



CHRIS CHRISTIE
Governor

KIM GUADAGNO
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Highlands Water Protection and Planning Council
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JIM RILEE
Chairman

EILEEN SWAN
Executive Director

February 1, 2012

Mr. Rick Reilly
Division of Land Use Regulation
New Jersey Department of Environmental Protection
P.O. Box 439
401 E. State Street
Trenton, NJ 08625-0439

Re: Highlands Redevelopment Area Designation
Route 46 - Mount Olive Township
Block 8200 Lots 5 and 6 and Block 8100 Lots 49 and 50
Mount Olive Township, Morris County

Dear Mr. Reilly:

On behalf of the Highlands Water Protection and Planning Council (Highlands Council), I am pleased to provide, in accordance with N.J.A.C. 7:38-6.7, the following materials regarding the above-referenced Highlands Redevelopment Area Designation:

- Highlands Council Resolution 2012-4
- Final Consistency Determination (CD)
- Final Staff Recommendation Report
- Project Figures
- Highlands Preservation Area Approval Application Checklist Items

These documents are based upon our review of the project file as provided to us by the applicant, Highlands Council information, and public comment (though no public comments were provided during the public comment period), relative to the standards and policies set forth in the Regional Master Plan (RMP). The Highlands Council by resolution on January 19, 2012 approved the designation and authorizing the Executive Director to provide this CD and Final Staff Recommendation Report to New Jersey Department of Environmental Protection (NJDEP) on behalf of the Highlands Council.

As part of the Highlands Council staff review of the Highlands Redevelopment Area designation, we prepared a matrix regarding the Debeck Property, Block 8200 Lot 5, that provides advisory

information to both the applicant and the NJDEP regarding Highlands Preservation Area Approval (HPAA) with Redevelopment Waiver submittal requirements. The matrix notes those items that the Highlands Council feels have already been addressed during our review, and those remaining items that need to be provided to the NJDEP by the applicant.

As indicated in the matrix, it is important to note that there needs to be a coordinated review of this HPAA with Redevelopment Waiver application between the staff of the Highlands Council and the NJDEP to ensure that the conditions of the Highlands Council's Final Staff recommendation (report enclosed) are met as follows:

1. A waiver from NJDEP will be required for the project on Block 8200 Lot 5 regarding the Preservation Area rules (N.J.A.C. 7:-38) for upland forest, Highlands Open Waters buffer, septic system density and the maximum 3% impervious surface;
2. The Township of Mount Olive commits to permanent protection and stewardship of a forested buffer between Block 8200 Lot 5 and the residential development to the north of the parcel. This would protect the residents from any visual impact and maintain habitat;
3. The proposed encroachment into a Highlands Open Waters buffer is entirely within a portion of the buffer that is separated from the Highlands Open Water by a major road (Route 46), and was previously agricultural (currently old field/shrub-scrub habitat) area that would not result in a net impact to the functional value of the buffer (in conformance with Policy 1D4) and therefore qualifies for a waiver;
4. An Operations and Contingency Plan is required to ensure that no volatile organic contaminants are introduced to ground water by the facility, to protect the public noncommunity water supply well on the adjacent property;
5. The Township of Mount Olive commits to ensuring that the proposed use of Block 8200 Lot 5 provides mitigation equal to 125% to 150% of the proposed consumptive water uses (to be determined after the applicant provides an estimate of total water use) through on-site recharge or water conservation practices within the same site or HUC14 subwatershed, in addition to NJDEP requirements for maintenance of pre-development recharge under N.J.A.C. 7:8. There shall be a coordinated review between the staff of the Highlands Council and the NJDEP to ensure that this condition is met; and
6. The stormwater regulations must be followed in the project design upon HPAA with redevelopment permitting, as part of the NJDEP permitting process. There shall be a coordinated review between the staff of the Highlands Council and the NJDEP such that under the NJDEP waiver, the applicant shall supply a stormwater management plan that incorporates low impact development techniques and a construction implementation plan that minimizes disturbance during and after construction.

The Highlands Council approved the Highlands Redevelopment Area Designation for the Township of Mount Olive with conditions as set forth in the Final Staff Recommendation Report. Please be advised that in accordance with the Highlands Act, the Highlands Council's resolution of this matter shall have no force and effect until the end of the Governor's review period of the Council's meeting minutes, which we anticipate will be mid March 2012. If you have any questions or comments regarding this matter, please feel free to contact me at (908) 879-6737.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Eileen Swan', written in a cursive style.

Eileen Swan,
Executive Director

Enclosures -

- Highlands Council Resolution #2012-4
- Final Consistency Determination
- Final Staff Recommendation Report
- Project Figures
- HPAA Application Checklist Items (Summary Matrix)



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HIGHLANDS RMP CONSISTENCY DETERMINATION REVIEW

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

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

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

PRESERVATION AND PLANNING AREAS AND LAND USE CAPABILITY ZONES

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

Preservation Area ☒ **If yes, percentage?** 100 % **Planning Area** ☐ **If yes, percentage?** %

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

Protection Zone ☐ Conservation Zone ☒ Existing Community Zone ☐

Conservation – Environmentally Constrained Sub-Zone ☒ Existing Community – Environmentally Constrained Sub-Zone ☐

Lake Community Sub-Zone ☐ Wildlife Management Sub-Zone ☐

The review below is organized by Regional Master Plan Goals, Policies and Objectives for each resource and smart growth category; C stands for Consistent, I for Inconsistent, and N/A means the goal, policy, or objective is not applicable. Project specific reviews are based on the application of these Policies and Objectives to the project site, and do not require the adoption of municipal ordinances. Documents reviewed for this analysis include all appropriate documents submitted to the NJDEP, Highlands Council GIS data and technical reports, and documents related to the State Planning Commission Plan Endorsement process where applicable.

PART 1 NATURAL RESOURCES

SUBPART A FOREST RESOURCES

Project Area within Forest Resource Area? No

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

Forest Integrity Value (check one): High ☒ Medium ☐ Low ☐

Regional Master Plan Goals, Policies, and Objectives:

C **I** **N/A**

Policy 1A2: To limit human development in the Forest Resource Area in the Preservation Area in order to protect and enhance forest resources, forest ecosystem integrity, Critical Habitat, and the quantity and quality of water resources.

☐ ☐ ☒

Objective 1A2c: To prohibit through local development review and Highlands Project Review the deforestation of lands within the Forest Resource Area of the Preservation Area for human development except where authorized as an exemption by the Highlands Act, or is an agricultural or horticultural development as defined at N.J.S.A. 13:20-31 and meets the requirement of that provision of the Highlands Act, or if qualifying as a major Highlands Development, the project must, at a minimum, be in conformance with the NJDEP Preservation Area Rules at N.J.A.C. 7:38-3.9.

☐ ☐ ☒

Objective 1A2d: To prohibit through Plan Conformance, local development review and Highlands Project Review the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into forested areas of the Forest Resource Area within the Planning Area except as provided for in Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area except as provided for in Policy 2I1 and Objectives 2I1a and 2I1b.

☐ ☐ ☒

Objective 1A2e: To require through local development review and Highlands Project Review that projects qualifying as major Highlands Developments, affecting or potentially affecting forests outside the Forest Resource Area in the Preservation Area, comply with the NJDEP Preservation Area Rules at N.J.A.C. 7:38-3.9. All projects in the Preservation Area that are not major Highlands Developments shall comply with Policies 1A1 and 1A2.

☐ ☒ ☐

Policy 1A5: To prohibit through local development review and Highlands Project Review forest clear-cutting within the Forest Resource Area except in accordance with a Forest Management Plan approved by the State Forester.

☐ ☐ ☒

Policy 1B2: To limit through local development review and Highlands Project Review human development of forests to low impact residential development in the Protection Zone and the Conservation Zone in the Planning Area.

☐ ☐ ☒

Policy 1B3: To limit through local development review and Highlands Project Review deforestation in the Forest Resource Area and forested lands within High Integrity Forest Subwatersheds within the Existing Community Zone to maximum extent practicable.

☐ ☐ ☒

Objective 1B3a: Implementation through Plan Conformance of regulations, which limit the clearing of trees in conjunction with human development to circumstances where the clearing will not diminish the integrity of forest resources.

☐ ☐ ☒

Policy 1B5: To ensure that forest resources are protected on a site specific basis during local development review and Highlands Project Review.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 1B5a: Applications for local development review and Highlands Project Review require identification of any forest area on and adjacent to a site in accordance with the Highlands Council's Method for Identifying Upland Forest Areas in the Highlands Region.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 1B7: To prohibit clear-cutting of forest lands except pursuant to an approved Forest Management Plan approved by the State Forester.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Policy 1C1: To require that conforming municipalities and counties address the protection of forested portions of Forest Resource Areas and High Integrity Forest Subwatersheds in their master plans and development regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 1C3: To require that conforming municipalities adopt a tree clearing ordinance consistent with an approved community forestry plan under the New Jersey Forest Service Community Forestry Program as part of the municipal master plan and local development regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Based on review of the Highlands Council GIS data, there is mapped forest in a Forest Resource Area in the southern portion of Block 8100 Lot 50; however, that area is excluded from the Highlands Redevelopment Area and no development is proposed for this parcel. There is mapped forest outside of a Forest Resource Area in the northern portion of Block 8200 Lot 5. The proposed construction would entail encroachment into this forest outside of a Forest Resource Area which would be inconsistent with Objective 1A2e and Policy 1B7. The forested area is fragmented and is surrounded by commercial development. The area to be disturbed is roughly 0.6 acres.			
SUBPART B HIGHLANDS OPEN WATERS AND RIPARIAN AREAS			
Project Area includes Highlands Open Waters Buffer? Yes			
Highlands Open Waters Affected: Streams <input checked="" type="checkbox"/> Lakes & Ponds <input type="checkbox"/> Wetlands <input checked="" type="checkbox"/>			
Highlands Open Waters in Preservation Area: Yes			
Watershed Value (Check one): High <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/>			
Area includes Riparian Area? Yes <i>If No, disregard remainder of Riparian Area checklist.</i>			
Specific Riparian Area Features (Check all that apply.): Flood Prone Areas <input type="checkbox"/> Lakes & Ponds <input type="checkbox"/> Riparian Soils <input checked="" type="checkbox"/> Wetlands <input checked="" type="checkbox"/> Wildlife Corridor <input checked="" type="checkbox"/> Streams <input checked="" type="checkbox"/>			
Riparian Integrity Value (Check one per HUC14): High <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> HUC14: 02030105010040 <div style="display: flex; justify-content: space-around;"> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> HUC14: High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> HUC14: </div>			
Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 1D4: Highlands Open Waters shall include a protection buffer of 300 feet from the edge of the discernable bank of the Highlands Open Waters feature, or from the centerline where no discernable bank exists. With respect to wetlands and other Highlands Open Waters features (e.g., seeps, springs, etc.), the feature shall include a protection buffer of 300 feet from the delineated Letter of Interpretation (LOI) line issued by the NJDEP for wetlands, or from a field-delineated boundary for other features. In areas where existing development or land uses within the protection buffers have reduced or impaired the functional values of the buffers, the Council will seek opportunities to restore the buffer and its functions. Any proposed disturbance shall, through local development review and Highlands Project Review, comply with Highlands Open Waters buffer standards. The protection buffer width for Category 2 streams in the Planning Area may be modified through a Stream Corridor Protection/Restoration Plan, as specified in Objective 1D4i. In approved Redevelopment Areas, the Council may, at its discretion, modify the required buffer, upon a showing of no alternatives, no impact to the functional value of the buffer, and provision of alternative approaches to enhancing or protecting Highlands Open Waters and resources of the buffer area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 1D4a: Require that all applications for approval through local development review and Highlands Project Review include the identification and mapping of Highlands Open Waters.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1D4b: Preservation Area buffers for Highlands Open Waters shall comply with the Highlands Preservation Area rules at N.J.A.C. 7:38, which provide that all major Highlands developments are prohibited within Highlands Open Waters and its adjacent 300 foot buffer in the Preservation Area except for linear development, which may be permitted provided that there is no feasible alternative for the linear development outside Highlands Open Waters or its buffer. Structures or other land improvements existing within Highlands Open Waters buffer in the Preservation Area on August 10, 2004 may remain, provided that the area of disturbance is not increased other than through a HPAA. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses."	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 1D4c: Require that proposed development within all Highlands Open Waters buffers (Preservation and Planning Areas) conforms through local development review and Highlands Project Review with the buffer requirements of N.J.A.C. 7:8 (Stormwater Management Rules), N.J.A.C. 7:13 (Flood Hazard Area Rules), and N.J.A.C. 7:7 (Freshwater Wetland Rules), and with any applicable requirements of a Regional Stormwater Plan adopted pursuant to N.J.A.C. 7:8 (Stormwater Management Rules).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1D4d: Structures or other land improvements existing within a Highlands Open Waters buffer of the Planning Area on August 10, 2004 may remain, provided that the area of disturbance shall not be increased unless approved through local development review or Highlands Project Review in compliance with RMP policies and objectives. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

"land improvements," "development," "land disturbances," or "land uses."			
Objective 1D4e: In the Protection and Conservation Zones of the Planning Area, proposed disturbances of Highlands Open Waters buffers shall only occur in previously disturbed areas, unless a waiver is granted by the Highlands Council under Policy 7G2. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses." Such proposed disturbances must demonstrate full utilization of the following performance standards in the listed order, to demonstrate the necessity of an encroachment into Highlands Open Waters buffers: 1) avoid the disturbance of Highlands Open Waters buffers; 2) minimize impacts to Highlands Open Waters buffers; and 3) mitigate all adverse impacts to Highlands Open Waters buffers so that there is no net loss of the functional value of the buffer, in compliance with Objective 1D4h. Minimization and mitigation opportunities shall be considered only upon a clear and convincing demonstration by the applicant that the protection buffer cannot be avoided and in no case shall the remaining buffer be reduced to less than 150 feet from the edge of Highlands Open Waters, unless a waiver is granted by the Highlands Council under Policy 7G2 and the proposed disturbance complies with Objective 1D4c.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1D4f: In the Existing Community Zone of the Planning Area, proposed disturbances of Highlands Open Waters buffers shall only occur in previously disturbed areas, unless a waiver is granted by the Highlands Council under Policy 7G2 and the proposed disturbance complies with Objective 1D4c. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses." Such disturbances shall employ performance standards such that all proposed disturbances of Highlands Open Waters buffers shall employ Low Impact Development Best Management Practices to mitigate all adverse modification to Highlands Open Waters buffers so that there is no net loss of the functional value of the buffer, in compliance with Objective 1D4h.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1D4i: Develop through Plan Conformance and implement stream corridor or subwatershed-based Stream Corridor Protection/Restoration Plans which shall include Steps 1, 2, and 3, and may include Steps 4 and 5: 1. Identify areas where existing development, land disturbances, or land uses are within Highlands Open Waters buffers have removed or substantially impaired natural vegetation communities, and have significantly reduced or impaired the functional values of Highlands Open Waters buffers. For purposes of this Objective when considering land for conversion to non-agricultural land uses, historic or current agricultural land uses shall not be considered "land improvements," "development," "land disturbances," or "land uses"; 2. Identify and require opportunities for restoration of areas identified in Step 1 as part of mitigation requirements under a Highlands Act waiver or Objectives 1D4e and 1D4f, and public or nongovernmental restoration/stabilization projects; 3. Identify the extent of stream corridor features that are critical to supporting the functions of a healthy Highlands Open Waters buffer and that extend beyond the buffers required by Objectives 1D4b and 1D4c. The 300 foot buffer in these areas may be expanded to be most protective of these features which may include, but are not limited to, Critical Habitat, pollutant source areas identified through scientific techniques, and steep slopes; 4. Where Highlands Open Waters buffers include areas identified in Step 1, regarding Category 2 surface waters in the Planning Area only, the Stream Corridor Protection/Restoration Plan may identify where, based on scientific analysis of site-specific conditions (e.g., topography, vegetation cover type, habitat, soil type, upstream land uses and pollution inputs, width of floodplain, rate and volume of run-off), a buffer of less than the full 300 feet (but including the undisturbed buffer area at a minimum) is sufficient to maintain or improve the protection of Highlands Open Waters and Riparian Areas. The plan must identify alternative buffers that provide functional buffer values at least equivalent to existing conditions and are no less than 150 feet or no less than the extent allowed in State or municipal regulation (including Objectives 1D4b and 1D4c), whichever is greater. Further, the plan shall include a functional value assessment to ensure that there is no net loss in the overall functional value of the subwatershed's stream buffers. Buffers established through this process shall be determined based on site conditions rather than fixed distances, reflecting findings of the scientific analysis, and shall be used in the site design and development review process regarding determinations of restoration, continued use, or increased use of the disturbed buffer area. Buffer averaging for the purpose of accommodating development proposals is deemed not to meet the requirements of this provision; and 5. Where a proposed Highlands Redevelopment Area would not meet, in full, Objectives 1D4b through 1D4h but affects an undisturbed buffer area determined to not be necessary for the protection of the functional values for Highlands Open Waters buffer (as determined through scientific analysis of site-specific conditions), modification of the undisturbed buffer may be allowed to no less than the extent allowed in State or municipal regulation. However the Council shall first determine that there is no alternative to the proposed reduction of the buffer, and require a showing of no impact to the functional values of the buffer and provision of alternative approaches to enhancing or protecting the Highlands Open Waters and resources of the buffer area. Restoration or enhancement of buffer functional values shall be provided on-site or within the same stream reach to achieve a net improvement of existing buffer functional values.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1D4j: The Highlands Council may require on a case-by-case basis, through Highlands Project Review, an expansion of the 300 foot buffer to protect the habitat of a water or wetlands-dependant rare, threatened or endangered species, to the minimum expansion necessary to achieve protection of that species.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 1D5: Protect the integrity of the Riparian Areas through the application of RMP standards during local development review and Highlands Project Review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1D5a: Require that all applications for approval through local development review and Highlands Project Review include the identification and mapping of Highlands Riparian Areas, including those identified by the Highlands Council and by site-specific analysis.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1D5b: Limit disturbance of existing natural vegetation or increases in impervious area within High and Moderate Integrity Riparian Areas in any Land Use Capability Zone to the minimum alteration feasible in areas beyond Highlands Open Waters buffer requirements; protect the water quality of adjacent Highlands Open Waters; and maintain or restore habitat value of the Riparian Area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 1D5c: Prohibit modifications to Riparian Areas in the Protection Zone except where a waiver is approved by the NJDEP or the Highlands Council under Policy 7G1 or 7G2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1D5d: Restrict modifications to Riparian Areas in the Existing Community Zone, other than those addressed by Objective 1D5b, that would alter or be detrimental to the water quality and habitat value of a Riparian Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Objective 1D5e: Implement Low Impact Development Best Management Practices for any development activity proposed within a Riparian Area, which minimize both alterations of natural vegetation and increases in impervious area, in compliance with Policies 6N3 and 6N4 and provide for mitigation through restoration of impaired Riparian Areas in the same HUC14 subwatershed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1D5f: Require that development within Riparian Areas conforms through local development review and Highlands Project Review to any applicable requirements of a Regional Stormwater Plan adopted pursuant to N.J.A.C. 7:8 (Stormwater Management Rules).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 1D5g: Require identification and implementation of opportunities where the restoration and enhancement of previously impaired Riparian Areas are feasible and appropriate as mitigation to any allowable modification to Riparian Area requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Based on review of the Highlands Council GIS data, there is a mapped wetland/stream complex (Highlands Open Waters) and associated Riparian Area in the southern portion of Block 8100 Lot 50; however, that area is excluded from the Highlands Redevelopment Area and no development is proposed for this parcel. Block 8200 Lot 46 and Block 8100 Lots 49 and 50 feature Highlands Open Waters buffers and Riparian Areas; however, no new development is proposed for these areas, which are currently disturbed. The southeastern corner of Block 8200 Lot 5 features a Highlands Open Waters buffer for an off-site wetland that is located across the highway (Route 46). This buffer would be encroached by the proposed development (approximately 0.2 acres for proposed bio-retention facility in this location). This buffer is currently in a previously agricultural old field/shrub-scrub habitat. N.J.A.C. 7:38 rules for permitting and waivers will apply within the buffer.			
SUBPART C STEEP SLOPES			
Project Area includes: Steep Slopes >20% in Any Areas (severely constrained)? No			
Steep Slopes >15% in Forested Areas (severely constrained)? No			
Steep Slopes >10% in Riparian Area in Undeveloped Lands (moderately constrained)? No			
Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 1E6: To require through local development review and Highlands Project Review that applications for development include topographic information identifying the location of any Steep Slope Protection Areas located on the parcel proposed for development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 1E7: To require through local development review and Highlands Project Review that applications for development involving parcels of land with slopes of 10% or greater include identification of forested lands, areas which are highly susceptible to erosion, depth to bedrock and Soil Capability Classes.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 1E8: To prohibit through local development review and Highlands Project Review land disturbance within areas which are Severely Constrained Slopes and Moderately Constrained Slopes, except for linear development in both the Preservation and Planning Areas that meets the requirements of N.J.A.C. 7:38-3.8(c)1-4.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 1E9: To require through local development review and Highlands Project Review the use of Low Impact Best Development Practices for any land disturbance or human development within areas, which are Constrained or Limited Constrained Slopes, or that involves an approved disturbance of a Severely Constrained or Moderately Constrained Slope.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Policy 1E10: To require that conforming municipalities and counties implement the steep slope protection provisions of Policies 1E2 through 1E9 through master plans and development regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Based on review of the Highlands Council GIS data, there is a mapped area of Potential or Limited Constrained Slopes in the north central portion of Block 8200 Lot 5 that would be encroached by the proposed development. Per Policy 1E9, the use of Low Impact Best Development Practices would be required for the proposed land disturbance within an area that features Limited Constrained Slopes. The applicant shall provide for enhanced ground water recharge through stormwater management to meet the Low Impact Best Development Practices requirement.			
SUBPART D CRITICAL HABITAT			
Project Area includes:		Significant Natural Area(s)? No	
Critical Wildlife Habitat? Yes		Vernal Pool(s) +1,000 ft? No	
Species of Concern:			
Landscape Rank:			
Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 1F2: To prohibit through Plan Conformance, local development review and Highlands Project Review the direct impact of new human development or expansion or increased intensity of existing development within Critical Habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 1F5: To establish a Habitat Conservation and Management Program, including minimum performance standards and criteria for the protection, enhancement, and restoration of lands within Critical Habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 1F6: To require that applications for any local development review and Highlands Project Review for Critical Habitat be subject to minimum standards and criteria outlined in the Habitat Conservation and Management Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

no development is proposed for this parcel. The proposed development on Block 8200 Lot 5 would not entail encroachment into any Conservation Priority Area.

SUBPART F CARBONATE ROCK (KARST) TOPOGRAPHY

Project Area within or contributing to Carbonate Rock Area? No

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

SUBPART G LAKE MANAGEMENT

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

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

PART 2 WATER RESOURCES AND WATER UTILITIES

SUBPART A WATER RESOURCES AVAILABILITY

Source HUC14(s):	Net Availability (MGD):	HUC14 Constraint - Current Deficit Area (Y/N):	HUC14 Constraint - Existing Constrained Area (Y/N):	Conditional Availability (MGD):		
1. 02030105010040	-0.344291	Yes	Y			
Regional Master Plan Goals, Policies, and Objectives:				C	I	N/A
Policy 2B4: To strictly limit consumptive and depletive water uses to the water availability in each HUC14 subwatershed and to establish priorities for water uses that implement the policies and objectives of the RMP.				<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2B4a: Give highest priority for the use of non-agricultural Net Water Availability or Conditional Water Availability within Protection Zone and Conservation Zone subwatersheds, through a Water Use and Conservation Plan developed under Objective 2B8c, local development review, and Highlands Project review: 1. To address a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. Such needs shall have highest priority for Net Water Availability; 2. To serve a designated Highlands Redevelopment Area; 3. To serve a cluster development that complies with Objective 2J4b; and 4. To serve affordable housing projects where at least 10% of the units are affordable.				<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2B4b: The highest priority for use of Net Water Availability or Conditional Water Availability within Existing Community Zone subwatersheds, through a Water Use and Conservation Plan developed under Objective 2B8c, local development review and Highlands Project review to serve documented threats to public health and safety from contaminated water supplies, designated TDR Receiving Zones, infill development, designated Highlands Redevelopment Area, affordable housing projects where at least 10% of the units are affordable, or new areas for development that meet all other requirements of the RMP.				<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2B4c: Establish and implement mandatory stormwater reuse for recreational and other non-agricultural irrigation, as well as other non-potable water purposes to minimize both the volume of stormwater discharges and water withdrawals for these purposes.				<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2B4d: The highest priority for agricultural water uses in the Conservation Zone shall be those Preservation Area uses that promote agricultural and horticultural uses and opportunities that are compatible with protection of the Highlands environment, and those Planning Area uses that promote the continuation and expansion of agricultural, horticultural, recreational, and cultural uses and opportunities. Compatible agricultural and horticultural uses shall minimize consumptive water uses through efficiency measures.				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Policy 2B5: To require, through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, and Highlands Project Review, the use of water conservation, recycling and reuse methods (where appropriate) and devices for any redevelopment or development activity, including renovations to existing residential, institutional, commercial or industrial buildings, to minimize consumptive water use tailored to meet the resource protection and other goals for each Zone and considering subwatershed-specific conditions and Net Water Availability status.				<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 2B6: To require through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, Highlands Project Review, and interagency coordination that proposed public water supply and wastewater service areas, new or increased water allocations and bulk water purchases will not directly or indirectly cause or contribute to a Net Water Availability deficit, and where feasible will help mitigate any existing deficit.				<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2B6a: Areawide Water Quality Management Plans, Wastewater Management Plans or their amendments shall ensure that the proposed service area will not directly or indirectly cause or contribute to a Net Water Availability deficit, and shall be in conformance with any Water Use and Conservation Plan developed under Objective 2B8c.				<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2B6b: NJDEP Water Allocation decisions and Highlands Project Reviews shall ensure that any new or increased water allocation permits within the Highlands Region are in conformance with the policies and objectives of the RMP and do not result in significant reductions in safe yields for any water supply facility with an existing water allocation permit and the NJDEP-approved safe yield.				<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 2B7: To ensure through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, and Highlands Project Review that the use of Net Water Availability and Conditional Water Availability within each subwatershed supports development patterns that are in conformance with RMP policies and objectives.				<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Policy 2B8: To require through Plan Conformance, local development review, and Highlands Project Review the efficient and effective use of water availability, the planning for future water needs, the reduction and elimination of water deficits, and the mitigation of new consumptive or depletive use in any Current Deficit Areas or subwatersheds that could become deficit areas based on projected development and water uses, to ensure sustainable water supply, water resource and ecological values in conformance with RMP policies and objectives.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 2B8a: Prevent net increases in consumptive or depletive water uses in Current Water Deficit Areas to prevent exacerbation of and help reduce or eliminate the deficit to ensure sustainable water supply, water resource and ecological values, emphasizing techniques including, but not limited to water reuse, recycling and conservation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 2B8b: Proposed new consumptive or depletive water uses within a Current Deficit Area shall only occur under the auspices of a Water Use and Conservation Management Plan approved under Objective 2B8c or through mitigation of the proposed consumptive or depletive use within the same HUC14 subwatershed through: a permanent reduction of existing consumptive and depletive water uses; ground water recharge in excess of the requirements of N.J.A.C. 7:8 (Stormwater Management Rules); or other permanent means. Where a Water Use and Conservation Management Plan has not been approved: 1. Each project shall achieve mitigation ranging from 125% to 200%, based on the severity of the Current Deficit and the amount of consumptive or depletive water use proposed; 2. Total consumptive and depletive water uses from any single project and all projects combined are not to exceed the Conditional Water Availability of Objectives 2B3a or 2B3b for any HUC14 subwatershed; 3. Mitigation shall be successfully completed prior to initiation of the water use, except as required by #4, below. Mitigation may be phased in keeping with project development; 4. For water uses where the combination of proposed consumptive and depletive water uses and current subwatershed deficit is high, according to a schedule established by the Highlands Council, off-site mitigation shall be successfully completed prior to any on-site construction. On-site mitigation shall be successfully completed prior to initiation of the water use but may be implemented concurrent with on-site construction. Mitigation may be phased in keeping with the level of consumptive or depletive water uses; and Mitigation plans for a project shall include: specific objectives for each mitigation component; monitoring and reporting requirements; methods by which shortfalls in meeting the mitigation objectives shall be addressed through additional action; and be guaranteed through performance bonds.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 2B8c: Water Use and Conservation Management Plans shall be required through municipal Plan Conformance for all subwatersheds to meet the policies and objectives of Goal 2B, to ensure efficient use of water through water conservation and Low Impact Development Best Management Practices, and to avoid the creation of new deficits in Net Water Availability. Where developed for Current Deficit Areas, the plans shall include provisions to reduce or manage consumptive and depletive uses of ground and surface waters as necessary to reduce or eliminate deficits in Net Water Availability, or to ensure continued stream flows to downstream Current Deficit Areas from Existing Constrained Areas, to the maximum extent practicable within each HUC14 subwatershed. Water Use and Conservation Management Plans shall demonstrate through a detailed implementation plan and schedule how and when the current deficit will be resolved in a subwatershed prior to approval for new water uses in the subwatersheds with the most severe deficits (i.e., in excess of 0.25 million gallons per day), and the plan shall be implemented prior to initiation of new water uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2B8d: All water users within a Current Deficit Area shall seek funding and opportunities to meet the intent of Objective 2B4b.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2B8e: Allow water resource transfers between or from Highlands subwatersheds only when there is no other viable alternative and where such transfers would demonstrably not result in impairment of resources in any subwatershed. Potential effects on upstream and downstream subwatersheds should be included in any such evaluation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The proposed Highlands Redevelopment Area is located in HUC14 subwatershed 02030105010040 (Raritan River SB – 77d 44m 15s to Rt. 46)]. This HUC14 subwatershed has a current Net Water Availability Deficit of -0.344 million gallons per day (MGD). The applicant proposes using an on-site well for water supply and discharging treated wastewater back to ground water through an on-site septic system, which is considered a consumptive use. The total daily water demand is not given in the application, but a wastewater daily flow of 1,625 gpd is estimated. Indoor water use tracks closely with wastewater flow, but does not account for outdoor or process water use. Of particular concern is potential for large water use associated with a car wash or vehicle wash-downs. The amount of outdoor water use for lawn irrigation appears limited given the relatively large amount of impervious surfaces being proposed. The applicant shall provide an estimated total daily water demand including uses that might be highly consumptive, such as lawn irrigation or non-recycled car washing. If the total water demand consists of no lawn irrigation or car wash facility, then a consumptive use coefficient of 10% would be properly be applied and serve as the basis for calculating deficit mitigation requirements to reflect car wash-down uses on the lot. Because the on-site well is located within a Current Deficit Area, the consumptive use will exacerbate a net water availability deficit, which is inconsistent with Objective 2B8a. Mitigation ranging from 125% to 200% of the consumptive use is required under Objective 2B8b, with the most likely mitigation requirement in this case being either 125% or 150%. Consistency can be achieved with on-site enhanced ground water recharge through the site's stormwater management, or through water conservation or recharge within the same subwatershed. The annual mitigation recharge requirement will be calculated once total daily water demand is calculated, but will be in addition to the ground water recharge requirements of N.J.A.C. 7:8. With respect to stormwater management, the applicant will be required to comply with N.J.A.C. 7:8 and local stormwater ordinances. Management of stormwater shall be addressed through the HPAA with redevelopment waiver permit process, to be consistent with Policy 2G5.			

SUBPART B PROTECTION OF WATER RESOURCES QUANTITY			
Project Area includes Prime Ground Water Recharge Area? No			
Comments: Based on review of the Highlands Council GIS data, the proposed Highlands Redevelopment Area is not located in a Prime Ground Water Recharge Area.			
SUBPART C WATER QUALITY			
Project Area within Wellhead Protection Area? Yes Public Non-Community			
If yes to above, check all that apply: Tier 1 <input checked="" type="checkbox"/> Tier 2 <input checked="" type="checkbox"/> Tier 3 <input type="checkbox"/>			
Name of Nearest Waterway(s) (1000 feet of Project Area): Headwaters of an unnamed tributary of Mine Brook			
SWQS Classification:			
Description of Impairments, or TMDL:			
Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 2G2: To reduce or avoid water quality impacts using requirements for water quality protection measures for new land uses through local development review and Highlands Project Review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 2G3: To adopt and implement water quality protections through Plan Conformance, local development review and Highlands Project Review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2G3a: Prohibit land uses that would increase pollutant loadings to waters for which TMDLs have been adopted by the NJDEP unless in compliance with the relevant TMDL.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2G3b: Ensure that new land uses draining to a stream designated as impaired but lacking a TMDL (i.e., Sublist 5) avoid increased pollutant loadings for the parameter or parameters for which a TMDL is required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2G3c: Water Quality Management Plans, Wastewater Management Plans or amendments shall demonstrate that the proposed service area will not directly or indirectly support development that would be in violation of an adopted TMDL.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 2G5: To adopt and implement stormwater management controls through Plan Conformance, local development review and Highlands Project Review.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2G5a: Require recharge of clean stormwater rather than contaminated stormwater wherever feasible to meet stormwater management requirements, and to pretreat contaminated stormwater wherever its recharge is required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2G5b: Require Low Impact Development and other Best Management Practices standards for stormwater management to minimize the discharge of stormwater-entrained pollutants to ground and surface waters.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2G5c: Implement agricultural best management practices for water conservation, water reuse, nutrient and pesticide application, animal waste management, environmental restoration, pollution assessment and prevention, and irrigation efficiency in farm operations for the protection of ground and surface water quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2G6c: Require conforming municipal and county master plans and development regulations to incorporate relevant TMDLs, additional water quality protection measures and wellhead protection for public water supply wells and nitrate standards as development standards.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 2H2: To develop and implement, through Plan Conformance, local development review and Highlands Project Review, resource protection measures to protect and enhance ground water and water supply resources within Wellhead Protection Areas consistent with the source water assessments for each water supply source.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2H2a: Prohibit land uses that have a significant potential to result in the discharge of pathogens (including, but not limited to, septic systems and engineered stormwater infiltration from surfaces with significant potential for contact with pathogenic contaminants) to ground water or to the land surface within a designated Tier 1 Wellhead Protection Area, such that they may degrade or contribute to the degradation of ground water quality. Require that the construction of sewer lines within Tier 1 of a Well Head Protection Area prevent seepage of untreated sewage into ground water.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 2H2b: Prohibit land uses that have a significant potential to result in the discharge of persistent organic or toxic chemicals sources (including but not limited to existing discharges of industrial or other non-sanitary wastewater effluent) to ground water or to the land surface within a designated Tier 2 Wellhead Protection Area, such that they may degrade or contribute to the degradation of ground water quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2H2c: Require that land uses that have a significant potential to result in major discharges of persistent organic or toxic pollutants to ground water or to the land surface (including but not limited to non-sanitary wastewater effluent and any major sources of potential discharges such as spills and leaks), such that they may degrade ground water quality within a designated Tier 3 Wellhead Protection Area, shall incorporate ongoing management of toxic chemical sources and prohibition of unregulated discharges, so that the potential for ground water contamination is minimized and the opportunity for discharge discovery and control is maximized.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Objective 2H4a: Require site specific and municipal stormwater management plans to address wellhead protection requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 2H5: To require that conforming municipalities revise master plans and development regulations to address wellhead protection requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2H5b: Restrict development activities that pose threats to the water quality of public water supply wells.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2H5c: Ensure that development activities and existing land use activities implement best management practices to protect the quality of ground water within Wellhead Protection Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2H5d: Amend Areawide Water Quality Management Plans or Wastewater Management Plans for conforming municipalities and counties to ensure that any activity associated with the proposed service area will not adversely affect a Wellhead	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Protection Area.								
Comments: Based on review of the Highlands Council GIS data, the proposed development on Block 8200 Lot 5 would entail encroachment into a Tier I and a Tier II Wellhead Protection Area (WHPA). The NJDEP's NJGeoWeb interactive mapping shows that this WHPA overlay is for a Non-Community Public Water Supply Well for the properties adjacent to the lot. Both the septic system and the bioretention facility area are proposed in a Tier 1 WHPA, which is inconsistent with Objective 2H2a. However, there is no viable alternative location available for either facility. Therefore, a waiver is necessary for both facilities (and any other inconsistencies related to the Tier I WHPA), with both facilities being located and designed in such a manner as to minimize the potential for ground water contamination. Further, an Operations and Contingency Plan approved by the Township and the Highlands Council will be required to ensure that no volatile organic contaminants are introduced by the facility.								
SUBPART D SUSTAINABLE DEVELOPMENT AND WATER RESOURCES								
WATER UTILITY								
Potable Water Supply? No				Domestic? Yes				
Source Water HUC(s):								
Public Community Water System? No				If PCWS, Name of Facility:				
PCWS ID No: N/A				Total Projected Water Demand of Project: 1,625 gallons per day				
Comments: The applicant for Block 8200 Lot 5 will be using a new on-site well for water supply and will discharge treated wastewater back to ground water with minimal consumptive uses. The other lots have existing development.								
WASTEWATER UTILITY								
NJPDES Permit Number: N/A				Projected Flow of Project (GPD):				
HDSF Facility? No				HDSF Available Capacity (MGD):				
Subject to Allocation Agreement? No				Capacity Allocated from HDSF (MGD):				
Extent of HDSF Service Area Included in WMP: Full <input type="checkbox"/> Partial <input type="checkbox"/>								
Wastewater Treatment Facility: (Individual Subsurface Sewage Disposal System)								
Service Area:				Wastewater Discharge Flow (MGD): < 2,000 GPD				
NJPDES-DGW:		Existing <input type="checkbox"/>	Proposed <input type="checkbox"/>	Existing:		Increase:		
NJPDES-DSW:		Existing <input type="checkbox"/>	Proposed <input type="checkbox"/>	Existing:		Increase:		
Comments: The applicant for Block 8200 Lot 5 will use an on-site well for water supply and discharge treated wastewater back to ground water through on-site septic systems. No expansion of the existing sewer service area is proposed.								
SEPTIC SYSTEM YIELD								
Proposed Nitrate Target(s) (mg/l):				Annual Recharge Rate Used: Drought <input type="checkbox"/> Average <input type="checkbox"/>				
	<u>Protection Zone</u>		<u>Conservation Zone</u>		<u>Existing Community Zone</u>			
Municipal Septic System Density (acre/unit)								
HC Septic System Density (acre/unit)								
Municipal Septic System Yield (units)								
HC Septic System Yield (units)								
Regional Master Plan Goals, Policies, and Objectives:						C	I	N/A
Policy 2L2: To use the median background nitrate concentrations in ground water in the Highlands Region as a basis for establishing on-site wastewater treatment densities through Plan Conformance, local development review, and Highlands Project Review.						<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2L2a: Use the median concentrations of nitrate in ground water for Planning Area HUC14 subwatersheds where the Protection Zone is predominant as the nitrate target for new development reliant on septic systems within the Protection Zone. The median is 0.72 mg/L.						<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2L2b: Use the median concentrations of nitrate in ground water for Planning Area HUC14 subwatersheds where the Conservation Zone is predominant as the nitrate target for new development reliant on septic systems within the Conservation Zone. The median is 1.87 mg/L.						<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2L2c: Use the NJDEP Highlands Preservation Area rules and nitrate thresholds for the Preservation Area.						<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 2L2d: Use a nitrate target of 2 mg/L for the Existing Community Zone within Planning Area, on a project-by-project basis, where new development will rely on septic systems.						<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2L2e: New residential development using septic systems where clustering or conservation design techniques are employed shall have a gross density (for all parcels involved in the development proposal) based on the nitrate dilution target appropriate for the Land Use Capability Zone, but with the density for the developed portion of the site based on a nitrate dilution						<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

target not to exceed 10 mg/L or any more stringent requirement as required by N.J.A.C. 7:15.				
Objective 2L3f: Carrying capacity shall be documented through the Land Use Capability Septic System Yield Map as the number of allowable septic systems per Conservation and Protection Zone for each HUC14 subwatershed, taking into account the nitrate target, the HUC14 subwatershed drought ground water recharge, and the acreage that is privately owned, undeveloped or underdeveloped, and not preserved.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 2L2g: New residential development utilizing septic systems shall be designed in a manner that ensures that the untreated well water meets the State drinking water quality standards and that minimizes the risk of well contamination due to the flow of septic system plumes within or between developed lots, addressing general ground water flow patterns, major fracture systems and other appropriate geological, geophysical and hydrogeological issues.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The applicant for Block 8200 Lot 5 proposes a new septic system for site development within the Preservation Area, which is inconsistent with Objective 2L2c and therefore requires a waiver from Preservation Area septic system density limitations.				
PART 3 AGRICULTURAL RESOURCES				
Area within Agricultural Resource Area? Yes		Area within Agricultural Priority Area? No		
If yes, percentage? 100%		If yes, percentage? %		
Project Area includes preserved farmland? No If yes, identify properties (B/L):				
Affects Farm Unit >250 acres? Yes		Includes Important Farmland Soils? Yes		
Agricultural Uses? Yes				
Comments: Based on review of the Highlands Council GIS data, the entire proposed Highlands Redevelopment Area is located within an Agricultural Resource Area. The parcel where new development is proposed (Block 8200 Lots 5) is mapped as part of agricultural fields designated as a Farm Unit greater than 250 acres and as being in Agricultural Use. Based upon review of aerial photography, the parcel is not in active agricultural use, but rather exhibits old field/shrub-scrub habitat and is not adjacent to any agricultural use.				
PART 4 HISTORIC, CULTURAL, ARCHAEOLOGICAL, AND SCENIC RESOURCES				
Presence of Resources: No		Highlands Historic District Polygons Absence		
Highlands Historic Properties Polygons Absence		Highlands Historic Property Points Absence		
Archaeological Grids Absence		Highlands Scenic Resource Inventory Absence		
Description of Resources:				
Comments: Review of the Highlands GIS data indicates that the proposed Highlands Redevelopment Area does not feature any historic, cultural, archaeological, or scenic resources.				
PART 5 TRANSPORTATION				
Project supports local transportation/transit infrastructure? No				
Comments: The proposed Highlands Redevelopment Area does not include or require any road improvements.				
PART 6 FUTURE LAND USE				
SUBPART A LAND USE CAPABILITY ZONES				
Project Area within which Land Use Capability Zone or Sub-Zone? (check all that apply):				
Protection Zone <input type="checkbox"/> Conservation Zone <input checked="" type="checkbox"/> Existing Community Zone <input type="checkbox"/>				
Conservation – Environmentally Constrained Sub-Zone <input checked="" type="checkbox"/> Existing Community – Environmentally Constrained Sub-Zone <input type="checkbox"/>				
Lake Community Sub-Zone <input type="checkbox"/> Wildlife Management Sub-Zone <input type="checkbox"/>				
Regional Master Plan Goals, Policies, and Objectives:		C	I	N/A
Policy 6C1: To limit new human development in the Protection Zone to redevelopment, exempt activities, and environmentally-compatible low density new land uses, in accordance with RMP resource protection needs and water quality and quantity capacity constraints and to ensure that the impacts of development using exemptions under the Highlands Act (see Policy 7F1) are considered in regional protection measures.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6C1a: Centers in the Protection Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6C2: To ensure through Plan Conformance, local development review and Highlands Project Review that any future development or redevelopment which does occur in a Protection Zone is subject to standards and criteria which protect the land and water resources of the Protection Zone from any potential adverse impact to the maximum extent possible.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6D3: To limit through Plan Conformance, local development review and Highlands Project Review the use and development of lands within the Conservation Zone to agriculture use and development, including ancillary and support uses, redevelopment of existing developed areas, and environmentally-compatible low density land uses that are to the maximum extent possible achieved in compact development patterns, to be designed and developed in a manner which is compatible with the long term use of adjacent land for agricultural purposes.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Objective 6D3b: Centers in the Conservation Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6F3: To ensure that development activities within the Existing Community Zone are subject to standards and criteria which ensure that development and redevelopment incorporate smart growth principles and do not adversely affect natural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6F4: To ensure that development and redevelopment within the Existing Community Zone are served by adequate public facilities including water supply, wastewater treatment, transportation, educational and community facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6F5: To ensure that development and redevelopment in the Existing Community Zone are compatible with existing community character.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6F6a: Center based development initiatives shall be planned within the Existing Community Zone at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan. Densities of five dwelling units and above are encouraged, and are required in areas designated as voluntary TDR Receiving Zones where TDR benefits are sought under the Highlands Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The parcel (Block 8200 Lot 5) in which the proposed construction would take place is largely within the Conservation Zone. The construction of the proposed development would not adversely affect natural resources, as the area is already disturbed. Management of stormwater from the proposed facility shall be addressed through the HPAA with redevelopment waiver permit process, to be consistent with Policy 2G5 and 6N2.			
SUBPART C REGIONAL GUIDANCE FOR DEVELOPMENT AND REDEVELOPMENT			
Regional Master Plan Goals, Policies, and Objectives: (it is important to note the policy regarding discretionary growth - Policy 6H7 Provisions and standards relating to regional growth activities which increase the intensity of development shall be discretionary for conforming municipalities and counties):	C	I	N/A
Policy 6H1: To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas, Wellhead Protection Areas, and Agricultural Resource Areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Objective 6H1b: Prevent the extension or creation of water and wastewater utility services in the Protection Zone, Conservation Zone and Environmentally Constrained Sub-Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the protection of agricultural and environmentally sensitive resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6H1d: Cluster and conservation design development plans and regulations shall consider existing community character, incorporate smart growth design principles, and require Low Impact Development including but not limited to: locating development adjacent to existing infrastructure such as water, wastewater, transportation, and public facilities to limit the degree of new impervious surface, and permitting smaller residential lots in order to incorporate community open space and existing natural resources into the design.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6H3: To require conforming municipalities to include site development programs, such as clustering and lot averaging, to protect natural and agriculture resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6H6: To integrate public parks and green spaces into development and redevelopment projects and ensure restoration of impaired natural resources to the extent required by law, at a minimum, and where feasible to a greater extent to maximize long term value of the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6H7: Provisions and standards relating to regional growth activities which increase the intensity of development shall be discretionary for conforming municipalities and counties.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6H8: Regional growth, where accepted through local planning and regulations, should identify opportunities to maximize land use intensity while protecting natural features and community character.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6H8a: Development and redevelopment initiatives shall encourage the use of Highlands Development Credits as a means to enhance the existing or adjacent community while protecting local and regional natural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6H8b: Preparation and implementation of standards ensuring that development protects environmentally sensitive resources in all Land Use Capability Zones and Sub-Zones.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6H9: To incorporate smart growth principles and green building design and technology in development and redevelopment initiatives.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Inconsistencies with Policy 6H1 have been addressed above (see Highlands Open Water buffers, Riparian Areas, Forest, Wellhead Protection Areas and water availability). Management of stormwater from the project area shall be addressed through the HPAA with redevelopment waiver permitting process. The project should be designed to incorporate low impact development techniques where feasible, including stormwater management techniques used for mitigation. Any disturbance and construction activities should be managed to minimize impacts to the surrounding environment. Designation of the proposed Highlands Redevelopment Area including Lot 5.01 provides for beneficial public use. By reusing and redeveloping previously disturbed areas, economic investment and community development within the framework of smart growth is assured. The project promotes smart growth policies by a maintaining land use patterns, balancing economic development with resource protection, and providing an equitable distribution of the costs and benefits of redevelopment. The proposed use of Lot 5.01 does not create a substantial change to the existing development pattern of this area.			

SUBPART D REDEVELOPMENT			
Locally Designated Redevelopment Area? NA If yes, name of site(s):			
Highlands Designated Redevelopment Area? NA If yes, name of site(s):			
Highlands Contaminated Site Inventory Tier 1 or Tier 2 Site(s)? No If yes, name of site(s):			
Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 6J1: To encourage Preservation Area redevelopment of sites with 70% or greater impervious surfaces or a brownfield in areas designated by the Highlands Council as Highlands Redevelopment Areas in accordance with N.J.A.C 7:38-6.6 and 6.7.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Policy 6J2: To encourage redevelopment in the Existing Community Zone in the Planning Area of brownfields, grayfields, and other previously developed areas that have adequate water, wastewater, transportation capacity, and are appropriate for increased land use intensity or conversion to greenfields, as approved through Plan Conformance or the Highlands Redevelopment Area Designation process.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Policy 6J3: To encourage redevelopment in the Conservation and Protection Zones in the Planning Area of brownfields and grayfields that have adequate water, wastewater, transportation capacity, and are appropriate for increased land use intensity or conversion to greenfields, as approved through Plan Conformance or the Highlands Redevelopment Area Designation process.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6L1: To require that conforming municipalities identify any development, redevelopment, and brownfield opportunities in the local land use plan element of their master plans, as appropriate.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6L2: To require that conforming municipalities amend development regulations and zoning to enable project implementation of local redevelopment initiatives that are identified under Policy 6L1 and locally endorsed through Plan Conformance.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6L2a: Municipal review of local redevelopment projects consistent with RMP smart growth and Low Impact Development policies and objectives.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: During the Plan Conformance Petition process, through discussions with Highlands Council staff, the Township of Mount Olive identified areas along Route 46 and Sand Shore Road for potential designation as a Highlands Redevelopment Area. Phase II was proposed to include existing commercial properties located along Route 46 (the subject of this Consistency Determination.) The Township of Mount Olive's Petition for Plan Conformance has been approved by the Highlands Council (Highlands Council Resolution # 2011-1 adopted on January 20, 2011.)</p> <p>This proposal directly addresses the purposes of Policy 6J1 and 6J2. Management of stormwater from any new development in the proposed Highlands Redevelopment Area shall be addressed through the HPAA with redevelopment waiver permitting process. Such a project should be designed to incorporate low impact development techniques where feasible, including stormwater management techniques used for mitigation. Any disturbance and construction activities should be managed to minimize impacts to the surrounding environment.</p>			
SUBPART E SMART GROWTH			
Is the municipality involved in the State Planning Commission Plan Endorsement (PE) process? No			
If yes, status of PE process:			
Does the project area include a State Planning Commission designated or expired center? No			
If yes, center expiration date: 00/00/0000			
Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 6N2: To require municipalities and counties to adopt stormwater management Low Impact Development standards to preserve or mimic the natural hydrologic features and characteristics of the land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6N2a: Implementation of on-site stormwater management features that maintain, restore and enhance the pre-existing natural drainage patterns of the site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6N2b: Limitations on the amount of impervious cover allowed on a site as a means to protect and increase stormwater infiltration and reduce stormwater runoff.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6N2c: Minimum requirements for site-specific hydrologic studies during local development review and Highlands Project Review which identify the velocity, volume and pattern of water flow into, through, and off of the parcel proposed for development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6N2d: Minimum requirements that stormwater management systems employ a "design with nature" approach.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 6N2e: Minimum requirements for use of grass channels, dry swales, wet swales, infiltration basins, bio-swales and water gardens, green roofs, and other low impact approaches to attenuate and control stormwater and provide multiple environmental benefits.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6N3: To require through Plan Conformance that municipalities and counties adopt Low Impact Development practices to minimize land disturbance during construction activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 6N4: To require through Plan Conformance that municipalities and counties adopt LID best management practices where disturbance of Highlands resources is proposed, including but not limited to Steep Slopes, forest resources, Critical Habitat, Highlands Open Waters and Riparian Areas, and Prime Ground Water Recharge Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Policy 6N5: To require through Plan Conformance that municipalities and counties incorporate programs for community and neighborhood design that support a variety of housing options, mixed uses, redevelopment, adaptive re-use of historic sites and structures, and infill development in their master plans and development regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments: Management of stormwater shall be addressed through the HPAA with redevelopment waiver permit process. The proposed project for Block 8200 Lot 5 should be designed to incorporate low impact development stormwater management techniques, including vegetated areas to control runoff and assist recharge. Any construction activities should be managed to minimize impacts to the surrounding environment.

SUBPART F HOUSING AND COMMUNITY FACILITIES

Does the project area include an affordable housing site? No **3rd Round Status:** Petition

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

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

PART 7 LANDOWNER EQUITY

Is the project exempt from the Highlands Act? No

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

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

Comments: Mount Olive Township is applying to the Highlands Council for a Highlands Redevelopment Area designation in a previously developed area. The applicant for Block 8200 Lot 5 will subsequently seek an HPAA with redevelopment waiver from NJDEP, consistent with Policies 7G1 and 7G2.

PART 8 SUSTAINABLE ECONOMIC DEVELOPMENT

Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 8A1: To maintain and expand the existing job and economic base by promoting appropriate, sustainable, and environmentally compatible economic development throughout the Highlands Region.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Policy 8A2: To preserve the high quality of life in the Highlands Region through economic planning of the RMP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 8A3: To identify and pursue state and federal programs that offer financial and/or technical assistance for sustainable	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

economic development in the Highlands Region.			
Policy 8A5: To advocate for appropriate public investment in the Highlands Region through the strategic location of public facilities and institutions that will spur sustainable and appropriate economic activity.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Objective 8A6a: Coordinate with municipalities and counties as local and regional strategies are developed to improve the tax base and to create jobs and economic opportunities consistent with the policies and objectives of the RMP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 8C1: To promote recreation and tourism based economic initiatives, which derive economic benefit from sustainable use of the natural resources of the Highlands Region.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The intended use for Block 8200 Lot 5, as supported by this proposed Highlands Redevelopment Area, is for the construction of an automobile dealership.			
PART 9 AIR QUALITY			
Regional Master Plan Goals, Policies, and Objectives:	C	I	N/A
Policy 9A1: To encourage capital facility development and redevelopment that leads to attainment of the National Ambient Air Quality Standards (NAAQS).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 9A2: To support continued, consistent and thorough air quality monitoring and assessment programs as a means of evaluating and managing major air toxic point sources that affect the Region.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 9A3: To encourage land use development and redevelopment practices that promote center-based growth and mixed-use development and offer alternative modes of transportation as a means to reduce automobile dependency, vehicle miles traveled, vehicle trip length, and duration, for the reduction of local and regional air pollutants and of carbon dioxide emissions linked to global warming.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 9A4: To encourage and support state and federal air quality monitoring for the Highlands Region and regulatory action to reduce levels of air pollutants including but not limited to: ozone, carbon dioxide, sulfur compounds, volatile organic compounds, methane, and fine particulate matter pollutants in the Highlands Region.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 9A5: To encourage energy efficient design and green building practices in support of regional resource protection and smart growth planning policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Policy 9A6: To support State and federal initiatives that will reduce air pollution emanating from power plants, incinerators and landfills within and affecting the Highlands Region and particularly in Warren County due to out-of-State power plant air pollution.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Air quality impacts associated with the proposed construction will likely include emissions from fossil-fueled construction equipment and fugitive dust. Such air quality impacts, however, will generally be temporary, localized and insignificant.			
CONCLUSION			
<p>This application is for a Highlands Redevelopment Area Designation wherein the Highlands Council designates an area within the Preservation Area for redevelopment activities with conditions and waivers as appropriate from the RMP. Subsequently, the owner of an affected parcel may request waivers from NJDEP, pursuant to N.J.A.C. 7:38, regarding unavoidable impacts to resources affected by proposed development in order to retain economic viability.</p> <p>The proposed Highlands Redevelopment Area is consistent with the Highlands Act and Highlands Council procedures regarding designation of a Highlands Redevelopment Area with at least 70% existing impervious surface. The proposed construction would entail encroachment into forest outside of a Forest Resource Area which would be inconsistent with Objective 1A2e and Policy 1B7. However, the forested area is fragmented and is surrounded by commercial development. The construction is also inconsistent with Policy 1D4 and Objectives 1D4b and 1D5b as it entails encroachment into a Highlands Open Waters buffer; however, the on-site buffer on Block 8200 Lot 5 (the only lot on which development is proposed) is previously agricultural (old field/shrub-scrub habitat.) There is a mapped area of Potential or Limited Constrained Slopes in the central to southern portion of Block 8200 Lot 5 that would be encroached by the proposed development. In accordance with Policy 1E9, the use of Low Impact Best Development Practices would be required for the proposed land disturbance within an area which features Limited Constrained Slopes. The applicant shall minimize site runoff through enhanced ground water recharge through stormwater management to meet the Low Impact Best Development Practices requirement. The proposed project is inconsistent with Objectives 2B8a and 2B8b because the on-site water demand represents new consumptive uses within a Current Deficit Area. Consistency would require that the applicant provide an estimated total daily water demand including uses that might be highly consumptive, such as lawn irrigation or non-recycled car washing. If the total water demand consists of no lawn irrigation or car wash facility, then a consumptive use coefficient of 10% shall be applied. Mitigation of either 125% or 150% shall be required, depending on whether the <u>consumptive</u> use exceeds 1,000 gpd. Consistency shall be achieved with on-site enhanced ground water recharge through the site's stormwater management, or through water conservation or recharge within the same subwatershed. The annual mitigation recharge requirement will be calculated once total daily water demand is calculated, but will be in addition to requirements of N.J.A.C. 7:8.</p> <p>Construction of the proposed facilities on Lot 5 within the Highlands Open Waters buffer and consumptive water use in a Current Deficit Area must be addressed through the redevelopment waiver process under N.J.A.C. 7:38.</p>			

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

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

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



CHRIS CHRISTIE
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KIM GUADAGNO
Lt. Governor

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JIM RILEE
Chairman

EILEEN SWAN
Executive Director

**Highlands Council Staff Final Recommendation Report
Proposed Highlands Redevelopment Area Designation
Route 46 (Mount Olive Township) Highlands Redevelopment Area
Mount Olive Block 8200 Lots 5 and 6 and Block 8100 Lots 49 and 50**

Date: December 20, 2011

Re:	Application Type:	<i>Proposed Highlands Redevelopment Area Designation</i>
	Name:	<i>Route 46 (Mount Olive Township) Highlands Redevelopment Area</i>
	Municipality:	<i>Mount Olive</i>
	County:	<i>Morris</i>
	Highlands Act Area:	<i>Preservation Area</i>
	LUCM Location:	<i>Conservation Zone and Conservation Zone – Environmentally Constrained Sub-Zone</i>
	Property:	<i>Block 8200 Lots 5 and 6 and Block 8100 Lots 49 and 50</i>
	Proposed Use:	<i>In addition to the existing development on Block 8100 Lots 49 and 50 and Block 8200 Lot 6, Debeck Associates, LLC (owner of Block 8200 Lot 5) proposes to construct an automobile dealership consisting of a commercial building of 13,000 square feet (sq ft) and attendant parking for the storage of vehicles for sale and for customers and employees on Block 8200 Lot 5.</i>

1.0 PROJECT DESCRIPTION

The proposed Route 46 (Mount Olive) Highlands Redevelopment Area consists of properties in the Preservation Area zoned as Commercial District located in portions of Block 8200 (Lots 5 and 6) and Block 8100 (Lots 49 and 50) along Route 46 in Mount Olive Township, Morris County. The proposed Highlands Redevelopment Area is mostly developed with the exception of Block 8200 Lot 5, which is vacant and is largely an open field with a wooded area to the north. The other parcels are fully built out as follows:

- Block 8200, Lot 6 is fully developed for an automobile dealership;
- Block 8100, Lot 49 is fully developed for a restaurant use; and
- Block 8100, Lot 50 is fully developed for a self-storage facility.

The maximum impervious cover under the Township ordinance is 60%. While one of the lots features slightly less than 60% impervious surface (Block 8100 Lot 50 has 54% existing impervious), the remaining developable areas are constrained by wetlands and open water buffers. Thus, future expansion of the three developed lots is foreclosed. The proposed Highlands Redevelopment Area incorporates the developed portions of those lots, and excludes any extensive portions that are lawn, field, and woodland.

The Township of Mount Olive is seeking a Highlands Redevelopment Area Designation from the Highlands Council. The entire proposed Highlands Redevelopment Area is 533,274 sq ft (approximately 12.24 acres), with an existing impervious surface of 377,847 sq ft (approximately 8.67 acres) (71% impervious surface). The vacant parcel, Block 8200 Lot 5, is approximately 3.45 acres. Debeck Associates, LLC (Debeck), the owner of Block 8200 Lot 5, proposes to construct an automobile dealership consisting of a commercial building of 13,000 square feet (sq ft) and attendant parking for the storage of vehicles for sale and for customers and employees on Block 8200 Lot 5. The construction of the automobile dealership was previously approved by the Township of Mount Olive Planning Board, which granted preliminary and final major site plan approval for Block 8200, Lot 5 for Debeck and amended preliminary and final major site plan approval in conjunction with the development of Block 8200 Lot 6 for Subaru of Mount Olive, approved on December 10, 2009, memorialized on February 18, 2010. Block 8200 Lot 6 is fully developed. The maximum occupancy of the proposed building will be 20 people and the proposed water usage would be 1,625 gallons per day. The site would be served by a new non-public (individual) well and a new individual subsurface disposal system (i.e., septic system).

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

2.0 ADMINISTRATIVE PROCESS

The Township of Mount Olive's Petition for Plan Conformance has been approved by the Highlands Council (Highlands Council Resolution # 2011-1 adopted on January 20, 2011.) An important component of the Township's Petition is redevelopment planning for the Township using a phased approach. During the Petition process, through discussions with Highlands Council staff, Mount Olive identified areas along Route 46 and Sand Shore Road for potential designation as a Highlands Redevelopment Area. Phase II was proposed to include existing commercial properties located along Route 46 (the subject of this Staff Recommendation Report.) Phase I (already approved by the Highlands Council on May 19, 2011) includes existing industrial properties located on Block 8300 along the north side of Sand Shore Road. Additional Highlands Redevelopment Areas in the area of Goldmine Road, and on Route 206 in the area of Bartley Road will also be reviewed for potential future Highlands Redevelopment Area designation.

With respect specifically to Phase II, the Highlands Council received a request on January 28, 2011 for a Redevelopment Area Designation Inquiry Meeting by Ferriero Engineers on behalf of their client (Debeck) regarding parcels in Mount Olive – Block 8200 Lots 5 and 6. On February 23, 2011, Highlands Council staff met with Debeck and Debeck's attorney and engineering consultant to discuss potential development opportunities of these parcels. The Highlands Council was informed that the construction of an automobile dealership on Block 8200, Lot 5 was previously approved by the Township of Mount Olive Planning Board, which granted preliminary and final major site plan approval for the parcel for Debeck Associates, LLC and amended preliminary and final major site plan approval in conjunction with the development of Block 8200 Lot 6 for Subaru of Mount Olive, approved on December 10, 2009, memorialized on February 18, 2010. Debeck was informed that a multi-parcel Highlands Redevelopment Area could only be considered by the Highlands Council if requested by the municipality, as discussed in the Final Consistency Review and Recommendations Report accompanying Highlands Council Resolution # 2011-1.

On June 20, 2011, Mayor David Scapicchio of Mount Olive Township forwarded a letter to the Highlands Council on behalf of the Township submitting a formal request for a Highlands Redevelopment Area Designation for Block 8200 Lots 5 and 6 and Block 8100 Lots 49 and 50. These contiguous parcels face each other across Route 46. Mayor Scapicchio noted that representatives of Debeck would be providing information for the proposed Highlands Redevelopment Area Designation to the Highlands Council. On November 4, 2011, the Highlands Council received a formal petition for a Highlands Redevelopment Area Designation. The petition was deemed administratively complete (i.e., it met the submittal requirements outlined in the *Procedures for Highlands Redevelopment Area Designations, October 2008*) on December 8, 2011 and the Township and Debeck were notified.

3.0 SMART GROWTH AND SUSTAINABLE ECONOMIC DEVELOPMENT CONSIDERATIONS

Redevelopment opportunities will be an important vehicle for economic development within the Highlands Region, particularly within the Preservation Area. Redevelopment policies and objectives within the Highlands Regional Master Plan (RMP) envision the conversion of underutilized, previously disturbed lands and infill properties into new economic contributors to the Region's fiscal health. As stated in the RMP, "Redevelopment will help to meet the Region's growth needs by optimizing the efficient use of previously settled areas with existing communities and available infrastructure, thus conserving natural resources."

Given that redevelopment is one of the major opportunities for sustainable economic development and smart growth in the Highlands Region, the proposed Highlands Redevelopment Area was reviewed for policies and objectives relevant to smart growth and sustainable economic development. The Highlands Act calls for the RMP to "promote compatible...uses and opportunities within the framework of protecting the Highlands environment."

As stated above, the proposed Route 46 (Mount Olive Township) Highlands Redevelopment Area consists of properties in the Preservation Area zoned as Commercial District located in portions of Block 8200 (Lots 5 and 6) Block 8100 (Lots 49 and 50) along Route 46 in Mount Olive Township. The proposed Highlands Redevelopment Area is mostly developed with the exception of Block 8200 Lot 5, which is vacant and is largely an open field with a small wooded area to the north. Block

8200 Lot 5 is entirely surrounded by developed parcels, including the three other parcels involved in this Highlands Redevelopment Area proposal. The proposed Highlands Redevelopment Area has approximately 71% impervious cover. The proposed use for Block 8200 Lot 5, as allowed by this proposed Highlands Redevelopment Area, is for an automobile dealership consisting of a commercial building of 13,000 sq ft and attendant parking for the storage of vehicles for sale and for customers and employees.

Management of stormwater from the project area shall be addressed through the HPAA with redevelopment waiver permitting process. The project shall be designed to incorporate low impact development techniques where feasible, including stormwater management techniques used for mitigation. Any disturbance and construction activities must be managed to minimize impacts to the surrounding environment. Designation of the proposed Highlands Redevelopment Area including Block 8200 Lot 5 provides for beneficial public use. By reusing and redeveloping previously disturbed and infill areas, economic investment and community development within the framework of smart growth is assured. The project promotes smart growth policies by a maintaining land use patterns, balancing economic development with resource protection, and providing an equitable distribution of the costs and benefits of redevelopment. The proposed use of Block 8200 Lot 5 does not create a substantial change to the existing development pattern of this area, as the surrounding parcels are currently developed. This is also consistent with the Highlands Act goal for the Planning Area to “encourage, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and discourage piecemeal, scattered, and inappropriate development, in order to accommodate local and regional growth and economic development in an orderly way...”.

4.0 FINDINGS AND RECOMMENDATIONS

Council staff reviewed the complete application package. Findings include:

- **Impervious Surface Requirement:** The calculations were verified and the proposed Highlands Redevelopment Area was found to contain approximately 71% impervious surface, in excess of Highlands Act requirements for at least 70 percent impervious surface.
 - Existing Impervious Surface = 377,847 sq ft
 - Allowable Highlands Redevelopment Area = 539,781 sq ft
 - Proposed Highlands Redevelopment Area = 533,274 sq ft
- **Resource Assessment:** The proposed construction would entail encroachment into forest outside of a Forest Resource Area which would be inconsistent with Objective 1A2e and Policy 1B7. However, the forested is fragmented, is surrounded by commercial development, and the area to be disturbed is roughly 0.6 acres. It is inconsistent with Policy 1D4 and Objectives 1D4b and 1D5b as it entails encroachment into a Highlands Open Waters buffer. The on-site buffer on Block 8200 Lot 5 (the only lot on which development is proposed) is previously agricultural (old field/shrub-scrub habitat), which is not considered “disturbed” per Objective 1D4b but does not represent a high value buffer, especially as the buffer is related to Highlands Open Waters on the opposite side of Route 46. Approximately 0.2 acres of this buffer would be disturbed. There is a mapped area of

Potential or Limited Constrained Slopes in the north central portion of Block 8200 Lot 5 that would be encroached by the proposed development. In accordance with Policy 1E9, the use of Low Impact Best Development Practices would be required for the proposed land disturbance within an area which features Limited Constrained Slopes. The applicant shall provide for enhanced ground water recharge through stormwater management to meet the Low Impact Best Development Practices requirement. The proposed development would entail encroachment into a Tier I and a Tier II Wellhead Protection Area (WHPA). Both the septic system and the bioretention facility area are proposed in a Tier 1 WHPA, which is inconsistent with Objective 2H2a. However, there is no viable alternative location available for either facility. Therefore, a waiver is necessary for both facilities (and any other inconsistencies related to the Tier I WHPA), with both facilities being located and designed in such a manner as to minimize the potential for ground water contamination. An Operations and Contingency Plan approved by the Township and the Highlands Council will be required to ensure that no volatile organic contaminants are introduced by the facility. The proposed project is inconsistent with Objectives 2B8a and 2B8b because the on-site water demand represents new consumptive uses within a Current Deficit Area. Consistency would require that the applicant provide an estimated total daily water demand including uses that might be highly consumptive, such as lawn irrigation or non-recycled car washing. If the total water demand consists of no lawn irrigation or car wash facility, then a consumptive use coefficient of 10% shall be applied. Mitigation of either 125% or 150% shall be required, depending on whether the consumptive use exceeds 1,000 gpd. Consistency shall be achieved with on-site enhanced ground water recharge through the site's stormwater management, or through water conservation or recharge within the same subwatershed.

- **Smart Growth and Sustainable Economic Development:** The proposal is consistent with the RMP regarding smart growth and sustainable economic development; however, details should be provided as part of the NJDEP HPAA permitting process to demonstrate the implementation of low impact development techniques as addressed in the Low Impact Development Program of the RMP. Designation of the proposed Highlands Redevelopment Area including Block 8200 Lot 5 (which is a currently vacant infill parcel) provides for beneficial public use. By reusing and redeveloping previously disturbed and infill areas, economic investment and community development are assured within the framework of smart growth. The project promotes smart growth policies by maintaining land use patterns, balancing economic development with resource protection, and providing an equitable distribution of the costs and benefits of redevelopment.

The Highlands Act allows a waiver of any provision of a Highlands permitting review on a case-by-case basis for a redevelopment proposal, conditioned upon the finding by NJDEP that it meets the requirements of the narrative criteria described in Section 36 of the Act (N.J.S.A 13:20-34). To assist NJDEP, the Council staff concludes that the proposed project meets the waiver criteria, which are addressed as follows:

Requirement	Staff Analysis
1) would have a de minimis impact on water resources and would not cause or contribute to a significant degradation of surface or ground	An Operations and Contingency Plan is required to ensure that no volatile organic contaminants are introduced to ground

Requirement	Staff Analysis
waters;	water by the facility, to protect the nearby Public Non-Community Water Supply well. The applicant proposes construction of an on-site well for water supply and discharging treated wastewater back to ground water with minimal consumptive uses. Mitigation equal to 125 - 150% of the proposed consumptive water uses will be achieved through enhanced on-site recharge. This will be ensured through a coordinated review of the mitigation plan by staff of the Highlands Council and NJDEP during the permitting process. No expansion of a public water supply system is proposed, and no expansion of the existing service area is proposed. The site is smaller than the minimum acreage required by NJDEP rules for septic systems in the Preservation Area and therefore will require a waiver for this purpose.
2) would cause minimal feasible interference with the natural functioning of animal, plant and other natural resources;	While construction on Block 8200 Lot 5 would encroach into a small area of upland forest, it is expected that the proposed project would not adversely affect the natural functioning of animal, plant, and other natural resources. The forested area is fragmented and is surrounded by commercial development. The area to be disturbed is roughly 0.6 acres.
3) will result in minimum feasible alteration or impairment of the aquatic ecosystem;	The proposed project entails encroachment into a Highlands Open Waters buffer that is formerly agricultural (old field/shrub-scrub habitat). The buffer is related to a Highlands Open Water located across Route 46, and therefore provides minimal if any protective value. Stormwater regulations must be followed in the project design upon permitting (see response to #7).
4) will not jeopardize the continued existence of endangered animal or plant species;	The proposed construction does not encroach upon Critical Wildlife Habitat
5) is located or constructed as to neither endanger human life or property nor otherwise impair public health, safety and welfare;	The proposed Highlands Redevelopment Area is compatible with existing municipal zoning. The construction of the auto dealership would not endanger human life or property nor otherwise impair public

Requirement	Staff Analysis
	health, safety and welfare.
6) would result in minimal practicable degradation of unique or irreplaceable land types, historical or archaeological areas, and existing public scenic attributes; and	No resources of this type are known to be affected by the project.
7) meets all other applicable NJDEP standards, rules, and regulations and State laws.	Compliance with all remaining NJDEP standards will be addressed through the HPAA with redevelopment waiver permit process.

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

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

Attachments

- Consistency Determination

RESOLUTION 2012-4
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
DESIGNATION OF HIGHLANDS REDEVELOPMENT AREA
ROUTE 46 BLOCK 8200 LOTS 5 AND 6, AND BLOCK 8100 LOTS 49 AND 50
TOWNSHIP OF MOUNT OLIVE, MORRIS COUNTY

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, Section 9 and 11 of the Highlands Act, N.J.S.A. 13:20-9.b. and N.J.S.A. 13:20-11.a.(6)(h), specifies that in preparing the Highlands Regional Master Plan (RMP), the Highlands Council may, in conjunction with municipalities in the Preservation Area, identify areas in which redevelopment shall be encouraged and shall identify areas appropriate for redevelopment in order to promote the economic well-being of the municipality, provided that the redevelopment conforms with the goals of the Preservation Area and the Highlands Act, with the rules and regulations adopted by the Department of Environmental Protection (NJDEP), and any area so identified for possible redevelopment shall be either a brownfield site designated by the NJDEP or a site at which at least 70% of the area thereof is covered with impervious surface; and

WHEREAS, Section 35 of the Highlands Act, N.J.S.A. 13:20-33.b.(2), authorized NJDEP to grant a waiver of any provision of a Highlands permitting review on a case-by-case basis for redevelopment in certain previously developed areas in the Preservation Areas identified by the Highlands Council pursuant to Section 9.b. or Section 11.a.(6)(h); and

WHEREAS, the NJDEP had adopted rules at N.J.A.C. 7:38-1.1 et seq. (Highlands Rules) governing the NJDEP's review of projects in the Highlands Region; and

WHEREAS, the Highlands Rules, at N.J.A.C. 7:38-6.4, specifies that as provided for in Highlands Act, the NJDEP may waive any provision of the rules for redevelopment in certain previously developed areas in the Preservation Area identified by the Highlands Council pursuant to the Highlands Act; and

WHEREAS, the Highlands Council prepared and adopted Procedures for Highlands Redevelopment Areas Designation (Procedures) by Resolution 2008-43 dated October 30, 2008; and

WHEREAS, the Applicant, Township of Mount Olive, submitted a Petition for Route 46 Block 8200 Lots 5 and 6, and Block 8100 Lots 49 and 50 Highlands Redevelopment Area Determination for Mount Olive, Morris County; and

WHEREAS, the Highlands Council released the Highlands Council Staff Draft Recommendation Report dated December 20, 2011 for public comment; and

WHEREAS, the Highlands Council held a public comment period concerning the proposed Highlands Redevelopment Area Designation commencing December 20, 2011 and ending January 6, 2012; and

WHEREAS, the Highlands Council duly considered the Draft Recommendation Report (no public comments received) on the proposed Highlands Redevelopment Area Designation; and

RESOLUTION 2012-4

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL DESIGNATION OF HIGHLANDS REDEVELOPMENT AREA ROUTE 46 BLOCK 8200 LOTS 5 AND 6, AND BLOCK 8100 LOTS 49 AND 50 TOWNSHIP OF MOUNT OLIVE, MORRIS COUNTY


WHEREAS, after Highlands Council staff review, staff recommended that the Highlands Council approve the proposed Highlands Redevelopment Area Designation with conditions set forth in the Highlands Council Staff Final Recommendation Report dated January 12, 2012; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED, the Highlands Council hereby approves Route 46 Block 8200 Lots 5 and 6, and Block 8100 Lots 49 and 50, Mount Olive Township, Morris County Highlands Redevelopment Area Designation with conditions as set forth in the Final Recommendation Report and authorizes the Executive Director to prepare a document so informing the NJDEP of the Highlands Redevelopment Area Designation.

CERTIFICATION

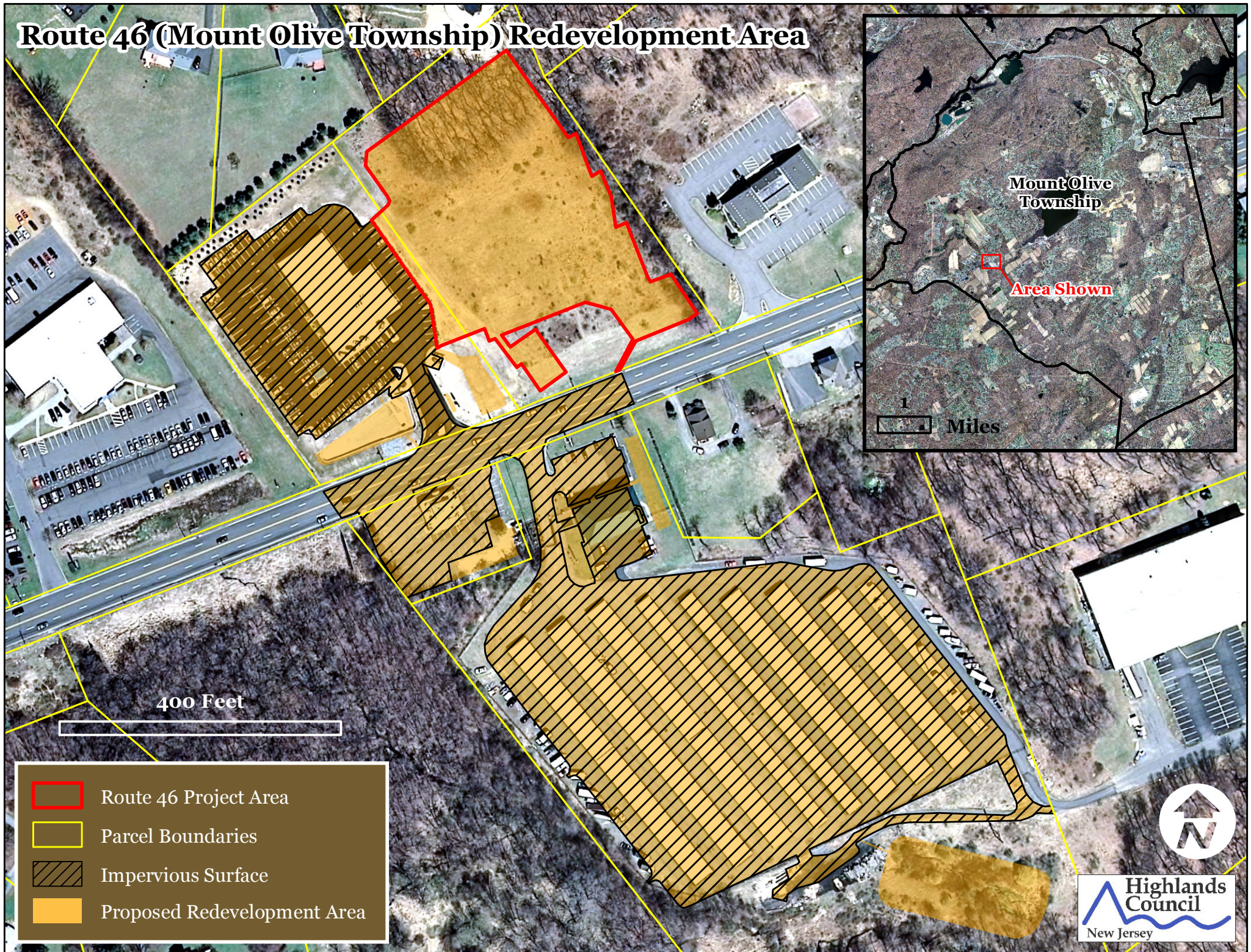
I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 19th day of January 19, 2012.


Jim Rilee, Chairman

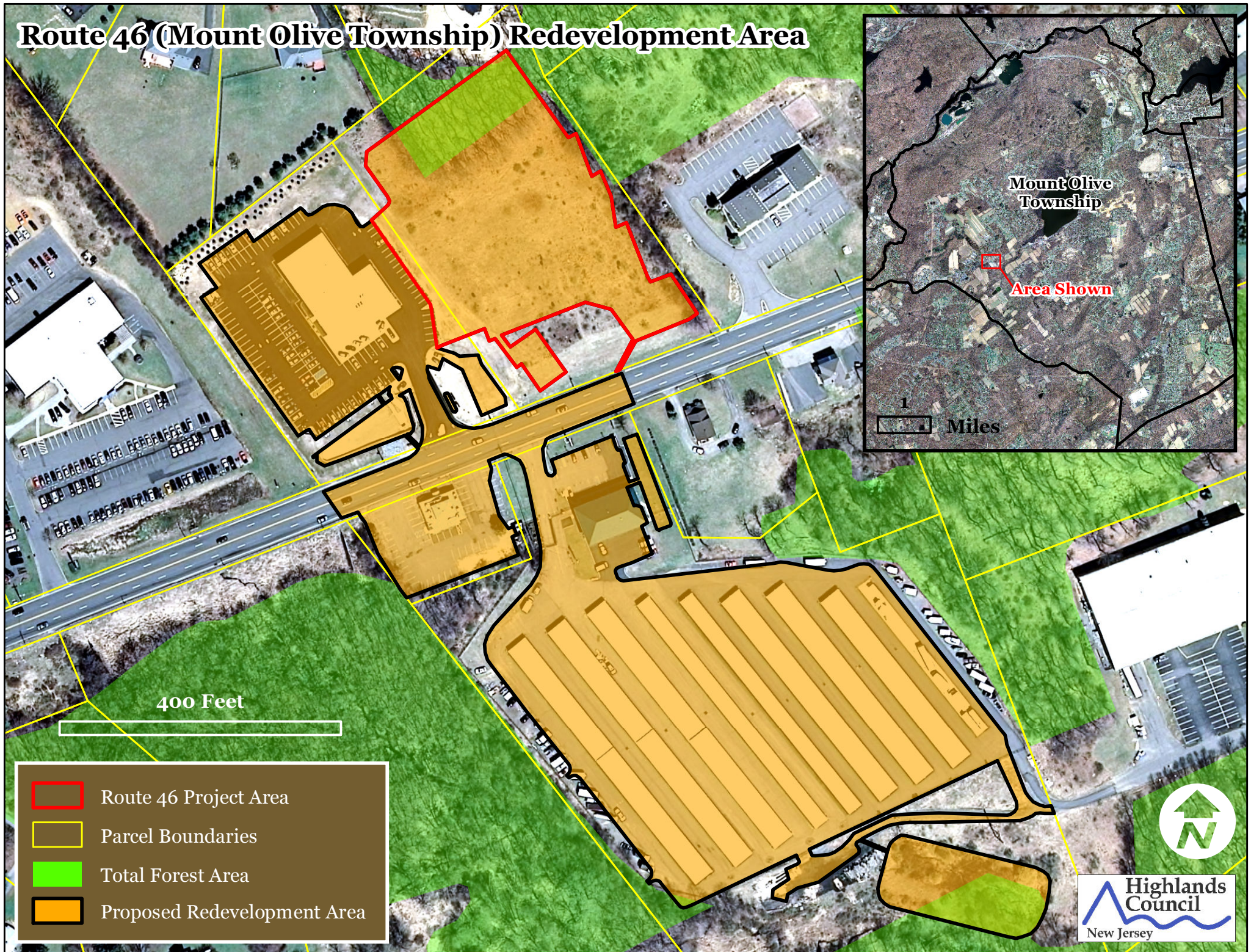
Vote on the Approval of This Resolution

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			✓			
Councilmember Carluccio				✓		
Councilmember Dougherty				✓		
Councilmember Dressler			✓			
Councilmember Francis			✓			
Councilmember Holtaway		✓	✓			
Councilmember James			✓			
Councilmember Mengucci			✓			
Councilmember Richko				✓		
Councilmember Sebetich			✓			
Councilmember Tfank			✓			
Councilmember Visioli	✓		✓			
Councilmember Vohden			✓			
Councilmember Walton			✓			
Chairman Rilee			✓			

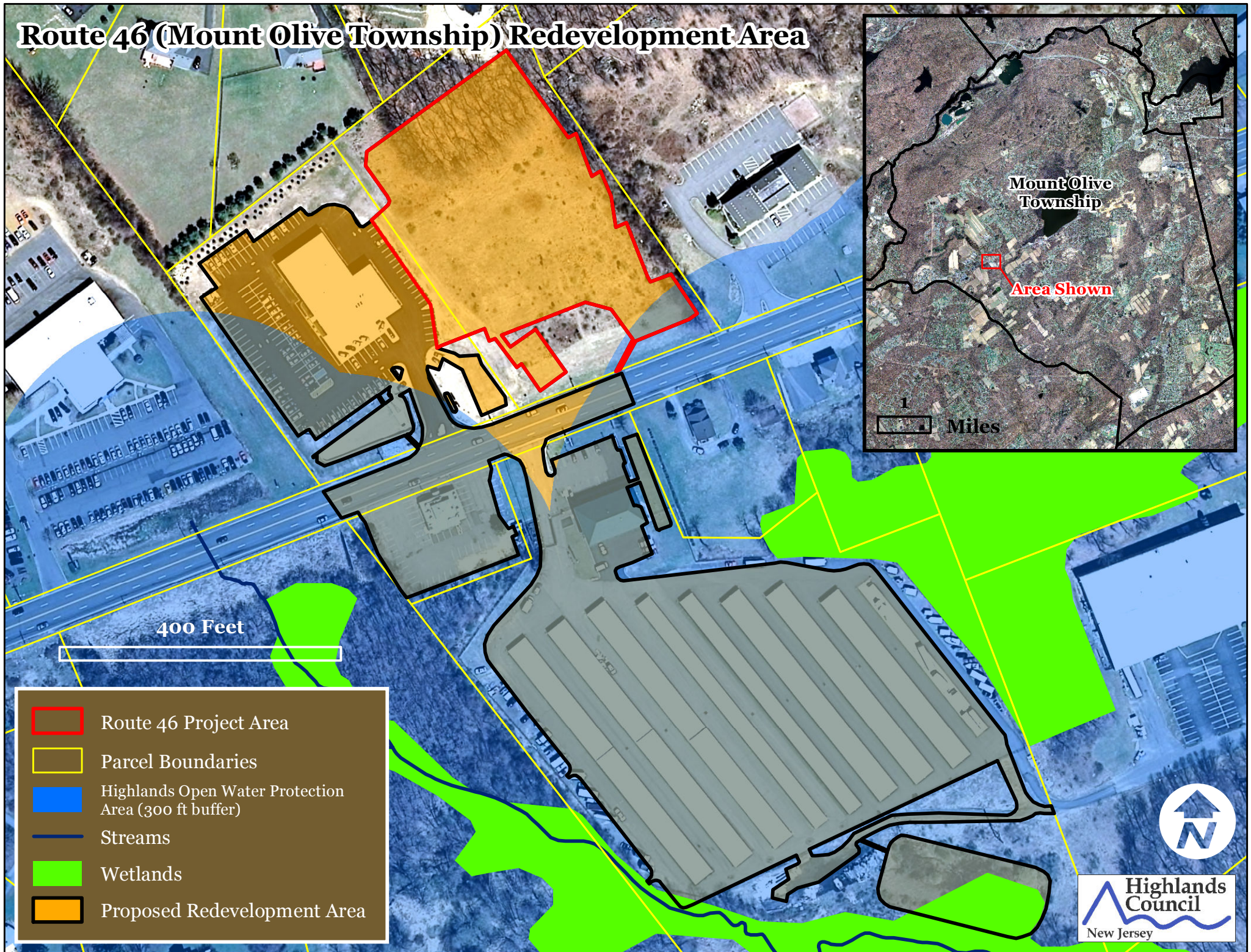
Route 46 (Mount Olive Township) Redevelopment Area



Route 46 (Mount Olive Township) Redevelopment Area

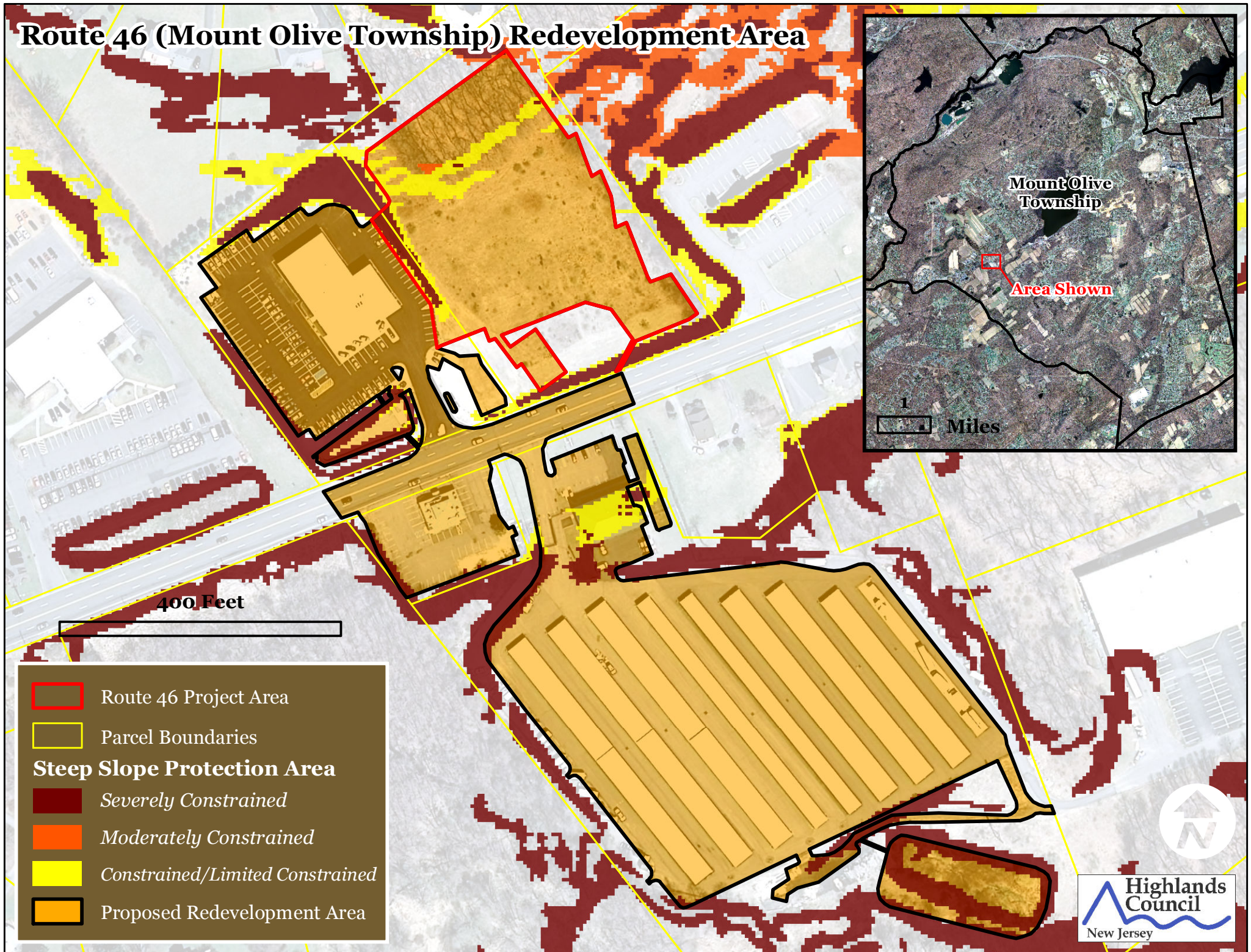


Route 46 (Mount Olive Township) Redevelopment Area

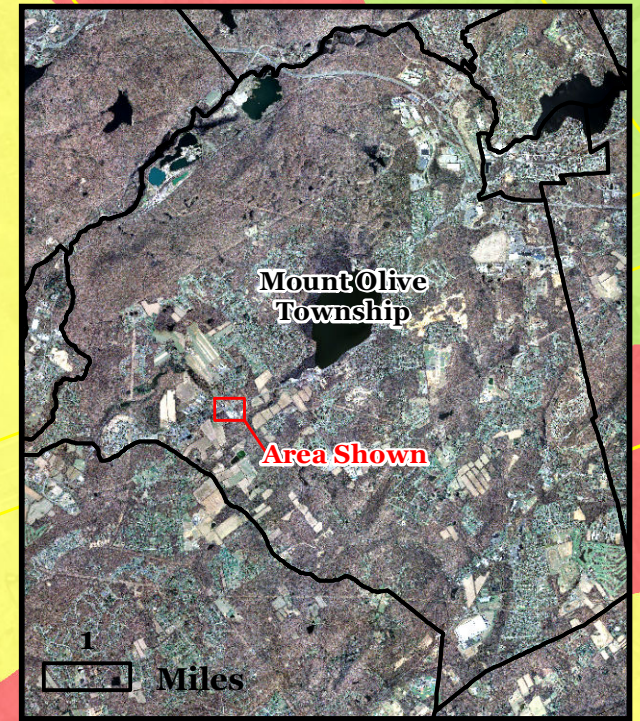


- Route 46 Project Area
- Parcel Boundaries
- Highlands Open Water Protection Area (300 ft buffer)
- Streams
- Wetlands
- Proposed Redevelopment Area

Route 46 (Mount Olive Township) Redevelopment Area



Route 46 (Mount Olive Township) Redevelopment Area



400 Feet

- Route 46 Project Area
- Parcel Boundaries
- Wellhead Protection Areas**
 - (Tier 1) 2-Year
 - (Tier 2) 5-Year
 - (Tier 3) 12-Year
- Proposed Redevelopment Area



**Highlands Preservation Area Approval Application Checklist Items for
HPAA with Redevelopment Waiver, Debeck Property, Block 8200 Lot 5
Route 46 Mount Olive Township Highlands Redevelopment Area (Block 8200 Lots 5 and 6 and Block 8100 Lots 49 and 50)
See Highlands Council Review at: <http://www.highlands.state.nj.us/njhighlands/projectreview/>**

****For advisory purposes only – please be advised that this checklist provides information to both the applicant and NJDEP from the analysis prepared by the Highlands Council. NJDEP may require additional information be required as part of the review of the HPAA application. ****

January 2012

HPAA Checklist Item <i>(All of the information required in N.J.A.C. 7:38-9.5)</i> Items deemed complete or unnecessary highlighted	Submittal Status/ Highlands Council Analysis	Comments and Action Items For Items in green the applicant (Debeck), needs to supply
1. A completed copy of this checklist	Applicant will submit	Applicant to provide
2. A LURP-2 application form, completed in accordance with the directions on the form;	ALREADY COMPLETED FOR HIGHLANDS COUNCIL PETITION	Applicant already completed LURP-2 application as part of <i>Pre-Application Meeting Checklist</i> (also required for Highlands Council Redevelopment Area Designation Petition). Applicant to provide
3. The appropriate fee, indicated in the Highlands Preservation Area Approval fee table, which can be found at www.state.nj.us/dep/highlands	Applicant will submit	Applicant to provide. The base fee for the review of a HPAA with a completed HRAD shall be \$2,500 plus \$50.00 per acre, or any fraction thereof of Highlands resource areas to be affected (Highlands Council suggests that its Consistency Determination and Recommendation Report serve as functional equivalent for HRAD.) For all projects requiring review of stormwater calculations: \$2,000
4. Proof that the public notice requirements below have been met. (Note: To prove that an item has been sent to a person, submit either the white postal receipt you receive when you send the item by certified mail, or the green certified mail return receipt card.) Entire application must be sent to municipal clerk and Highlands Council . Notice letters to	Applicant will submit	Applicant to provide notice.

HPAA Checklist Item (All of the information required in N.J.A.C. 7:38-9.5) Items deemed complete or unnecessary highlighted	Submittal Status/ Highlands Council Analysis	Comments and Action Items For Items in green the applicant (Debeck), needs to supply
environmental commission, municipal planning board and construction official, county planning board, county environmental commission, all landowners within 200 feet of boundary of site		
5. The approximate boundaries the project or activities clearly delineated on a USGS quadrangle Map	ALREADY SUBMITTED FOR HIGHLANDS COUNCIL PETITION	Applicant to include copies in NJDEP submittal package
6. Two copies of a recent county road map or local street map, with the site clearly marked	ALREADY SUBMITTED FOR HIGHLANDS COUNCIL PETITION	Applicant to include copies in NJDEP submittal package
7. Two sets of original color photographs, mounted on 8½ by 11 inch paper, sufficient to show the conditions on the site, and immediately surrounding areas, as well as the area of disturbance for the proposed activities. A minimum of ten photographs is required	Applicant will submit. Note: The project site can be readily viewed and analyzed using the Highlands Council interactive mapping with <i>3-D Birds Eye View</i> at http://maps.njhighlands.us/hgis/	Applicant to provide
8. A copy of a Municipal tax map(s) delineation the project or activity site by lot(s) and block(s)	ALREADY SUBMITTED FOR HIGHLANDS COUNCIL PETITION	Applicant to include copies in NJDEP submittal package
9. A copy of the Highlands Applicability Determination issued by the Department, or, in the case where an applicant does not have an applicability determination because he or she stipulated under N.J.A.C. 7:38-2.4(a) that the proposed activity is subject to the Highlands Act, the information required at N.J.A.C. 7:38-9.2(b)3 and 4, and 9.2(c)	N/A - Applicant stipulates that Highlands Act is applicable. Highlands CD and Recommendation report the functional equivalent of HRAD – meeting requirements at N.J.A.C. 7:38-9.2(b)3 and 4, and 9.2(c)	
10. If the proposed project or activity requires new or modified water supply allocation permits please visit the Highlands website for the checklists to apply for these permits	N/A	
11. Information and/or certifications regarding the presence or absence of rare, threatened or endangered species habitat, ecological communities, historic or archaeological resources, or other features on the site relevant to determining compliance with the requirements of this chapter. This information shall include but not be limited to a letter from the Natural Heritage Program indicating the presence or	ALREADY RECEIVED NATURAL HERITAGE PROGRAM LETTER. Further, see Highlands Council project review at: http://www.highlands.state.nj.us/njhighlands/projectreview/ The proposed development on Block 8200 Lot 5 would not entail encroachment into any Critical Wildlife Habitat, Significant Natural Areas, or Vernal Pools. The Highlands Council GIS data (same as Natural Heritage Data) indicates	

HPAA Checklist Item (All of the information required in N.J.A.C. 7:38-9.5) Items deemed complete or unnecessary highlighted	Submittal Status/ Highlands Council Analysis	Comments and Action Items For Items in green the applicant (Debeck), needs to supply
absence of any rare, threatened or endangered species or ecological communities listed in the Natural Heritage Database on or near the site	that there is an area of mapped Critical Wildlife Habitat in the southern portion of Block 8100 Lot 50; however, that area is excluded from the Highlands Redevelopment Area and no development is proposed for this parcel.	
12. When an applicant intends to rebut the presumption of rare, threatened or endangered species habitat on the applicant's site as set forth at N.J.A.C. 7:38-5.1(a), all habitat evaluation information pursuant to N.J.A.C. 7:38-5.1(b)	N/A	
13. Any other information not listed herein, that the applicant or the Department deems necessary to demonstrate compliance with this rule or the Federal rules governing the Department's assumption of the Federal 404 program. In addition, the Department may require any information necessary to clarify whether an application meets State and/or Federal standards	Based on review of the Highlands Council GIS data, the southeastern corner of Block 8200 Lot 5 features a Highlands Open Waters buffer for an off-site wetland that is located across the highway (Route 46). This buffer would be encroached by the proposed development (approximately 0.2 acres). The buffer is related to a Highlands Open Water (wetland) located across Route 46, and therefore provides minimal if any protective value. N.J.A.C. 7:38 rules for permitting and waivers will apply. There is also a mapped wetland/stream complex (Highlands Open Waters) and associated Riparian Area in the southern portion of Block 8100 Lot 50; however, that area is excluded from the Highlands Redevelopment Area and no development is proposed for this parcel. Block 8200 Lot 46 and Block 8100 Lots 49 and 50 feature Highlands Open Waters buffers and Riparian Areas; however, no new development is proposed for these areas, which are currently disturbed.	

HPAA Checklist Item <i>(All of the information required in N.J.A.C. 7:38-9.5)</i> Items deemed complete or unnecessary highlighted	Submittal Status/ Highlands Council Analysis	Comments and Action Items For Items in green the applicant (Debeck), needs to supply
<p>14. The following information on the location of special Highlands resources on the site:</p> <p>A. A Highlands Area Resource Determination (HRAD) if one has been issued for the site; or</p> <p>B. If no Highlands LOI has been issued, and the site is larger than one acre, the application must include all of the information required for an application for a line verification HRAD. A formal delineation report is not required. However, the application must include the data sheets and supporting information used to record the information on soils and vegetation which formed the basis for the boundary determination;</p> <p>C. If the applicant has a currently valid approved Freshwater Wetlands letter of interpretation (LOI), issued by the Department for the site under N.J.A.C. 7:7A-3, this may be submitted instead of an HRAD so long as the applicant also provides information regarding any additional HRAs not previously identified in the LOI;</p> <p>D. If no Freshwater wetlands LOI or HRAD has been issued and the site does not contain Highlands open waters, no delineation or other information is required;</p> <p>E. If no Freshwater or HRAD has been issued, and the site is one acre or smaller, no delineation or other information is required, except if indicated otherwise in this checklist</p>	<p>Highlands CD and Recommendation report the functional equivalent of HRAD – meeting requirements at N.J.A.C. 7:38-9.2(b)3 and 4, and 9.2(c)</p>	

HPAA Checklist Item <i>(All of the information required in N.J.A.C. 7:38-9.5)</i> Items deemed complete or unnecessary highlighted	Submittal Status/ Highlands Council Analysis	Comments and Action Items For Items in green the applicant (Debeck), needs to supply
<p>15. Six copies of a detailed project description including:</p> <p>A. The purpose and intended use of the proposed project;</p> <p>B. A description of the regulated activities necessary to complete and operate or occupy the proposed project;</p> <p>C. A description of any structures to be erected, and how they will be used;</p> <p>D. A schedule for the progress and completion of the proposed project;</p> <p>E. The total area of Highlands open waters and Highlands open water buffers proposed to be disturbed (if any);</p> <p>F. The total area of upland forest area on the site and the total area of upland forest area that will be disturbed</p> <p>G. The amount of pre-development impervious coverage on the site and the total aggregate impervious coverage on the site following completion of the proposed project;</p> <p>H. A description of slopes between 10% and 20% and 20% or greater that are present on the site</p> <p>I. An evaluation of whether and how rare, threatened or endangered animals or plant species or ecological communities will be affected by the proposed activities;</p> <p>J. An architectural or Phase I archaeological survey for the applicants proposing work that will impact historic structures or archaeological resources</p> <p>K. A Phase II archaeological survey for applicants that discover archaeological features resources as a result of the Phase I archaeological survey</p> <p>L. The names, addresses and professional qualifications of those used to prepare the detailed project description</p> <p>M. If any or all of the proposed project or activity is in a flood hazard area</p> <p>N. Source of floodplain data</p>	<p>The Highlands Council CD and Recommendation Report fulfill this requirement. See Highlands Council project review at: http://www.highlands.state.nj.us/njhighlands/projectreview/</p> <p>The Highlands Council has provided copies to NJDEP.</p> <p>A. See Recommendation Report – Section 1. Project Description</p> <p>B. See Recommendation Report – Section 4. Findings and Recommendations – Resource Assessment</p> <p>C. See Recommendation Report – Section 1. Project Description</p> <p>D. N/A – schedule to be determined</p> <p>E. See Recommendation Report – Section 4. Findings and Recommendations – Resource Assessment and Consistency Determination – Comments for Part 1 Subpart B – Highlands Open Waters and Riparian Areas</p> <p>F. See Consistency Determination – Comments for Part 1 Subpart A – Forest Resources</p> <p>G. See Recommendation Report – Section 4. Findings and Recommendations – Impervious Surface Requirement</p> <p>H. See Consistency Determination – Comments for Part 1 Subpart C – Steep Slopes</p> <p>I. See Consistency Determination – Comments for Part 1 Subpart D – Critical Habitat</p> <p>J. See Consistency Determination – Comments for Part 4 Historic, Cultural, Archaeological, and Scenic Resources</p> <p>K. See Consistency Determination – Comments for Part 4 Historic, Cultural, Archaeological, and Scenic Resources</p> <p>L. See site plan</p> <p>M. No floodplain</p> <p>N. Highlands GIS data</p>	<p>.</p>

HPAA Checklist Item <i>(All of the information required in N.J.A.C. 7:38-9.5)</i> Items deemed complete or unnecessary highlighted	Submittal Status/ Highlands Council Analysis	Comments and Action Items For Items in green the applicant (Debeck), needs to supply
<p>16. Six folded copies of a site plan or subdivision map, signed and sealed by a NJ licensed professional surveyor and, where appropriate, a NJ licensed professional engineer, showing the entire site and indicating the following:</p> <p>A. All existing structures on the site and on all immediately adjacent lots;</p> <p>B. All proposed structures, disturbances, and activities;</p> <p>C. Distances and dimensions of areas, structures and lots, including the boundaries of freshwater wetlands, state open waters, flood hazard areas, uplands, roads, and utility lines;</p> <p>D. A complete delineation of the boundaries of all Highlands open waters, transition areas, forest and slopes 10% to 20% and slopes greater than 20%, HRAD issued by the Department that shows the Highlands open water boundary, forest boundary slopes 10% to 20% and slopes greater than 20% may be submitted to satisfy this requirement. Include a copy of a map or plan, which depicts the approved lines;</p> <p>E. A calculation of total existing and proposed percent impervious surface for the entire site</p> <p>F. The area which will be used for the proposed activity or discharge;</p> <p>G. The location of the site in relation to development in the region;</p> <p>H. The scale of the plan and a north arrow;</p> <p>I. Soil erosion/sediment control details;</p> <p>J. The name of all persons who prepared the plan and the date of preparation;</p> <p>K. The name of the applicant, and municipal lot(s) and block number(s) of the project site;</p> <p>L. For projects in a flood hazard area plans must also:</p> <p>1. Reference 1929 NGVD;</p>	<p>Applicant will submit</p>	<p>Applicant to provide</p>

HPAA Checklist Item (All of the information required in N.J.A.C. 7:38-9.5) Items deemed complete or unnecessary highlighted	Submittal Status/ Highlands Council Analysis	Comments and Action Items For Items in green the applicant (Debeck), needs to supply
2. Provide all cross sections, profiles and all relevant details referenced in the engineering report.		
17. A mitigation proposal for all disturbances to Highlands open waters shall be submitted.	The proposed project entails encroachment into a Highlands Open Waters buffer that is formerly agricultural (old field/shrub-scrub habitat). The buffer is related to a Highlands Open Water located across Route 46, and therefore provides minimal if any protective value.	
18. If the site is located in an area designated a Wild and Scenic River, or under study for such designation, this approval will not be granted until a letter is received from the National Park Service	N/A	
19. Stormwater management calculations in accordance with the Stormwater Management rules must be provided for all major developments	Applicant did supply stormwater management plan as part of petition to Highlands Council – NJDEP to determine suitability of those material for their review. **Note – there should be a coordinated review of the stormwater plan between the Highlands Council and the NJDEP to ensure that the conditions of the Highlands Council’s recommendation are met. Related to stormwater is the condition that the applicant shall supply a stormwater management plan that incorporates low impact development techniques and a construction implementation plan that minimizes disturbance during and after construction.	Applicant will provide
20. A copy of all past Department approvals for activities on the site;	Applicant will provide LOI and any other Department approvals	Applicant will provide LOI and any other Department approvals
21. The names and addresses of all consultants, engineers, and other persons providing technical assistance in preparing the application;	Applicant will submit	Applicant to include copies in NJDEP submittal package.
Remainder of the checklist is to be used for any project that proposes activities regulated pursuant to the Flood Hazard Area Control Act rules at N.J.A.C. 7:13., and thus, NA	N/A	

7:38-9.6 ADDITIONAL APPLICATION REQUIREMENTS FOR A HIGHLANDS PRESERVATION AREA APPROVAL WITH WAIVER

An administratively complete application for an HPAA with waiver shall contain:

1. All of the information required in N.J.A.C. 7:38-9.5:

Response: See checklist above

2. An analysis describing all alternatives to the proposed project which would reduce each impact of the project as listed in N.J.A.C. 7:38-6.2(a) and the reasons the applicant did not adopt that alternative

Response: The applicant to complete.

3. A description of the source of water or waste water disposal that would be used by development if the waiver is granted

Response: The applicant proposes using an on-site well for water supply and discharging treated wastewater back to ground water through an on-site septic system with limited losses, which are considered a consumptive use. The total daily water demand is not provided in the application, but a wastewater daily flow of 1,625 gpd is estimated for restroom uses. Indoor water use tracks closely with wastewater flow, but does not account for outdoor or process water use. Of particular concern is potential for large water use associated with a car wash or vehicle wash-downs. The amount of outdoor water use for lawn irrigation appears limited given the relatively large amount of impervious surfaces being proposed.

4. A request for a specific waiver in accordance with N.J.A.C. 7:38-6.4(a)

Response: Consistent with N.J.A.C. 7:38-6.4(a), is seeking a waiver from the Department under N.J.A.C. 7:38-6.4(a)2 regarding Highlands Open Water buffers, impervious surfaces and septic system density for redevelopment in a previously developed area in the Preservation Area identified by the Highlands Council pursuant to N.J.S.A. 13:20-9b or N.J.S.A 13:20-11.

5. A detailed explanation why the proposed activity meets the criteria for a waiver in N.J.A.C. 7:38-6.4(a);

Response: The Highlands Council has issued a Highlands Redevelopment Area Designation pursuant to N.J.S.A. 13:20-9b and N.J.S.A 13:20-11.

6. A detailed description of the specific HPAA requirement for which a waiver is sought, and a comparison of the HPAA standard with the level of compliance the proposed development provides (for example, "N.J.A.C. 7:38-3.5 limits a development to a maximum of three percent impervious coverage whereas the proposed project requires a total of four percent");

Response: Three HPAA standards:

1. N.J.A.C. 7:38-3.4 states that the applicant proposes no more than one individual subsurface disposal system or equivalent disposal unit for each 25 acres of the lot, whereas the lot for the proposed project is less than 25 acres.

2. N.J.A.C. 7:38-3.5 limits a development to a maximum of three percent impervious coverage. The site plan proposes more than 3 percent impervious surface within the proposed Redevelopment Area.
3. N.J.A.C. 7:38-3.6 states that there shall be a 300-foot buffer adjacent to Highlands open waters in which no disturbance is permitted, except as provided in this chapter. The proposed project entails encroachment into a Highlands Open Waters buffer that is formerly agricultural (old field/shrub-scrub habitat). The buffer is related to a Highlands Open Water located across Route 46, and provides minimal if any protective value due to the intervening four-lane State highway.
4. The Department shall not issue an HPAA for an activity that would result in disturbance to an upland forest located on a slope greater than 10 percent, except for linear development which meets the criteria in N.J.A.C. 7:38-3.6(b)1 and 2. The proposed construction would entail encroachment into forest on a slope greater than 10 percent.

Response: The Highlands Council approval of this Highlands Redevelopment Area demonstrates that the proposed activity satisfies each of the remaining HPAA standards at N.J.A.C. 7:38-3. The Highlands Council approval process includes: 1) A pre-application and application to the Highlands Council; 2) A Draft Consistency Determination, a Draft Staff Recommendation Report, and Mapping of Highlands resources; 3) A Public Notice, public comment period, and a Comments Summary and Response document; 4) A Public meeting held by the Highlands Council with additional opportunity for public comment and a vote by Council on a Resolution. Given this extensive process, the NJDEP should be able to rely upon the analysis and conclusions of the Highlands Council in considering an HPAA application for a redevelopment area waiver in accordance with NJDEP's Preservation Area rules at N.J.A.C. 7:38-1.1.

7. A detailed explanation why the proposed activity satisfies the standards at N.J.A.C. 7:38-6.2(a);

Response: That explanation can be found in the Highlands Council Recommendation Report (table on page 4).

8. Documents showing the conclusion of an applicant's legal challenges, if any, to the Department's decision on the application for an HPAA under the rules as strictly applied,

Response: N/A

****Note – there should be a coordinated review of the HPAA with redevelopment waiver application between the Highlands Council and the NJDEP to ensure that the conditions of the Highlands Council's recommendation are met as follows:**

- 1.. A waiver from NJDEP will be required for the project on Block 8200 Lot 5 regarding the Preservation Area rules (N.J.A.C. 7:-38) for upland forest, Highlands Open Waters buffer, septic system density and the maximum 3% impervious surface;
2. The Township of Mount Olive commits to permanent protection and stewardship of a forested buffer between Block 8200 Lot 5 and the residential development to the north of the parcel. This would protect the residents from any visual impact and maintain habitat.
3. The proposed encroachment into a Highlands Open Waters buffer is entirely within the buffer that is separated from the Highlands Open Water by a major State highway and was previously agricultural (currently old field/shrub-scrub habitat) area, which would not result in a net impact to the functional value of the buffer (in conformance with Policy 1D4) and therefore qualifies for a waiver;

4. An Operations and Contingency Plan is required to ensure that no volatile organic contaminants are introduced to ground water by the facility (to protect the public noncommunity water supply well on the adjacent property).
5. The Township of Mount Olive commits to ensuring that the proposed use of Block 8200 Lot 5 provides mitigation equal to 125% to 150% of the proposed consumptive water uses (to be determined after the applicant provides an estimate of total water use) through on-site recharge or water conservation practices within the same site or HUC14 subwatershed, in addition to NJDEP requirements for maintenance of pre-development recharge under N.J.A.C. 7:8. There shall be a coordinated review between the staff of the Highlands Council and the NJDEP to ensure that this condition is met; and
6. The stormwater regulations must be followed in the project design upon HPAA with redevelopment permitting, as part of the NJDEP permitting process. There shall be a coordinated review between the staff of the Highlands Council and the NJDEP such that under the NJDEP waiver, the applicant shall supply a stormwater management plan that incorporates low impact development techniques and a construction implementation plan that minimizes disturbance during and after construction.