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**INCORPORATED BY REFERENCE INTO HIGHLANDS COUNCIL  
RESOLUTION 2015-13 ADOPTED JUNE 18, 2015**

## **FINAL CONSISTENCY REVIEW AND RECOMMENDATIONS REPORT**

**PETITION FOR PLAN CONFORMANCE:  
TOWNSHIP OF CLINTON, HUNTERDON COUNTY**

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

**MAY 18, 2015**

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Plan Conformance – Final Draft Consistency Review and Recommendations Report**

**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 Clinton, 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 Clinton

**Date of Petition Submission:** December 8, 2009

**Date Deemed Complete:** February 28, 2010

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

**Staff Recommendation:** Approve Petition with Conditions

<b>Administrative Submittals</b>	<b>Meets Requirements</b>	<b>Modifications Needed</b>	<b>Does Not Address Requirements</b>	<b>Not Applicable</b>
1. Resolution or Ordinance	X			
2. Record of Public Involvement	X			
3. List of Current Planning and Regulatory Documents	X	Follow-Up Required		
4. Other				X

<b>Petition Components</b>	<b>Consistent</b>	<b>Modifications Needed</b>	<b>Substantially Inconsistent</b>	<b>Not Applicable</b>
1. Modules 1-2 Build-Out Report*	X			
2. Module 3 Housing Element/Plan	X			
3. Module 4 ERI	X			
4. Module 5 Highlands Element	X	Follow-Up Required		
5. Module 6 Land Use Ordinance	X	Follow-Up Required		
6. Module 7 Petition				
a. Self-Assessment Report	X			
b. Implementation Plan/Schedule	X	Follow-Up Required		
7. Other				X

\*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	12/8/09	Processed - See Section C
2. Map Adjustments	12/8/09	Approve with Conditions -See Section C
3. Center Designation Requests	N/A	
4. Highlands Redevelopment Area Designation Requests	N/A	
5. Other	N/A	

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**A. REVIEW OF ADMINISTRATIVE SUBMITTALS**

- 1. Resolution or Ordinance.** Consistent. Two Resolutions petitioning the Highlands Council for Plan Conformance were adopted by the municipal Governing Body at its noticed public meeting of December 2, 2009. The first Resolution petitions with respect to the Township Preservation Area (#144-09); the second with respect to the Planning Area (#145-09). 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 entirety of the municipality, which includes 643 acres in the Preservation Area (3% of the municipality) and 21,064 acres in the Planning Area (97%).
- 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 Resolution petitioning the Highlands Council for Plan Conformance. The submission includes the following:

  - a. Copy of agenda and adopted meeting minutes for a joint meeting of the Township Council and Planning Board held on October 28, 2009 to discuss Plan Conformance and Petition components.
  - b. Copy of agenda and adopted meeting minutes for joint meeting of the Township Council and Planning Board held on December 2, 2009 to discuss Plan Conformance and Petition components and to adopt the Resolution petition the Highlands Council for Plan Conformance.
- 3. List of Current Planning Documents.** The list of current municipal planning and regulatory documents is comprehensive and includes required dates of adoption, as applicable. Pursuant to Highlands Council Module 7 Municipal Plan Conformance Petition instructions, all of these documents should be available in the offices of the Highlands Council in Adobe pdf format. Staff review indicates that only several of the required documents are available as required. In order to address this Plan Conformance requirement, the documents listed below must be provided in Adobe pdf format.

  - a. Land Use Plan Element (adopted March 2006)
  - b. Community Design Sub-Element (August 2001)
  - c. Open Space and Recreation Plan Element (adopted December 2003)
  - d. Circulation Plan Element (adopted 1999, amended 2000)
  - e. Bicycle Plan Sub-Element (adopted 2001)
  - f. Conservation Plan Element (adopted October 1992)
  - g. Historic Preservation Plan Element(adopted October 1992)
  - h. Community Facilities Plan Element (adopted October 1992)
  - i. Recycling Plan Element (adopted October 1992)
  - j. 2005 Reexamination Report (adopted November 2005)

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k. Clinton Township Zoning Map (last revised May 2006)

Please note that the Township Code is available online at <http://www.ecode360.com/?custId=CL1920> and therefore is not required in pdf format.

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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 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 October 2009.
- 2. Housing Element & Fair Share Plan (Module 3).** Consistent as submitted.

The Highlands Council recognizes that Supreme Court decision of March 10, 2015, “In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing” has placed the responsibility of confirming a municipality’s fair share obligation on the courts. However, the impacts of Plan Conformance on the municipality, as well as the standards of the Fair Housing Act related to Regional Planning Entities (N.J.S.A. 52:27D-329.9 c.(1 and 2)) and the requirements of the Highlands Act (C.13:20-23 - Regional master plan considered in allocation of prospective fair housing share) have not changed. Accordingly, the analysis below is provided 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. At this time the Highlands Council’s review is limited to the consistency of the affordable housing sites and mechanisms proposed in the Township’s most recent Draft Housing Element and Fair Share Plan.

- a. **Housing Element & Fair Share Plan.** Review of the Draft April 22, 2015 Housing Element and Fair Share Plan, with revisions pursuant to the March 16, 2015 Township Planning Board review indicates that the municipality would likely complete the planning process necessary to satisfactorily address the Fair Share Obligation while at the same time ensuring consistency with the requirements of the RMP as to site development. Potential issues or inconsistencies with the RMP were identified and brought to the municipality’s attention. A summary of findings follows. These findings constitute a preliminary analysis of the Draft Housing Element and Fair Share Plan by the Highlands Council. Formal review of fully developed affordable housing plans will be conducted by the Department of Community Affairs or the Superior Court.

- i. **Summary of Municipal Obligation.** The following is the fair share obligation as calculated by the municipality. This information may be subject to change as part of the judicial review of the municipalities Fair Share Plan.

- **Rehabilitation Share:** 27
- **Prior Round Obligation:** 335
- **Prospective Need Obligation (2014-2024):** 131

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ii. **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.

- **Rehabilitation Program:** The Township will provide the required units through a County-sponsored or Township sponsored rehabilitation program.

- **Projects Completed:**

- i. Prior Cycle Credits: 18 units

- 1. Existing Group Home: Block 4.023 Lot 40. A five bedroom group home for individuals with developmental disabilities.
    - 2. Credits Without Controls: The Township is eligible for thirteen units for credits without controls, which were previously certified by COAH.

- ii. RCA with New Brunswick: 108 units completed

- iii. The Mews Senior Rentals: 35 units completed (plus 35 rental bonus credits)

- **Projects Proposed/Under Consideration:**

- i. Former Municipal Building Site (Block 53, Lot 3): 3 unit affordable project (and 3 bonus rental credits). Planning Area – Existing Community Zone. Site is already developed, and contains a historic structure. The project intends to use the existing structure. Project appears consistent with RMP.

- ii. Marookian Site. Block 82, Lots 4 and 4.03. 139.3 acres of which 19 acres are proposed to be developed with 119 affordable units (119 bonus credits). Planning Area - Conservation Zone and Conservation Environmentally Constrained Subzone. The Township would need to request a Map Adjustment to place the site in the Existing Community Zone, which would allow the Township to extend water and sewer infrastructure to the site, which

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must be addressed through an amendment to the Areawide WQMP.

- iii. Village Green at Annandale: Planning Area, Existing Community Zone. Block 53, Lot 3. A previously disturbed site that has approvals for a development including 4 units of affordable housing. Project appears consistent with RMP.
- iv. Group Homes – Several approved housing projects require a total of 20 group home units to be provided as a condition of Planning Board approval
- v. Alternate Site: Windy Acres. Block 7, Lots 31.01, 31.02 and 18.03. This location would accommodate 66 affordable units (66 bonus credits) shifted from the Marookian site if sewerage can be obtained from the Readington Lebanon Sewer Authority.. Planning Area – Conservation and Conservation Environmentally Constrained Subzone. The Township would need to request a Map Adjustment to place the site in the Existing Community Zone, which would allow the Township to extend water and sewer infrastructure to the site, which must be addressed through an amendment to the Areawide WQMP. The availability of sewer capacity from Readington-Lebanon Sewer Authority must be determined.

**iii. Recommendations to Achieve Consistency.**

If the Township proceeds with either the Marookian or the Windy Acres sites, a Map Adjustment request would need to be submitted for review by the Highlands Council. Pending submission and review of any such request, these site have issues with RMP consistency.

**iv. Recommendations to Achieve Consistency.**

- Goals and objectives consistent with the goals and objectives found in the Model Housing Element appended to the Module 3 instructions have been inserted as a revision to the Township's proposed Master Plan Highlands Element (see [Housing](#) Plan section).

- 3. Environmental Resource Inventory (Module 4).** The proposed Township of Clinton Highlands Environmental Resource Inventory (ERI) is based on the Highlands Model ERI provided to municipalities by the Highlands Council. The document has undergone previous revisions under a collaborative process between the municipality and the Highlands Council to address and incorporate the input and concerns of all parties. The Township of Clinton Highlands ERI as now proposed (including modifications by the Highlands Council), contains



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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/Exhibits.** Special Environmental Zone Not Applicable – Narrative and Exhibit Deleted.
  - b. **Figures.** The Highlands Council has developed a new set of figures based on updated information, which replaces the figures previously developed, with the exception of any figures developed by the municipality. The new figures are provided as a separate file from the Highlands ERI text, and any figures previously provided with the Highlands ERI have been deleted to avoid confusion. Please note that the figures should not be incorporated with the MS Word® version of the text, but rather should be kept separate until after municipal adoption, when the text and figures should be combined into a single pdf-format file.
  - c. **Areas of Inconsistency** (if Applicable). None.
  - d. **Recommendations to Achieve Consistency** (if Applicable). None.
4. **Master Plan Highlands Element (Module 5).** The proposed Township of Clinton Master Plan Highlands Element is based on the model Highlands Element provided to municipalities by the Highlands Council. The document has undergone previous revisions under a collaborative process between the municipality and the Highlands Council to address and incorporate the input and concerns of all parties. The Township of Clinton Highlands Element 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 modifications are required to achieve consistency or otherwise address Plan Conformance requirements, the heading or sub-heading indicates, “Modifications Required.” In that case, explanatory discussion and/or recommendations are provided. Where appropriate, discussion may summarize the issue and refer to detailed edits recommended by Staff within the document, itself.

- a. **Policies, Goals & Objectives.** Consistent
  - i. Preservation Area Goals. Consistent
  - ii. Planning Area Goals. Consistent

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- iii. General Purposes of Zoning. Consistent
- iv. Relationship Between Highlands Act & MLUL. Consistent
- b. **Land Use Plan Element.** Consistent
  - i. Highlands Zones and Sub-Zones. Consistent
  - ii. Land Uses. Consistent
  - iii. Density and Intensity of Development. Consistent, please note the significant extent of modifications provided by the Highlands Council.
  - iv. Cluster Development. Consistent
  - v. Land Use Inventory. Consistent
  - vi. Redevelopment Planning. Consistent
- c. **Housing Plan Element.** Consistent. Please note insertions provided by the Highlands Council to incorporate RMP-consistent housing goals and objectives. 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
  - ii. Highlands Open Waters and Riparian Areas. Consistent
  - iii. Steep Slopes. Consistent
  - iv. Critical Habitat. Consistent
  - v. Carbonate Rock. Consistent
  - vi. Lake Management. Consistent
  - vii. Water Resources Availability. Consistent
  - viii. Prime Ground Water Recharge Areas. Consistent
  - ix. Water Quality. Consistent
  - x. Wellhead Protection. Consistent
  - xi. Low Impact Development. Consistent
- e. **Utility Services Plan Element.** Consistent
  - i. Preservation Area. Consistent
  - ii. Planning Area. Consistent
  - iii. Planning & Preservation Areas. Consistent

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- f. **Circulation Plan Element.** Consistent. However, please review the comments noted in the document and provide edits as appropriate to the Township.
  - g. **Land Preservation/Stewardship Plan Element.** Consistent
  - h. **Agriculture Retention/Farmland Preservation Plan Element.** Consistent
  - 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. Please note that alternative language has been inserted into the document for the municipality to review and consider. It provides for the case where a municipality chooses not to regulate historic resources, which the Highlands Council has determined is an optional component of Plan Conformance, not mandatory. The Highlands Council has also provided the full listing of resources from the Highlands Inventory.
    - ii. Scenic Resources. Consistent. Please note Highlands Council insertion of sites listed in the Highlands Scenic Resource Inventory.
  - l. **Development Transfer Plan Element.** Inclusion of this Section is optional and the municipality has elected not to incorporate it at this time.
  - m. **Relationship of Master Plan to Other Plans.** Consistent
  - n. **Appendices.** Please note Highlands Council replacement of SIC Codes with current North American Industry Classification System (NAICS) codes in Appendix C, Major Potential Pollutant Sources.
  - o. **Exhibits.** The list of Exhibits includes all that apply to the municipality. The Highlands Council has developed a new set of exhibits based on updated information, which replaces the exhibits previously developed, with the exception of any exhibits developed by the municipality. The new exhibits are provided as a separate file from the Highlands Element text, and any exhibits previously provided with the Highlands Element have been deleted to avoid confusion. Please note that the exhibits should not be incorporated with the MS Word® version of the text, but rather should be kept separate until after municipal adoption, when the text and exhibits should be combined into a single pdf-format file.
5. **Highlands Area Land Use Ordinance (Module 6).** The proposed Township of Clinton Highlands Area Land Use Ordinance is based on the model Highlands Area Land Use Ordinance provided to municipalities by the Highlands Council. The document has undergone

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previous revisions under a collaborative process between the municipality and the Highlands Council, wherein the participants have determined appropriate ways to address and incorporate the input and concerns of all parties. 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 Clinton 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.

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 modifications are required to achieve consistency or otherwise address Plan Conformance requirements, the heading or sub-heading indicates, “Modifications Required.” In that case, explanatory discussion and/or recommendations are provided. Where appropriate, discussion may summarize the issue and refer to detailed edits recommended by Staff within the document, itself.

- a. **Article 1. Title, Purpose, Scope.** Consistent, however the municipality should review the minor modifications made by the Highlands Council. Please see edits in document text.
- b. **Article 2. Applicability.** Modifications for consistency have been provided by the Highlands Council. In addition, the municipality should review the edits not relating to municipal insertions, which have been made to all model Ordinances, by the Highlands Council. Please see revised document text.
  - i. Section 2.1.1 (Exclusions). A number of the proposed municipal deletions and additions have been removed from the document.
  - ii. Section 2.4 (Exemptions). A number of the proposed municipal edits have been removed.
- c. **Article 3. Definitions.** Consistent, however the municipality should review the minor modifications made by the Highlands Council. Please see edits in document text.
- d. **Article 4. Establishment of Highlands Area Districts.** Consistent, however the municipality should review the modifications made by the Highlands Council, inclusive of new map titles at Section 4.4. Please see edits in document text.

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- e. **Article 5. Highlands Area Zone District Regulations.** Consistent, however please review various optional and “if applicable” language in the document that must be addressed. The municipality should also review the significant modifications made to the section by the Highlands Council. Please see edits in document text.
  
- f. **Article 6. Highlands Area Resource Regulations.** Consistent
  - 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
  - xi. Historic, Cultural & Archaeological Resources. Consistent. , however the municipality must review the modifications made by the Highlands Council. Please see edits in document text. These regulatory provisions have been made optional, and thus the municipality will need to make a determination regarding the preferred approach to this issue.
  - xii. Scenic Resources. Consistent
  
- g. **Article 7. Highlands Area General Regulations.** Consistent
  - i. Affordable Housing. Consistent
  - ii. Low Impact Development. Consistent
  - iii. Conservation Restrictions. Consistent, however the municipality should review the modifications made by the Highlands Council. Please see edits in 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

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- h. **Article 8. Planned Development Regulations.** Consistent
- i. **Article 9. Application Review Procedures & Requirements.** Consistent, however the municipality should review the modifications made by the Highlands Council. Please see edits in document text.
- j. **Article 10. Appeals, Waivers, Exceptions.** Consistent, however the municipality should review the modifications made by the Highlands Council. Please see edits in document text.
- k. **Article 11. Enforcement, Violations, Penalties.** Consistent
- l. **Appendices.** Consistent. Please note Highlands Council insertion of North American Industry Classification System (NAICS) codes to replace SIC Codes in Appendix D, Major Potential Pollutant Sources.
- m. **Exhibits.** 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 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.
  - ii. **Spreadsheet Portion.** The Spreadsheet Portion has been completed accurately.
- b. **Highlands Implementation Plan & Schedule.** The Highlands Implementation Plan and Schedule provides a template for future Plan Conformance activities. It is

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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 Full 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 incorporated timeframe estimates associated with each. The Highlands Implementation Plan and Schedule has been modified since first issued by the Highlands Council however. 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 2015 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 must consider. These activities have been incorporated into the revised Highlands Implementation Plan and Schedule for discussion purposes.

Please see the revised document and provide input if/as needed, particularly regarding prioritization of any activities of municipal interest. Recommended edits tailoring it to the municipality (based on the Petition submittals) have been included.

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**C. REVIEW OF OPTIONAL SUBMISSION COMPONENTS**

- 1. RMP Updates.** The Petition for Plan Conformance was accompanied by 12 requests for RMP Updates. These requests are listed and described in the attachment at Appendix A, with a summary of the final results of review and processing provided below. The Township submitted 12 requests for modifications to the RMP LUCZ designations.

- a. RMP Update Requests.** Processed

The Highlands Council found the petition and supporting materials provided information sufficient for processing three (3) of these requests as RMP Updates. Specifically, the Lake Community Sub-Zone 1000 ft. buffer associated with Spruce Run Reservoir and Round Valley Reservoir were updated. While the 1,000 foot buffer is accurate, upon further inspection by the Highlands Council, an RMP Update will be processed to other layers and will investigate existing land conditions around reservoirs regionally. In addition, Block 13.01, Lot 1 was changed from Existing Community Zone to Conservation Zone. The initial classification as Existing Community Zone was due solely to the adjacent Interstate highway.

As discussed with municipal professionals during the Highlands Informational Sessions, the parcel-based maps illustrating Highlands Zones and Sub-Zones have been refined for use by municipalities in regulating Highlands Areas. These maps are not identical to those developed for application by the Highlands Council to the whole of the Highlands Region, in that they apply the Highlands Zone boundary limits at a much finer level of detail. To the extent feasible, for example, small incursions of multiple zones have been removed from individual parcels to simplify the application of regulatory requirements. This process addressed some of the Township's RMP Update requests.

For other requests, the information provided on current and existing land conditions is consistent with that used by the Highlands Council. These requests do not constitute RMP Updates. The municipality may propose to pursue other policies of the RMP to effect a policy change in LUCM Zone, including for example, the Map Adjustment Program or, for qualifying areas, a Highlands Center designation. The Highlands Council Staff suggests that a Highlands Center designation would be especially appropriate for the Township of Clinton.

- 2. Map Adjustments.**

- a.** The Petition for Plan Conformance was not accompanied by any request for a Map Adjustment. It should be noted that 2 of the affordable housing sites currently under consideration will require future Map Adjustment requests.
  - b.** The Petition for Plan Conformance was accompanied by requests for certain RMP Updates, as noted above. If the Township wishes to pursue any of the 10 deemed not to be RMP Updates as Map Adjustments or a Highlands Center designation,



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please provide information on the nature of the proposals using the forms available through the NJ Highlands Council Website:

<http://www.highlands.state.nj.us/njhighlands/planconformance> or request a meeting to further discuss the Township's options.

- 3. Highlands Center Designation Requests.** The Petition for Plan Conformance was not accompanied by any requests for Highlands Center Designation. However, the Petition for Plan Conformance has included a request for funding of a Center Designation Study focused on the Annandale area of the Township.

Highlands Council staff recommends inclusion of funding for a Center Designation Study in the Highlands Council approval of Clinton Township's Petition for Plan Conformance. The proposed study area (Annandale) contains development densities and access to transit consistent with smart growth and Center Designation principles. Furthermore, the Township, through its Center Designation Study will explore the potential to accommodate at least a portion of its affordable housing obligation within the Center provided such a Center is deemed compatible with the goals and policies of the RMP and the desires of the Township. Such a determination will be made during the Center Designation Study.

- 4. Highlands Redevelopment Area Designation Requests.** The Petition for Plan Conformance was not accompanied by any requests for Highlands Redevelopment Area Designation.
- 5. Other.** The Petition for Plan Conformance was not accompanied by any other requests for approvals, not listed above.

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**D. PRELIMINARY 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 Clinton, as currently proposed by the municipality, be approved with conditions as outlined below.

**1. Approval with Conditions.** The Petition for Plan Conformance requires certain modifications, as noted within Sections A through C of this Report. Provided these issues are addressed in accordance with the detailed recommendations as indicated within this Report and the herein-referenced Highlands Council Staff-provided MSWord “Track-Changes” versions of the various Petition documents, Highlands Council Staff recommend that this Petition for Plan Conformance be approved by the Highlands Council. Any approval should in addition, be conditioned upon 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) for applications under Highlands Council jurisdiction, 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 Preservation Area Approval, waiver, or 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 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

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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 set forth at 1.d., 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 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

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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, the Township has the option to provide for “Municipal Exemption Determinations” in accordance with Highlands Council/NJDEP July, 2012 MOU. Delegation of such authority to the municipality in the Planning Area, or NJDEP delegation in the Preservation Area. (NOTE: NJDEP currently does not have a delegation program; the provisions in the Highlands Land Use Ordinance are provisional.) Such determinations (detailed within the current draft Ordinance) 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. 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

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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 provisions, 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. Housing Element & Fair Share Plan.** That Township shall submit a motion for a declaratory judgement in accordance with the guidance provided by the NJ Supreme Court and shall follow the courts guidance on all future submission dates and requirements. The Highlands Council shall be copied on all related correspondence and kept apprised of the process as it unfolds. Any subsequent revision to the Draft 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.
- 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 legal requirements and protocols pertaining thereto. Plan implementation and continued compliance with the final 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).** The municipality shall prepare a Wastewater Management Plan working with the Highlands Council under Plan Conformance, for approval by the NJDEP. This plan will be recognized as a chapter of the Hunterdon County WMP in accordance with NJDEP Administrative Order 2010-03 and all applicable NJDEP rules and requirements. As a municipality conforming for the full municipal area, Clinton 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 the WMP for NJDEP consideration and approval.

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- 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 Highlands 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, if applicable, and funding provided), 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/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.
- **Agricultural Retention Plan.** The Highlands Implementation Plan & Schedule prioritizes this component by allocation of funding to further Township efforts to preserve farmland and address retention of agricultural enterprises as a component of the local economy.

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- Sustainable Economic Development Planning. The Highlands Implementation Plan & Schedule prioritizes this task by allocation of funding to improve the economic viability of the Township, which has areas with limited growth and redevelopment capacity due to the lack of sewerage. This examination may further prior Township efforts, potentially leading to Highlands Redevelopment Area designation, or potential Highlands Center designation.
- Stormwater Management Plan. Funding for this Plan has been allocated in the Township IPS in the amount of \$15,000.
- Implementing ordinances associated with each of the above (long-term, as applicable). (The Highlands Council will review the Township’s already-adopted Right to Farm ordinance for RMP consistency.)

**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.

- Stream Corridor Restoration/Protection Plan. The Highlands Implementation Plan & Schedule prioritizes this component by allocation of funding to protect/restore streams in the municipality and to mitigate the impacts of future land uses on such water resources.
- Map Adjustment. Funding is proposed to complete work required for Map Adjustments analysis that may be required for the development of affordable housing on two of the three sites currently under consideration as discussed above.
- Highlands Center Designation Planning. The Highlands Implementation Plan and Schedule includes an allocation for the Township to study the Annandale area for the possible future designation of a Highlands Center. With development densities, access to utilities and transit the Annandale area is well-suited to

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Center designation, which would incorporate opportunities to meet the Township's affordable housing obligation.

- k. Revisions/Amendments Subject to Highlands Council Approval.** Any proposed revision or amendment to any of the aforementioned documents, or to 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 Updates.** 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 proposing the changes be considered as Map Adjustments or a Highlands Center Designation if desired by the municipality, with supporting documentation and justification. Work performed for the Sustainable Economic Development Plan Element, discussed above, should provide a good foundation for such efforts.
  - b. Map Adjustment.** The Petition for Plan Conformance was not accompanied by any request for a Map Adjustment. It should be noted that 2 of the affordable housing sites currently under consideration will require future Map Adjustment requests.

**E. MUNICIPAL RESPONSE PERIOD**

*All municipal Petitioners are provided a Municipal Response Period after receipt of the Draft Consistency Review and Recommendations Report. This Section is completed after the expiration of the Municipal Response Period or as of the date a municipality chooses, if applicable, to waive its right to the Municipal Response Period.*

The Highlands Council provided a Draft Consistency Review and Recommendations Report dated March 2nd, 2012, to the municipality on March 8th, 2012. The Municipal Response Period expired on April 7th, 2012. The municipality provided deliberative new, revised, supplemental, or amended materials, items, or information in support of the Petition for Plan Conformance 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 Basic Plan Conformance.



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1. A modification to the Implementation Plan and Schedule Map Adjustment allocation for Windy Acres to include an evaluation of all of the Township’s potential affordable housing sites and the preparation and submission of map adjustments.
2. A request for funding to be allocated towards a Center Designation Study for the Annandale area of the Township.

**F. COMMENTS FROM THE PUBLIC**

*Following the Municipal Response Period and the incorporation by Highlands Council Staff of any revisions resulting from the Municipal Response, as noted above, the Draft Consistency Review and Recommendations Report will be 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 ([corey.piasecki@highlands.nj.gov](mailto:corey.piasecki@highlands.nj.gov)), 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.*

Upon its completion, the comment/response document will be attached to this document, at Appendix B.

**G. FINAL RECOMMENDATIONS**

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

Based upon the comments received, the recommendations of Highlands Council Staff concerning the Petition for Plan Conformance of the Township of Clinton, [remain unchanged/require substantial revision/require only minor modifications from the Preliminary and/or Revised Recommendations, 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 Clinton, 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.**

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**APPENDIX A**

**HIGHLANDS COUNCIL REVIEW**

**REQUESTS FOR RMP UPDATES**

**Clinton Township, Hunterdon County**

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

To the extent that a Municipal Request was not deemed to meet the requirements for an RMP Update, and where LUCM Zone enhancements shown in Exhibit 1 of the Highlands Land Use Ordinance (as discussed in Section C, above) have not addressed the Municipal Request, the municipality may propose to make use of other policies of the RMP to propose a change in LUCM Zone, including a Highlands Center Designation or the Map Adjustment program (see responses to Municipal Requests # 1 and 10).

1. **Municipal Request:** The tract known as the Windy Acres affordable housing site (Block 7, lots 31.01, 31.02, and 18.03) is shown as Conservation Zone-Environmentally Constrained. This site is a municipally owned property that has been recently subdivided specifically to accommodate 100% affordable housing on two small lots adjacent to Main Street (lots 31.02 and 18.03) with the larger rear portion of the property (lot 31.01) to be preserved as open space. As such, lots 31.02 and 18.03 should be re-designated as Existing Community Zone. This designation is consistent with neighboring development in Lebanon Borough and will allow for the municipally-sponsored 100% affordable housing proposed for this site.

**Findings:** Municipal information provided on current and existing land conditions is consistent with that of the Highlands Council. Portions of the parcels are largely undisturbed. In addition, the Highlands Council does not process parcel subdivisions or parcel lot line adjustments as an RMP Update. Parcel subdivisions and lot line adjustments must be addressed through local development approvals and coordinated with County Planning Departments. The request does not constitute an RMP Update. The municipality subsequently proposed a Map Adjustment, which specifically identifies affordable housing as a potential basis for an adjustment, which is addressed in Appendix B.

2. **Municipal Request:** The small residential area of Clinton Township adjacent to High Bridge Borough along Timber Ridge Drive and Hook Mountain Road currently designated Existing Community is significantly different in character, zoning, and intensity from the adjacent Existing Community in High Bridge. Average lot sizes in this area of Clinton Township are approximately 1.5 acres, while the area in High Bridge Borough is developed on lots of only about 6,500 sf. (0.15 acres). This area of the Township is not served by public sewer or water and is not an extension of a regional network of existing development. It is recommended that it be re-designated as Protection Zone to provide for greater consistency with the land development patterns in this section of the Township.
3. **Municipal Request:** There are three discrete residential areas north and east of Lebanon Borough, in the vicinity of Interstate 78 that represent isolated suburban extensions into an agricultural area and are not part of any regional network of existing development. These areas are served by public water but not by public sewer. As such, they should be re-designated as part of the Protection Zone that largely surrounds them. In addition, the residential lots at the end of

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Wonderview Way and Ramsey Road should also be re-designated Protection Zone to provide consistency with the surrounding development.

4. **Municipal Request:** Block 3, Lot 13 is a 75 acre, unsewered property that is utilized as a Baptist Camp and Conference Center. It consists of temporary residential cottages and associated structures surrounded by mature woods and manmade pond. The property is not part of any existing regional development network and should be re-designated as part of the Protection Zone.

**Findings for Request 2 through 4:** Municipal information provided on current and existing land conditions for all three areas is consistent with that of the Highlands Council. The requests do not constitute RMP Updates. The areas met the thresholds of development character necessary to be considered Existing Community Zone. The existing land conditions were identified by NJDEP 2002 Land Use Land Cover as Residential Single Unit (Code: 1140) and are adjacent to areas with regionally significant concentrated development. In addition, the areas do not include significant agricultural land uses or high resource value lands that would have justified inclusion in the Conservation or Protection Zone. The municipality may wish to consider additions or modifications to the Highlands Area Land Use Ordinance or to the underlying municipal Zoning Ordinance to address such aims as enhancing environmental protection in one or more LUCM Zones or municipal zoning district.

5. **Municipal Request:** Block 13.01, Lot 1, is a vacant partly wooded/partly agricultural property on Route 22. It is adjacent to Conservation Zone lands on all sides. Thus, the ECZ designation appears to be inconsistent with the surrounding areas and should be changed to Protection Zone.

**Findings:** Municipal information provided on current and existing land conditions is consistent with that of the Highlands Council. The parcel is less than 75 acres and was subsequently classified as Existing Community Zone based on its location relating to the neighboring highway. Based on this fact that it was only this proximity to the highway that caused the classification as ECZ the RMP Update has been processed changing the designation from Existing Community Zone to Conservation Zone to reflect the dominant surrounding LUCM Zone.

6. **Municipal Request:** The boundary of the Lake Community Zone adjacent to the north end of Round Valley Reservoir appears to be incorrect as it is not following a consistent 1,000 foot buffer from the Reservoir. In addition, some of the residential properties on the south side of Old Mountain Road are partially included in the Lake Community Zone while adjacent homes are not. The Land Use Capability zone in these areas along Old Mountain Road should be revised to Protection Zone to be consistent with the RMP guidelines and actual ground conditions.

7. **Municipal Request:** The boundary of the Lake Community Zone adjacent to the Spruce Run Reservoir appears to be inconsistent as only some residential properties within 1,000 feet of the reservoir are included. Accordingly, all properties within the Waters Edge subdivision should be included in the Lake Community Zone as opposed to the Protection Zone.

8. **Findings for Requests 6 and 7:** The Highlands Council has modified the mapping for Lake Community Sub-Zone regionally to reflect the actual drainage area for each lake or reservoir. In the case of Round Valley Reservoir, no Existing Community Zone areas intersected with the small drainage area to the reservoir, most of which is public property. Therefore, Exhibit 1 for the Highlands Area Land Use Ordinance no longer indicates any Lake Community Sub-Zone associated with Round Valley Reservoir. For Spruce Run Reservoir, only a portion of the Waters Edge subdivision is within the drainage area of the Reservoir and therefore is Lake Community Sub-Zone.

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9. **Municipal Request:** Areas from the NJ Water Supply Authority Building northward should be removed from the Lake Community Zone and changed to the Protection Zone as they are not sewered and contain only scattered residential and non-residential development.

**Findings:** This area is in the Preservation Area and will be regulated as such, regardless of LUCM Zone. However, the Highlands Council has reviewed this request as an RMP Update. This area was originally mapped as Existing Community Zone (Lake Community Sub-Zone) and Existing Community Zone Constrained because Block 68 Lots 3 and 6 were identified as Moderate and Suburban Fringe Developed lands and a building at Block 68 Lot 8 was identified as Existing Area Served with Wastewater. The Moderate and Suburban Fringe Developed lands assessment was based upon a regional approach and was intended to capture a critical mass of developed areas as an indicator of Existing Community Zones. Block 68 Lots 3 & 6 were at the outer (northern) edge of the Moderate and Suburban Fringe Developed lands. However, in this specific area the land cover generally is not developed; rather it is primarily forested (Land Use Land Cover Code 4120 – Deciduous Forest). Further, the Highlands Council confirms the lack of wastewater services for this area, including Block 68 Lots 8 and 15, and the area will not be included in the Future Sewer Service Area for Clinton Township.

While there is a small area at the end of Echo Lane (1.75 acres) with an existing developed area (Land Use Land Cover 1700 – Other Urban or Built Up Land), the area is surrounded by preserved lands and forested lands. Based on these conditions, it is appropriate and more accurate to current ground conditions that the LUCM Lake Management Sub-Zone on Block 68 Lots 3 & 6 be updated to Protection Zone, consistent with the other lands along the west side of Route 31, north of the NJ Water Supply Authority Building. Therefore, the Highlands Council has modified the Lake Community Sub-Zone area of Block 68 Lots 1, 3, 4, 4.01, 5 and 6 to Protection Zone. Please note that this RMP Update does not modify the LUCM Zone applicable to Block 2 Lots 2 and 2.02, which are fully developed parcels on Route 31 opposite Cregar Road.

10. **Municipal Request:** The area on the east side of Route 31, currently used as a part of a golf course should be removed from the Existing Community Zone and changed to Protection Zone as it is not sewered and is not part of existing developed area.

**Findings:** Highlands Council current and existing Anderson Land Use Classification identifies a majority of the property as Recreational Land (1800), which is considered a developed land use. The parcel in question is owned by the Borough of High Bridge. The request does not constitute an RMP Update.

11. **Municipal Request:** Block 30, Lot 30, 41, and 17 is the home of Exxon Mobil Corporation's Clinton corporate campus. The LUCM has as designated these properties as Conservation Zone and Conservation-Environmentally constrained subzone areas. As Exxon Mobil's future plans for the property are uncertain, the Township is not proposing a specific map change at this time. However, the Township would like to explore the potential for future economic development opportunities that may include a map adjustment.

**Findings:** As suggested, the municipality may make use of other policies of the RMP to propose a change in LUCM Zone, including the Map Adjustment program.

12. **Municipal Request:** There appears to be a riparian area mapping error which indicates a connection between tributaries of the South Branch Rockaway Creek in the vicinity of Old Mountain Road (Block 8, Lots 5 through 11, inclusive).

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**Findings:** The “NJDEP 2002 Streams Update for New Jersey, 4/22/2008 Edition” indicates that tributaries exist in this location (See K above). The riparian areas associated with these tributaries may intersect, based on mapping of hydric soils. The connection is not between the tributaries, but is between the hydric soils associated with the individual streams. Such connections are common in areas of low topographic relief in headwaters stream reaches. In order for the Highlands Council to appropriately review this request as an RMP Update, more supporting information is required. Please complete and submit an RMP Update Form available through the NJ Highlands Council Website listed above.

13. **Municipal Request:** It appears there are inconsistencies between the Township’s carbonate rock map and the Highlands map. Specifically, the Highlands map shows an area north and east of Lebanon Borough that is not depicted on Township maps. The scientific basis and source data for this area should be investigated so the two maps can be rectified. Pending the outcome, a change in the Highlands map may be warranted.

**Findings:** Current NJ Geological Survey surficial bedrock delineations indicate the presence of carbonate rock, which are not subject to an RMP Update. However, the presence of carbonate rock does not always mean that karst conditions will be found. The presence of carbonate rock requires under the Highlands Land Use Ordinance that development applications provide a Phase I Geotechnical Investigation to determine the presence of karst features and necessary development design and construction controls. The presence of carbonate rocks was not used as an indicator for LUCM Zones.

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**APPENDIX B**

**PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES**

**Petition for Plan Conformance**

**Clinton Township, Hunterdon County**