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## MEMORANDUM

**To:** Plan Conformance Committee  
**From:** Margaret Nordstrom, Executive Director  
**Subject:** Committee Meeting Minutes– November 7, 2014  
**Date:** November 20, 2014

A Plan Conformance Committee meeting was held on Friday, November 7, 2014 at 3:30pm at the Highlands office in Chester. Committee Members present: Member Vohden; Committee Members present via phone: Council Chair Rilee, Members Dressler and Tfank.

Staff Members present: Margaret Nordstrom, Chris Danis, James Humphries, Chris Ross, Keri Bencoter, and Annette Tagliareni.

Also present: Tyler Yingling, Assistant Counsel, Governor's Authorities Unit.

The first item on the agenda for discussion was staff's recommendations for the use of the Checklist Ordinance approach for one municipality. The overall basis for this recommendation is the extremely limited development potential of the town. The proposed municipality is:

- Franklin Township (Warren County) – 3 parcel/448 acres (Preservation Area)

The analysis for the Township was distributed to committee members. Ms. Nordstrom gave an overview on the analysis employed in reaching the recommendation for the use of the Checklist Ordinance approach for Franklin Township. The parcels are all Q-farm parcels based on the MOD IV tax record and are eligible for farmland preservation. Each parcel is currently in agricultural use but also contains significant forestlands.

After discussion, Member Vohden made a motion on staff's recommendation for a Checklist Ordinance approach in the Township of Franklin (Warren County). Member Tfank seconded the motion and all were in favor.

Committee Member Richko will announce at the Council's December 4<sup>th</sup> meeting that the Township of Franklin is recommended by Highlands staff for a Checklist Ordinance approach. Highlands staff

will provide a presentation to Council and the presentation and supporting materials will be posted on the Council's website after the December 4<sup>th</sup> meeting.

At the January 22, 2015 meeting, Council will consider a resolution to approve these Minutes of the Plan Conformance Committee.

The second item on the agenda for discussion was a proposed Highlands Redevelopment Area Designation in Oakland Borough. Based on a field survey conducted on October 27, 2014 and further analysis by the Highlands Council staff it was determined that an area of "shot rock" shown on the plans as impervious surface was not actually impervious surface and the area proposed for redevelopment was not previously developed or disturbed land. Therefore, the application was determined to have fallen short of the impervious cover and redevelopment area standards required for designation as a Highlands Redevelopment Area. Highlands staff explained the administrative history of the proposed project and noted that it will likely be on Council's December 4<sup>th</sup> agenda.

*The Plan Conformance Committee adjourned at 4:07pm.*

**TOWNSHIP OF FRANKLIN, WARREN COUNTY**  
**HIGHLANDS CHECKLIST ORDINANCE APPROACH**

The Township of Franklin (Warren County) petitioned the Highlands Council for Plan Conformance with respect to lands within the Preservation Area only. The Township's Petition for Plan Conformance was approved by the Highlands Council on May 19, 2011 and memorialized in Highlands Council Resolution 2011-17.

Development potential within the Township Highlands Preservation Area is extremely limited. No portion of the Preservation Area is served by sewer infrastructure and the entire Preservation Area is subject to the New Jersey Department of Environmental Protection (NJDEP) Preservation Area Rules (N.J.A.C. 7:38). Additionally a significant portion of the Preservation Area is preserved land. Over 670 acres (approximately 18 % of the Township Preservation Area) are preserved lands.

The Highlands Council Municipal Build-Out Report (2009), which provided an analysis of buildable lots in the municipality, incorporating NJDEP Highlands Rules parameters, indicated that in the Preservation Area there were 23 potential residential septic units for development. An updated planning analysis of undeveloped lands within the Township's Preservation Area revealed that additional parcels have come under preservation since the original Build-Out Report, which reduced the yield to a total of 12 units. Based on the applicability of the Highlands Land Use Ordinance (for single-family residential development, to developments of three or more units only), just three (3) parcels in the Township have development potential that would trigger review. The three (3) parcels are currently assessed as Q Farm for all or a portion of the property.

In sum, the Highlands Council anticipates that proposals for development in Franklin Township's Preservation Area that would *not* qualify for Highlands Act exemptions (and would not therefore be subject to the Highlands Regional Master Plan or effectuating ordinances) will affect potentially three parcels.

<b>Factors</b>	<b>Developable Land Potential (# of parcels/acres)</b>
Disturbance of one acre or more of land	0
New Impervious Surface ¼ acre or more	0
New or expanded use not permitted by ordinance	0
3 or more dwelling units if residential	3/448 acres

***Recommendation***

Recognizing the constraints that already exist in the Preservation Area, the recommendation is for Franklin Township (Warren County) to follow the modified approach, known as the Checklist Ordinance Approach. This approach authorizes the Township to adopt a Highlands Preservation Area Checklist Ordinance, which would remain in effect indefinitely, in lieu of adopting the standard Highlands Preservation Area Land Use Ordinance. The use of the Highlands Preservation Area Checklist Ordinance, in conjunction with the NJDEP Highlands Preservation Area Rules, will ensure the protection of Highlands Resources in the Township while efficiently and appropriately implementing the Highlands Regional Master Plan at the local level.