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**FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING  
OF THE HIGHLANDS COUNCIL**

**FINAL ~~DRAFT~~ CONSISTENCY REVIEW  
AND RECOMMENDATIONS REPORT**

**PETITION FOR PLAN CONFORMANCE:  
TOWNSHIP OF RANDOLPH, MORRIS COUNTY**

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

~~DECEMBER 14~~  
**JANUARY 14, 2013**  
~~2012~~

FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
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## INTRODUCTION

This Final ~~Draft~~ Consistency Review and Recommendations Report (“Report”) has been prepared by the Staff of the Highlands Water Protection and Planning Council (“Highlands Council”). It provides review and recommendations for consideration by the Highlands Council as to the consistency of the Petition for Plan Conformance of the Township of Randolph, with the Highlands Regional Master Plan (RMP). The Report provides review and discussion of each component of the Petition for Plan Conformance, in the order in which they are set forth under submission guidelines provided to municipalities by the Highlands Council. It begins with a brief summary of Staff findings, displayed in a table format, to provide an at-a-glance overview of the results of Staff review.

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### REPORT SUMMARY

**Municipality:** Township of Randolph

**Date of Petition Submission:** December 7, 2009

**Date Deemed Complete:** February 8, 2010

**Conformance Area:** Planning Area & Preservation Area

**Staff Recommendation:** Approve Petition with Conditions

<b>Administrative Submittals</b>	<b>Meets Requirements</b>	<b>Conditions of Approval</b>
1. Resolution or Ordinance	X	None
2. Record of Public Involvement	X	None
3. List of Current Planning and Regulatory Documents	X	

<b>Petition Components</b>	<b>Consistent</b>	<b>Conditions of Approval</b>
1. Modules 1-2 Build-Out Report*	X	None
2. Module 3 Housing Element/Plan	X	See Section D.1
3. Module 4 ERI	X	See Section D.1
4. Module 5 Highlands Element	X	Follow-Up Required per Section B.4; D.1
5. Module 6 Land Use Ordinance	X	Follow-Up Required per Section B.5; D.1
6. Module 7 Petition	X	
a. Self-Assessment Report	X	None
b. Implementation Plan/Schedule	X	Follow-Up Required per Section B.6; D.1

\*Completed by the Highlands Council in collaboration with the municipality prior to substantive review of the Petition.

<b>Optional Submission Items</b>	<b>Submission Date</b>	<b>Status/Recommendation</b>
1. RMP Updates	12/08/09	Processed
2. Map Adjustments		Submittals not qualifying as RMP Updates may be proposed as Map Adjustments.
3. Highlands Center Designation Requests	*	Center Designation Planning is ongoing. (See Appendix B)
4. Highlands Redevelopment Area Designation Requests	N/A	

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*~~Confidential & Deliberative Material~~*

**A. REVIEW OF ADMINISTRATIVE SUBMITTALS**

- 1. Resolutions.** Two Resolutions petitioning the Highlands Council for Plan Conformance were adopted by the municipal Governing Body at its noticed public meeting of December 3, 2009. One Resolution pertains to the Preservation Area (#R-389-09), the other, to the Planning Area (#R-390-09). The documents submitted are appropriately signed and certified by the Municipal Clerk to verify authenticity. The language of the Resolutions relies upon the models provided by the Highlands Council. The Resolutions clearly petition the Highlands Council for Plan Conformance; conformance being proposed with respect to the whole of the municipality, which includes lands located in both the Preservation Area (581 acres, 4.3%) and the Planning Area (12,961 acres, 95.7%).
- 2. Record of Public Involvement.** The Petition includes appropriate documentation of the public process engaged in by the municipality with regard to the development of Petition materials and adoption of the Resolutions petitioning the Highlands Council for Plan Conformance. The submission includes the following:

  - a. Copy of public meeting notice and website posting for a meeting of the Planning Board held on November 2, 2009 to discuss the draft municipal Highlands Element.
  - b. Copy of meeting minutes associated with such Planning Board meeting.
  - c. Copy of adopted Resolutions as noted above, from public meeting of Township Council held on December 3, 2009.
- 3. List of Current Planning Documents.** The list of current municipal planning and regulatory documents is comprehensive and includes required dates of adoption. Staff review indicates that all of the required documents are available in Adobe pdf format as required. Note: the Township Land Development Ordinances are also available publicly through Municipal Code online subscription services at: [http://library1.municode.com/default-test/home.htm?infobase=12889&doc\\_action=whatsnew](http://library1.municode.com/default-test/home.htm?infobase=12889&doc_action=whatsnew).



FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
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**B. REVIEW OF PLAN CONFORMANCE PETITION COMPONENTS**

1. **Highlands Municipal Build-Out Report (Modules 1-2).** Consistent. The Highlands Municipal Build-Out Report fulfills the Highlands Act requirements to evaluate land use capability and includes a detailed evaluation of land based capacity, resource based capacity and utility based capacity. The Highlands Municipal Build-Out Report was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition. The date of the Highlands Municipal Build-Out Report is July 2009.
2. **Housing Element & Fair Share Plan (Module 3).** Consistent as submitted.

*Introductory Advisory*

The Highlands Council recognizes that the main component of the Council on Affordable Housing (COAH) Third Round rules was invalidated in 2010 and an appeal of that invalidation is pending in the New Jersey Supreme Court; that COAH's *Guidance for Highlands Municipalities that Conform to the Highlands Regional Master Plan* was invalidated by the Appellate Division of the Superior Court; that significant changes to State laws pertaining to the provision of affordable housing are being considered; that Governor Christie's Reorganization Plan No. 001-2011 (issued June 29, 2011) eliminated COAH and transferred its functions and duties to the Department of Community Affairs (DCA); and that the Appellate Division of the Superior Court invalidated the Governor's Reorganization Plan in a March 8, 2012 decision, reversing the abolition of COAH and the transfer of its function, powers and duties to the DCA. As required by the Highlands Act and the Fair Housing Act, COAH has the responsibility to determine affordable housing obligations and must take the Highlands Regional Master Plan into consideration in discharging this responsibility. Accordingly, the analysis provided below shall be considered subject to modification based on a resolution of the State's affordable housing policies, with the intent being to ensure that the municipality remains in compliance with all applicable statutes, rules, regulations, and requirements regarding affordable housing, at any given time, and maintains consistency with the RMP.

*Highlands Council Review*

Both the RMP and Highlands Council instructions concerning submission of Master Plan Housing Elements and Fair Share Plans, sought municipal participation in a three-step process, intended to culminate in the submission of fully developed affordable housing plans to both the Highlands Council and the Council on Affordable Housing (COAH) (or alternatively the Highlands Council and the Superior Court). This process was designed to assist municipalities in developing plans to address fair share housing obligations that are consistent with the RMP. For most Highlands municipalities, the deadline for submission to COAH was extended to June 8, 2010. The extended time allowance was intended to provide for completion of Highlands Municipal Build-Out Reports (see Modules 1-2, above) and incorporation of resulting information into fully developed affordable housing plans in

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**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
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*~~Confidential & Deliberative Material~~*

accordance with Executive Order #114 (2008) and COAH's *Guidance for Highlands Municipalities that Conform to the Highlands Regional Master Plan*. This process also allowed for Highlands Council review of as yet unconstructed projects in municipal housing plans, for consistency with the RMP, whether the projects were proposed in compliance with Prior Round obligations or the Third Round rules.

The Township of Randolph provided all components required by the Highlands Council. The first submission was included as requested within the municipality's Petition for Plan Conformance, while the remaining items were provided in accordance with the revised submission deadlines. Review of the final Housing Element and Fair Share Plan submission, dated April 27, 2010/adopted by the Planning Board on May 17, 2010, follows. These findings constitute a preliminary analysis of the Housing Element and Fair Share Plan by the Highlands Council. Formal review will be conducted by COAH. These documents were filed with COAH on June 7, 2010. The final Housing Element and Fair Share Plan appear consistent with the requirements of the RMP.

- a. **Municipal Growth Projections.** Municipal Growth Projections, estimated in the Highlands Municipal Build-Out Report for the Township (July 2009), are as follows:
  - i. Residential Growth (housing units): 59
  - ii. Non-Residential Growth (jobs): 289
- b. **Summary of Municipal Obligation.** With the invalidation of COAH's "Growth Share" methodology, the Municipal Fair Share Obligation cannot be fully determined at this time. Based on the information currently available, it would include at minimum, each of the components listed below.
  - **Rehabilitation Share:** 34 units
  - **Prior Round Obligation:** 261 units

In anticipation of an additional obligation to address the current housing cycle, municipal planning to address the local need for affordable housing is expected to continue.

- c. **Summary of Proposed Fair Share Plan.** The Fair Share Plan proposes to address the Municipal Obligation by use of the mechanisms and/or development projects listed below. Where Affordable Housing Sites were included that have not yet been constructed, each was reviewed for consistency with the RMP using the on-line Highlands Council RMP Consistency Review Report tool. In this case, Affordable Housing Sites were proposed. A brief summary of the results for each is included below.

FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
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~~*Confidential & Deliberative Material*~~

- i. **Rehabilitation Program:** The Township participates in the Morris County Department of Community Affairs program for rehabilitation of dwellings of low and moderate income families. The plan proposes to continue participation with that program. If upon review of the plan, an insufficient number of dwellings have undergone rehabilitation, the approach will be reevaluated to determine whether municipal Housing Trust Funds are needed.
- ii. **Fair Share Plan Housing Units:**
  - **Prior Round Sites:** 297 affordable housing units located within 16 separate projects have been constructed in the Township; the following table provides a summary.

Property/Location	Total Units	Affordable Units
1. Canfield Mews (Bl 41, Lots 1 & 1.01)	192	38
2. Arrowgate (Bl 42, Lot 122.01)	164	27
3. Boulder Ridge (Bl 184, Lot 1 & 1.20)	98	17
4. Bennet Ave. Family Housing (Bl 191, Lots 7, 8, 1, 12 & 13 Bl 195, Lots 3 & 4)	32	32
5. Peer Group Housing (Bl 17, Lot 18)	4	4
6. India Brook Senior Housing (Bl 93, Lot 56.01)	100	100
7. Woodmont (Bl 119, Lot 109.11)	201	40
8. Brookside Village Apts (Bl 224, Lot 79.01)	40	10
9. Much Dignity House (Bl 176, Lot 82)	6	6
10. Skylands Group Home (Bl 50, Lot 6)	4	4
11. High Ave. House (Bl 53, Lot 44)	4	4
12. Morris County Affordable Housing Corporation (Bl 191, Lots 14 & 15)	6	6
13. School House Group Home (Bl 82, Lot 30)	5	5
14. Habitat House (Bl 59, Lot 15)	1	1

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15. Habitat House (Bl 134, Lot 3.02)	2	2
16. Habitat House (Bl 134, Lot 9)	1	1
<b>TOTALS</b>	<b>860</b>	<b>297</b>

To satisfy the 261 unit Prior Round Obligation, the existing India Brook Senior Housing provides 100 units, plus a rental bonus of 40 credits. The remaining 121 credits are met by the above summarized developments, with 76 units remaining to be applied to future obligations.

The Prior Round Obligation of 261 is satisfied as follows:

India Brook Senior Housing (Prior Cycle Credit)	100 Units
Rental Construction	55 Units
Sales Construction	66 Units
Rental Bonuses	40 Credits

[76 units remain from the prior round to be applied to future obligations.]

- **New Project/Site 1:** E.A. Porter Site – Habitat for Humanity, Block 195, Lot 10 -- This 2.5-acre tract was a former industrial site and is owned by the Township. The Township has entered into an agreement with Habitat for Humanity to donate the property for the construction of twenty-five (25) homes for sale to low and moderate income families. This will be a one hundred (100%) percent affordable housing project. Minimum Anticipated Credits: 25
- **New Project/Site 2:** Woodmont, Millbrook Avenue, Block 119, Lot 109.11, Extension of Expiring Controls -- Woodmont is an existing inclusionary development with 201 dwelling units, 40 of which are ‘for sale’ units that are affordable to low and moderate income families. The controls on these units are scheduled to expire by July 1, 2014. The Township proposes to purchase the units as they come on the market, perform any code compliance maintenance that may be necessary and re-sell the units with affordability controls for a period of thirty (30) years, per the COAH regulations. Minimum Anticipated Credits: 40

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**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
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*~~Confidential & Deliberative Material~~*

- **New Project/Site 3:** Grecco Realty, LLC, 477 Route 10, Block 111, Lots 10 - 16; Inclusionary; Mixed Use – Grecco Realty has an approved shopping center located on the westbound side of Route 10. The developer has received approval to build 10 residential units, 5 of which will be affordable rentals for low- and moderate-income households. Construction was anticipated to begin in 2010. Minimum Anticipated Credits: 5
- **New Project/Site 4:** Rose of Sharon, M. Cruz, 236 Dover Chester Road, Block 21, Lot 29, Inclusionary – The developer owns an existing two-family dwelling on an oversized lot within the R-1 zone. The developer has received approval to subdivide the property in order to develop two additional single-family dwellings, one of which would be a rental. One unit within the existing two-family structure as an affordable dwelling. Minimum Anticipated Credits: 2
- **Other Mechanisms:** The Township has been negotiating with Allies, Inc., a non-profit corporation to purchase two residential townhouses within the Township to utilize as supportive shared living housing. The Township would give Allies the sum of \$45,000 per COAH credit, not to exceed \$270,000, to partially fund the acquisition of 2 three-bedroom residential townhouse units. The program would provide the Township credits of not less than 4.0 and up to 6.0 units of affordable housing. Minimum Anticipated Credits: 4

The Plan recommends that any rezoning of properties in the Mount Freedom Center area include an obligation for the developer to provide a set-aside of low and moderate income housing.

- ii. **Notes.** Goals and objectives consistent with the goals and objectives of the Regional Master Plan have been inserted as revisions to the Township's proposed Master Plan Highlands Element (see Housing Plan section).

Development of the Randolph Mountain site for affordable housing would not be consistent with the goals and objectives of the RMP, however, the Township has been ordered through the courts to keep the site in the Township's Housing Plan.

- 3. **Environmental Resource Inventory (Module 4).** The proposed Township of Randolph Highlands Environmental Resource Inventory (ERI) is based on the Highlands Model ERI

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**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
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*~~Confidential & Deliberative Material~~*

provided to municipalities by the Highlands Council. The Township of Randolph Highlands ERI (including modifications by the Highlands Council) contains all required Highlands ERI language and all applicable maps/exhibits, as necessary, to fully describe the Highlands Resources, Resource Areas, and Special Protection Areas located within the municipality. As such, the Highlands ERI is consistent with the RMP and the immediate mandatory requirements of Plan Conformance.

- a. **Deleted Sections.** There are no Agricultural Resource Areas, Agricultural Priority Areas, or Special Environmental Zones in the Township, therefore, the language and figures associated with each have been marked for deletion.
  - b. **Revisions.** The Highlands Council has provided updated technical information within the narrative portion of the ERI as well as a new set of coinciding figures. The new figures are provided as a separate file from the Highlands ERI text, and replaces figures previously provided for the Highlands ERI. The old figures (with exception of any developed by the municipality) have been deleted to avoid confusion. Please note that the figures should not be incorporated with the MS Word® version of the text, as such mergers result in unmanageable file sizes and a significant loss in map clarity/resolution. The text and exhibits are best combined into a single pdf file once each component is in final form.
4. **Master Plan Highlands Element (Module 5).** The proposed Township of Randolph Master Plan Highlands Element is based on the model Highlands Element provided to municipalities by the Highlands Council. The document as now proposed (including modifications by the Highlands Council), contains all required Highlands Element language and all applicable maps/exhibits, as necessary, to fully address the immediate mandatory requirements of Plan Conformance.

The specific components of the model Highlands Element are listed below. Where each is consistent with the Highlands Council model or otherwise satisfactorily addresses all RMP requirements for Plan Conformance, the heading or sub-heading indicates “Consistent.” Where any section of the model Highlands Element has been appropriately deleted due to non-applicability, the heading or sub-heading indicates “Not Applicable – Deleted.” Where minor modifications are required to complete the document for purposes of adoption by the Planning Board, the statement so indicates. If needed, explanatory discussion is provided.

- a. **Policies, Goals & Objectives.** Consistent
  - i. Preservation Area Goals. Consistent
  - ii. Planning Area Goals. Consistent
  - iii. General Purposes of Zoning. Consistent
  - iv. Relationship Between Highlands Act & MLUL. Consistent

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**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

b. **Land Use Plan Element.** Consistent

- i. Highlands Zones and Sub-Zones. Consistent; the Township will make final selections as needed to complete the document. (Note: Conservation Zone, Conservation Environmentally-Constrained Sub-Zone, and Wildlife Management Sub-Zone Not Applicable– Deleted.)
- ii. Land Uses. Consistent
- iii. Density and Intensity of Development. Consistent
- iv. Cluster Development. Deleted – Not Applicable. Note: component is optional for Randolph as it contains no ARA; Township intends to retain existing provisions on clustering in underlying zoning ordinance.
- v. Land Use Inventory. Consistent
- vi. Redevelopment Planning. Consistent; the Township will address highlighted portions, as appropriate to complete the document.
- vii. Highlands Center Designation. Pending Highlands Council approval of the proposed Highlands Center concepts, the Township will develop and incorporate a new subsection to address the Randolph Highlands Center designations. The current language provides a brief overview and description of the four proposed Highlands Centers.

c. **Housing Plan Element.** Consistent. Please note statement inserted to reflect Township adoption of 2010 Housing Element and Fair Share Plan. Goals and objectives as noted above, also inserted for RMP consistency. Review and recommendations concerning the Housing Plan Element appear at item #2 above, Housing Element & Fair Share Plan.

d. **Conservation Plan Element.** Consistent

- i. Forest Resources. Consistent; the Township will incorporate the edits provided by the Highlands Council (please see document text).
- ii. Highlands Open Waters and Riparian Areas. Consistent; the Township will incorporate the edits provided by the Highlands Council (please see document text).
- iii. Steep Slopes. Consistent
- iv. Critical Habitat. Consistent
- v. Carbonate Rock. Consistent; the Township will incorporate the edits provided by the Highlands Council (please see document text).
- vi. Lake Management. Consistent



FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Plan Conformance - Draft Consistency Review and Recommendations Report  
*~~Confidential & Deliberative Material~~*

- vii. Water Resources Availability. Consistent
- viii. Prime Ground Water Recharge Areas. Consistent; the Township will incorporate the edits provided by the Highlands Council (please see document text).
- ix. Water Quality. Consistent
- x. Wellhead Protection. Consistent; the Township will incorporate the edits provided by the Highlands Council (please see document text).
- xi. Low Impact Development. Consistent
- e. **Utility Services Plan Element.** Consistent
  - i. Preservation Area. Consistent
  - ii. Planning Area. Consistent
  - iii. Planning & Preservation Areas. Consistent
- f. **Circulation Plan Element.** Consistent; the Township will provide the final selections as required to complete the text.
- g. **Land Preservation/Stewardship Plan Element.** Consistent
- h. **Agriculture Retention/Farmland Preservation Plan Element.** Consistent, however, please note that retention of this section is optional for the Township as it contains no Agricultural Resource Area. At its discretion, the Township may incorporate the appropriate language regarding agriculture and farmland preservation into the Land Preservation/Stewardship Plan Element.
- i. **Community Facilities Plan Element.** Consistent
- j. **Sustainable Economic Development Plan Element.** Consistent
- k. **Historic Preservation Plan Element.** Consistent
  - i. Historic, Cultural, and Archaeological Resources. Consistent. The Township has elected to continue regulation of historic resources under its existing master plan and zoning/regulatory provisions rather than include this optional component in the Master Plan Highlands Element.
  - ii. Scenic Resources. Consistent.
- l. **Development Transfer Plan Element.** Inclusion of this Section is optional. The Township will consider an intra-municipal Transfer of Development Rights



FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
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**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

component as part of its township-wide planning, as relevant to proposal of Highlands Center designations within the Planning Area.

m. **Relationship of Master Plan to Other Plans.** Consistent

n. **Appendices.** Consistent

o. **Exhibits.** The list of Exhibits with modifications by the Highlands Council includes all that apply to the municipality. As to the exhibits themselves, please note that the Highlands Council has provided the modifications indicated below.. Please note that the exhibits should not be incorporated with the MS Word® version of the text, as such mergers result in unmanageable file sizes and a significant loss in map clarity/resolution. The text and exhibits are best combined into a single pdf file once each component is in final form. Exhibits provided by the municipality have been inserted into the new set.

- i. Exhibit B has been marked “reserved” in the list of exhibits, pending development of an updated “Township Land Use Inventory,” which may be inserted at a later time.
- ii. Exhibit G, “Forest Subwatersheds” has been deleted.
- iii. Exhibit J, “Watershed Values” has been deleted.
- iv. Exhibit K, “Riparian Integrity” has been deleted.
- v. Exhibit T, “HUC 14s on NJDEP Impaired Waters List” has been added.
- vi. Exhibit X, “Septic System Yield Map” has been determined unnecessary and has been deleted. Septic System Yield will be determined on a site-specific basis, using the Nitrate Dilution Model discussed in text.
- vii. Exhibit CC, “Highlands Special Environmental Zone” has been deleted.
- viii. Exhibit EE, “Important Farmland Soils,” has been added.
- ix. Exhibit FF, “Agricultural Resource Area” has been deleted.
- x. Exhibit GG, “Agricultural Priority Area,” has been deleted.
- xi. Exhibit HH, “Historic, Cultural, and Archaeological Resource Inventory,” has been added.
- xii. Exhibit II, “Baseline Scenic Resources Inventory,” has been added.
- xiii. Exhibit JJ, “SDRP Planning Areas” has been provided by the Highlands Council.

5. **Highlands Area Land Use Ordinance (Module 6).** The proposed Township of Randolph Highlands Area Land Use Ordinance is based on the model Highlands Area Land

FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

Use Ordinance provided to municipalities by the Highlands Council. Since the time of issuance of the Model, the Highlands Council, with input from municipal professionals, has made certain revisions to the document to refine and simplify it for purposes of municipal implementation. The Township of Randolph Highlands Area Land Use Ordinance as proposed (including modifications by the Highlands Council), contains all required Highlands Area Land Use Ordinance language and all applicable maps/exhibits, as necessary, to fully address the immediate mandatory requirements of Plan Conformance.

*Randolph Township Highlands Center Designations.* It is important to note that Randolph's Highlands Area Land Use Ordinance will require certain modifications to reflect the anticipated designation of Highlands Centers. As currently developed, the Ordinance incorporates all provisions and requirements applicable to Planning Area lands that are not so designated. With Highlands Center designations, the revised Ordinance should: a) recognize and protect specified areas within the Centers that are essential to the protection of critical Highlands Environmental Resources, as applicable; b) provide for areas of infill development and redevelopment that are both consistent with available water supply and wastewater treatment capacities, and designed in accordance with center-based, smart growth development standards; and c) allow for areas of higher density, mixed-use development providing for residential, retail, and commercial development consistent with the extent of available utility capacities, in a pedestrian-oriented, center-based format, including affordable housing. These modifications will in large part supplant the provisions currently included in Randolph's Highlands Planning Area Land Use Ordinance. The provisions will establish the Highlands Centers as special districts unto themselves, with a unique set of applicable regulatory provisions. These provisions will override the provisions otherwise applicable to the Highlands Zones and Sub-Zones located therein.

*Review of Submittal Document.* For purposes of this review, the evaluation following pertains to the Ordinance as currently prepared. All recommendations listed herein are intended to apply as a part of the proposed conditions of approval of Randolph's Petition for Plan Conformance (inclusive of modifications as may be required in keeping with the anticipated Highlands Center Designations).

The specific components of the model Highlands Land Use Ordinance are listed below. Where each is consistent with the Highlands Council model or otherwise satisfactorily addresses all RMP requirements for Plan Conformance, the heading or sub-heading indicates "Consistent." Where any section of the model Highlands Land Use Ordinance has been appropriately deleted due to non-applicability, the heading or sub-heading indicates "Not Applicable – Deleted." Where minor modifications are required to complete the document for purposes of adoption, the statement so indicates. If needed, explanatory discussion is provided.

FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
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**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

- a. **Article 1. Title, Purpose, Scope.** Consistent. The municipality will address/incorporate the minor modifications made by the Highlands Council. Please see revised document text.
- b. **Article 2. Applicability.** Consistent. The municipality will address/incorporate the modifications made by the Highlands Council. Please see revised document text.
- c. **Article 3. Definitions.** Consistent. The municipality will address/incorporate the minor modifications made by the Highlands Council. Please see revised document text.
- d. **Article 4. Establishment of Highlands Area Districts.** Consistent. The municipality will address/incorporate the modifications made by the Highlands Council. Please see revised document text. (Note: Wildlife Management Sub-Zone, Conservation Zone, Conservation Environmentally-Constrained Sub-Zone, Special Environmental Zone, and Agricultural Resource Area, Not Applicable – Deleted.)
- e. **Article 5. Highlands Area Zone District Regulations.** Consistent. The municipality will address/incorporate the significant modifications made to the section by the Highlands Council. Municipal selections are also required for completion. Please see revised document text.
- f. **Article 6. Highlands Area Resource Regulations.** Consistent. The municipality will address/incorporate the modifications made by the Highlands Council. Please see revised document text.
  - i. Forest Resources. Consistent
  - ii. Highlands Open Waters & Riparian Resources. Consistent
  - iii. Steep Slopes. Consistent
  - iv. Critical Habitat. Consistent
  - v. Carbonate Rock. Consistent
  - vi. Lake Management Area. Consistent
  - vii. Water Conservation & Deficit Mitigation. Consistent
  - viii. Prime Ground Water Recharge Areas. Consistent
  - ix. Wellhead Protection. Consistent
  - x. Agricultural Resources. Consistent. Please note that references to Agricultural Resource Area are not applicable and have been deleted.

- xii. Historic, Cultural & Archaeological Resources (Optional). Deleted – Not Applicable. The municipality has elected to continue regulation of historic resources via the existing land use ordinance provisions.
  - xiii. Scenic Resources. Consistent.
- g. **Article 7. Highlands Area General Regulations.** Consistent
  - i. Affordable Housing. Consistent
  - ii. Low Impact Development. Consistent
  - iii. Conservation Restrictions. Consistent. The municipality will address/incorporate the modifications made by the Highlands Council. Please see revised document text.
  - iv. Stormwater Management. Consistent
  - v. Special Environmental Zone. Not Applicable – Deleted
  - vi. Septic System Design and Maintenance. Consistent
  - vii. Public Water Systems. Consistent
  - viii. Wastewater Collection and Treatment Systems. Consistent
- h. **Article 8. Planned Development Regulations.** Not Applicable – Deleted. Note: the section is optional for the Township as it contains no Agricultural Resource Area.
- i. **Article 9. Application Review Procedures & Requirements.** Consistent. Fee and escrow figures are needed at § 9.3, for completion. The municipality will address/incorporate modifications made by the Highlands Council. Please see revised document text.
- j. **Article 10. Appeals, Waivers, Exceptions.** Consistent. The municipality will address/incorporate the minor modifications made by the Highlands Council. Please see revised document text.
- k. **Article 11. Enforcement, Violations, Penalties.** Consistent
- l. **Appendices.** Consistent.
- m. **Exhibits.** Consistent. The Exhibits, including the List of Exhibits and all in-text document references to Exhibits have been updated by the Highlands Council to include Highlands Council parcel-based maps, which indicate the locations and boundaries of each Highlands Area, Zone, Resource, Resource Area, and Special Protection Area. These Exhibits were not available when the Model Land Use

FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

Ordinance was initially provided by the Highlands Council for use in preparing Petitions, but are crucial to the regulatory function of the Highlands Area Land Use Ordinance. Please note that the revised maps have been provided in Adobe® pdf format, and in this case, should not be converted for insertion directly in the MSWord® version of the Ordinance. After adoption, they should accompany the Ordinance at all times, however, as an integral component of it – whether made available to the public in paper or electronic format. As provided currently, the maps are at a scale suited to printing on large plotters, for purposes of municipal reproduction and display (ensuring high-resolution detail).

**6. Petition Submission Documents (Module 7).**

- a. **Municipal Self-Assessment Report.** The Municipal Self-Assessment Report consists of two components as listed herein. The Report accurately describes the status of municipal Plan Conformance to date, indicating both municipal accomplishments and the items that remain to be completed to fully achieve Plan Conformance.
  - i. **Narrative Portion.** The Narrative Portion has been completed accurately for purposes of Plan Conformance.
  - ii. **Spreadsheet Portion.** The Spreadsheet Portion has been completed accurately for purposes of Plan Conformance.
- b. **Highlands Implementation Plan & Schedule.** The Highlands Implementation Plan and Schedule provides a template for future Plan Conformance activities. It is intended to indicate all outstanding items, both required and discretionary, along with estimated costs and timeframes for completion, for the municipality to achieve or exceed Plan Conformance with the Regional Master Plan.

As proposed by the municipality, the Highlands Implementation Plan and Schedule included all mandatory components required to achieve Plan Conformance and the status of each as of the date of the Petition. The Highlands Implementation Plan and Schedule has been modified since first issued by the Highlands Council however, and the municipality's document has been updated accordingly. The revised document includes cost estimates for each activity and prioritizes implementation tasks with a particular focus on the first few months after Highlands Council approval of Petitions, including the 2012 State fiscal year.

In addition, the proposed Highlands Implementation Plan and Schedule includes non-mandatory Plan Conformance activities, the estimated costs and timeframes for completion of which, the municipality has considered. These activities have been incorporated into the revised Highlands Implementation Plan and Schedule.

**FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
***~~Confidential & Deliberative Material~~***

Recommended Highlands Council edits tailoring the revised document to the municipality (based on the Petition submittals) have been considered and included in the final version.

FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

**C. REVIEW OF OPTIONAL SUBMISSION COMPONENTS**

1. **RMP Updates.** The Petition for Plan Conformance was accompanied by requests for certain RMP Updates. These requests are listed and described in the attachment at Appendix A, with a summary of the current status or final results of review and processing provided below.
  - a. **RMP Update Requests.** The Township submitted 16 RMP Updates. Eight (8) requests contained sufficient information to be processed appropriately and are incorporated into the Highlands spatial database. The result was Land Use Capability Map Zone changes to Existing Community Zone consistent with the Township's requests (No's. 1-5, 11, 13 & 14). Two (2) requests contained sufficient information to be processed appropriately and are incorporated into the Highlands spatial database, however, these did not result in a zone change (No's. 7 & 15). For five (5) RMP Update requests, municipal information is consistent with that of the Highlands Council and does not constitute an RMP Update (No's 6, 8 – 10, & 16). One (1) request was for a property currently under construction (No. 12). Once construction is concluded, an RMP Update may be processed. For those requests that did not result in a Land Use Capability Map Zone change, the municipality may propose to make use of other policies of the Regional Master Plan to effectuate a policy change in the Land Use Capability Map, including Map Adjustments, Highlands Center designation, and/or Highlands Redevelopment Area(s). Randolph Township is pursuing Highlands Center designation, which may address some of the remaining requests.
  - b. **Map Adjustments.** The Petition for Plan Conformance was not accompanied by a request for Map Adjustments; however, the requested RMP Updates that have been found to "not constitute an RMP Update" may be submitted as Map Adjustments with supporting material as appropriate (see Appendix A).
2. **Highlands Center Designation Requests.** The Petition for Plan Conformance was not accompanied by a request for Highlands Center Designation; however recent discussions with the Township resulted in a proposal for four (4) Highlands Center designations. These are discussed in greater detail in Appendix B. (Note: certain RMP Updates found to "not constitute an RMP Update" (above) may be addressed by inclusion as part of a Highlands Center designation.)
3. **Highlands Redevelopment Area Designation Requests.** N/A
4. **Other.** N/A

FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

**D. PRELIMINARY STAFF RECOMMENDATIONS**

On the basis of the comprehensive review completed and discussed in detail as described in the preceding Sections, which examined both sufficiency of administrative submittals and consistency of all substantive materials with the Highlands Regional Master Plan, Highlands Council Staff recommends that the Petition for Plan Conformance of the Township of Randolph, as currently proposed by the municipality, be approved with conditions as outlined below.

- 1. Approval with Conditions.** Highlands Council Staff recommend that this Petition for Plan Conformance be approved by the Highlands Council. The approval should be conditioned upon satisfactory completion of all items noted within Sections A through C of this Report (including all items addressed in the herein-referenced Highlands Council Staff-provided MSWord “Track-Changes” versions of the various Petition documents), and in addition, satisfaction of the below-listed requirements.

- a. Adoption of Approved Planning Area Petition Ordinance.** The municipality shall prepare and submit to the Highlands Council a draft municipal ordinance petitioning the Highlands Council for Plan Conformance with respect to the municipality’s Planning Area lands (based upon or consistent with the model provided by the Highlands Council). Upon receipt of Highlands Council approval, the Ordinance shall be prepared for purposes of public review and adoption by the municipal Governing Body. The Governing Body shall provide for and complete the adoption process, at the conclusion of which, a certified copy of the adopted Planning Area Petition Ordinance shall be provided to the Highlands Council with notice of its effective date. The process of Ordinance adoption shall be guided by the timeframes set forth in the Highlands Council-approved Highlands Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Ordinance, the proposed changes shall be submitted for review by the Highlands Council prior to adoption by the Governing Body. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption at the municipal level.

- b. Adoption of Approved Checklist Ordinance.** The municipality shall prepare and submit to the Highlands Council a draft “Checklist Ordinance” (model available) requiring that Development Applications be deemed incomplete by the reviewing board or applicable municipal authority, until or unless accompanied by: a) a Highlands Council Consistency Determination indicating that the application is consistent, or can and will be made consistent with the Regional Master Plan; or b) an NJDEP Highlands Applicability Determination indicating non-applicability. Upon receipt of Highlands Council approval, the Ordinance shall be prepared for purposes of public review and adoption by the municipal Governing Body. The



FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

Governing Body shall provide for and complete the adoption process, at the conclusion of which, a certified copy of the adopted Checklist Ordinance shall be provided to the Highlands Council with notice of its effective date. The process of ordinance adoption shall be conducted in accordance with all legal requirements and protocols pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and shall be guided by the timeframes set forth in the Highlands Council-approved Highlands Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Checklist Ordinance, the proposed changes shall be submitted for review by the Highlands Council prior to adoption by the Governing Body. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption at the municipal level.

**Note:** The Checklist Ordinance is intended as an interim protection measure only, and should be repealed at the time of adoption of an approved Highlands Area Land Use Ordinance (completion and adoption of which is set forth at 1.e., below).

- c. **Adoption of Approved Highlands ERI.** The Highlands Environmental Resource Inventory (ERI) shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. The municipal Environmental Commission (or Planning Board in the absence of an Environmental Commission) shall provide for and complete the required process of formal adoption of the ERI by the local Commission or Board. At the conclusion of the process, a certified copy of the adopted ERI shall be provided to the Highlands Council. The process of ERI adoption shall be conducted in accordance with all applicable legal requirements and protocols, and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the ERI, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the local Commission or Board.
- d. **Adoption of Approved Master Plan Highlands Element.** The Master Plan Highlands Element shall be completed in accordance with the requirements of Section B4 of this Report, and submitted to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the Highlands Element shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. The municipal Planning Board shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the Highlands Element by the municipal Planning Board. At the conclusion of the process, a certified copy of the adopted Highlands Element shall be provided to the Highlands Council. The

FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

process of Highlands Element adoption shall be conducted in accordance with all applicable legal requirements and protocols, and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Highlands Element, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the local Planning Board.

- e. **Adoption of Approved Highlands Area Land Use Ordinance.** The Highlands Area Land Use Ordinance shall be completed in accordance with the requirements of Section B5 of this Report, and submitted to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the Highlands Area Land Use Ordinance shall be prepared in a clean, final document format for purposes of public review and adoption. A copy shall be provided to the Highlands Council. After the municipal Planning Board has adopted the Master Plan Highlands Element, the municipal Governing Body shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the Highlands Area Land Use Ordinance by the municipal Governing Body. At the conclusion of the process, a certified copy of the adopted Highlands Area Land Use Ordinance shall be provided to the Highlands Council with notice of its effective date. The process of Highlands Area Land Use Ordinance adoption shall be conducted in accordance with all legal requirements and protocols pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and shall be guided by the timeframes set forth in the Highlands Council-approved Implementation Plan and Schedule. Should this process lead to proposed modifications to any portion of the Highlands Area Land Use Ordinance, the proposed changes shall be submitted to the Highlands Council for review. In the event the Highlands Council determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the Governing Body.
- i. **Municipal Exemption Determinations.** As a component of the Highlands Area Land Use Ordinance work, the Township shall provide for “Municipal Exemption Determinations” in accordance with Highlands Council delegation of such authority to the municipality in the Planning Area, or NJDEP delegation in the Preservation Area. Such determinations refer to the process of reviewing and making determinations concerning exemptions from the Highlands Act, which in turn, represent exemptions from the provisions of the Highlands Area Land Use Ordinance. Please note that language previously included in the Highlands Area Land Use Ordinance regarding Municipal Exemption Determinations has been removed – adoption of the appropriate provisions will instead occur under

FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

a separate municipal ordinance. The effective date of such provisions shall occur only after the municipality indicates readiness to proceed and receives written authorization from the Highlands Council or the NJDEP, respectively, granting it the authority to do so.

- ii. **Highlands Council Information and Training Sessions.** Prior to the effective date of the Highlands Area Land Use Ordinance, municipal representatives (e.g., Land Use Administrators, Zoning Officials, Planners) shall attend information and training session(s) to be provided by the Highlands Council on the implementation and administrative procedures set forth within the Ordinance. Such sessions will provide detailed instruction on application processes and procedures, notice requirements, Highlands Council referrals and call-up provisions, decision-making and formal action, variances, waivers, exceptions, and enforcement activities. Prior to the effective date of the Municipal Exemption Determination ordinance, moreover, municipal representatives (in particular, Exemption Designee(s)) shall attend an information and training session on the exercise of Municipal Exemption Determination authority.
- f. **Adoption of Updated Zoning Map.** The Township shall prepare an updated Municipal Zoning Map which shall be adopted immediately following or at the time of adoption of the Highlands Area Land Use Ordinance, to reflect the new overlay Highlands Zones and Sub-Zones. The adoption process shall mirror that outlined above for the Highlands Area Land Use Ordinance.
- g. **Approval of Housing Element & Fair Share Plan.** The Highlands Council shall be copied on all related correspondence and kept apprised of the process as it unfolds. Any subsequent revision to the Housing Element and Fair Share Plan shall be provided to the Highlands Council for review and approval prior to implementation by the municipality. Until and unless the municipality secures final approval of a Highlands Council-approved (as RMP consistent) Housing Element and Fair Share Plan, this Plan Conformance component shall remain a conditionally approved item. (In recognition of significant changes in the applicable COAH Rules and State laws pertaining to the provision of affordable housing in the state of New Jersey, as discussed above, these requirements shall be considered subject to modification, with the intent being only to ensure that the municipality remains in compliance with all applicable statutes, rules, regulations and requirements regarding affordable housing, at any given time, and maintains consistency with the RMP, so as to protect the municipality from legal challenge.)
- h. **Adoption of Ordinances Implementing Fair Share Plan.** Governing Body adoption of Ordinances required to implement the Fair Share Plan shall follow approval of the Housing Element and Fair Share Plan, in accordance with all

FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

requirements of the Superior Court or COAH, as applicable, and all legal requirements and protocols pertaining thereto. Plan implementation and continued compliance with the final Court- or COAH-approved Fair Share Plan moreover, shall be a condition of continued Plan Conformance approval, subject to Highlands Council review and monitoring.

- i. **Wastewater Management Plan (WMP).** As a municipality conforming for the full municipal area, Randolph Township will collaborate with the Highlands Council to develop a WMP that conforms to the RMP, on a schedule based on Plan Conformance approval. The Highlands Council will draft the WMP using information from the Township, and collaborate with the Township to finalize it for NJDEP consideration and approval. This plan will be recognized as a chapter of the County WMP in accordance with NJDEP Administrative Order 2010-03 and all applicable NJDEP rules and requirements.
- j. **Adherence to Approved Highlands Implementation Plan & Schedule.** The municipality shall undertake to complete all remaining mandatory Plan Conformance activities listed in the Highlands Council-approved Implementation Plan & Schedule, in accordance with: a) the timeframes set forth therein, to the maximum extent feasible and practicable, or with such adjusted timeframes as may be authorized by the Highlands Council or otherwise mutually agreed by the municipality and the Highlands Council; and b) the availability of funding from the Highlands Council or, on a voluntary basis, by the municipality or other party, to ensure the satisfactory completion of each project or activity, or each phase of such project or activity, as appropriate. Non-mandatory Plan Conformance activities shall neither take precedence over nor shall impede the completion of mandatory items and shall be undertaken only as time and resources are available to support them.
  - i. **Development/Approval of Implementation Plan Components.** Within the constraints above, all planning, regulatory, and resource management documents shall be prepared and provided to the Highlands Council for review and approval prior to formal adoption by the applicable municipal board, commission, or governing body.
  - ii. **Adoption of Regulations Implementing Plan Components.** All ordinances, rules, and regulations shall be prepared and provided to the Highlands Council for review and approval prior to formal adoption by the applicable municipal board, commission, or governing body.
  - iii. **Mandatory Components.** Specific mandatory components include development and implementation of the plans/programs/ ordinances herein listed (once models have been provided by the Highlands Council and funding provided), all intended as municipal-wide, long-term initiatives

FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

unless specifically noted otherwise. Where applicable and appropriate, these will build upon any such plans, programs, or ordinances that have already been developed or adopted by the municipality. It is the explicit intention of the Highlands Council that such plans/programs be developed in a manner to ensure that implementation is both feasible and practicable, potentially involving assistance of outside agencies/ organizations, working cooperatively for and with the municipality. In each case where the municipality will serve as lead, release of funds is contingent upon approval of a scope of work by the Highlands Council Executive Director.

- Water Use & Conservation Management Plan. The Township will work with the Highlands Council to develop a comprehensive Water Use and Conservation Management Plan to be funded in the later stages of Plan Conformance. For the current round however, funding has been allocated to support development of municipal-wide water conservation ordinances, which will be based on Highlands Council models (to be provided).
- Habitat Conservation & Management Plan: Funding has been allocated for a municipality-wide plan to identify species at risk, options for restoration of habitat, and standards for mitigation of unavoidable impacts of public and private projects.
- Stream Corridor Protection/Restoration Plan: Funding has been allocated to develop a Stream Corridor Protection/Restoration Plan intended to address local issues regarding development impacts to stream corridors and planning for restoration and mitigation projects.
- Sustainable Economic Development Planning: Funding is allocated for preparation of a plan to improve the economic viability of the Township based on its significant economic assets and development centers with limited growth capacity. Additionally, a detailed investigation will be conducted for a site within one of the proposed Highlands Centers to identify opportunities for low impact development, evaluate the types and intensity of uses that would be most advantageous for the Township and the larger Highlands Region, and develop an implementation strategy to achieve the identified objectives.
- Lake Restoration Management Plan
- Stormwater Management Plan (Updates Only)
- Land Preservation and Stewardship Program

FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

- Septic System Management/Maintenance Plan
- Implementing ordinances associated with each of the above (long-term, as applicable).

iv. **Non-Mandatory Components:** The Highlands Implementation Plan and Schedule also provides for certain non-mandatory components including development and implementation of the plans herein listed, all intended as municipal-wide, long-term initiatives unless specifically noted otherwise. Where applicable and appropriate, these will build upon any such plans, programs, or ordinances that have already been developed or adopted by the municipality. It is the explicit intention of the Highlands Council that such plans be developed in a manner to ensure that implementation is both feasible and practicable, potentially involving assistance of outside agencies/organizations, working cooperatively for and with the municipality. In each case where the municipality will serve as lead, release of funds is contingent upon approval of a scope of work by the Highlands Council Executive Director.

- Highlands Center Designation Planning: The Highlands Implementation Plan and Schedule includes an allocation for the Township to further its planning efforts with regard to the proposed Highlands Center designations, as further described in Appendix B. Planning for the Centers will be linked with the work accomplished through the Sustainable Economic Development Plan and the Green Building/Environmental Sustainability/Alternative Energy Plan.
- Transfer of Development Rights (TDR) Feasibility Grant: The Highlands Implementation Plan and Schedule includes an allocation for the Township to assess the potential for TDR receiving zones in one or more of the proposed Highlands Centers.
- Green Building/Environmental Sustainability/Alternative Energy Plan: Funding has been allocated to develop a new element of the municipal Master Plan, as authorized by the Municipal Land Use Law, that advocates efficient land use patterns, encourages energy and water resource efficient buildings, addresses the potential benefits and impacts of alternative energy sources (e.g., wind, solar, on-site wood furnaces), and plans for sustainable municipal environments.

k. **Revisions/Amendments Subject to Highlands Council Approval.** Any proposed revision or amendment to any of the aforementioned documents, or to



FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

any other document, plan, or other item approved by the Highlands Council as a component of Plan Conformance, shall be provided to the Highlands Council for review. In the event the Highlands Council Staff determines that any proposed modification is of a substantive nature, Highlands Council approval shall be required prior to adoption by the applicable municipal board, commission, or governing body. Any revision or amendment adopted without the approval of the Highlands Council may subject the municipality to revocation of Plan Conformance approval.

2. **Optional Petition Requests.** The findings below apply to the Optional Petition Requests discussed at Section C of this Report.
  - a. **RMP Update(s).** The RMP Updates requested in connection with this Petition for Plan Conformance that were either reclassified or processed, but did not result in the outcome sought by the municipality, may be addressed by seeking Highlands Council approval for Map Adjustments, or by including them as a component of Highlands Center Designation, as applicable. These would require additional supporting documentation and justification (see Appendix A regarding information requirements, and Appendix B regarding potential Highlands Centers).
  - b. **Highlands Center Designations.** Highlands Council staff recommends inclusion of four (4) Highlands Center designations -- Mount Freedom Highlands Village Center, Route 10 Corridor/East Highlands Center, Route 10 Corridor/West Highlands Center, and South Salem Street Highlands Redevelopment Center -- in the Highlands Council approval of Randolph Township's Petition for Plan Conformance. Such approval would be accompanied by conditions, as noted in Appendix B, including significant further efforts to fully define the Randolph Highlands Centers, specify all existing and intended land uses and resource protections that would apply therein, and develop the needed master plan provisions and development regulations that would govern them. Highlands Council staff have reviewed resource mapping for each proposed Highlands Center and conducted field visits to each to verify the physical and environmental characteristics. Planning for each Center will involve site-specific resource assessments and development/redevelopment strategies to support sustainable and appropriate development/redevelopment.

FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

**E. MUNICIPAL RESPONSE PERIOD**

The Highlands Council provided a Draft Consistency Review and Recommendations Report (dated October 20, 2011) to the municipality on October 26, 2011. The Municipal Response Period was extended in keeping with Township interest in, and need to investigate potential Highlands Center designations. The municipality provided supplemental maps and amended Petition materials in support of the Petition for Plan Conformance in June of 2012, for Highlands Council consideration.

The Municipal Response submittals included the items listed below, each described and discussed in relation to the matter of consistency with the Regional Master Plan and sufficiency to meet the requirements for Plan Conformance.

1. **Revised Draft Master Plan Highlands Element.** The proposed edits provided support for the proposed Highlands Center designations and acknowledged prior comments/edits from the Highlands Council, bringing the document closer to completion consistent with the Regional Master Plan.
2. **Revised Draft Highlands Area Land Use Ordinance.** The proposed edits created a placeholder for insertion of provisions regulating the proposed Highlands Center designations and acknowledged prior comments/edits from the Highlands Council, bringing the document closer to completion consistent with the Regional Master Plan.
3. **Draft Maps of Proposed Highlands Centers.** The maps delineated boundary lines for the four proposed Highlands Centers, as discussed earlier in this Report, furthering the Township Petition request for Highlands Center designation, consistent with the Regional Master Plan.

**F. COMMENTS FROM THE PUBLIC**

The Final Draft Consistency Review and Recommendations Report ~~has been~~was posted to the Highlands Council website and made available (in paper format) at the Highlands Council offices in Chester, NJ, for review and comment by the general public. ~~Comments may be submitted to the Highlands Council by e-mail ([maryjude.haddock-weiler@highlands.state.nj.us](mailto:maryjude.haddock-weiler@highlands.state.nj.us)), facsimile transmission (908-879-4205), surface mail, or hand delivery (Highlands Council, 100 North Road, Chester, NJ 07930). All comments will be made available for public inspection in the offices of the Highlands Council in Chester, NJ. At the conclusion of the public comment period, a summary comment/response document will be prepared by Highlands Council Staff which will be posted to the Highlands Council website along with any final revisions resulting from Council review and consideration of public comments.~~



FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Plan Conformance - Draft Consistency Review and Recommendations Report  
*~~Confidential & Deliberative Material~~*

~~Several comments were received during the period established by the Highlands Council for receipt of written public comment (December 14, 2012 – January 4, 2013). Upon its completion, the~~ The comment/response document ~~will be~~ is attached to this document, at Appendix C.

**G. FINAL RECOMMENDATIONS**

~~This Section is completed after review and consideration of all comments regarding a Petition for Plan Conformance.~~

Based upon the public comments received and follow-up input from the Township, the Preliminary Recommendations of Highlands Council Staff concerning the Petition for Plan Conformance of the Township of Randolph, ~~remain unchanged/require substantial revision/require only minor modifications from the Preliminary and/or Revised~~Staff Recommendationshave been supplemented to include the provision of a Transfer of Development Rights Feasibility Grant, as provided under “Staff Recommendations” at Section D. above, as discussed herein below.

~~1. Item #1.~~

~~2. Item #2.~~

~~3. Item #3. }~~

In conclusion, the Highlands Council Staff recommends that the Petition for Plan Conformance of the Township of Randolph, be ~~approved/denied/~~approved with conditions; with all applicable conditions being those listed and discussed in Section D, above, and if applicable, as supplemented and/or modified by the revisions discussed herein, above.

FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Plan Conformance - Draft Consistency Review and Recommendations Report  
*~~Confidential & Deliberative Material~~*

APPENDIX A

HIGHLANDS COUNCIL REVIEW

REQUESTS FOR RMP UPDATES

Township of Randolph, Morris County

FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

**Summary of Municipal Requests and Highland Council Staff Findings**

Note: Where the Township has requested an RMP Update, but the Highlands Council Findings did not result in the desired LUCM Zone change, the municipality may propose a Map Adjustment or include the parcel(s) within a Highlands Center or Highlands Redevelopment Area, in order to effectuate the desired modification. **Please note:** The Land Use Capability Zone applicable to a property does not affect existing development plans that have sufficient municipal and other approvals to move forward. Where approved development occurs that does not reflect the existing Land Use Capability Zone, an RMP Update may be process at a later date to reflect the completed development.

1. **Municipal Request:** Beta Site, Sussex Turnpike. Parcel has site-plan approvals (Block 5, Lot 8). This property has site plan approval for a commercial recreation project and is currently under construction. It is identified on the LUCM as Existing Community Constrained and should be changed to Existing Community.

**Highlands Council Findings for #1:** The developed portion of the site has been changed to Existing Community Zone

2. **Municipal Request:** Middlebury Corporate Park (Block 18.02, Lot 10; Block 18.01, Lots 1.04 – 1.09) property. These properties are subdivided lots that are part of the Middlebury Corporate Park. The lots identified are either built and occupied, or under construction. One of the lots is categorized on the LUCM as Existing Community Constrained and the remaining lots are within the Protection Zone Category. They should be within the Existing Community Zone.

**Highlands Council Findings for #2:** The lots have been changed to Existing Community Zone, except for the west and south edge of Block 18.01 Lot 1.07 where Aspen Arena is located, which is undeveloped and remains Protection Zone.

3. **Municipal Request:** Towne Toyota and CWS Property– Route 10 (Block 18, Lots 14 & 15). The rears of these properties are placed within the Protection Zone. The Towne Toyota lot is developed with a parking lot that serves the auto repair facility. The CWS site is under construction for a commercial building and is nearing completion. They should be within the Existing Community Zone.

**Highlands Council Findings for #3:** The lots have been changed to Existing Community Zone.

4. **Municipal Request:** Heritage 55 Property - Calais Road – (Block 49, Lots 6.10, 6.20, 6.30, 6.50, 6.60, 6.70 & 6.80). This is an approved age-restricted multi-family development. Site clearance has commenced and some foundations have been constructed. The rear portion of this development has been place within the Protection Zone. It should be within the Existing Community Zone.

**Highlands Council Findings for #4:** The lots have been changed to Existing Community Zone, except for Lots 6.50 and 6.60 where the developed portions of the parcels have been changed to Existing Community Zone, but the undeveloped portion remains Protection Zone.

5. **Municipal Request:** Trout Brook Extension Property (Block 49, Lots 3.01 – 3.07). This is a developed residential subdivision of single-family homes. They are categorized as being located within the Protection Zone on the LUCM. They should be within the Existing Community Zone.

FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
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**Highlands Council Findings for #5:** The lots have been changed to Existing Community Zone.

6. **Municipal Request:** Shadowbrook Way Property (Block 40, Lots 4.08 – 4.33). This is a developed residential subdivision of single-family homes. All of the land within this subdivision is within the Protection Zone of the LUCM, including the homes. Perhaps the rear portions of these deep lots could be within the Protection Zone, but the developed portions and reasonable yard areas should be within the Existing Community Zone.

**Highlands Council Findings for #6:** Developed portions of the parcel are consistent with the Highlands Council spatial data and due to the presence of non-developed lands or other surrounding land uses that were not Existing Community Zone, it did not meet the 75 acre minimum threshold for the Existing Community Zone.

7. **Municipal Request:** Waterfall Estates Properties (Block 52, Lots 2.01 – 2.07, Block 52.10, Lot 1). This is an approved subdivision with single-family residential dwellings either completed or under construction. It is identified on the LUCM as within the Protection Zone. It should be within the Existing Community Zone.

**Highlands Council Findings for #7:** Current aerial photography verifies development on portions of the properties, however, as noted above in #6, the presence of non-developed lands or other surrounding land uses prevented the requested change. The LUCM designation remains Protection Zone.

8. **Municipal Request:** Heritage Court / Granite – Doby Properties (Block 93, Lots 38.01 – 38.19, 42.02 & 42.09, Block 93.01, Lots 1 – 25, Block 93.02, Lots 1 -7, 38.20 – 38.23). This is a developed single-family residential subdivision that is within the Protection Zone category of the LUCM. It should be within the Existing Community Zone.

**Highlands Council Findings for #8:** Developed portions of the parcel are consistent with the Highlands Council spatial data and due to the presence of non-developed lands or other surrounding land uses that were not Existing Community Zone, it did not meet the 75 acre minimum threshold for the Existing Community Zone.

9. **Municipal Request:** Kensington Square – Brookside Road (Block 101, Lot 22.01) [*Referenced in request as Old Brookside Road Property Block 100, Lot 22.01*]. This is a site with an approved multi-family development that also included age-restricted housing. The site also has remnants of an old bungalow development. This property is within the Butterworth Sewer Service Area. The rear portions of the site are identified as being within the Existing Community Constrained Zone. The front is within the Existing Community Zone and the balance of the site should be within that same category.

**Highlands Council Findings for #9:** Municipal information provided on current and existing land conditions is consistent with that of the Highlands Council. The developed front portion is designated ECZ, while the rear vacant portion is ECZ-Environmentally Constrained. The request does not constitute an RMP Update.

10. **Municipal Request:** Zion Tract – Sussex Turnpike / Hanover Avenue Property (Block 119, Lot 130). This site is the location of an old resort hotel located within the Mount Freedom Village Area and has some evidence of the prior use. The site is within the RVRSA sewer service area. The property is identified as being located within the Existing Community Constrained

FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

Zone. The Master Plan has called for this site to be developed within the Mount Freedom Center and include low and moderate income residences. It should be within the Existing Community Zone given its history, location and utility availability.

**Highlands Council Findings for #10:** Municipal information provided on current and existing land conditions is consistent with that of the Highlands Council. The request does not constitute an RMP Update.

11. **Municipal Request:** Sunrise Assisted Living – Route 10 Property (Block 73, Lot 16). This property is developed with the Sunrise Assisted Living Development. The LUCM identifies it as Existing Community Constrained and it should be within the Existing Community Zone.

**Highlands Council Findings for #11:** The developed portion of the lot has been changed to Existing Community Zone.

12. **Municipal Request:** Grecco Tract – Route 10 Property (Block 111, Lot 15). This property is the main part of a tract that was approved for a shopping center with residences including low and moderate income residences. It has frontage on State Highway Route 10 and Quaker Church Road and has sanitary sewer availability. Portions of the site were previously used as a restaurant and residences. It is identified as Existing Community Constrained. It should be within the Existing Community Zone as are the adjacent parcels.

**Highlands Council Findings for #12:** The property is currently under construction. If the Township wishes to pursue a Land Use Capability Zone change, they should provide documentation, such as As-Built Plans, to verify the completed construction. Alternatively, the Township may choose to wait and, as regional data such as the New Jersey Department of Environmental Protection Land Use Land Cover data gets updated, the Highlands Council will make regional updates to reflect current conditions.

13. **Municipal Request:** The Preserve – Red Oak Lane Property (Block 199, Lots 46.01). This is an approved and developed single-family residential development. It is within the Existing Community Constrained Zone and should be within the Existing Community Zone.

**Highlands Council Findings for #13:** The lot has been changed to Existing Community Zone.

14. **Municipal Request:** Ardlee Court Properties (Block 86, Lots 58.04 & 58.05). This is a developed single-family residential subdivision on a short cul-de-sac. It is identified as Existing Community Constrained and should be Existing Community due to its development status.

**Highlands Council Findings for #14:** The lot has been changed to Existing Community Zone.

15. **Municipal Request:** Nottingham Way and Sherwood and Sussex Turnpike Properties (Block 21, Lots 19.01 – 19.14 and Lots 32.02 – 32.07). These are existing single-family residential lots that have been placed within the Protection Zone. They should be within the Existing Community Zone since they are developed parcels.

**Highlands Council Findings for #15:** Current aerial photography verifies development on portions of the properties, however, due to the presence of non-developed lands or other surrounding land uses that were not Existing Community Zone, it did not meet the 75 acre

FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

minimum threshold for the Existing Community Zone. The properties remain designated Protection Zone.

16. **Municipal Request:** Kirksbride Properties (Block 21, Lots 129.01 – 129.09, Block 21.08, Lots 1-3). This is a developed subdivision with single-family residential lots. It is located within the Protection Zone and should be within the Existing Community due to its development status.

**Highlands Council Findings for #16:** Developed portions of the parcel are consistent with the Highlands Council spatial data and due to the presence of non-developed lands or other surrounding land uses that were not Existing Community Zone, it did not meet the 75 acre minimum threshold for the Existing Community Zone. The properties remain designated Protection Zone.

FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Plan Conformance - Draft Consistency Review and Recommendations Report  
*~~Confidential & Deliberative Material~~*

APPENDIX B

HIGHLANDS COUNCIL REVIEW

REQUESTS FOR HIGHLANDS CENTER DESIGNATIONS

Township of Randolph, Morris County

FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

**Highlands Council Staff Recommendation Report**  
**Proposed Highlands Center Designations**  
**Township of Randolph, Morris County**

Application Type: *Proposed Highlands Center Designations*

Name: *Randolph Township Highlands Centers*

- *Mount Freedom Highlands Village Center*
- *Route 10 Corridor/East Highlands Center*
- *Route 10 Corridor/West Highlands Center*
- *South Salem Street Highlands Redevelopment Center*

Municipality: *Township of Randolph, Morris County*

Highlands Act Area: *Planning Area*

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**Executive Summary**

Originally inhabited by the Lenni Lenape Indians, Randolph Township was settled in the 1700's by Quakers seeking religious freedom. The Township was officially incorporated in 1805 from land that had been part of Mendham Township. In the early 1900's Randolph became a popular vacation destination for families from New York City and Brooklyn. To accommodate the influx of summer visitors, hotels and bungalows were constructed in the Mount Freedom section of the Township. Mount Freedom became known as the "Borscht Belt" and was developed with 11 hotels, 45 bungalow colonies, summer camps, and swim clubs. The remnants of this community still exist in the vicinity of Sussex Turnpike, Brookside Road, and Calais Road. The restaurant from Ackerman's Hotel is now the Randolph Public Library, and the Senior Center occupies the former casino.

Today the 22-square mile Township encompasses a broad mix of residential neighborhoods, commercial development, and open space. Randolph's 16-mile trail system connects five parks, the Clyde Potts Reservoir, 2,000 acres of preserved open space, and Morris County's Patriots Path. The trails also provide connections between local schools and neighborhoods. Residential development includes suburban style subdivisions, townhouse and garden apartment communities, rural neighborhoods, historic homes, and the Shongum Lake community. The Township's commercial development is concentrated along and near the municipality's major roadways – Route 10, Sussex Turnpike, South Salem Street and Canfield Avenue.

Randolph Township would like to advance continued economic development and redevelopment in strategic locations within its borders. Specifically, the Township proposes the designation of four (4) Highlands Centers to facilitate economic growth and accommodate suitable development within the community. The Township of Randolph has conducted planning studies related to the proposed Highlands Centers, including their 1992 and 2006 Master Plans, a Mount Freedom Village Center Study, and a Route 10 Corridor Study. Additional work, aimed at further elaborating plans for the Centers, will occur as part of the Highlands Center designation planning included in the Highlands Implementation Plan and Schedule. Highlands Council Staff recommends consideration of the following four (4) Highlands Centers in Randolph, each to be devised as growth centers along key corridors within the Township and developed through significant local input.



**FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

Highlands Council staff have reviewed resource mapping for each proposed Highlands Center and conducted field visits to each to verify the physical and environmental characteristics. Planning for each Highlands Center will involve site-specific resource assessments and development/redevelopment strategies to support sustainable community development.

*Route 10 Corridor/East Highlands Center*

The Route 10 Corridor/East Highlands Center would extend from South Morris Street and west to Campus Plaza (west of the A&P Shopping Center on Center Grove Road – see Figure 1). The Route 10 Corridor/East Highlands Center is intended to be an activity center supporting local commercial retail needs and providing pedestrian connections to nearby residential neighborhoods. The Township would like to minimize strip-style development in favor of development nodes with linkages to the adjacent neighborhoods. Approvals have already been issued for development of the Grecco property (Block 111 Lots 10-16). The community envisions private redevelopment along the corridor, an enhanced gateway at the entrance to the Township, and protection of existing viewsheds. There is existing sewer service along much of the north side of Route 10 between the K-Mart Plaza and the A&P Shopping Center; only a few parcels on the south side are currently served.

*South Salem Street Highlands Redevelopment Center*

The South Salem Street Highlands Redevelopment Center would encompass the K-Mart Shopping Plaza, the Franklin Road/Bennett Avenue affordable housing complex, and the industrial building at Block 195, Lot 10. This Highlands Center would extend along South Salem Street to its border with the Town of Dover (see Figure 2). The South Salem Street Highlands Redevelopment Center is planned to provide opportunities for expansion of the existing economic base through redevelopment and business improvements. Additional affordable housing construction is anticipated for the area. There is existing sewer service to this proposed Center.

*Mount Freedom Highlands Village Center*

The Mount Freedom Highlands Village Center would encompass the area from Mt. Freedom Road in the east to the developed portion of the Mount Freedom Golf facility in the west (see Figure 3). The Mount Freedom Highlands Village Center has been studied in previous planning documents prepared by the Township. The concept envisions a traditional village center and streetscape with development of buildings on either side of Sussex Turnpike. A re-alignment of the intersection at West Hanover Avenue and Brookside Road is anticipated, utilizing a portion of the Zion Tract. The Zion Tract (Block 119 Lot 130) was the site of the former Saltz Hotel, popular during the 1930's and 40's. A prior approval is in place for this development. The proposed Kensington Square development on Brookside Road has also received prior approvals (Block 101, Lots 22.01 and 22.02). Sewer service currently is limited to the area of Sussex Turnpike between Mount Freedom Road and the Acme Shopping Center; no sewers are connected on Calais Road. A sewer extension project is currently underway along Sussex Turnpike, another sewer extension project is expected in the future.

*Route 10 Corridor/West Highlands Center*

The Route 10 Corridor/West Highlands Center would include properties on the south side of Route 10 from Dover-Chester Road to Canfield Avenue (see Figure 4). The Route 10 Corridor/West Highlands Center is intended to support a cohesive development/redevelopment approach. Currently several large parcels are

**FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

undeveloped, while the remaining parcels have been developed with a mix of large-scale buildings, such as the CVS and several office buildings, interspersed with residential structures that have been converted for commercial uses.

**Rationale for Approval of Highlands Center Designations**

1. Highlands Center designations directly address the goals of the Highlands Act for the Planning Area and support the RMP Future Land Use Program with respect to the identification of suitable locations within the Planning Area in which to permit and encourage appropriate, sustainable growth and development.
2. The Randolph Township Highlands Centers address the principles of smart growth, both locally and within the larger Highlands Region, and are supportive of Highlands Regional Master Plan Policy 6F6, Objective 6F6a, and Policies 6O2 and 9A3.
3. The Randolph Township Highlands Centers focus future development and redevelopment into activity clusters along major thoroughfares within the municipality and provide for appropriate sustainable growth and economic development opportunities.
  - a. The South Salem Street Highlands Center will incorporate redevelopment opportunities and include affordable housing within a walkable neighborhood.
  - b. The Mount Freedom Village Highlands Center will focus future development and redevelopment into a concentrated area designed as a traditional village center, expanding on an existing node of development and facilitating walkability and neighborhood cohesion.
  - c. The Route 10 Corridor/East Highlands Center (from South Morris Street to Campus Plaza) will support the commercial core of the Township and provide pedestrian linkages to nearby apartment complexes, the Fernbrook Elementary School, and surrounding residential neighborhoods.
  - d. The Route 10 Corridor/West Highlands Center (from Dover-Chester Road to Canfield Avenue) will support a cohesive development/redevelopment approach for the properties along the south side of Route 10. Currently several large parcels are undeveloped, while the remaining parcels are developed with a mix of large-scale buildings, such as the CVS and several office buildings, interspersed with residential structures that have been converted for commercial uses.
4. Incorporation of Highlands Center-specific provisions within the municipal Water Use and Conservation Management Plan (WUCMP) will provide opportunity for enhanced water resource protections and conservation measures to improve recharge and help mitigate the water deficit situation which exists in several of the source HUC14 subwatersheds.
5. The Randolph Township Highlands Centers will incorporate Low Impact Development techniques and strategies wherever feasible.
6. The Randolph Township Highlands Centers address the Sustainable Regional Economy component of the RMP by maintaining and expanding the existing job and economic base, providing needed commercial goods and services to the community and surrounding areas, and promoting appropriate, sustainable and environmentally-compatible economic development in the Highlands Region.

**FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

**Conditions of Highlands Center Designation**

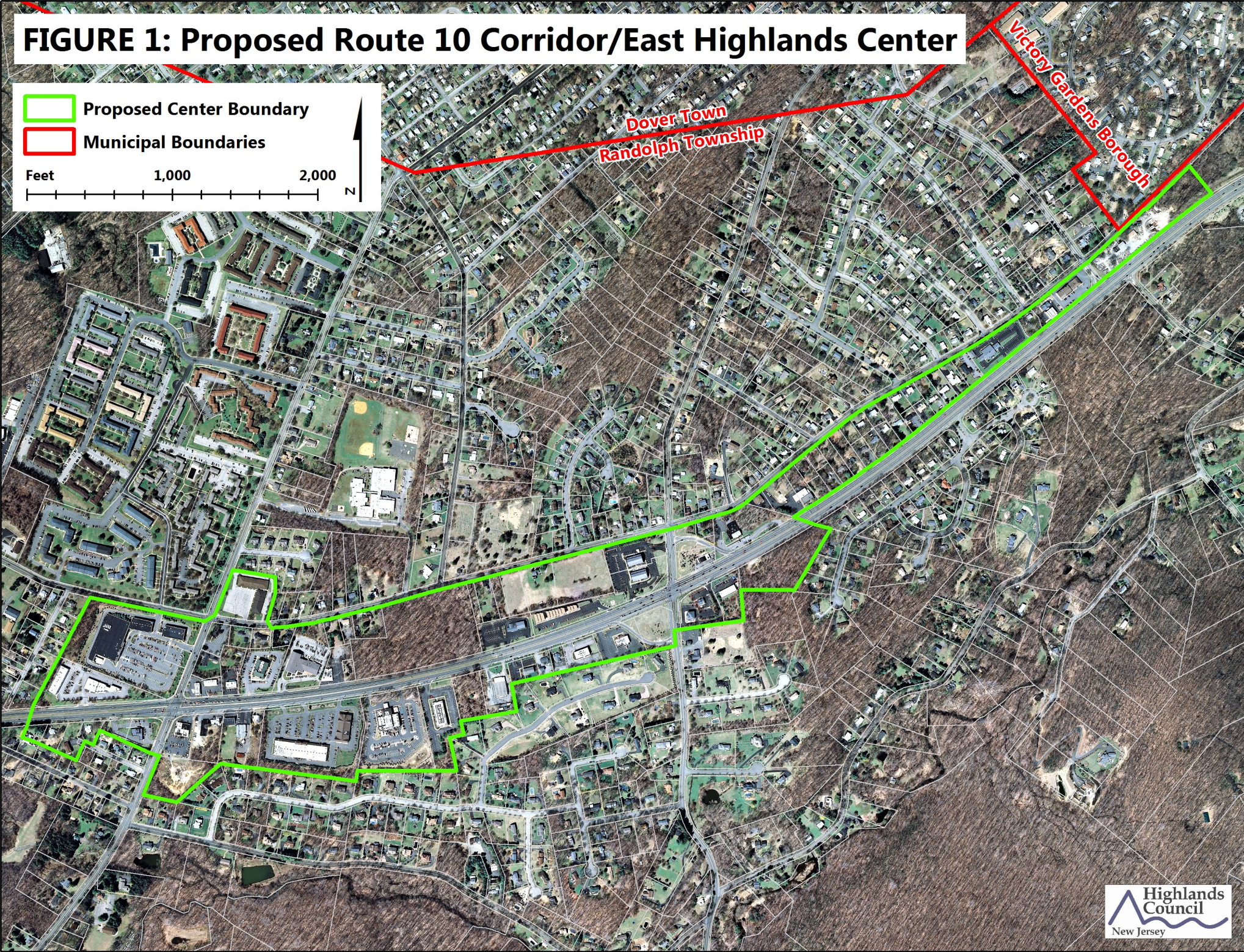
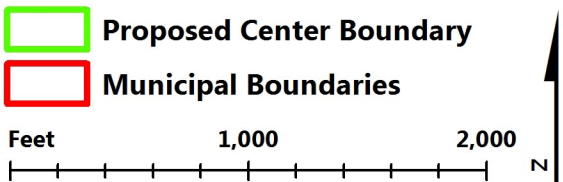
1. Development within the Randolph Township Highlands Centers shall include an appropriate affordable housing component, designed to complement the character of the designated area and to meet all legal requirements pertinent to such units, as currently set forth under COAH Substantive Rules.
2. The municipality shall develop and, after Highlands Council approval, adopt provisions for Randolph's Master Plan Highlands Element in support of the designated Highlands Centers, specifying goals and objectives, and setting forth intended land uses, allowances as to the density/intensity of development/redevelopment activities, and as needed, protections for Highlands resources that exist therein.
3. The municipality shall develop and, after Highlands Council approval, adopt provisions for Randolph's Highlands Area Land Use Ordinance required for application to the designated Highlands Centers, which provisions will override many of the Planning Area provisions provided in the current draft of the Ordinance.
4. Subject to funding from the Highlands Council, the Township of Randolph shall develop a Sustainable Economic Development Plan including an overview of economic development opportunities within the Township. The Township will conduct an investigation of a site within one of the designated Highlands Centers to identify opportunities for low impact development, evaluate the types and intensity of uses that would be most advantageous for the Township and the larger Highlands Region, and develop an implementation strategy to achieve the identified objectives.
5. Subject to funding from the Highlands Council, the Township of Randolph shall develop a Green Building/Environmental Sustainability/Alternative Energy Plan, incorporating low impact development, regenerative design techniques, and other innovative methods designed for efficient land use and resource protection.
6. The Randolph Township Highlands Centers shall align development plans with available water supply and wastewater treatment capacities in accordance with a NJDEP approved Wastewater Management Plan, which shall be developed through a coordinated effort of the Highlands Council and the Township.
7. The Township will develop a Water Use and Conservation Plan as a component of its Petition approval. While funding for the full Plan will be provided under a later Plan Conformance implementation stage, the municipality will, as a first step, adopt Water Conservation Ordinances based on models provided by the Highlands Council. Funding has been allocated for this purpose in the current approval round.
8. Subject to funding from the Highlands Council, the Township of Randolph shall prepare a Habitat Conservation & Management Plan to identify species at risk, options for restoration of habitat, and standards for mitigation of unavoidable impacts of public and private projects.
9. Subject to funding from the Highlands Council, the Township of Randolph shall prepare a Stream Corridor Protection/Restoration Plan to address local issues regarding development impacts to stream corridors and planning for restoration and mitigation projects.

FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**  
*~~Confidential & Deliberative Material~~*

10. Development on forested lands shall be guided by a site-specific habitat analysis and shall minimize potential impact on critical habitat. Based on a recent survey of applicable methods, the Highlands Council concludes that a reasonable ratio for mitigation regarding loss of forested Critical Wildlife Habitat would be on the order of 2.5 or 3 acres for each acre of loss. If loss is anticipated, the Township will identify appropriate offset lands for preservation.
11. The Township of Randolph shall comply with the conditions and requirements identified by the Highlands Council as necessary to achieve Highlands Plan Conformance, as specifically set forth within the final Consistency Review and Recommendations Report, Highlands Implementation Plan and Schedule, and final, adopted Highlands Council Resolution granting such approval.

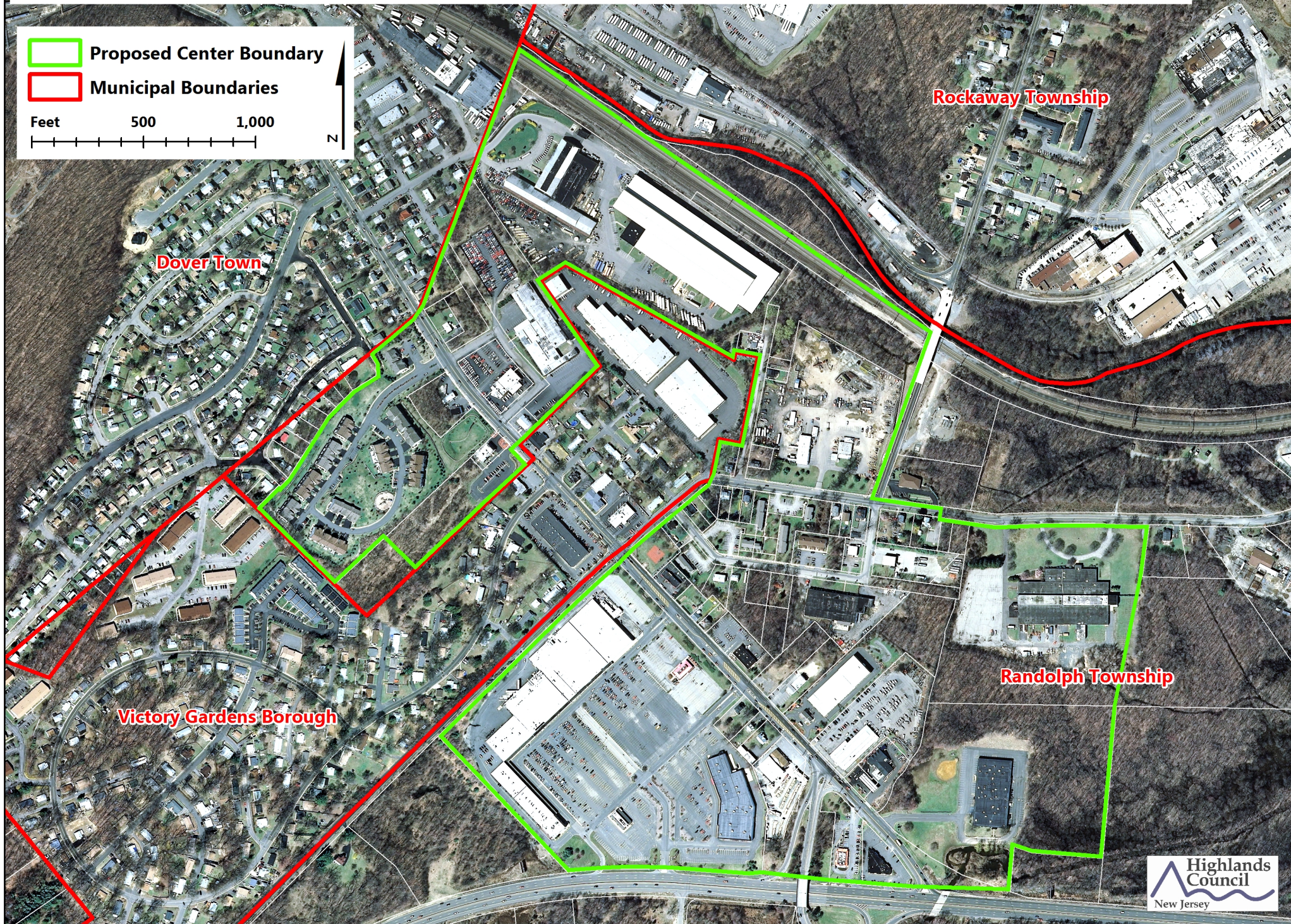


**FIGURE 1: Proposed Route 10 Corridor/East Highlands Center**



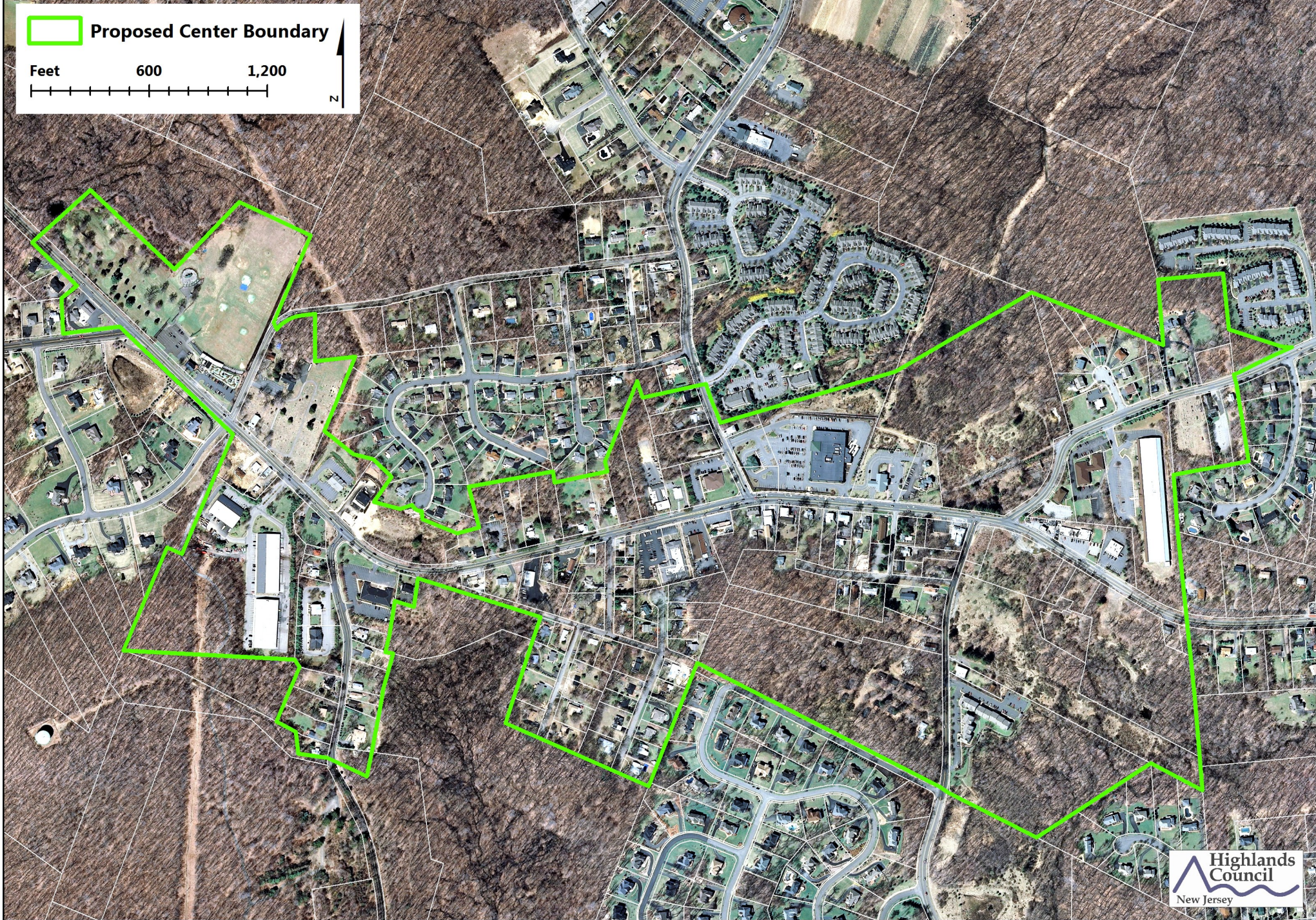


# FIGURE 2: Proposed South Salem Street Highlands Redevelopment Center





**FIGURE 3: Proposed Mount Freedom Highlands Village Center**

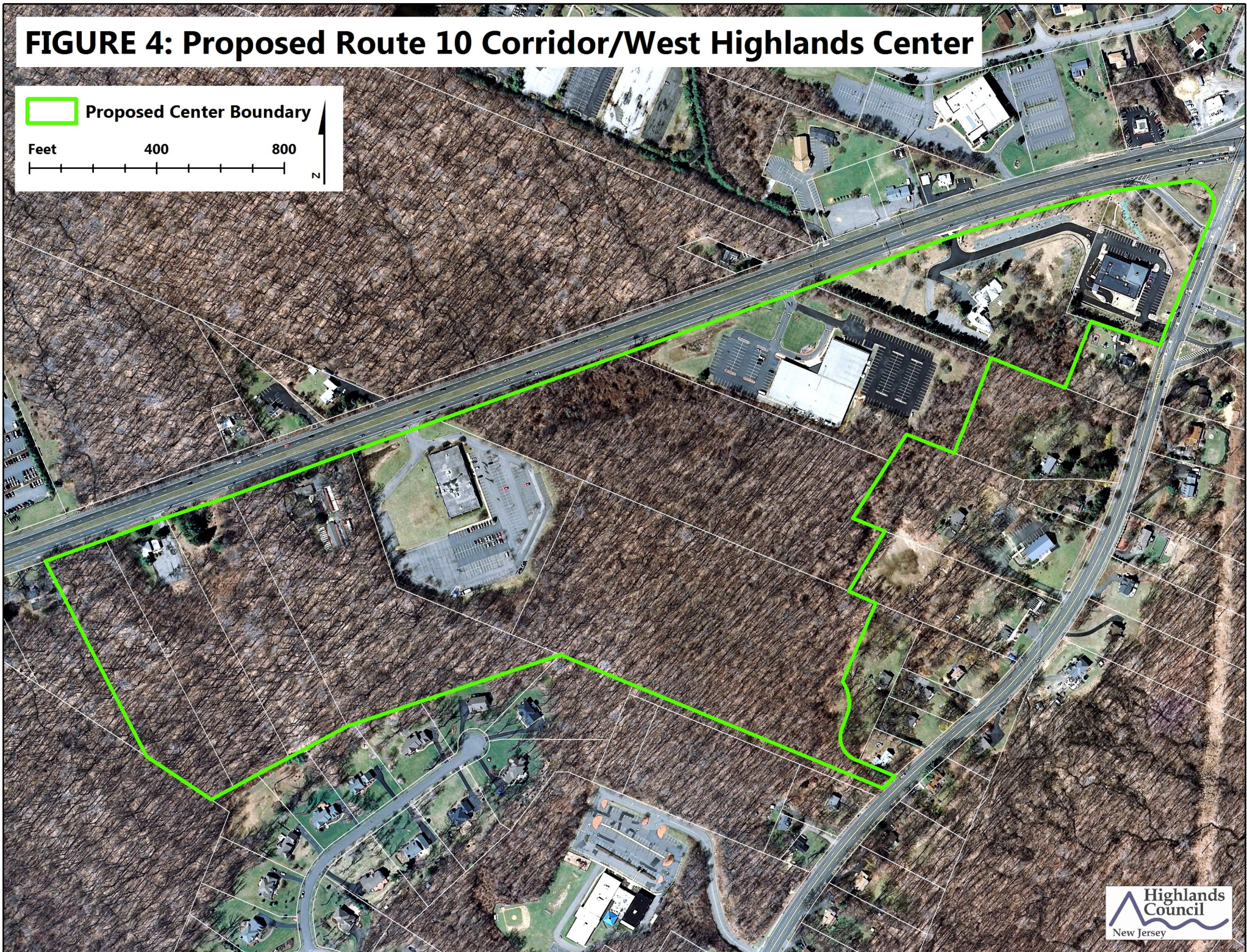
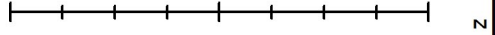




# FIGURE 4: Proposed Route 10 Corridor/West Highlands Center

 Proposed Center Boundary

Feet 400 800





**FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**

**APPENDIX C**

**PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES**

**Petition for Plan Conformance**

**Township of Randolph, Morris County**

**Public Comment Period: December 14, 2012 – January 4, 2013**

**FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**

**PUBLIC COMMENTS RECEIVED**

Written comments regarding Randolph Township's Petition for Plan Conformance were accepted by the Highlands Council through the close of the Public Comment period on January 4, 2013. Comments were provided by the following individuals/entities:

1. Helen Heinrich, on behalf of the New Jersey Farm Bureau
2. Richard Hoff, Bisgaier Hoff, LLC on behalf of Westminster Realty Corporation and Randolph Building Associates
3. Erica Van Auken, on behalf of the New Jersey Highlands Coalition
4. Wilma Frey, on behalf of the New Jersey Conservation Foundation

The comments are summarized in the section that follows, with Highlands Council responses provided below for each.

**PUBLIC COMMENT/RESPONSE SUMMARY**

**Comment:** The New Jersey Farm Bureau commented that the Township of Randolph could be a model for how towns could grow within the constraints of the Highlands Regional Master Plan while supporting preservation in other areas of the Highlands Region. The Farm Bureau expressed concern that development plans in a township like Randolph should be encouraged to look at opportunities for the creation of TDR Receiving Zones to support farmland preservation elsewhere within the Region. Specifically, the Farm Bureau suggested that a grant to investigate the feasibility of establishing a TDR Receiving Zone in the proposed Randolph Centers should be included in the Implementation Plan and Schedule.

**Response:** The Highlands Council acknowledges the New Jersey Farm Bureau's suggestion that TDR Receiving Areas may be appropriate in center development and the Bureau's support for grant funding to investigate such opportunities. The Township is interested in examining the potential for Receiving Zones within one or more of the proposed centers. The expectation is that the Township will proceed with comprehensive planning for development and redevelopment within the defined centers, including the option of a feasibility grant to support a potential intra-municipal TDR receiving area for the Township. As part of the early phases of planning, the Township will assess constraints and opportunities within each of the proposed centers, including infrastructure conditions and capacity.

**Comment:** Richard Hoff stated that his firm, Bisgaier Hoff, LLC represents the owner and developer of property in Randolph Township, known as Block 101, Lots 22.01 and 22.02. The property consists of 18 acres and has received approvals for the construction of 116 residential units. The comments express concern that the development of the property should not be subjected to additional environmental regulations based on Highlands resource mapping or zone designation (the property is classified Existing Community Zone and Existing Community Zone – Environmentally Constrained).

**Response:** The Highlands Council acknowledges the concern that prior development approvals should not be impacted by Highlands regulations associated with the Township's Plan Conformance with the Regional Master Plan. Prior approvals are protected in accordance with the Municipal Land Use Law. Based on the

**FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**

Municipal Land Use Law's "time of decision rule," development approvals in place are protected from future changes in development regulations. The review of development approvals in accordance with Plan Conformance is initiated with the local adoption of the Checklist Ordinance or the Highlands Land Use Ordinance. Both parcels identified in the comment are located within the proposed Mount Freedom Highlands Village Center and are recognized as parcels with prior approvals intended for development within the proposed Highlands Center area. The Checklist Ordinance would require that any development application submitted to a township land use board be reviewed by the Highlands Council for consistency with this aspect of the approved Highlands Center. It is important to note that the Land Use Capability Map Zones (i.e., Existing Community Zone and Existing Community Zone – Environmentally Constrained) do not apply in a designated Highlands Center. The regulatory provisions that will ultimately apply to the Highlands Center will be developed and approved by the Highlands Council as a condition of any approval of the Petition for Plan Conformance. The Checklist Ordinance is an interim protective measure that would no longer apply after the full set of provisions is adopted.

**Comment:** The New Jersey Highlands Coalition stated that they 'reluctantly' supported the Randolph Township Petition for Plan Conformance and their primary concern was the number of centers proposed.

**Response:** The Randolph Township Petition for Plan Conformance in the Planning and Preservation Areas includes a proposal for four (4) centers. These proposed centers are located in areas of existing development and along State Highway Route 10. The total land that comprises the centers is 591 acres and represents approximately 4% of the Township.

**Comment:** The New Jersey Highlands Coalition "insisted" that each mandatory component of Plan Conformance be fully funded before any Highlands Center designations are approved.

**Response:** The Highlands Council acknowledges the concern that Plan Conformance requirements must be fully implemented. Each Plan Conformance Petition that has been approved by the Highlands Council with an Implementation Plan and Schedule has included prioritized funding based on the specific needs of the municipality. In every case, however, the implementation schedule and coinciding funding allocations are designed to ensure that the immediate mandatory requirements are addressed first. The same approach has been applied to the Randolph Petition; base requirements are included first, with local conditions and priorities carefully considered to inform other funding allocations, such as center planning. The Highlands Council has always avoided unfunded mandates.

**Comment:** The New Jersey Highlands Coalition expressed concern that many subwatersheds within Randolph Township are in a water deficit. The Coalition opined that although center planning would require a Water Use and Conservation Management Plan to "provide opportunity for enhanced water resource protections and conservation measures to improve recharge and help mitigate the water deficit situation . . .," they did not feel this would be sufficient. The Coalition further stated that a plan would not mean that the deficit issue would be eliminated.

**Response:** The Highlands Council is committed to addressing water availability conditions within the Region and requires Water Use and Conservation Management Plans in direct response to concerns such as those expressed by the Coalition regarding water deficits. The Highlands Council is confident that the Water Use and Conservation Management plan will, in fact, be sufficient in identifying the mitigation requirements

**FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**

associated with the net water availability conditions of the subwatersheds as well as identify implementation mechanisms to address these concerns.

**Comment:** The New Jersey Highlands Coalition expressed concern about the available wastewater capacity for the proposed Mount Freedom Highlands Village Center, asking if the Rockaway Valley Regional Sewerage Authority (RVRSA) has guaranteed sewer capacity for the proposed center.

**Response:** The proposed Mount Freedom Highlands Village Center is located within two (2) sewer service areas; the RVRSA and the Butterworth Water Pollution Control Utility. The majority of the lands within Mount Freedom are served by Butterworth. An analysis of infrastructure capacity is a key, first-phase component of center planning. As a condition of approval of all Highlands Centers, the Highlands Council requires demonstration that the proposed development can and will be supported by adequate water and wastewater capacities. Please note that the Rockaway Valley Regional Sewerage Authority (RVRSA) capacity is based on a first-come, first-served basis.

**Comment:** The New Jersey Highlands Coalition states that the proposed Mount Freedom Highlands Village Center contains historic resources and questions whether these will be protected or incorporated within the Center.

**Response:** The Highlands Council acknowledges the Coalition's support for preservation of Randolph Township's historic resources. The proposed Mount Freedom Highlands Village Center contains the Mount Freedom Presbyterian Church (listed on the State and National Registers of Historic Places) and two additional resources listed on the Highlands Region Historic and Cultural Resources Inventory. Center planning for this area will include consideration of these existing resources within their overall development/redevelopment approach.

**Comment:** The New Jersey Highlands Coalition states that the proposed centers at South Salem Street and Route 10 Corridor/East may be appropriate for development, except for the existing water deficit.

**Response:** As stated above, the Water Use and Conservation Management Plan is intended to address water deficit issues with prescribed mitigation strategies for each subwatershed. Additionally, these areas are primarily slated for redevelopment and thus would be utilizing water resources that have already been committed to existing uses.

**Comment:** The New Jersey Highlands Coalition comments that, although the area is heavily developed, there are two vernal pools, Open Waters, wetlands, and critical wildlife habitat in close proximity to the proposed South Salem Street Redevelopment Center.

**Response:** The Highlands Council staff has visited each of the proposed Highlands Center areas and has reviewed the resource mapping for each. As acknowledged by the Highlands Coalition, the area is heavily developed; as such, some of the buffers may not be functional at this time. The vernal habitat mapped in the center has been researched with the NJDEP-Endangered and Nongame Species Program (ENSP) division staff that maintains the vernal pool database and also the vernal pool certification program. The mapped vernal habitat north of Route 10 has been reported to show vernal characteristics although it is not a certified vernal pool. The GIS mapping methodology that takes into account proximity of other sources of vernal habitat (2 certified vernal pools south of Route 10) also mapped the vernal habitat north of Route 10. The

**FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**

Highlands Council staff is currently conducting a GIS analysis of all NJDEP vernal habitats in the Highlands Region to parse out non-certified areas of vernal habitat from certified areas so that it is mapped as required by the Highlands Regional Master Plan. The vernal habitat north of Route 10 would have to be investigated to determine whether or not it meets the criteria of the certification program. If vernal characteristics exist, and it is determined that the habitat supports vernal species (amphibians), the functionality of the buffer will also need to be evaluated. The barriers to population dispersion are extensive. Existing impervious surfaces and roadways do not provide attractive corridors through which vernal species would likely travel. Mitigation for any future development in the center would include efforts to reconnect sensitive habitats for any identified populations of vernal species.

**Comment:** The New Jersey Highlands Coalition notes that there are Tier 2 Contaminated Sites in the proposed South Salem Street Redevelopment Center and asks whether they will be remediated and if remediation/redevelopment plans will be posted for public review and comment.

**Response:** One of the primary purposes of the proposed South Salem Street Redevelopment Center is to develop a comprehensive plan for future development and redevelopment in this area. Center planning is intended to address all of the opportunities and constraints that exist and will ultimately result in a strategy designed to improve the health and economic well-being of this previously developed area. Any remediation plans will be prepared in accordance with NJ Department of Environmental Protection standards and public process.

**Comment:** The New Jersey Highlands Coalition states that Randolph Township has a history of sprawl and designation of Centers will not protect the remaining vacant spaces in the municipality and more effort should be put into protecting undeveloped parcels of land.

**Response:** Randolph Township is a large suburban municipality, 22 square miles in size, and home to 26,000 residents. The Township has made substantial efforts to protect natural areas within its boundaries and has successfully preserved 24% of the Township. As part of those preservation efforts, the township has built an award-winning 16-mile trail system that connects 2,000 acres of open space. Randolph's goal for designating centers within the municipality is to centralize development and redevelopment within just 4% of the township's land area, and to work to protect the remaining lands. As noted in many of the comments above, much of the proposed center land area is already developed. A concentrated effort to efficiently redevelop these areas in keeping with smart growth principles would be to the benefit of the Township and the larger Highlands Region.

**Comment:** The New Jersey Highlands Coalition and New Jersey Conservation Foundation opined that the mapping posted for public comment was not sufficiently useful in determining where the proposed Highlands Centers are located. The comments suggested that the mapping would be easier to understand if all of the proposed Centers are shown on one map of the municipality and identifying local roads.

**Response:** The Highlands Council acknowledges the suggestions and has prepared a map that shows all of the proposed Centers on one map and identifies local roads (see attached map).

**Comment:** The New Jersey Highlands Coalition and New Jersey Conservation Foundation suggested that each proposed center should include a series of maps delineating resources and conditions, as depicted on the ERI and Highlands Master Plan element exhibits.

**FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**

**Response:** The Highlands Council endeavors to make information available in useable formats whenever feasible. As noted in the comment, the requested maps are available in the posted exhibits for the Highlands ERI and Highlands Master Plan Element. The proposed centers are not drawn on those maps because the maps are based on existing data and the proposed centers have not been finalized at this time. Given the addition of the above noted map, showing the proposed centers within municipal boundaries and with road labels, the existing ERI and Master Plan exhibits can be used in conjunction with center maps to better understand where resources and landscape features are located.

**Comment:** The New Jersey Conservation Foundation comments support the Randolph Petition for Plan Conformance, however with ‘strong reservations’ regarding the four (4) proposed Highlands Centers, indicating that none of them should be approved at this time. Additionally they suggested that only “studies to determine whether appropriate and sustainable centers can be designed in the proposed locations” should be approved at this time.

**Response:** Highlands Center designation triggers a planning process designed to identify the goals, appropriate uses, and densities for a specific area, including analysis of resources and available infrastructure. The comprehensive planning that occurs will guide development/redevelopment decisions based on public input, opportunities and constraints, and Regional Master Plan principles.

**Comment:** The New Jersey Conservation Foundation referenced the Randolph Township Build-Out Report, dated July 2009, and stated that the Report indicates that wastewater and water supply are very limited.

**Response:** As noted above, the center planning process will assess infrastructure conditions and capacity and any new development will be subject to its limitations.

**Comment:** The New Jersey Conservation Foundation and the New Jersey Highlands Coalition each stated that the proposed Route 10 Corridor/West Highlands Center should be removed from consideration at this time and not receive any funding. They further commented that the majority of the proposed center is located in the Protection Zone and only a small portion is located in the Existing Community Zone. They also noted that there are mapped resources within the center area including forest, prime groundwater recharge, and wellhead protection.

**Response:** The Highlands Council staff has visited each of the proposed Highlands Center areas and has reviewed the resource mapping for each. The designation of a center at this location does not disregard the existing mapped resources; it sets in motion a planning process to consider how development may occur along State Highway Route 10 in this approximately 68 acre area with the least impact to existing resources. The ultimate development plan for this Center would incorporate low impact development strategies and best management practices as outlined in the Regional Master Plan. In the event that critical Highlands environmental resources are determined to exist within this or any of the other center lands, the Highlands Council will require that certain areas be set-aside for protection and/or that they be addressed through appropriate mitigation strategies.

**Comment:** The New Jersey Conservation Foundation stated that nine of the 15 parcels are entirely forested or nearly so.

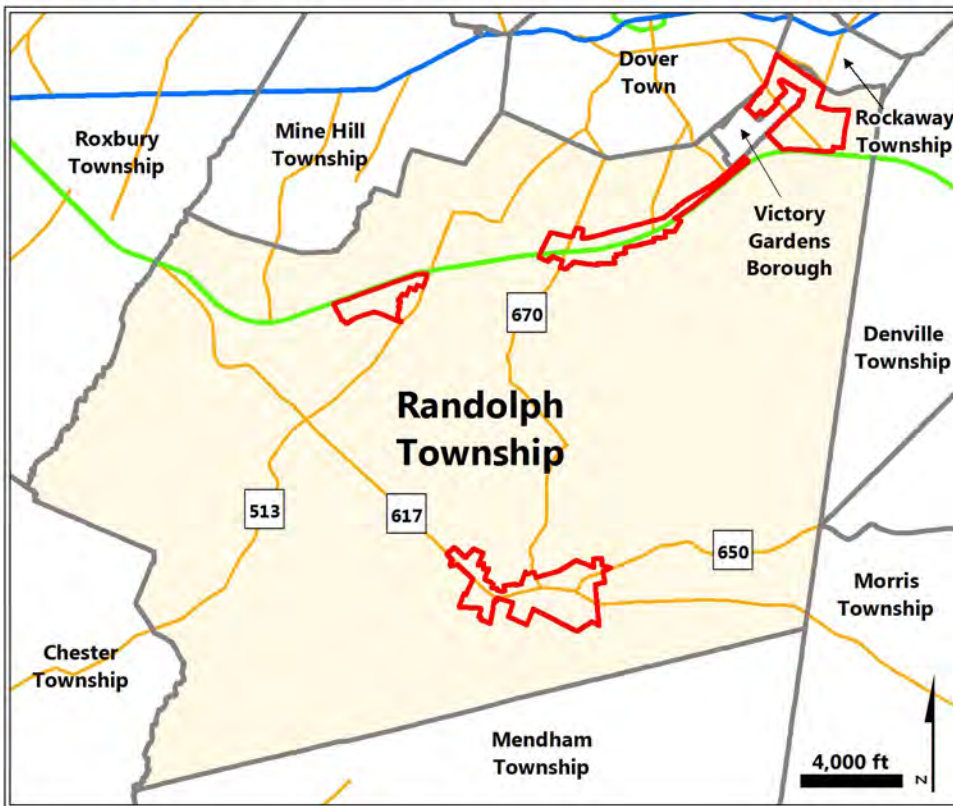
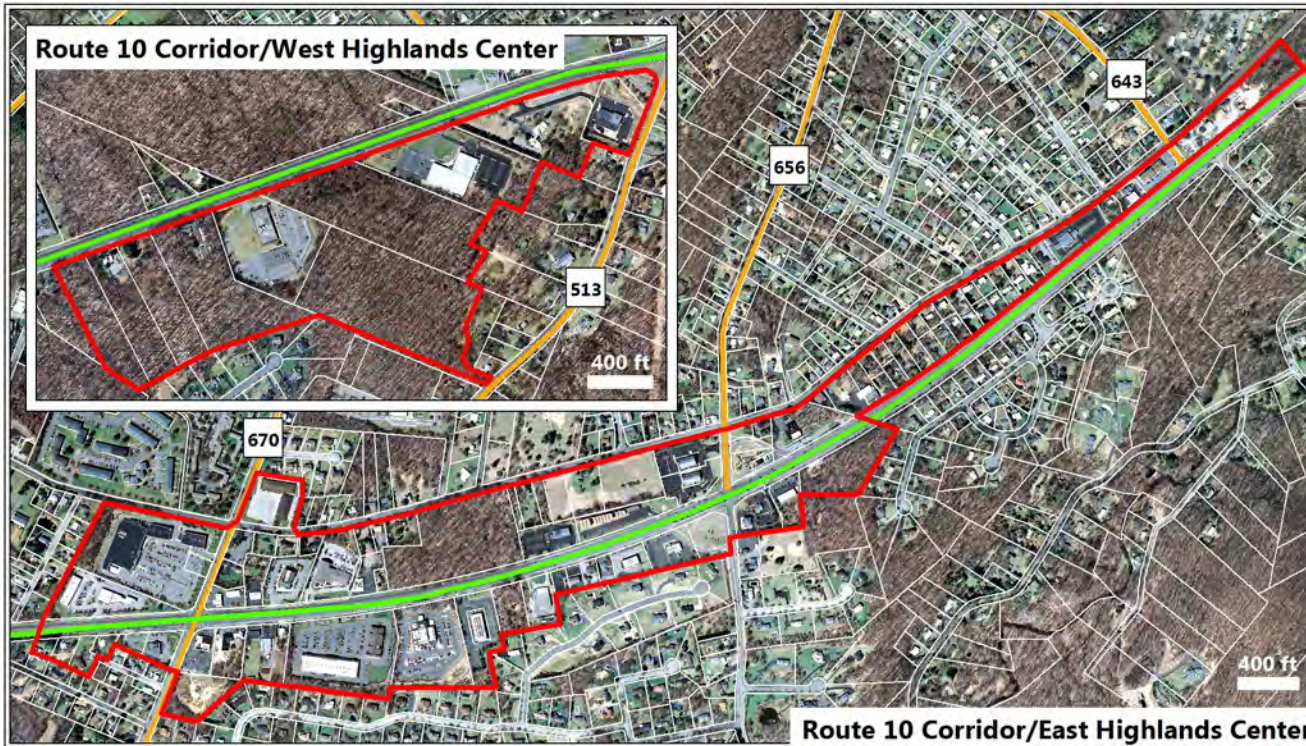
**FOR CONSIDERATION AT THE JANUARY 17, 2013 MEETING OF THE  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Plan Conformance - Draft Consistency Review and Recommendations Report**

**Response:** Although many of the parcels are currently mapped as forested, much of the forested area is highly affected by invasive species of climbing vines and unpalatable (for wildlife) shrubs, typical of many New Jersey urban forests. Any future planning for this center will include an extensive effort to delineate the highest quality forests for preservation; to enhance degraded forests for habitat improvement, and to establish mitigation for other forest impacts. As part of the center planning, the Township will draft and implement a Critical Habitat Conservation and Management Plan to address forested habitats throughout the municipality. Stewardship of critical habitats is a major component of this planning.

**Comment:** The New Jersey Conservation Foundation suggests that the delineation of net water availability by HUC 14 watershed be made clearer in Exhibit 9 (Land Use Ordinance Exhibits).

**Response:** The Highlands Council acknowledges the comment and will modify mapping for clarity.





## Randolph Township Highlands Centers

