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FINAL DRAFT
CONSISTENCY REVIEW
AND RECOMMENDATIONS REPORT

**JOINT PETITION FOR AMENDED HIGHLANDS CENTER
DESIGNATION
TOWNSHIPS OF LOPATCONG AND POHATCONG
WARREN COUNTY, NEW JERSEY**

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

MARCH 28, 2024

INTRODUCTION

The Warren County Townships of Lopatcong and Pohatcong have jointly petitioned the Highlands Council for approval of amendments to their previously approved (2011-12) Highlands Center designations. The petition originally included three components, as depicted in Figure 1, below:

1. A warehouse project involving two vacant lots situated directly behind the Phillipsburg Mall property that span the border between both Townships, Block 102 Lot 9 in Lopatcong and Block 1 Lot 1 in Pohatcong; **NOTE -- WITHDRAWN**
2. A 100% affordable housing project proposed for Block 38 Lot 1 in Pohatcong; and
3. A small group of properties (“Lock Street Parcels”) adjacent to the proposed warehouse site in Lopatcong (Block 102 Lots 4, 5, 6, 7, 8, 8.01, 10, and 11) proposed only for designation as part of the Highlands Environmental Resource Zone (HERZ).

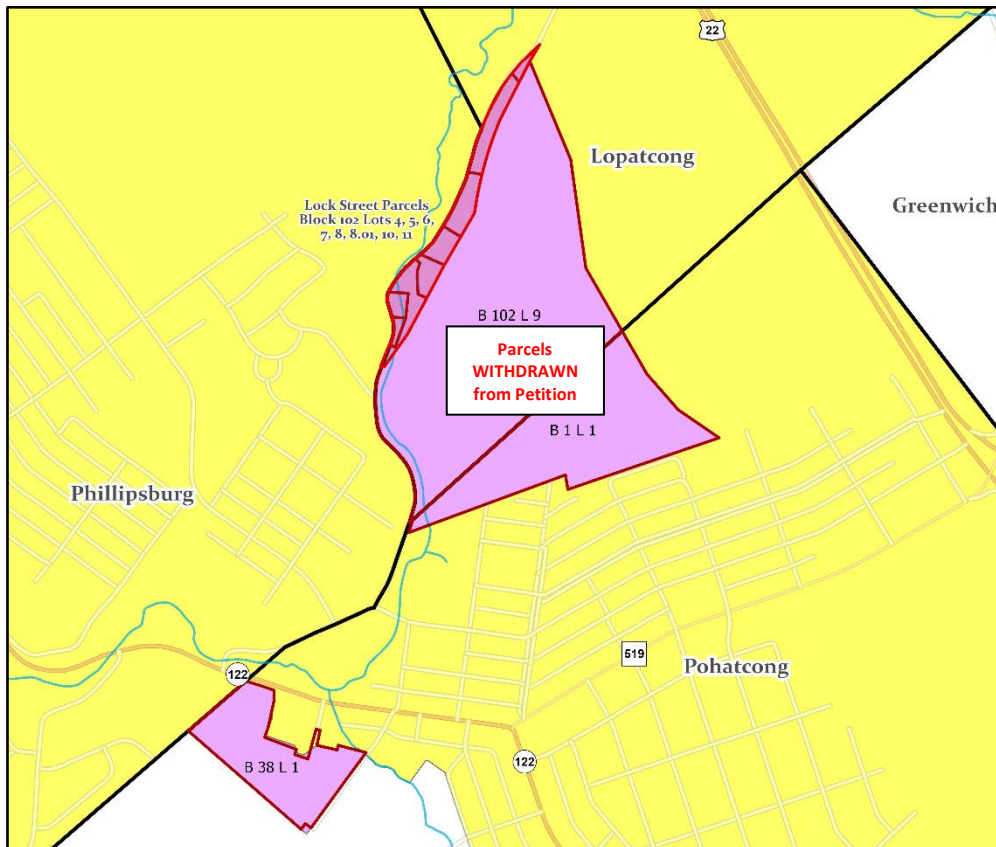


Figure 1. Parcels Originally Proposed for Inclusion in Highlands Centers

Following review by Highlands Council staff, discussion with the Highlands Council Plan Conformance Committee, and communication with representatives of the municipalities, **the municipalities have agreed to withdraw Block 102 Lot 9 in Lopatcong and Block 1 Lot 1 in Pohatcong (the warehouse project) from this petition. The warehouse project will instead be considered under the auspices of a separate petition seeking designation of a Highlands Redevelopment Area.**

This Report, therefore, pertains solely to the municipalities' remaining requests for inclusion within an expanded Highland Center designation of: Pohatcong Block 38 Lot 1 (12.5 acres) for purposes of a 100% affordable housing project, and the Lopatcong Lock Street Parcels (listed above) for HERZ designation. The housing project (Block 38 Lot 1) would consist of a 3-story apartment building(s) containing 96 attached units, approximately 144 parking spaces, community building, waste collection center, associated access driveways and drive aisles, and stormwater management facilities. The Lock Street parcels are not proposed for development or any changes in current zoning. They include a row of existing residential lots (in sum, 7.2 acres), of which three contain existing single-family homes, two are preserved as Warren County open space, and three are vacant.

BACKGROUND

Lopatcong and Pohatcong Townships are conforming Highlands municipalities located at the southernmost end of Warren County. The communities flank the eastern perimeter of the Town of Phillipsburg and, while adjacent to one another, share a border of just 3,600 feet or so in length. Lopatcong lies to the north, Pohatcong to the south. Each sought and received Highlands Council petition approval for Preservation and Planning Area lands, along with Highlands Center designations (shaded yellow in Figure 2, below) in the 2011-2012 timeframe. Lopatcong's Highlands Center includes 42% (1,539 acres) of its Planning Area lands, while Pohatcong's covers 52% (632 acres) of its.



Figure 2. Existing Highlands Centers, Planning & Preservation Areas

REPORT SUMMARY

Municipality:	Townships of Lopatcong & Pohatcong, Warren County
Date of Petition:	05/30/2023
Date Deemed Complete:	08/10/2023 (Public Notices Received)
Highlands Center Proposal:	Joint Petition for Amended Center Designation
Staff Recommendation:	Affordable Housing Site & Lock St Parcels: Approve with Conditions

PLAN CONFORMANCE STATUS

Implementation Task	Completion	
	<i>Lopatcong</i>	<i>Pohatcong</i>
1. Petition for Plan Conformance	Approved 2011	Approved 2011
2. Center Designation	Approved 2012	Approved w/Petition 2011
3. Planning Area Petition Ordinance*	Adopted 2011	Adopted 2012
4. Highlands Env Resource Inventory*	Adopted 2013	Adopted 2013
5. Master Plan Reexamination Report*	Adopted 2013	Adopted 2013, Update 2022
6. Referral (“Checklist”) Ordinance*	Adopted 2013	Adopted 2015, Update 2021
7. Exemption Ordinance*	Adopted 2014/Certified 2019	Adopted/Certified 2016
8. Housing Plan*	Adopted 2018	Build-Out Updated 2015
9. Highlands Master Plan Element*	Adopted 2013	+
10. Highlands Land Use Ordinance*	+	+
11. Zoning Map Update*	+	+
12. Map Adjustments	N/A	Conditions Met, 2021*
13. Highlands Center Studies/Plans*	Center Planning Study 2018 ROM Zone Study 2014 Industrial Center Study 2011	+
14. Highlands Center Ordinance*	+	+
15. Water Use & Conservation Mgmt Plan*	SOW Prepared 2021+	+
16. Stormwater Management Planning*	Storm Updates/MIGWRA Adopted 2019	Storm Updates/MIGWRA In Progress+
17. Wastewater Management Plan*	Adopted 2013	Adopted 2016
18. Farmland Preservation Plan*	+	Adopted 2015
19. Agricultural Retention Plan*	+	+
20. Stream Assessment & Restoration Plan	+	SOW Prepared 2020+
21. Habitat Conservation Mgmt Plan*	+	SOW Prepared 2020+
22. Sustainable Economic Dev Plan*	+	SOW Approved 2015+

* Indicates Highlands Council Condition of Petition Approval + Indicates Condition Outstanding

A. REVIEW OF ADMINISTRATIVE SUBMITTALS

- 1) **Resolutions.** Resolutions petitioning the Highlands Council for amended Highlands Center Designation were adopted by the respective municipal Governing Bodies during noticed public meetings; Lopatcong's held on April 5, 2023, Pohatcong's on April 18, 2023. The documents are certified by the Municipal Clerks and the language of each appropriately petitions the Highlands Council for the approvals requested.
- 2) **Record of Public Involvement.** The petition includes appropriate documentation of the public process engaged in by the municipalities with regard to the development of petition materials and adoption of the Resolutions. The submission included the following:
 - a) Public Meeting Summaries – Detailed reports on 3 public meetings held jointly by the two communities to provide information, answer questions, and garner feedback from members of the public on the Center Designation proposal. The meetings were held on December 12, 2022 in Pohatcong, February 21, 2023 in Lopatcong, and April 3, 2023 in Pohatcong.
 - b) Associated legal notices, meeting agendas and minutes, as well as information regarding advertising provided through other means, including social media, for the three public meetings referenced above, as well as for the meetings held by each community during which they adopted the petitioning resolutions on April 5 and April 18, 2023.
 - c) Notices, meeting agendas, and minutes pertaining to redevelopment of the Phillipsburg Mall site, dating from March 4, 2020 through December of 2022.

B. SUBSTANTIVE REVIEW

A Highlands Center is an area within a municipality where sustainable development and redevelopment is encouraged and fostered. Highlands Centers are intended to support economic balance in the Highlands Region, providing for sustainable economic growth, while protecting critical natural and cultural resources.

With the implementation of a Highlands Center, the Land Use Capability Zones within the boundaries of the Center are replaced by zones that result from a comprehensive planning process, designed to identify the goals and best uses for the lands within the Center. The process is intended to be community-driven, allow flexibility in creating a tailored development plan for the Center, and should result in a healthy, active community with opportunities for growth and development consistent with the goals and principles of the Highlands Act and the RMP.

Lands within a Highlands Center benefit from a detailed planning process which is both site-specific and broadly considered in the context of its surroundings and supporting infrastructure networks. On completion and Highlands Council approval of appropriate planning materials, parcels within approved Highlands centers are also eligible for an expedited process toward inclusion in a sewer service area. It is essential that areas proposed for Highlands Center designation meet the intent and criteria set forth by the Highlands Act and the RMP in order that the Council consider granting any approval.

- 1) **Community-Driven Vision/Planning Process.** Pursuant to the Highlands Council’s 2019 center designation procedures, Highlands Center planning “requires community visioning that engages residents, ensures on-going citizen involvement in center-based development/redevelopment projects, and garners support of residents and public officials.”
 - a) Community visioning is meant to occur at the very outset of the Highlands Center implementation process. It is intended to bring citizens to the table to explore the possibilities for the center and to develop a community-based vision for its future. The community participates in setting goals and objectives for the center and then forming a plan that will achieve them. The process yields information about the types of development and redevelopment that are needed and desired by the community, what the center should look and feel like, what uses it must include or allow, how it will address connectivity, whether and to what extent it will offer green spaces, how sustainably it will be constructed, and how meaningfully it will contribute to the economic vitality of the community.
 - b) In this instance, the proposed development of the affordable housing component of Pohatcong’s proposal (Block 38 Lot 1) is driven mainly by the court-sanctioned Settlement Agreement with Fair Share Housing and requirements to address the municipality’s housing obligations. It would entail a zoning change from Highway Business (permitting retail, office, and other commercial uses) to a multi-family designation permitting the construction of 96* units, deed-restricted for 100% low- to moderate-income households. (*Note: unit number confirmed by Pohatcong Township; the petition narrative references “50-70” and “72-96” units).
 - c) To address the public outreach component of the center designation procedures, the communities held three joint information sessions, as noted above. The community planners presented the proposed development plans for each site along with information about the planning process and schedule of opportunities for public comment. They answered questions and received commentary and feedback from local residents. The affordable housing proposal for Pohatcong Township was satisfactorily received, getting neutral to positive feedback as to its benefits and the suitability of the site to accommodate it.
- 2) **RMP Consistency.** The criteria listed below are used to determine if a proposed center is consistent with the goals, policies, and objectives of the RMP. Staff findings with respect to each follow. Noting that no new development is proposed for the Lock Street parcels which are included only for HERZ designation, these findings relate to the Pohatcong affordable housing project only.
 - a) **Sufficient Infrastructure Support/Capacity** – The proposed Highlands Center must be located in an area with sufficient water availability, wastewater treatment capacity, and transportation infrastructure. The area must also be appropriate for the proposed increase in land use intensity.
 - i. Water & Wastewater Service: The affordable housing site is located in both the Existing Community Zone, where extension of service is permitted, and the environmentally constrained sub-zone, where it is not. Center designation would address this issue.

Because the site is not within a sewer service area, the municipal wastewater management plan would also need to be amended. The project could connect to sewers via access to South Main Street and would be served by the Phillipsburg Town Sewage Treatment Plant (STP) (NJ0024716).

The public water supplier serving the area is Aqua New Jersey, Inc- Phillipsburg (PWSID NJ2119001) but the site is not currently within a water service area. Aqua has adequate water supply available to serve the expanded center proposal. Water infrastructure would be required. The Highlands Council has determined that the wells Aqua uses draw essentially all of their supply from the Delaware River through induced recharge. Thus, they do not represent a consumptive or depletive water use relative to the source sub watershed.

The Highlands Council would require submission of capacity assurance commitments from both utilities before development could proceed.

- ii. Transportation: Development of the four Highlands Centers that adjoin in this area (Phillipsburg, Alpha, Lopatcong and Pohatcong) has occurred in large part due to the major transportation corridors that pass through them. US Route 22 skirts the outer boundary line of Pohatcong Township and runs generally east west across Lopatcong Township and Phillipsburg, providing linkages to State Route 57, a number of County roads, and Interstate 78.

The affordable housing site in Pohatcong is immediately accessible to South Main Street (U.S. Route 122), offering connections with local and county roadways as well as Route 22, which intersects close to the I-78 interchange. The nearest access to public transportation is an NJ Transit bus stop on South Main Street about one mile to the west at its intersection with Abbot Street in Phillipsburg. While limited, the associated lines (#890 and #891) serve the Easton-Phillipsburg-Pohatcong area linking to the Easton Intermodal Transportation Center. The transportation network is appropriate to support the anticipated 96 units.

- iii. Land Use Intensity: Concept plans for the Pohatcong affordable housing site have not yet been prepared. If designed as described in the petition, however, the proposal would occupy about one-third of the site, or four (4) of the 12.46 acres, with the goal of limiting site disturbance to ensure maximum protection of Highlands Resources. A HERZ designation of approximately 2.8 acres would encompass most of the Highlands Open Water buffer areas adjacent to Lopatcong Creek on the north side of the property, which also include steep slopes. The petition conceptualizes 3-story residential buildings, a community building, parking, driveways, and stormwater improvements, with a maximum housing density of 7.7 units per acre. The proposal appears reasonably well-suited to both the location and the site.

Consistency with Resource Protections – The proposed Highlands Center must be consistent with the resource protection standards of the Regional Master Plan in accordance with the intent and purpose of the Highlands Act.

Highlands Resources present on the proposed Pohatcong affordable housing site are indicated in the table below. Note: Listed parcel areas deviate from those indicated in the petition, due to mapping source information (from state tax map data) and standard mapping error. Precise information from property surveys and resource delineation will be relied upon for designation of HERZ areas and any other relevant requirements.

Pohatcong Affordable Housing Site Highlands Zones/Resources	Total Area (Acres)	Percent of Tract
Existing Community Zone	9.4	77%
ECZ-Environmentally Constrained	2.8	23%
Carbonate Rock Area	12.2	100%
Agricultural Resource Area	12.2	100%
Ag Priority Preservation Area	12.2	100%
Total Forest Area	11.8	97%
Important Farmland Soils	9.9	81%
Prime Groundwater Recharge	9.9	81%
Wellhead Protection Area	7.4	71%
a. Tier 1	1.4	12%
b. Tier 2	1.9	15%
c. Tier 3	4.1	34%
Critical Habitat (Bald Eagle, Cooper’s Hawk)	3.2	26%
Open Water Protection Area	2.8	23%
a. Riparian Area	2.8	23%
Severe Steep Slopes	2.6	21%

- b) HERZ. By designation of the Highlands Open Water Protection Areas as a HERZ, the proposal would protect riparian areas associated with Lopatcong Creek and the adjoining tributary (which almost touches on the property at its northeast corner), each designated as C-1 waters. The 2.8-acre HERZ would also include a significant portion of the severe steep slope area, critical habitat area, and almost the entirety of the Tier 1 (most important) wellhead protection area. Total forest area retained with the HERZ would represent about 23% of that presently on the site (located in a low integrity forest sub-watershed). Extension of the HERZ boundary along the easterly property border to include more of the steep slope area and forested critical habitat (1.4 acres) would enhance the resource protections – and have the added benefit of providing a natural buffer along the Maple Avenue frontage between the proposed 3-story apartments and the single-family residences across the street. This would create a 4.2-acre HERZ, while leaving more than ample space on the site for the projected 4-acre development area. Noting that the existing forest cover is thin, we recommend that remaining areas be enhanced.
- c) Carbonate Rock. Geologic site investigation would be required to address any findings of karst and to ensure appropriate site design, particularly with respect to stormwater management.

Provided the proposed development includes no underground fuel storage or oil tanks regulated by NJDEP (Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 et seq.), it would not trigger Major PCS requirements.

- d) Farmland & Forest Preservation. Important Farmland Soils, consisting of Farmland of Statewide Importance, cover 81% of the site. The parcel is not currently used for agricultural purposes and remains mostly forested. With the aforementioned HERZ set asides and petitioners' intent to develop the site in a manner consistent with RMP resource standards – again, projecting an approximate 4-acre development area – it is anticipated that site disturbance will be minimized. Still, it is clear that the site will not be viable for future agricultural use. In this case, maximizing retention of forest/tree resources will be the most important aspect of site planning. Established trees and tree canopy are important for soil retention, carbon sequestration, evaporative cooling, habitat, and the simple aspect of softening the visual impacts of built form on the environment. These aspects are of value not only to adjoining neighbors, but to future occupants of the proposed apartments. Retention/enhancement of forest buffering along the railroad corridors that abut the property on the south side (including an active freight rail line) would most likely be of interest to future occupants as well.

Only development plans will indicate the extent of actual site disturbance. In recognition of the intended 100% affordable housing use, lacking future agricultural viability, and existing conditions which place farmland soils mainly in service to forest, the Highlands Council would not require any farmland mitigation offset. It would be of far greater value to retain as much forest area as possible on this site and provide for its enhancement as a neighborhood environmental resource. Conditions pertaining to retention of topsoil will apply.

- e) Prime Groundwater Recharge Area (PGWRA). The Township is currently working with the Highlands Council to select and map “Municipally Important Groundwater Recharge Areas” (MIGWRAs), which the Council permits as an alternative to its originally mapped PGWRAs. MIGWRAs are designed to ensure that groundwater recharge volumes remain the same or even improve over those provided by PGWRAs by application of protections to alternate locations in the same watershed areas. The process requires that the municipality adopt the MIGWRA and associated mapping into the Highlands Element of its Master Plan. The Township must also update its stormwater management ordinance to reflect current Highlands Council standards. Pohatcong's MIGWRA update would exclude the affordable housing site from its protection area, thus removing it as an issue of concern. A portion of the previously designated PGWRA (2-3 acres) would in any case remain protected on the site, by way of the proposed HERZ.
- f) Wellhead Protection. As noted, most of the Tier 1 wellhead protection area would be included within the proposed HERZ. Highlands land use regulations pertain mainly to Tiers 1 and 2, prohibiting certain uses (not applicable here) and placing limits on siting of Major PCS's (as noted above for the Carbonate Rock Area). While not anticipated to apply, any applicable requirement would be imposed at the time of site plan review.
- g) Historic Preservation. A sliver of the project site appears to be included in the Central Railroad of New Jersey Main Line Corridor Historic District (ID#3500), which skirts the southerly

property line. Though this section is now abandoned, the “Jersey Central” rail line (CNJ) once provided service extending from Scranton to Allentown, PA, continuing east across New Jersey from Phillipsburg to the Jersey City Terminal at Liberty State Park, and south all the way to Atlantic City. (The NJ Transit Raritan Valley line, which provided passenger service to Phillipsburg along this route until 1982, now occupies the High Bridge to Newark section.) Adjacent immediately to the south is the Lehigh Valley Railroad Historic District (ID#4154), which supports an active freight rail line currently owned and operated by the Norfolk Southern Railway. The line now runs from Manville, New Jersey to Lehigh Township in Pennsylvania.

- i) The Historic Districts would not be impacted by the development proposal or its inclusion within the Highlands Center.
 - ii) HERZ designation of the Lock Street Parcels, which lie fully within the Highlands Open Water Protection Area associated with Lopatcong Creek, will protect the homes and the Historic District in which they are located, as well as the riparian corridor and water quality of the creek.
- h) Smart Growth and Low Impact Development Standards – The proposed Highlands Center must be consistent with the Smart Growth and Low Impact Development (LID) standards of the Regional Master Plan.
- i) Smart Growth: The 100% affordable housing project would provide a much-needed addition to the housing stock of the community and the Highlands Region. It would be located within a Highlands ECZ with HERZ dedications to protect environmentally sensitive areas. Site development would be concentrated on about four (4) acres of the least sensitive portions of the site.
 - ii) The proposed housing site is within walking distance of Main Street retail uses (limited, but including shops and eateries), Morris Canal walking trails and historic sites, and at least one bus line (as noted above) offering service between Easton and various locations in Lopatcong and Pohatcong. The surrounding area contains a mix of retail and residential uses, including immediately adjacent a thrift shop run by Abilities of Northwest Jersey Inc., a non-profit that provides employment, training, and volunteer opportunities for people with disabilities. The southern boundary of the property adjoins the rail corridors described previously – both designated historic districts, one containing an active freight rail line. On the other side of the tracks lies the “Hamptons at Pohatcong” (EAI) inclusionary development site, which was approved for 233 housing units consisting of 40% single-family homes and 60% townhomes.
 - iii) Pending findings on availability of sewer and water services, the proposed affordable housing project would be consistent with RMP goals and objectives concerning smart growth.
- i) Low Impact Development (LID): Using HERZ designations to protect critical resources and concentrating new development with proximate connections to existing infrastructure is an

appropriate form of LID. Highlands Council site plan review of the housing project will require use of green infrastructure for stormwater management (carefully designed in consideration of carbonate rock and potential for development of karst), minimization of impervious coverage via such options as use of pervious pavements, incorporation of water conservation measures, and use of drought-resistant native plants and trees in site landscaping.

- j) Community Land Use Needs – The petition must demonstrate that there is a need for land uses within the community that will be met by the Highlands Center, particularly those that complement local and regional (or sub-regional) socio-economic needs, provide for affordable housing, increase transit opportunities, and the potential use of Highlands Development Credits.
- k) The community need for affordable housing is clearly identified in Pohatcong Township’s Housing Element and Fair Share Plan. The proposed project would be one of many designed to address the overall need, but as a 100% affordable development, would represent the single largest contribution to the community’s 3rd Round Obligation (96 of the total 138 units required).

3) **Highlands Act Goals & Purposes.** The petition offers a number of Highlands Act Goals in support of the expanded center proposal. With respect to the affordable housing project, it can be said that the project would advance the goals and purposes of the Act.

Goals listed in the petition along with staff review comments and consistency findings on each are provided in the table below.

Highlands Act Goals	Consistent
a) Forest Resources –	
Goal 1A: Protection of large areas of contiguous forested lands of the Highlands Region to the maximum extent possible.	Partially
Goal 1B: Protection and enhancement of forests in the Highlands Region.	✓
<i>Comments:</i> Housing site would retain 34% of existing forest with the suggested HERZ expansion – forest enhancement required.	
b) Highlands Open Waters and Riparian Areas –	
Goal 1D: Protection, restoration, and enhancement of Highlands Open Water and riparian areas.	✓
<i>Comments:</i> Protection via HERZ; enhancement via forest stewardship planning.	
c) Steep Slopes –	
Goal 1E: Protection and enhancement of the natural, scenic, and other resources of the Highlands Region by protection of steep slopes from inappropriate development and disturbance.	✓
d) Carbonate Rock (Karst) Topography –	
Goal 1K: Protection of ground water quality and public safety regarding karst features in the Highlands.	✓
e) Transportation –	
Goal 5B: Maintenance of a safe and effective level of service on the existing Highlands road system without the use of capacity improvements that could trigger additional development in areas that are not appropriate for “Growth Inducing” land uses.	✓

f) Development and Redevelopment –	
Goal 6F: Support of compact development, mixed use development and redevelopment and maximization of water, wastewater and transit infrastructure investments for future use and land and development within the existing community zone.	✓
Goal 6H: Guide development away from environmentally sensitive and agricultural lands and promote development and redevelopment in or adjacent to existing developed lands.	Partially
Goal 6J: Accommodation of regional growth and development needs through the reuse and redevelopment of previously developed areas including brownfields, grayfields and underutilized sites.	N/A
Goal 6K: Concentrate residential, commercial, and industrial development, redevelopment, and economic growth in existing developed areas in locations with limited environmental constraints, access to existing utility, and transportation infrastructure.	✓
g) Housing and Community Facilities –	
Goal 60: Market-rate and affordable housing sufficient to meet the needs of the Highlands Region within the context of economic, social, and environmental considerations and constraints.	✓
h) G. Smart Growth –	
Goal 6N: Use of smart growth principles, including low impact development to guide development and redevelopment in the Highlands Region.	✓
Goal 8A: Sustainable economic development in the Highlands Region.	✓

- 4) **Implementation Plan and Schedule.** The Highlands center designation procedures require that petitions include a center implementation plan and schedule. This component is meant to set forth the process and proposed timeline for developing a public outreach plan, completing background planning studies, gaining input from the local community, crafting the Highlands Center Master Plan, and finally establishing the land use ordinances that will implement the plan.

These requirements are for the most part not applicable to the proposed affordable housing site. Conditions of approval will require that the municipality pick up on center planning tasks that remain incomplete from the prior center approval.

C. STAFF RECOMMENDATIONS

Based on our review of the petition, supporting materials, and all available background information, Staff recommends that Pohatcong’s Highlands Center boundaries be expanded as proposed to include Block 38 Lot 1 (inclusive of the HERZ) for purposes of the Township’s 100% affordable housing development. We further recommend inclusion of the Lock Street parcels in Lopatcong’s Highlands Center with HERZ designation in recognition of the environmental and historic features they contain.

1) Conditions of Approval.

- a) The municipalities shall address the outstanding conditions of their Plan Conformance approvals, as listed in detail above.

- b) Regarding the Highlands Centers specifically, staff will work with the municipalities to identify tasks that may no longer be relevant (given that both are nearly at full build-out) and to realign the focus toward impact assessment and future land and resource management.
- c) The municipalities will address environmental justice issues, climate change planning, and stormwater management in accordance with recent updates in state laws and within Highlands Council programs (and funding) as they are made available. For centers and other developed areas, focus topics will include reduction of impervious surface, expansion of shade tree canopy, water conservation, stream corridor protection and restoration, and enhancement of opportunities for groundwater recharge.
- d) HERZ shall be established as discussed for the affordable housing project and for the full extent of each of the Lock Street parcels as shown in Figure 1.
- e) With respect to the affordable housing project, the Township of Pohatcong shall:
 - i) Determine whether the Phillipsburg STP can and will provide sewer service to the proposed affordable housing development, and provide formal documentation as to same, including available capacity and maximum unit number. Any reduction in overall housing units that results shall govern the development.
 - ii) Provide similar “will serve” documentation with respect to the associated public water utility.
 - iii) Complete the Highlands Council process of establishing MIGWRA locations and boundary lines, including required stormwater management ordinance updates.
 - iv) Provide site planning materials as they are developed, beginning with concept plans, for Highlands Council review and input on site development. Plans must incorporate water conservation measures, green stormwater infrastructure, minimized impervious surfacing, and drought-resistant native landscaping. Planning must also protect forest and HERZ areas to remain on the site and, with assistance as needed from the Highlands Council, shall provide a plan for stewardship and, importantly, enhancement of the forest resources to ensure long-term health and vitality. Provision shall be made for retention of farmland topsoil removed from the site to be retained for reuse within the Highlands Region.
- f) The municipalities shall each provide an Implementation Plan & Schedule that realistically sets forth tasks and timeframes for completion of remaining Plan Conformance items and prior conditions of their Highlands Center approvals. The Highlands Council remains committed to providing technical assistance and grant funding as reasonably required to complete all components. For near-term projects of interest to the municipalities, cost estimates should be included for purposes of Highlands Council budget planning.

D. INTERAGENCY COORDINATION

In accordance with the Memorandum of Understanding with the Office of Planning Advocacy (OPA), the Highlands Council shall provide a copy of the Lopatcong/Pohatcong Joint Petition for Amended Center Designation, along with this Draft Report, to the OPA for review and comment.

E. COMMENTS FROM THE PUBLIC

The Draft Consistency Review and Recommendations Report was posted to the Highlands Council website and made available at the Highlands Council offices in Chester, NJ for review and comment by the general public. The comment period provided 30 days for submission of commentary. Comments and responses are provided in Appendix 1.

APPENDIX 1

PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES

Petition for Amended Highlands Center Boundaries

Townships of Lopatcong & Pohatcong, Warren County

PUBLIC COMMENTS RECEIVED

Written comments regarding this Petition were accepted by the Highlands Council for a period of 30 days through the close of the Public Comment period on March 13, 2024. Comments were provided by the following individuals/entities:

- 1) Jean Public
- 2) John Kecherson
- 3) Steven Johnson

PUBLIC COMMENT/RESPONSE SUMMARY

The following comments have been partially summarized for the purposes of providing responses.

Comment 1: The commenter opposes the creation of town centers like Pohatcong and Lopatcong, believing that small towns should be preserved as they are precious and necessary. The commenter criticizes government intervention in development and feels that the Highlands has been dictatorial in silencing dissenting.

Response: The proposed center amendment will permit the construction of affordable housing in an existing developed area already served by infrastructure which is consistent with the preservation of towns in the region. A 30 day public comment period has been provided along with a public hearing at which additional comments will be accepted.

Comment 2: The commenter has been actively involved in local government meetings and has extensively reviewed documents related to the proposed development in Lopatcong and Pohatcong. They express frustration over the confusion surrounding the plans, including the Townships' submission and withdrawal of different proposals to the Highlands Council. They criticize the secrecy and deception by the Lopatcong Council regarding the development plans, which they believe are unfair to the public. The commenter supports the use of Pohatcong's Block 38 Lot 1 for 100% affordable housing but argues that parcels in Lopatcong should be considered separately from this development. They emphasize that the properties in Lopatcong are unrelated to the proposed affordable housing in Pohatcong.

Response: The Townships of Lopatcong and Pohatcong originally petitioned the Highlands Council for a Highlands Center amendment that included the properties discussed herein and the area adjacent to the Phillipsburg Mall. After review by the Plan Conformance Committee the Committee recommended that the Townships review the criteria for Highlands Redevelopment Areas for Phillipsburg Mall area. The Townships subsequently revised the center amendment petition to remove the Mall and adjacent properties. The Highlands Council is reviewing the applications as submitted by the Townships, and the inclusion of the Lock Street Historic District in the center amendment appears appropriate for inclusion as it places the historic resources in a Highlands Environmental Resource Zone. A 30 day public comment period has been provided for both the Highlands Redevelopment Area and the Highlands Center Amendment along with public hearings for each, at which additional comment has been and will be accepted.

Comment 3: The commenter resides near the mall and expresses concerns about the proposal to add more warehouses to the area. They note that the road is already restricted to trucks, but they still witness heavy tractor trailers speeding, throwing garbage, and cursing at residents. The commenter argues that the residential area with a 25 mph speed limit and lots of families and children is not suitable for additional warehouses. They mention existing industrial complexes nearby and express worry about the safety risk posed by increased truck traffic, noise, and pollution. The commenter suggests redevelopment into something more community-friendly, such as an outpatient medical facility, emphasizing the need to prioritize the safety and well-being of residents and families. They urge others to oppose the warehouses, stating that their lives are at stake.

Response: This comment appears to be submitted regarding the Highlands Redevelopment Area application which has been withdrawn. Their concerns over warehouse development are noted.

APPENDIX 2

Highlands Center Map

Amended Highlands Center

Lopatcong and Pohatcong Twps, NJ

- Proposed Center Expansion
- Adopted Highlands Centers
- Proposed HERZ
- HERZ



Lock Street Parcels
Block 102 Lots 4, 5, 6,
7, 8, 8.01, 10, 11

Phillipsburg

Lopatcong

Greenwich

Pohatcong

B 38 L 1

