), have been working toward the development of the property since before the enactment of the Highlands Act. A Highlands Preservation Area Approval (HPAA) and Takings Waiver application, submitted by the Church and the Borough, was approved by the New Jersey Department of Environmental Protection (NJDEP) on May 24, 2018. Below is a timeline of notable actions associated with the property, as well as the Borough's Regional Master Plan (RMP) Conformance status.

<b>Timeframe</b>	<b>Notable Action</b>
2004 (pre-Highlands Act)	The Church submitted a new church facility site plan to NJDEP (9 acres of disturbance; >4 acres impervious surfaces; 5,000 gpd of wastewater).
2008	The Church submitted a revised site plan to NJDEP (~5 acres of disturbance; 160,000 sq. ft. impervious; >2,000 gpd of wastewater).
2009	The Church entered into a Memorandum of Understanding with NJDEP ( <i>Pompton Plains Reformed Bible Church v. Jackson, Case Number 3:07-cv-2702</i> ), stating that the Church would submit an HPAA or HPAA with Takings Waiver application to the NJDEP for development of the site. NJDEP would issue the HPAA or HPAA with Takings Waiver or a joint settlement agreement would be entered by the Court as a consent decree.
2010-2012	The Church determined a lack of need to construct a new church facility; and engaged the Borough in purchasing the property.
2011	The Borough submitted a Petition for Plan Conformance for both the Planning and Preservation Areas of the Highlands Region to the Highlands Council.
2012	The Borough developed illustrative/conceptual site plan for a community facility and recreational fields (~5 acres of disturbance; 40,000 sq. ft. impervious; < 2,000 gpd of wastewater).
October 2012	The Borough revisited the community facility site plan with greater urgency for the project to be used as a community shelter, subsequent to Superstorm Sandy.
2013-2017	The Borough, working with NJDEP and Highlands Council staff, developed the revised (current) site plan (5 acres disturbance, 58,966 sq. ft. impervious, 1,521 gpd of wastewater).
2015-2017	The Borough and the Church developed the HPAA with Takings Waiver application to submit to NJDEP, as well as additional materials necessary for the project (WQMP site-specific amendment and supplemental Habitat

	Impact Assessment, proposed mitigation plan and off-site mitigation property purchase). Highlands Council staff has participated in multiple meetings with the Borough and NJDEP throughout this process.
2016-2017	The Borough has been active in Plan Conformance Implementation, working toward adoption of Highlands Land Use Ordinance.
May 1, 2017	The Borough and the Church submitted the HPAA with Takings Waiver application.
May 28, 2018	NJDEP issues HPAA with Takings Waiver to the Borough and the Church
August 16, 2018	Highlands Council reviewed the project at a regularly scheduled public meeting.

### 3.0 HIGHLANDS COUNCIL ADMINISTRATIVE PROCESS

Under N.J.S.A. 13:20-16(b), the Highlands Council is required to review any capital or other project of a State entity or local government unit that involves the ultimate disturbance of two acres or more of land or a cumulative increase in impervious surface by one acre or more. The Highlands Council examines the project's consistency with the goals, policies, and objectives (GPOs) of the Regional Master Plan (RMP) and makes recommendations to determine whether a given project is consistent, consistent with conditions, or inconsistent with the RMP. A Highlands Capital Project Review considers both resource protection standards and smart growth standards in order to encourage appropriate development patterns in the Highlands Region. **A project in the Preservation Area that is required to be reviewed under N.J.S.A. 13:20-16(b) shall not proceed without prior Highlands Council approval.**

As described in the Analysis and Recommendations section of this report, the project cannot be deemed consistent with Objectives 2D4a and 2D4d (Prime Groundwater Recharge Area) of the RMP without Highlands Council approval of a waiver. Accordingly, the Highlands Council must waive these requirements of the RMP to approve the project in accordance with the waiver provisions of the RMP found at RMP Policy 7G2, which states that the Highlands Council may issue a waiver on a case-by-case basis from the requirements of the RMP in order to avoid the taking of property without just compensation.

In addition to the review and approval under N.J.S.A. 13:20-16, the Highlands Council will concurrently review and issue Consistency Determinations for both the:

- Proposed Amendment to the Northeast Water Quality Management Plan (WQMP); and
- HPAA with Takings Waiver, (when issued by the NJDEP to the Borough and the Church.)

### 4.0 IMPACT ON HIGHLANDS RESOURCES

Highlands Council staff has conducted a Consistency Determination for the proposed Kinnelon Shelter and Community Center. The 10.6-acre lot is located primarily in the Existing Community Zone - Environmentally Constrained Subzone in the Preservation Area of the Highlands Region, with minor portions of the property located in the Existing Community Zone.

**Please see the attached Highlands RMP Consistency Determination Review worksheet for a more detailed review of the Policies and Objectives of the RMP.**

### **Water Supply**

The Butler Water Department, which utilizes the Kakeout Reservoir, located in the same HUC14 subwatershed as the proposed site, will serve the project. The Butler system has a surplus water supply and surplus firm capacity and no modifications are required to the water allocation permit for the proposed project. The existing water main is proposed to be extended approximately 600 feet from Walnut Lane (to the north of the property) to serve the site. The extension of public water systems into the Preservation Area is prohibited, except where an HPAA with waiver has been approved. In this case, the approval of the HPAA with Takings Waiver satisfies the requirements of the RMP.

The project proposes to use an annual average of 3,184 gallons per day (gpd) of public community water. During the high-use sports season, the average daily-demand is estimated to be 9,700 gpd, including irrigation. The project is located in a Current Deficit Area. The Borough proposes that a minimum of 133% of pre-development groundwater recharge volume will be recharged onsite. In addition, the Borough will be required to undertake the preparation of a municipal wide Water Use and Conservation Management Plan (WUCMP), complying with applicable GPOs of the RMP. The Borough has already started work on the preparation of the WUCMP.

*RMP Policy 2I1: To prohibit the expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area unless approved through a Highlands Applicability Determination (HAD) or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.*

*RMP 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...*

### **Public Wastewater Collection System**

Approximately 1,521 gpd of wastewater will be conveyed during the sports season to the Two Bridges Sewerage Authority Sewage Treatment Plant in Lincoln Park. During the off-season, the annual average drops to approximately 1,447 gpd. The existing sewer line is proposed to be extended approximately 570 feet from Walnut Lane (to the north of the property) to serve the site. An Amendment to the Northeast Water Quality Management Plan and Highlands Council Consistency Determination is required for the approval of the project's proposed wastewater management. The extension of public wastewater collection systems into the Preservation Area is prohibited except where an HPAA with waiver has been approved. In this case, the approval of the HPAA with Takings Waiver satisfies the requirements of the RMP.

*RMP Policy 2I1: To prohibit the expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area unless approved through a Highlands Applicability Determination (HAD) or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.*

**Critical Wildlife Habitat**

Of the five acres of proposed disturbance, 4.30 acres (86%) is mapped as Critical Wildlife Habitat in the RMP. The area of proposed disturbance is characterized by upland regrown forest surrounded by residential development. It is not expected that interior forest species such as northern goshawk or bobcat would utilize this island of isolated habitat; both species require significant tracts of undisturbed, high quality forested lands for foraging, denning/nesting habitat. Barred owl may utilize individual trees for perching or hunting; however, it would be a temporary use. Habitat for copperhead snake is quite limited and, with the surrounding land uses, unlikely to attract this species.

The Borough is providing for the preservation of 62.83 acres of Critical Wildlife Habitat as mitigation for the 4.30-acre disturbance, in order to provide for no net loss of habitat value. Additional information on the mitigation may be found below. In addition, the Borough will prepare and implement a Critical Habitat and Conservation Management Plan as a condition of this approval and the Borough's petition for plan conformance. Funding of \$20,000 was allocated to the Borough in the Council's approval of the Borough's Plan Conformance petition.

*Policy 1F5: To establish a Habitat Conservation and Management Program, including minimum performance standards and criteria for the protection, enhancement, and restoration of lands within Critical Habitat.*

*Objective 1F5c: Establish performance standards that include a requirement and criteria for mitigation of disturbed Critical Habitat. Mitigation shall be required for all adverse modification to Critical Habitat so that there is no net loss of habitat value based on the criteria in Objectives 1F5a and 1F5b.*

**Total Forest within the Forest Resource Area**

Of the five acres of proposed disturbance, 4.30 acres (86%) is mapped as Total Forest within the Forest Resource Area in the RMP. Prior use of the property was a farm and farmhouse; the structures were removed in 2003. The portion of the property that is proposed for development is characterized as regrown scrub-shrub forest type, typical of abandoned home sites, and understory vegetation is mainly invasive in nature. The portion of the property that is to remain undisturbed is characterized as mature upland forest, with very little understory due to white-tailed deer browse pressure. The tree species are typical of the region.

The Borough is providing for the preservation of 62.48 acres of Total Forest within the Forest Resource Area as mitigation for the 4.30-acre disturbance. Additional information regarding the mitigation may be found below. The approval of the mitigation component and the NJDEP HPAA with Takings Waiver is consistent with the forest mitigation plan requirements contained in the RMP, including but not limited to Objective 1A2b.

*Objective 1A2b: Implementation of regulations through Plan Conformance which limit permissible uses within the Forest Resource Area to maintenance of pre-existing uses and restoration of impaired forest areas; relief from strict adherence to these standards shall be permitted only upon approval of a forest mitigation plan and, for a major Highlands Development, approval of a Highlands Preservation Area Approval (HPAA) by the NJDEP.*

### **Prime Ground Water Recharge Area**

Of the five acres of proposed disturbance, 4.30 acres (86%) is mapped as Prime Ground Water Recharge Area (PGWRA) in the RMP. Roughly 95%, or all but 0.6 acres of the 10.6-acre parcel, is mapped as PGWRA Area in the RMP. Strict enforcement of the PGWRA provisions of the RMP would effectively prevent any use of the property.

*Objective 2D4a states that development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Steep Slopes.*

*Objective 2D4b states that any development activity approved to occur in a Prime Ground Water Recharge Area shall provide an equivalent of 125% of pre-construction recharge volumes for the affected Prime Ground Water Recharge Area.*

*Objective 2D4d states that the disruption of Prime Ground Water Recharge Area shall be limited to no greater than 15% of the Prime Ground Water Recharge Area on the site and shall be preferentially be sited on that portion of the Prime Ground Water Recharge Area that has the lowest ground water recharge rates and the lowest potential for aquifer recharge.*

The Borough proposes that a minimum of 133% of pre-development groundwater recharge volume will be recharged onsite and, therefore, complies with Objective 2d4b. However, the proposed project cannot comply with Objectives 2D4a and 2D4d.

The Borough has preserved 22.43 acres of PGWRA as mitigation for the 4.30-acre PGWRA disturbance. However, the RMP does not recognize the ability to mitigate the PGWRA and, therefore, the proposed project requires a waiver from the requirements of the RMP by the Highlands Council. Additional specifics on the mitigation may be found in the following section.

## **5.0 PROPOSED MINIMIZATION AND MITIGATION EFFORTS**

In order to offset the impacts on Highlands Resources, the Borough is proposing on-site minimization and off-site mitigation efforts.

### **On-site Minimization and Mitigation:**

- The Borough has proposed a site plan that minimizes disturbance while still meeting all of its project objectives.
- The site plan proposes a stormwater management system that recharges a total of 133% of existing groundwater recharge volumes, which exceeds the minimum requirement of 125% in a Prime Groundwater Recharge Area.
- Runoff from all improved surfaces will be captured and conveyed through low-impact development practices or stored in underground infiltration systems.
- Native plants will be used for all landscaping proposed for the project.
- The overall impervious surfaces and wastewater demand for Kinnelon's proposed project is significantly reduced compared to the Church's 2008 site plan that was most relevant to the Church's-NJDEP 2009 MOU.

- The Borough is proposing to preserve the undeveloped portions of the lot (approximately 5.6 acres) through a deed restriction. On average, those 5.6 acres contain Critical Wildlife Habitat, Total Forest, and Prime Ground Water Recharge Areas of superior quality compared to the 5 acres proposed for development.
- The Borough will implement a Water Use and Conservation Management Plan for the site and the municipality as a whole.
- Preparation and completion of a Critical Habitat and Conservation Management Plan for the Borough, including, but not limited to, Block 57401, Lot 149.

**Off-site Mitigation:** To mitigate the impact on Highlands Resources further, the Borough has also purchased the 62.83-acre Block 57401, Lot 149 for permanent preservation. While this lot is not within the same HUC14 watershed, it was deemed the most appropriate lot for mitigation after an extensive search effort by the Borough. The mitigation lot is designated as Special Environmental Zone in the RMP (those lands identified to have the highest water resource and environmental integrity). Preservation of the lot will provide connectivity to nearly 1,000 acres of existing preserved land.

As related to the impacted Highlands Resources on the Kinnelon Borough Shelter and Community Center project site, the mitigation lot will permanently protect:

- 62.83 acres of Critical Wildlife Habitat;
- 62.48 acres of Total Forest within the Forest Resource Area;
- 22.43 acres of Prime Groundwater Recharge Area;
- Numerous additional Highlands Resources including Highlands Open Waters, wetlands, steep slopes, riparian areas, wildlife corridors, and more.

## 6.0 SUMMARY AND RECOMMENDATIONS

Highlands Council staff has reviewed the project in accordance with the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et. seq (Highlands Act) and the RMP. The Highlands Council examines the project's consistency with the GPOs of the RMP and makes recommendations to determine whether a given project is consistent, consistent with conditions, or inconsistent with the RMP. A Highlands Capital Project Review considers both resource protection standards and smart growth standards in order to encourage appropriate development patterns in the Highlands Region.

As part of the Consistency Determination for the proposed project, Highlands Council staff also considered the Borough's efforts to avoid, minimize, and mitigate potential impacts on Highlands Resources. The Borough has proposed a project that avoids (and preserves) the 5.6 acres of superior habitat and forested areas of the property. The impacts on Highlands Resources are minimized by condensing the footprint of the project, using low impact development practices, maximizing infiltration on-site, and designing an energy-efficient building. Off-site mitigation efforts will protect 62.83 acres of Special Environmental Zone, a site characterized by high quality Critical Wildlife Habitat, Total Forest in the Forest Resource Area, Prime Ground Water Resource Area, and numerous other Highlands Resources.

The project, however, requires waivers from RMP Objectives 2D4a and 2D4d. The RMP provides for waivers from specific provisions of the RMP and the Act as follows:

*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 (see attached) to the maximum extent possible.*

Based on the minimization and mitigation provided and the issuance of a HPAA with Takings Waiver, Highlands Council staff recommends that the approval of a waiver from the Prime Groundwater Recharge requirements of the RMP in accordance with Policy 7G2 and Section 36a of the Highlands Act, with conditions as detailed in Section 6 of this report. Please see the attached Highlands RMP Consistency Determination Review worksheet for a more detailed review of the Policies and Objectives of the RMP.

The Highlands Council staff review has found the project to be Consistent with the Regional Master Plan, subject to Highlands Council approval of a waiver for the disturbance of Prime Groundwater Recharge Area, and subject to the following recommended conditions. Those conditions are as follows:

1. The Borough and the Church comply with all conditions of the HPAA with Takings Waiver for the project from the NJDEP. All conditions of the HPAA with Takings Waiver will be incorporated into the conditions required by the Highlands Council.
2. The Borough will limit the development footprint on-site to 5 acres, while deed restricting the remaining undeveloped (approximately 5.6 acres) portion of the lot through a conservation easement.
3. The Shelter and Community Center site design will maximize the amount of stormwater recharge through a bio-infiltration rain garden, infiltration bed, and infiltration fields. A minimum of 133% of pre-development groundwater recharge volume will be recharged through these measures, which satisfies the provisions of the RMP regarding Prime Ground Water Recharge Areas.
4. The final landscape plan of the proposed project shall incorporate the Highlands Council's Draft Recommended Native Landscaping – Morris County list. A copy of the landscape plan shall be submitted to the Highlands Council.
5. Copies of the final approved site plans (one hard copy and one digital copy) and approving resolution must be submitted to the Highlands Council.



6. The Borough will preserve, in perpetuity, Block 57401, Lot 149 (located within the Borough) as a means for the mitigation of impacts to Highlands Resources located on the Shelter and Community Center site.
7. The Shelter and Community Center building design will pursue energy efficient design and other Leadership in Energy and Environmental Design (LEED) green building standards.
8. Preparation and completion of a Critical Habitat Conservation and Management Plan for the Borough.
9. The Borough will complete and implement a municipal wide Water Use and Conservation Management Plan including specific provisions for this project.

## HIGHLANDS ACT SECTION 36a

## C. 13:20-34 Review of applications.

36. a. The Commissioner of Environmental Protection shall review filed applications for Highlands permitting reviews, including any information presented at public hearings or during a comment period, or submitted during the application review period.

Except as otherwise provided by subsection b. of this section, a Highlands permitting review approval may be issued only upon a finding that the proposed major Highlands development:

(1) would have a de minimis impact on water resources and would not cause or contribute to a significant degradation of surface or ground waters. In making this determination, the commissioner shall consider the extent of any impacts on water resources resulting from the proposed major Highlands development, including, but not limited to, the regenerative capacity of aquifers or other surface or ground water supplies, increases in stormwater generated, increases in impervious surface, increases in stormwater pollutant loading, changes in land use, and changes in vegetative cover;

(2) would cause minimal feasible interference with the natural functioning of animal, plant, and other natural resources at the site and within the surrounding area, and minimal feasible individual and cumulative adverse impacts to the environment both onsite and offsite of the major Highlands development;

(3) will result in minimum feasible alteration or impairment of the aquatic ecosystem including existing contour, vegetation, fish and wildlife resources, and aquatic circulation of a freshwater wetland;

(4) will not jeopardize the continued existence of species listed pursuant to "The Endangered and Nongame Species Conservation Act," P.L.1973, c.309 (C.23:2A-1 et seq.) or the "Endangered Plant Species List Act," P.L.1989, c.56 (C.13:1B-15.151 et seq.), or which appear on the federal endangered or threatened species list, and will not result in the likelihood of the destruction or adverse modification of habitat for any rare, threatened, or endangered species of animal or plant;

(5) is located or constructed so as to neither endanger human life or property nor otherwise impair the public health, safety, and welfare;

(6) would result in minimal practicable degradation of unique or irreplaceable land types, historical or archeological areas, and existing public scenic attributes at the site and within the surrounding area; and

(7) meets all other applicable department standards, rules, and regulations and State laws.

b. A Highlands permitting review approval may be issued to a major Highlands development granted a waiver pursuant to the provisions of subsection b. of section 35 of this act notwithstanding the inability to make the finding required pursuant to subsection a. of this section.

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## HIGHLANDS RMP CONSISTENCY DETERMINATION REVIEW

PROJECT INFORMATION		
<b>Project Name:</b> Kinnelon Shelter and Community Center	<b>Date:</b> 8/16/18, Final Version as Adopted by Highlands Council Resolution 2018-10.	
<b>Name of Applicant:</b> Kinnelon Borough and Pompton Plains Reformed Bible Church		
<b>Areawide WQMP:</b> Northeast	<b>WMP:</b> Kinnelon Borough Chapter of Morris Co. WMP	
<b>Municipality:</b> Kinnelon Borough	<b>County:</b> Morris County	
<b>Exempt project?</b> No	<b>Project specific amendment?</b> Yes	<b>WMP review?</b> No
<b>NJDEP Activity #:</b>	<b>HPAA#:</b>	
<b>Lot and Block, if applicable:</b> Block 45502, Lot 119		
<b>Sewer Service Area/WWTP Facility:</b> Two Bridges Sewerage Authority		
<b>Sewer Service Area/WWTP Facility:</b> New <input type="checkbox"/> Existing <input checked="" type="checkbox"/> <i>If existing provide the following:</i>		
<b>Proposed Change in Service Area or Wastewater Flow?:</b> Yes		
<b>NJPDES #:</b> NJ0029386	<b>Permit Discharge (MGD):</b>	
<b>Type of Discharge:</b> GW <input type="checkbox"/> SW <input checked="" type="checkbox"/>	<b>Total Proposed Service Area (acres):</b> 2	
<b>Total Existing Service Area (acres):</b>		
<p><b>Description of Project:</b> The Borough is seeking to construct a Shelter and Community Center with adjacent natural surface athletic fields to service the local community. The proposed building will include meeting rooms, a multi-purpose room, a kitchen, and restroom facilities, and will provide emergency shelter for the Borough.</p> <p>The lot is known as Block 45502, Lot 119 and consists of 10.6 acres of primarily forested land. The project location is adjacent to the existing Kinnelon Recreation Park (Block 45502 Lot 120). Prior to 2003, the eastern portion of the property had been developed with a farmhouse and outbuildings. The farm residence and other structures have been removed and the area has been allowed to naturally revert to a scrub-shrub forest condition, characterized by invasive species and weedy growth. The western portion of the property consists of forested land surrounded on two sides by single family residences and the Kinnelon Recreation Park to the south.</p> <p>Five acres of the parcel will be disturbed and/or developed through the proposed project, including 58,966 square feet (1.35 acres) of total impervious surface. The remaining disturbed areas will be converted to natural surface athletic fields or reserved for utility rights of way. The remaining 5.6 acres of the property will not be disturbed and will be preserved in perpetuity.</p>		
PRESERVATION AND PLANNING AREAS AND LAND USE CAPABILITY ZONES		
<b>Project Area located in which Highlands Act Area?</b> (Check all that apply.):		
<b>Preservation Area</b> <input checked="" type="checkbox"/> <b>If yes, percentage?</b> 100%	<b>Planning Area</b> <input type="checkbox"/> <b>If yes, percentage?</b> %	
<b>Project Area within which Land Use Capability Zone or Sub-Zone?</b> (check all that apply):		
Protection Zone <input type="checkbox"/>	Conservation Zone <input type="checkbox"/>	Existing Community Zone <input checked="" type="checkbox"/>
Conservation – Environmentally Constrained Sub-Zone <input type="checkbox"/>		Existing Community – Environmentally Constrained Sub-Zone <input checked="" type="checkbox"/>
Lake Community Sub-Zone <input type="checkbox"/>		Wildlife Management Sub-Zone <input type="checkbox"/>
<p>The review below is organized by Regional Master Plan Goals, Policies and Objectives for each resource and smart growth category; <u>C</u> stands for Consistent, <u>I</u> for Inconsistent, and <u>N/A</u> means the goal, policy, or objective is not applicable. Project specific reviews are based on the application of these Policies and Objectives to the project site, and do not require the adoption of municipal ordinances. Documents reviewed for this analysis include all appropriate documents submitted to the NJDEP, Highlands Council GIS data and technical reports, and documents related to the State Planning Commission Plan Endorsement process where applicable.</p>		

<b>PART 1 NATURAL RESOURCES</b>			
<b>SUBPART A FOREST RESOURCES</b>			
<b>Project Area within Forest Resource Area?</b> Yes			
<b>If yes to above, is there Encroachment into a Forest within Forest Resource Area?</b> Yes			
<b>Forest Integrity Value (check one):</b> High <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/>			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 1A2:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 1A2c:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 1A2d:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 1A2e:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Policy 1A5:</b> 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"/>
<b>Policy 1B2:</b> 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"/>
<b>Policy 1B3:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 1B3a:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Policy 1B5:</b> To ensure that forest resources are protected on a site specific basis during local development review and Highlands Project Review.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 1B5a:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Policy 1B7:</b> To prohibit clear-cutting of forest lands except pursuant to an approved Forest Management Plan approved by the State Forester.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 1C1:</b> 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"/>
<b>Policy 1C3:</b> 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"/>
<b>General Comments:</b> The project site is mapped as Total Forest within a Forest Resource Area. The 10.6 acre parcel is completely surrounded by development consisting of single family residential and recreational fields. Prior use of the property was a farm and farmhouse; the structures were removed in 2003. The forested portion of the property that is proposed for development is characterized as regrown scrub/shrub forest type, typical of abandoned homesites, and understory vegetation is mainly invasive in nature. The portion not proposed for development will remain forested, in its current condition. This portion of the property is characterized as mature upland forest, with very little understory due to white tailed deer browse pressure. The tree species are typical of the region.			
<b>Specific Comments:</b> The Borough of Kinnelon has purchased a 62.83 acre parcel of undeveloped forested land in mitigation for the disturbance of ~5 acres of upland forest. The undeveloped portion of the project parcel will be permanently preserved in its current condition. The upland forest on the mitigation parcel is high quality core forest, adjacent to significant acreage of preserved forestlands. The condition of the forest on the mitigation parcel exhibits low invasive species presence and low white tailed deer browse pressure. Good natural regeneration of trees and understory species is apparent on the mitigation parcel. Diversity of species on the mitigation parcel is typical of undisturbed/high quality forests of the region. The RMP encourages the avoidance, minimization and mitigation of			

impacts to Highlands resources. The Kinnelon Community Center project proposes to avoid the rear (western) portion of the upland forest on the project parcel, while minimizing the impact of the project from original (prior) development proposals. The mitigation parcel already purchased for preservation serves to replace the net value of the ecosystem services provided on the Kinnelon Community Center parcel so that there will be no net loss of values of forested habitat in the Borough.

**SUBPART B HIGHLANDS OPEN WATERS AND RIPARIAN AREAS**

**Project Area includes Highlands Open Waters Buffer?** No

**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

**SUBPART D CRITICAL HABITAT**

<b>Project Area includes:</b>	<b>Critical Wildlife Habitat?</b> Yes	<b>Significant Natural Area(s)?</b> No	<b>Vernal Pool(s) +1,000 ft?</b> No
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<b>Species of Concern:</b>	Northern Copperhead	Bobcat	Northern Goshawk	Barred Owl			
<b>Landscape Rank:</b>	2 (special concern)	4 (state endangered)	4 (state endangered)	3 (state threatened)			

<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<u>C</u>	<u>I</u>	<u>N/A</u>
<b>Policy 1F2:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Policy 1F5:</b> To establish a Habitat Conservation and Management Program, including minimum performance standards and criteria for the protection, enhancement, and restoration of lands within Critical Habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 1F6:</b> 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"/>
<b>Objective 1F6a:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 1F6b:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 1F6c:</b> 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"/>
<b>Objective 1F6d:</b> 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"/>
<b>Objective 1F6e:</b> 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"> <li>• In an undisturbed wetland, documented and field-determined vernal pool-breeding wildlife require a smaller protective buffer, as documented in scientific literature; or</li> <li>• 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.</li> </ul> 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"/>
<b>Objective 1F6f:</b> 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"> <li>• The nature of the site is such that it does not provide habitat for species of concern;</li> <li>• 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</li> <li>• Existing land uses present a human, natural or development barrier to the use of the site by species of concern.</li> </ul> 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"/>
<b>Policy 1F7:</b> 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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.					
<b>General Comments:</b> The mapped critical wildlife habitat for the project parcel is characterized by upland regrown forest surrounded by residential development. It is not expected that interior forest species such as northern goshawk or bobcat would utilize this island of isolated habitat; both species require significant tracts of undisturbed, high quality forested lands for foraging, denning/nesting habitat. Barred owl may utilize individual trees for perching or hunting however, it would be a temporary or casual use. Habitat for copperhead snake is quite limited, and considering the disturbed nature of the surrounding land uses, unlikely to attract this species.					
<b>Specific Comments:</b> The Borough of Kinnelon has purchased a nearly 62.83 acre parcel of undeveloped forested land within the Borough, in mitigation for the disturbance of ~5 acres of critical wildlife habitat. Additionally, the undeveloped portion of the project parcel will be permanently preserved in its current condition. The upland forest on the mitigation parcel is high quality core forest, adjacent to significant acreage of preserved forestlands. Critical wildlife habitat is mapped on this parcel for all the species mapped at the project parcel. Superior habitat for each species is present on the mitigation parcel, and the permanent preservation of this parcel will provides for no net loss of habitat values for these species.					
<b>SUBPART E LAND PRESERVATION AND STEWARDSHIP</b>					
Project Area within Conservation Priority Area? No If yes, percentage? %					
Project Area within Special Environmental Zone? No If yes, identify properties (B/L):					
Project Area includes preserved land? No If yes, identify properties (B/L):					
<b>SUBPART F CARBONATE ROCK (KARST) TOPOGRAPHY</b>					
Project Area within or contributing to Carbonate Rock Area? No					
<b>SUBPART G LAKE MANAGEMENT</b>					
Project Area within Lake Management Area? No					
<b>PART 2 WATER RESOURCES AND WATER UTILITIES</b>					
<b>SUBPART A WATER RESOURCES AVAILABILITY</b>					
<b>Source HUC14(s):</b>	<b>Net Availability (MGD):</b>	<b>HUC14 Constraint - Current Deficit Area (Y/N):</b>	<b>HUC14 Constraint - Existing Constrained Area (Y/N):</b>	<b>Conditional Availability (MGD):</b>	
1.Stone House Brook (02030103050070)	-0.47003	Y	Y	0.0103	
2.Pequannock River (02030130050080)	-1.649399	Y	Y	0.0265	
<b>Regional Master Plan Goals, Policies, and Objectives:</b>			<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 2B4:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2B4a:</b> 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"/>
<b>Objective 2B4b:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2B4c:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2B4d:</b> 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			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.			
<b>Policy 2B5:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Policy 2B6:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2B6a:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2B6b:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Policy 2B7:</b> 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Policy 2B8:</b> 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2B8a:</b> Prevent net increases in consumptive or depletive water uses in Current Water Deficit Areas to prevent exacerbation of and help reduce or eliminate the deficit to ensure sustainable water supply, water resource and ecological values, emphasizing techniques including, but not limited to water reuse, recycling and conservation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2B8b:</b> Proposed new consumptive or depletive water uses within a Current Deficit Area shall only occur under the auspices of a Water Use and Conservation Management Plan approved under Objective 2B8c or through mitigation of the proposed consumptive or depletive use within the same HUC14 subwatershed through: a permanent reduction of existing consumptive and depletive water uses; ground water recharge in excess of the requirements of N.J.A.C. 7:8 (Stormwater Management Rules); or other permanent means. Where a Water Use and Conservation Management Plan has not been approved: 1. Each project shall achieve mitigation ranging from 125% to 200%, based on the severity of the Current Deficit and the amount of consumptive or depletive water use proposed; 2. Total consumptive and depletive water uses from any single project and all projects combined are not to exceed the Conditional Water Availability of Objectives 2B3a or 2B3b for any HUC14 subwatershed; 3. Mitigation shall be successfully completed prior to initiation of the water use, except as required by #4, below. Mitigation may be phased in keeping with project development; 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2B8c:</b> 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2B8d:</b> All water users within a Current Deficit Area shall seek funding and opportunities to meet the intent of Objective 2B4b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2B8e:</b> 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>General Comments:</b> The project proposes to use an annual average of 3,184 gallons per day (gpd) of public community water. During the high-use sports season, the average daily-demand is estimated to be 9,700 gpd, including irrigation.			



<b>Specific Comments:</b> The project will recharge on-site 133% of the pre-development recharge volume. The Borough will prepare and implement a municipal wide Water Use and Conservation Management Plan.			
<b>SUBPART B PROTECTION OF WATER RESOURCES QUANTITY</b>			
<b>Project Area includes Prime Ground Water Recharge Area?</b> Yes			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 2D3:</b> To protect, enhance, and restore the quantity and quality of Prime Ground Water Recharge Areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2D3c:</b> Implement master plans and development review ordinances through Plan Conformance that protect Prime Ground Water Recharge Areas and minimize the potential for disruption of recharge in such areas by development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2D3g:</b> Require through Plan Conformance and local health ordinances, that existing land uses that have a significant potential to result in major discharges of pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a Prime Ground Water Recharge Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Policy 2D4:</b> To apply standards through Plan Conformance, local development review and Highlands Project Review to protect, restore and enhance the functionality and the water resource value of Prime Ground Water Recharge Areas by restricting development and uses of land within a Prime Ground Water Recharge Area that reduce natural ground water recharge volumes or may directly or indirectly contribute to or result in water quality degradation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2D4a:</b> Development shall not occur in Prime Ground Water Recharge Areas unless necessary to avoid Critical Habitat, Highlands Open Waters Buffers and Moderately and Severely Constrained Steep Slopes.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2D4b:</b> Any development activity approved to occur in a Prime Ground Water Recharge Area shall provide an equivalent of 125% of pre-construction recharge volumes for the affected Prime Ground Water Recharge Area of the site within the following areas, in order of priority: (1) the same development site where feasible; (2) the same HUC14 subwatershed, or (3) an interrelated HUC14 subwatershed as approved by the Highlands Council where no feasible option exists in the same HUC14 subwatershed. This requirement shall apply to all portions of the Prime Ground Water Recharge Area where the recharge is disrupted through impervious surfaces, routing of stormwater runoff and recharge from natural flow paths, and other similar changes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2D4c:</b> Require through Plan Conformance, local development review and Highlands Project Review that the disruption of Prime Ground Water Recharge Area shall be minimized through the implementation of Low Impact Development Best Management Practices meeting the requirements of Objective 2D3a.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2D4d:</b> Require through Plan Conformance, local development review and Highlands Project Review that the disruption of Prime Ground Water Recharge Area, after conformance with Objectives 2D4a, 2D4b and 2D4c is achieved, shall be limited to no greater than 15% of the Prime Ground Water Recharge Area on the site and shall be preferentially be sited on that portion of the Prime Ground Water Recharge Area that has the lowest ground water recharge rates and the lowest potential for aquifer recharge.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2D4e:</b> 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 a Prime Ground Water Recharge Area within the Protection or Conservation Zone 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"/>
<b>Objective 2D4f:</b> Prohibit through Plan Conformance, local development review and Highlands Project Review new land uses, including those identified through Objective 2D3d, that have a significant potential to result in the discharge of persistent organic chemicals sources (including but not limited to existing discharges of industrial or other non-sanitary wastewater effluent) to ground water or to the land surface within a Prime Ground Water Recharge Area, such that they may degrade or contribute to the degradation of ground water quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2D4g:</b> Require conformance with applicable components of regional stormwater management plans, where applicable, as a mandatory requirement for any site plan application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2D4h:</b> Achieve a net improvement in ground water recharge volume and maintenance of water quality as required through compliance with and implementation of any related provisions of an adopted regional stormwater plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2D4i:</b> Achieve a net improvement in ground water volume and maintenance of water quality through redevelopment, enhanced infiltration, pretreatment or other means where feasible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>General Comments:</b>			
<b>Specific Comments:</b> The site is approximately 95% mapped as Prime Groundwater Recharge Area. Strict enforcement of the provisions of the RMP would prevent any use of the property. To mitigate the project proposes 133% recharge onsite and a 62.83 acre mitigation parcel off site in mitigation for the disturbance of 5 acres of Prime Groundwater Recharge Area. Waiver may be approved based on Takings Waiver and mitigation provided.			



<b>SUBPART C WATER QUALITY</b>					
<b>Project Area within Wellhead Protection Area?</b> No					
<b>Name of Nearest Waterway(s) (1000 feet of Project Area):</b> Un-coded tributary (167732175)					
<b>SWQS Classification:</b> N/A					
<b>Description of Impairments, or TMDL:</b> N/A					
<b>SUBPART D SUSTAINABLE DEVELOPMENT AND WATER RESOURCES</b>					
<b>WATER UTILITY</b>					
<b>Potable Water Supply?</b> Yes		<b>Domestic?</b> Yes			
<b>Source Water HUC(s):</b> Kakeout Reservoir/ HUC 02030103050070					
<b>Public Community Water System?</b> Yes		<b>If PCWS, Name of Facility:</b> Butler Water Department			
<b>PCWS ID No:</b> 1403001		<b>Total Projected Water Demand of Project (MGD):</b> 0.0384			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>			<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 2I1:</b> To prohibit the expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area unless approved through a Highlands Applicability Determination (HAD) or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2I1b:</b> The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Policy 2J2:</b> To ensure, through Plan Conformance and Highlands Project Review, that Highlands Public Community Water Systems conform with Policy 2B6.			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2J2a:</b> Limit future water system demand and reduce existing demand where feasible by water systems that are dependent on Current Deficit Areas or Existing Constrained Areas as a source of water.			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2J2b:</b> Limit future water system demands to levels that will not create a Current Deficit Area where one does not currently exist.			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Policy 2J3:</b> To identify, through Plan Conformance, the RMP Water Resources Science Agenda and other means, areas of the Highlands Region with existing or imminent threats to public health and safety from contaminated domestic and other on-site water supplies that are of sufficient scale to potentially justify the extension or creation of a public water supply.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 2J4:</b> To minimize, through Plan Conformance, local development review and Highlands Project Review, the creation or extension of public water supply systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area, and to allow for the creation or extension of public water supply systems where appropriate within the Existing Community Zone.			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2J4a:</b> Prohibit new, expanded or extended public water systems within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The extension or creation of systems shall follow the requirements in Objective 2J4b (parts 2 and 3). The applicable purposes are: 1. To address through a waiver under Policy 7G1 or 7G2 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 allocation of existing system capacity; 2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or 3. To serve a cluster development that meets all requirements of Objective 2J4b.			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2J4b:</b> Clustered development served by public water supply within the Protection Zone, the Conservation Zone, and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met: 1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas pursuant to Policy 3A5; 2. Extension of an existing public water system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity; 3. Creation of a new public water system will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity; 4. The clustered development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agricultural purposes. To the maximum extent feasible the developed portion (i.e., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).			
<b>Objective 2J4c:</b> Allow the expansion or creation of public water systems within the Existing Community Zone of the Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to Objective 2J4a within the Existing Community Zone, or to serve new areas for development that meet all other requirements of the RMP. TDR Receiving Zones, affordable housing projects (where the affordable units exceed 10% of the total units), infill and redevelopment shall have higher priority for capacity than expansion of public water service areas within this Zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2J4d:</b> All development within the Highlands Region, in areas that are not served by public water systems, shall be at a density that can be supported by on-site wells. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area will be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development in combination with the Agriculture Retention/Farmland Preservation Plan required by Objective 2J4b shall provide for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 2J5:</b> To prohibit, through local development review and Highlands Project Review, new or increased water resource transfers between subwatersheds unless it is demonstrated that no other option exists to meet public health, safety and welfare objectives and where such transfers do not result in impairment of resources in the subwatershed from which water is proposed to be transferred.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 2J7:</b> To require water resource management for all development in the Highlands Region, through local development review and Highlands Project Review.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2J7a:</b> Require the maximum feasible water conservation and recycling for any redevelopment or development activity, including renovations to existing single family residences and commercial/industrial buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2J7b:</b> Require consideration of and the cost-effective use of recycled or re-used water rather than potable public water for non-potable purposes such as fountains, and nonessential uses such as golf courses, certain recreational, commercial, or agricultural uses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2J7c:</b> Require that new residential development served by public community water systems, be except where also served by septic systems, at a minimum density of 1/2 acre per dwelling unit for the developed part of the site (e.g., not including wetlands, Highlands Open Waters buffers, recreational space), to ensure cost-effective utility service.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Objective 2J7d:</b> Require that new non-residential development served by public water systems, except where also served by septic systems, be designed to target a floor area ratio (FAR) of 0.84 for the developed part of the site (e.g., not including wetlands, Highlands Open Waters buffers, recreational lands) to the maximum extent feasible, as a means to maximize parking and employment efficiency and compact development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>General Comments:</b> The Butler Water Department, which utilizes the Kakeout Reservoir, located in the same HUC14 subwatershed as the proposed site, will serve the project. The Butler system has a surplus water supply and surplus firm capacity and no modifications are required to the water allocation permit for the proposed project. The existing water main would need to be extended approximately 600 feet from Walnut Lane (to the north of the property) to serve the site. The extension of public water systems into the Preservation Area is prohibited, except in the case of where an HPAA with waiver has been approved. In this case, the approval of the HPAA with Takings Waiver will satisfy the requirements of the RMP.			
<b>Specific Comments:</b> Kinnelon Borough has begun the preparation of the Water Use and Conservation Management Plan.			
<b>WASTEWATER UTILITY</b>			
<b>NJPDES Permit Number: NJ0029386</b>		<b>Projected Flow of Project (GPD): 1521 gpd</b>	
<b>Wastewater Treatment Facility: Two Bridges Sewer Authority</b>			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 2I1:</b> To prohibit the expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area unless approved through a Highlands Applicability Determination (HAD) or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2I1a:</b> Designated sewer service areas in the Preservation Area shall be restricted to the Existing Area Served as of August 10, 2004, except to serve development that is approved through a HAD or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2I1b:</b> The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<p><b>Policy 2K2:</b> To base projected demand for current needs, appropriate economic revitalization and opportunities for designated TDR Receiving Zones within Existing Areas Served on existing maximum three month demands plus an estimate of redevelopment needs based on either Highlands Council regional analyses or more detailed local analyses, to assess whether there is adequate treatment capacity to encourage redevelopment.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Policy 2K3:</b> To provide adequate, appropriate, efficient and cost-effective wastewater management to all development in the Highlands Region, through Plan Conformance, local development review and Highlands Project Review.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Objective 2K3b:</b> Existing wastewater collection and treatments systems which are non-compliant with state water quality standards for wastewater treatment and effluent discharge shall be prohibited from collecting and treating additional wastewater until the treatment systems are fully compliant with State permit requirements.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Objective 2K3c:</b> Prohibit new, expanded or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are:  1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity;  2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or  3. To serve a cluster development that meets all requirements of Objective 2K3d.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Objective 2K3d:</b> Clustered development served by a public wastewater collection and treatment system or community on-site treatment facility within the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met:  1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in Agricultural Resource Areas;  2. Extension of an existing public wastewater collection and treatment system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity;  3. Creation of a community on-site treatment facility will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity, where the proposed system is designed, permitted, and constructed at a capacity limited to the needs of the clustered development, and where the system does not create the potential for future expansion into areas that are not the subject of cluster developments immediately adjacent to the initial cluster served;  4. The cluster development preserves at least 80% of the cluster project area in perpetuity for environmental protection or agriculture purposes. To the maximum extent feasible the developed portion of the project area (e.g., not including wetlands, Highlands Open Waters buffers, and recreational lands) occupies no more than 10% of the cluster project area if served by a public or community on-site wastewater system; and  5. Where the preserved land in the cluster project area is dedicated to agricultural purposes, the cluster development ordinance and an Agriculture Retention/Farmland Preservation Plan supports continued agricultural viability of the agricultural land and requires the implementation of best management practices, including development and implementation of a Farm Conservation Plan that addresses the protection of water and soil resources prepared by the USDA Natural Resources Conservation Service (NRCS), Technical Service Provider (TSP), appropriate agent or NJDA staff, and approved by the local Soil Conservation District (SCD).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Objective 2K3e:</b> Allow the expansion or creation of wastewater collection systems within the Existing Community Zone of the Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to those provided at Objective 2K3c within the Existing Community Zone, or to serve new areas for development that meet all other requirements of the RMP. The highest priority for allocation of excess or additional wastewater treatment capacity is to areas where there are clusters of failed septic systems that are located within or adjacent to Existing Areas Served. TDR Receiving Areas, where designated, affordable housing projects (where the affordable units exceed 10% of the total units), infill and redevelopment shall have higher priority for capacity than other developments requiring expansion of sewer service areas.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Objective 2K3f:</b> All development within the Highlands Region, in areas which are not served by public wastewater collection and treatment system or community on-site treatment facility, shall be at a density that can be supported by septic systems under Goal 2L. Where cluster development in the Protection Zone, the Conservation Zone and the Environmentally-Constrained Sub-Zones of the Planning Area shall be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development and the Agriculture Retention/Farmland Preservation Plan required by Objective 2K3d in combination shall include provisions for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Policy 2K4:</b> To ensure the efficiency and cost-effectiveness of public wastewater collection and treatment systems, through Plan Conformance, local development review and Highlands Project Review.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Objective 2K4a:</b> Require that new residential development served by public wastewater collection and treatment systems be at a minimum density of 1/2 acre per dwelling unit for the developed part of the site (e.g., not including wetlands, Highlands Open Waters buffers, and recreational space) to ensure cost-effective utility service.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Objective 2K4b:</b> Require that new non-residential development served by public wastewater collection and treatment systems be designed to target a floor area ratio (FAR) of 0.84 for the developed part of the site (e.g., not including wetlands, Highlands Open Waters buffers, recreational space) to the maximum extent feasible, as a means to maximize parking and employment efficiency and compact development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 2K4c:</b> Require the use of recycled or re-used water wherever possible including aesthetic purposes and non-potable purposes such as fountains, golf courses, and other recreational, commercial or agricultural uses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>General Comments:</b>			
<b>Specific Comments:</b> Approximately 1,521 gpd of wastewater will be conveyed during the sports season to the Two Bridges Sewerage Authority Sewage Treatment Plant in Lincoln Park. During the off-season, the annual average drops to approximately 1,447 gpd. The existing sewer line would need to be extended approximately 570 feet from Walnut Lane (to the north of the property) to serve the site. An Amendment to the Northeast Water Quality Management Plan and Highlands Council Consistency Determination is required for the approval of the project's proposed wastewater management. The extension of public wastewater collection systems into the Preservation Area is prohibited except in the case of where an HPAA with waiver has been approved. In this case, the approval of the HPAA with Takings Waiver will satisfy the requirements of the RMP			
<b>PART 3 AGRICULTURAL RESOURCES</b>			
<b>Area within Agricultural Resource Area?</b> No If yes, percentage? %	<b>Area within Agricultural Priority Area?</b> No If yes, percentage? %		
<b>Project Area includes preserved farmland?</b> No If yes, identify properties (B/L):			
<b>Affects Farm Unit &gt;250 acres?</b> No	<b>Includes Important Farmland Soils?</b> No		
<b>Agricultural Uses?</b> No			
<b>PART 4 HISTORIC, CULTURAL, ARCHAEOLOGICAL, AND SCENIC RESOURCES</b>			
<b>Presence of Resources:</b> No	<b>Highlands Historic District Polygons</b> Absence		
<b>Highlands Historic Properties Polygons</b> Absence	<b>Highlands Historic Property Points</b> Absence		
<b>Archaeological Grids</b> Absence	<b>Highlands Scenic Resource Inventory</b> Absence		
<b>Description of Resources:</b>			
<b>PART 5 TRANSPORTATION</b>			
<b>Project supports local transportation/transit infrastructure?</b> No			
<b>PART 6 FUTURE LAND USE</b>			
<b>SUBPART A LAND USE CAPABILITY ZONES</b>			
<b>Project Area within which Land Use Capability Zone or Sub-Zone?</b> (check all that apply): Protection Zone <input type="checkbox"/> Conservation Zone <input type="checkbox"/> Existing Community Zone <input checked="" type="checkbox"/> Conservation – Environmentally Constrained Sub-Zone <input type="checkbox"/> Existing Community – Environmentally Constrained Sub-Zone <input checked="" type="checkbox"/> Lake Community Sub-Zone <input type="checkbox"/> Wildlife Management Sub-Zone <input type="checkbox"/>			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 6C1:</b> 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"/>
<b>Objective 6C1a:</b> 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"/>
<b>Policy 6C2:</b> 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 and water resources of the Protection Zone from any potential adverse impact to the maximum extent possible.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Policy 6D3:</b> 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"/>

<b>Objective 6D3b:</b> 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"/>
<b>Policy 6F3:</b> To ensure that development activities within the Existing Community Zone are subject to standards and criteria which ensure that development and redevelopment incorporate smart growth principles and do not adversely affect natural resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Policy 6F4:</b> To ensure that development and redevelopment within the Existing Community Zone are served by adequate public facilities including water supply, wastewater treatment, transportation, educational and community facilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Policy 6F5:</b> To ensure that development and redevelopment in the Existing Community Zone are compatible with existing community character.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 6F6a:</b> 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"/>
<b>General Comments:</b> The project provides community needs through the proposed development of a community center and athletic fields. The project is located immediately adjacent to existing Borough facilities and existing residential development. The community center will provide for emergency services for the Borough.			
<b>Specific Comments:</b>			
<b>SUBPART C REGIONAL GUIDANCE FOR DEVELOPMENT AND REDEVELOPMENT</b>			
<b>Regional Master Plan Goals, Policies, and Objectives:</b> (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):	<u>C</u>	<u>I</u>	<u>N/A</u>
<b>Policy 6H1:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 6H1b:</b> 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"/>
<b>Objective 6H1d:</b> 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"/>
<b>Policy 6H3:</b> 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"/>
<b>Policy 6H6:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Policy 6H7:</b> 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"/>
<b>Policy 6H8:</b> 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"/>
<b>Objective 6H8a:</b> 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"/>
<b>Objective 6H8b:</b> 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"/>
<b>Policy 6H9:</b> To incorporate smart growth principles and green building design and technology in development and redevelopment initiatives.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>General Comments:</b>			
<b>Specific Comments:</b> The site is being designed with LID best management practices and a design with nature approach. The site will provide needed recreational and community facilities for the Borough in an area of close proximity to existing facilities and residential areas. The project proposes the preservation of 63 acres of Special Environmental Zone as mitigation for 5 acres of disturbance.			



<b>SUBPART D REDEVELOPMENT</b>			
<b>Locally Designated Redevelopment Area?</b> No If yes, name of site(s):			
<b>Highlands Designated Redevelopment Area?</b> No If yes, name of site(s):			
<b>Highlands Contaminated Site Inventory Tier 1 or Tier 2 Site(s)?</b> No If yes, name of site(s):			
<b>SUBPART E SMART GROWTH</b>			
<b>Is the municipality involved in the State Planning Commission Plan Endorsement (PE) process?</b> No			
<b>If yes, status of PE process:</b>			
<b>Does the project area include a State Planning Commission designated or expired center?</b> No			
<b>If yes, center expiration date:</b> 00/00/0000			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 6N2:</b> 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"/>
<b>Objective 6N2a:</b> Implementation of on-site stormwater management features that maintain, restore and enhance the pre-existing natural drainage patterns of the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 6N2b:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 6N2c:</b> 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"/>
<b>Objective 6N2d:</b> Minimum requirements that stormwater management systems employ a “design with nature” approach.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 6N2e:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Policy 6N3:</b> 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"/>
<b>Policy 6N4:</b> 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"/>
<b>Policy 6N5:</b> 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"/>
<b>General Comments:</b>			
<b>Specific Comments:</b> The site is being designed with LID best management practices. The community center will be designed to incorporate energy efficient design and green building practices. The site will provide needed recreational and community facilities for the Borough in an area of close proximity to existing facilities and residential areas.			
<b>SUBPART F HOUSING AND COMMUNITY FACILITIES</b>			
<b>Does the project area include an affordable housing site?</b> No <b>3<sup>rd</sup> Round Status:</b> Petition			
<b>PART 7 LANDOWNER EQUITY</b>			
<b>Is the project exempt from the Highlands Act?</b> No			
<b>Does the project support the use of Highlands Development Credits?</b> No			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Objective 7F1c:</b> 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"/>
<b>Objective 7F1d:</b> 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"/>
<b>Objective 7F1f:</b> 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"/>

<p><b>Policy 7G1:</b> 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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Policy 7G2:</b> 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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Policy 7G3:</b> 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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>General Comments:</b></p>			
<p><b>Specific Comments:</b> The project as proposed requires a waiver from the requirements of the RMP. RMP Policy 7G2 states that the Highlands Council may issue a waiver on a case-by-case basis from the requirements of the RMP in order to avoid the taking of property without just compensation. Details on the waiver aspects of this project may be found in the staff recommendations report and in the attached NJDEP HPAA approval dated May 24, 2018.</p>			

<b>PART 8 SUSTAINABLE ECONOMIC DEVELOPMENT</b>			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 8A1:</b> 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"/>
<b>Policy 8A2:</b> 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"/>
<b>Policy 8A3:</b> 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"/>
<b>Policy 8A5:</b> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Objective 8A6a:</b> 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"/>
<b>Policy 8C1:</b> To promote recreation and tourism based economic initiatives, which derive economic benefit from sustainable use of the natural resources of the Highlands Region.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>General Comments:</b>			
<b>Specific Comments:</b> The site will provide needed recreational and community facilities for the Borough in an area of close proximity to existing facilities and residential areas.			
<b>PART 9 AIR QUALITY</b>			
<b>Regional Master Plan Goals, Policies, and Objectives:</b>	<b>C</b>	<b>I</b>	<b>N/A</b>
<b>Policy 9A1:</b> 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"/>
<b>Policy 9A2:</b> 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"/>
<b>Policy 9A3:</b> 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"/>
<b>Policy 9A4:</b> 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"/>
<b>Policy 9A5:</b> To encourage energy efficient design and green building practices in support of regional resource protection and smart growth planning policies.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Policy 9A6:</b> 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"/>
<b>General Comments:</b>			
<b>Specific Comments:</b> The community center will be designed to incorporate energy efficient design and green building practices.			