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### CONSISTENCY REVIEW AND RECOMMENDATIONS REPORT

**PETITION FOR PLAN CONFORMANCE:  
UNION TOWNSHIP, HUNTERDON COUNTY**

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

**2/11/2022**

**FOR CONSIDERATION AT THE APRIL 21, 2022 MEETING OF THE  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Plan Conformance – Draft Consistency Review and Recommendations Report**

**PETITION SUMMARY**

<b>Municipality:</b>	<u>Township of Union</u>
<b>Date of Petition Submission:</b>	<u>October 22, 2021</u>
<b>Conformance Area:</b>	<u>Preservation Area</u>
<b>Staff Recommendation:</b>	<u>Approve Petition with Conditions</u>

**Summary of Petition Submittal**

1. Township of Union, NJ - Resolution 2021-43 Authorizing Completion of an Initial Assessment for Plan Conformance in Accordance with the July 2019 Plan Conformance Procedures
2. Township of Union, NJ – Petition for Highlands Plan Conformance- Preservation Area Only Dated 10/21/21.
  - Document Review and Assessment
  - Vacant Land and Developable Tracts Assessment
  - Implementation Plan and Schedule and Estimated Budget
  - Land Use Capability Zone designations within the Township

The Township of Union, located in Hunterdon County, has 13,169 acres with 10,502 acres in the Preservation Area (79.7%) and 2,667 acres in the Planning Area (20.3%). The Township has completed an Initial Assessment for Plan Conformance in the Preservation Area only.

Union Township is a rural community in Hunterdon County. The initial assessment report submitted by the Township states:

Union is traversed east-west by Interstate 78/US Route 22 and State Route 173 which runs parallel to the Interstate. Interchanges 11, 12 and 13 of Interstate 78 are located in Union Township. In addition, Central Railroad of New Jersey and Lehigh Valley train tracks run through the Township. North of Route 78 lays the dominant landform in Union, the Spruce Run Reservoir and its associated parkland and conservation lands. Between the highway and the railroad, commercial, institutional, and business development is interspersed with suburban style development and farmland. Much of the land in the southern third of the municipality below the railroad is actively farmed with intermittent rural residential uses. Union is approximately one quarter wooded and one quarter water. Agricultural lands account for approximately another quarter and residential and business uses make up the balance.

Accordingly, the Township’s Preservation Area is divided along similar lines by the Highlands Land Use Capability Zones with 29% of the Township in the Protection Zone, 27% in the Wildlife

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Management Area, 20% in the Conservation Zone, 23% in the Environmentally Constrained Sub-zone of the Conservation Zone, and 2% in the Existing Community Zone.

While conformance with the Highlands Regional Master Plan is mandatory for the Township's Preservation Area, the impact of the Regional Master Plan is limited due to the existence of the New Jersey Department of Environmental Protection's Highlands Rules (N.J.A.C. 7:38) which limit development potential within the area.

The initial assessment report prepared by the Township indicates that there are 66 properties in the Highlands Preservation Area that are vacant. Twenty-two of these lots are less than one acre in size; 25 of these lots are between one and five acres; and only 19 of the lots are five acres or more. Only 2 lots exceed the minimum septic density standard for the Preservation Area of 25 acres. All of the Preservation Area is currently zoned for residential development. Regarding redevelopment opportunities, the Township states that "There are no properties within the Highlands Preservation Area within the Township that are considered underutilized land." No expansion of public water or wastewater utilities is permitted or proposed into the Preservation Area.

The lack of developable properties as noted above means that any development that occurs in the Preservation Area is likely to occur only under an exemption from the Highlands Act, which would not require Highlands review and would not trigger any review under any Highlands ordinance. With limited development potential in the Preservation Area, Union Township is seeking to petition the Council to adopt a permanent referral ordinance. A referral ordinance implements the Highlands Act and RMP by requiring that any (non-exempt) application for development in the Preservation Area obtain a consistency determination from the Highlands Council prior to the application being deemed complete for review at the local level. This approach will allow the Township to forego the usual Master Plan reexaminations and revisions and land use ordinance adoption, customary in full Plan Conformance, for a more streamlined and cost-effective approach to implementing the RMP in this case where development opportunities are severely limited.

In addition to the planning documents required to effectuate the Highlands Referral Ordinance approach to Plan Conformance, the Township seeks to complete an update of their Farmland Preservation Plan Element and a Stormwater Management Plan.

**Staff Recommendation**

Based on the components of the Initial Assessment, outlined above, Highlands Council Staff recommends that the Petition for Plan Conformance and Implementation Plan and Schedule for the Township of Union be approved with conditions as outlined below. The mandatory conditions will bring the Township into conformance with the Highlands Plan Conformance Procedures, the Highlands Regional Master Plan (RMP), and the Highlands Act.

1. **Adoption of Highlands Referral Ordinance.** The municipality shall adopt the Highlands Referral Ordinance, implementing the Land Use Capability Zones of the Highlands Regional Master Plan (RMP). Adoption of the Referral Ordinance institutes a requirement that development applications be deemed incomplete by the reviewing board or applicable

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municipal authority until or unless accompanied by a Highlands Council Consistency Determination indicating that the application is consistent, or can and will be made consistent, with the RMP. The Highlands Resource Maps are attached as a component of the Initial Assessment/ Petition for Plan Conformance (Appendix A).

2. **Adoption of Approved Highlands ERI.** The Township shall review the Highlands Interactive Environmental Resource Inventory (ERI) as it relates to municipal resources and notify the Council of any necessary updates. Upon conclusion that the ERI is accurate, the municipal Environmental Commission shall provide for and complete the required process of formal adoption of the ERI. At the conclusion of the process, a copy of the minutes of the meeting(s) shall be provided to the Highlands Council.
3. **Adoption of Approved Master Plan Highlands Element.** The municipality shall prepare the Master Plan Highlands Element and submit it to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, 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.
4. **Stormwater Management Plan** – Prepare an updated Stormwater Management Program to include 3 components: 1) GIS mapping of stormwater outfalls; 2) Amend municipal stormwater control ordinance; and 3) Adopt a stormwater mitigation plan.
5. **Farmland Preservation Plan Element**—Prepare an updated Farmland Preservation Plan Element of the Municipal Master Plan

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**Highlands Implementation Plan & Schedule** The municipality shall complete all Plan Conformance activities listed in the attached Implementation Plan & Schedule (Appendix B) and summarized below. The Highlands Council is available to provide technical assistance and guidance through the adoption of any of the below listed plans. The Highlands Council is committed to providing financial support for all Plan Conformance activities.

1. **Highlands Master Plan Element** – Adoption of Highlands Master Plan element and reexamination report.
2. **Highlands Referral Ordinance** – Adoption of the Highlands Referral Ordinance.
3. **Municipal Exemption Determination Ordinance** – Adoption of the Highlands Municipal Exemption Determination Ordinance and designation of municipal official(s) to serve as exemption designee(s).
4. **Stormwater Management Plan** – Preparation of an updated Stormwater Management Program.
5. **Farmland Preservation Plan Element** – Preparation of an updated Farmland Preservation Plan Element.

**Comments From the Public**

The Final Draft Consistency Review and Recommendations Report was posted to the Highlands Council website and made available at the Highlands Council offices in Chester, NJ, for review and comment by the general public.

Several/a number of/no comments were received during the period established by the Highlands Council for receipt of written public comment (date – date). *[If applicable:]* The comment/response document is attached to this document, at Appendix C.

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**APPENDIX A**

**PETITION FOR PLAN CONFORMANCE  
Township of Union, Hunterdon County**

## Introduction

Union Township is located in the north central region of Hunterdon County and is a Highlands edge community. The Township includes 13,168.35 acres or approximately 21 square miles. Its neighboring municipalities include Bethlehem Township to the northwest, Lebanon Township to the northeast, Alexandria Township to the southwest, Franklin Township to the southeast and the Town of Clinton and Clinton Township to the east. All of the neighboring municipalities with the exception of Franklin Township are located within the Highlands Region.

Union is traversed east-west by Interstate 78/US Route 22 and State Route 173 which runs parallel to the Interstate. Interchanges 11, 12 and 13 of Interstate 78 are located in Union Township. In addition, Central Railroad of New Jersey and Lehigh Valley train tracks run through the Township. North of Route 78 lays the dominant landform in Union, the Spruce Run Reservoir and its associated parkland and conservation lands. Between the highway and the railroad, commercial, institutional, and business development is interspersed with suburban style development and farmland. Much of the land in the southern third of the municipality below the railroad is actively farmed with intermittent rural residential uses. Union is approximately one quarter wooded and one quarter water. Agricultural lands account for approximately another quarter and residential and business uses make up the balance.

In the Highlands Water Protection and Planning Act, the Legislature delineated specific boundaries within the Highlands Region as Preservation Areas and Planning Areas. The Township has roughly 20% of its land area, 2,665 acres, in the Planning Area split between two areas. The first is located between Route 78 and the Railroad and the second smaller area is found in the extreme southern tip of the Township. Approximately 80% of its land area, 10,482 acres, is located within the Highlands Preservation Area. The fundamental distinction between the Preservation Area and Planning Area is that conformance with the Highlands Regional Master Plan (hereinafter the “RMP”) is required in the Preservation Area and is voluntary in the Planning Area. As such, the land use policies and regulations for 80% of Union Township’s land area must conform to the RMP.

The Township has seen its population decrease by 9.7% since the 2000 Census, while New Jersey has grown by 5.6% and Hunterdon County has increased by 2.3% in the same period. See [Table 1, Population Growth](#). It should be noted that the Township’s population values include institutional populations from both the Edna Mahan Correctional Facility for Women and the Hunterdon Developmental Center.

<b>TABLE 1. POPULATION GROWTH</b>					
	<b>2000</b>	<b>2010</b>	<b>2000-2010 % Change</b>	<b>2019</b>	<b>2010 - 2019 % Change</b>
<b>Union Township</b>	6,160	5,908	-4.1%	5,560	-5.9%
<b>Hunterdon County</b>	121,989	128,349	5.2%	124,823	-2.7%
<b>New Jersey</b>	8,414,350	8,791,894	4.5%	8,882,190	1.0%

*Sources: 2000 and 2010 US Census; 2015-2019 American Community Survey 5-Year Estimate*



## **Review and Familiarity with the Highlands Regional Master Plan**

This Initial Assessment Report includes a comprehensive consistency review of the goals, policies, and objectives of the RMP, and implementation schedule for plan conformance for the Preservation Area only.

### **Highlands Zones**

The Highlands Preservation Area and Planning Area designated by the Legislature are further broken down by the RMP into three overlay zones and four Sub-Zones. These zones represent an overlay which builds upon municipal zoning by establishing standards and criteria, and are intended to provide a means to address a special public interest that underlying zoning may not otherwise take into consideration. Underlying municipal zoning establishes the permitted land uses, while the overlay zone may detail more site specific requirements aimed at a certain goal, with the stricter standard applying. Each of these zones is applicable to both Planning and Preservation Area lands and is described by the RMP as the following:

- Protection Zone. Consists of high natural resource value lands that are important to maintaining water quality, water quantity and sensitive ecological resources and processes. Land acquisition is a high priority in the Protection Zone and development activities will be extremely limited; any development will be subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands.
- Conservation Zone. Consists of areas with significant agricultural lands interspersed with associated woodlands and environmental features that should be preserved when possible. Non-agricultural development activities will be limited in area and intensity due to infrastructure constraints and resource protection goals.
- Existing Community Zone. Consists of areas with regionally significant concentrated development signifying existing communities. These areas tend to have limited environmental constraints due to previous development patterns, and may have existing infrastructure that support development and redevelopment provided that such development is compatible with the protection and character of the Highlands environment, at levels that are appropriate to maintain the character of established communities.

### **Highlands Sub-Zones**

In addition to the three primary overlay zones, four Sub-Zones have been identified. The Sub-Zones represent areas of regionally significant environmental constraints where development should be further limited. The environmental constraints center on resource protection, consumptive and depletive water use, and water quality protection. The following Sub-Zones are present within the Highlands Preservation Area in Union Township:





- Wildlife Management Sub-Zone. Consists of both areas managed by the United States Fish and Wildlife Service as part of the National Wildlife Refuge System and Wildlife Management Area System administered by the NJDEP Division of Fish and Wildlife’s Bureau of Land Management. Activities in this sub zone include compatible wildlife- dependant recreational uses such as hunting, fishing, wildlife observation and photography, and environmental education and interpretation. A substantial area surrounding the Spruce Run Reservoir is designated as this Sub-Zone.
- Conservation Zone. – Environmentally Constrained Sub-Zone. Consists of significant environmental features within the Conservation Zone that should be preserved and protected from non-agricultural development. Development activities will be limited and subject to stringent limitation on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands.
- Lake Community. Consists of patterns of community development that are within the Existing Community Zone within 1,000 feet of lakes. The Highlands Council focused on lakes that are 10 acres or greater and delineated lake management areas consisting of an area of up to 1,000 feet (depending on the protection focus) from the lake shoreline in order to protect water quality, resource features, shoreline development recreation, scenic quality and community character. A future management area is planned, encompassing the full lake watershed, for protection of the lake water quality. This zone has unique policies to prevent degradation of water quality and watershed pollution, harm to lake ecosystems, and promote natural aesthetic values within the Existing Community Zone. Lake Community Sub Zone surrounds a portion of the Spruce Run Reservoir.

### **Highlands Zones Breakdown**

In general Union Township is a rural forested municipality; therefore, it is not surprising that 28.72% of its lands are within the Protection Zone. The next largest zone located in Union is the Wildlife Management Sub-Zone at 27.10% followed by the Environmentally Constrained Sub-Zone at 22.51%. These three zones are the most restrictive of the Preservation Area zones and together represent over three quarters of the acreage in the municipality. When combined with the Conservation Zone over 98% of Union Township is located in sub-zones with significant development restrictions. All of the Existing Community Zone lies along the RT.78 corridor. A small portion totaling 1.67% is not environmentally constrained with an additional 0.06% found within the Environmentally Constrained Sub-Zone. There are 4.13 acres representing 0.03% of Union located in the Lake Community Sub-Zone adjacent to the Spruce Run Reservoir. See [Table 2, Highlands Zones Breakdown.](#)



<b>Table 2. Highlands Zones Breakdown</b>				
	<b>Preservation Area (acres)</b>	<b>Planning Area (acres)</b>	<b>Total</b>	<b>%</b>
Protection Zone	2,060.69	1,570.19	3,630.88	28.72 %
Conservation Zone	888.71	1,625.32	2,514.03	19.88 %
Environmentally Constrained Sub-Zone	1,066.08	1,779.71	2,845.79	22.51 %
Existing Community Zone	16.57	195.69	212.26	1.67 %
Environmentally Constrained Sub-Zone	0.32	7.30	7.62	0.06 %
Lake Community Sub-Zone	2.96	1.17	4.13	0.03 %
Wildlife Management Sub-Zone	791.65	2,635.05	3,426.70	27.10 %

**Broad-based Assessment of the Existing Municipal Planning Program and Regulations in Comparison to the Highlands Model Master Plan Element and Land Use Ordinance.**

The Township has adopted the following planning documents:

- 2003 Natural Resource Inventory
- 2005 Land Use Plan Element
- 2006 Stormwater Management Plan
- 2010 Farmland Preservation Plan
- 2010 Sewer Service Area
- 2013 Re-Examination of the Master Plan
- 2018 Housing Element and Fair Share Plan
- 2020 Open Space and Recreation Plan

The Highlands Plan Conformance Guidelines require conforming municipalities to adopt Initial Revisions as a first step of Plan Conformance; the initial revisions are revisions of the existing master plan and development regulations which are deemed necessary by the Highlands Council for prompt enactment by a petitioning local government in order to ensure the protection and enhancement of the resources of the Highlands Region. Provided herein is a review of the Township’s existing planning documents in relation to the Highlands Council requirements:

**Environmental Resource Inventory**

The Township’s Natural Resource Inventory (“NRI”), prepared by Princeton Hydro, LLC, is dated October 17, 2003. The NRI catalogs important cultural and natural resources attributes, and more importantly, discusses the significance of these attributes. The NRI also includes an overview of current resource protection information, a comprehensive resource inventory, and a resource protection plan. Specifically, the NRI contains information pertaining to the surficial geology, elevation, soils, surface water, wetlands, aquifers and community wells, land cover, slopes, septic suitability, and threatened and endangered species. It is my understanding that the Highlands

Council is currently in the process of creating an interactive Environmental Resource Inventory (“ERI”) for the Highlands Region. Upon its completion, the Township should adopt, via reference, the Highlands Council Interactive ERI.

In November 2020, the Township adopted an Open Space and Recreation Plan (“OSRP”). It summarizes the Township’s vision for open space and recreation and establishes a framework for protection and preservation of open space and recreational opportunities. The OSRP includes information on existing preserved lands, recreational opportunities, trail networks, open space needs and conservation techniques. It also identifies 26 sites for potential open space preservation, based on criteria including the size of the parcel, proximity to and potential for connections with preserved open space and/or farmland, presence of ecological resources and/or agricultural soils, and location outside the Highlands Preservation Area, where there is greater development pressure. The extent of Township lands included within the Preservation Area emphasizes the need to ensure clean and healthy stream corridors and water quality for the overall health of regional water supplies. The regulation of this area under the Highlands RMP has also decreased development pressure in an effort to preserve natural resources and mitigate sprawl.

The Township also updated its Recreation and Open Space Inventory (“ROSI”) in July 2021. The ROSI is a document compiled by a local government as a master list of any lands held by the local government for recreation and conservation purposes. For purposes of the ROSI, these lands include leasehold interests in parkland and conservation restrictions held by a local government.

### **Highlands Master Plan Element**

The Highlands model Master Plan Element includes the following goals for the Highlands Preservation Area:

1. To protect, restore, and enhance the quality and quantity of surface and ground waters;
2. To preserve extensive and, to the maximum extent possible, contiguous areas of land in its natural state, thereby ensuring retention of the unique and significant natural, scenic, and other resources representative of the Borough/Township/Town Highlands Preservation Area;
3. To protect the natural, scenic, and other resources of the Borough/Township/Town Highlands Preservation Area, including but not limited to contiguous forests, wetlands, vegetated stream corridors, steep slopes, and critical habitat for fauna and flora;
4. To preserve farmland, historic sites, and other historic resources;
5. To preserve outdoor recreation opportunities on publicly owned land;
6. To promote conservation of water resources;
7. To promote Brownfield remediation and redevelopment, where applicable;



8. To promote compatible agricultural, horticultural, recreational, and cultural uses and opportunities within the framework of protecting the environment of the Borough/Township/Town Highlands Preservation Area; and
9. To prohibit or limit to the maximum extent possible construction or development which is incompatible with preservation of this unique area.

The Township's existing Master Plan, initially adopted in 1972, has been reexamined numerous times over the years, with the most recent Reexamination Report adopted in 2013. The 2013 Master Plan Reexamination notes the following concerns which still remain relevant:

- The three quarries should remain zoned as Q Quarry and properly restored to eliminate any dangerous slopes, and re-vegetated with native plant materials.
- The 1984 Circulation Plan Element is no longer relevant in many respects and should be updated.
- The 1999 Parks and Recreation Plan Element and the 1999 Community Facilities Plan Element are both outdated plans. Although not required plan elements, new ones should be prepared in the future. The Recreation Plan Element is needed if the Township ever decides to seek State Green Acres loans to fund park improvements.

The Township of Union will need to adopt a new Reexamination of the Master Plan to determine the specific changes necessary to achieve consistency with the Highlands Regional Master Plan and thereby, to incorporate the specific changes in State policies, goals, and objectives as set forth in the Highlands Act. It is the intent of the Reexamination of the Master Plan Report to identify the specific revisions needed to bring Union Township's Master Plan and development regulations into conformance with the Highlands Regional Master Plan. Some of these specific changes necessary include but are not limited to the Township's Land Use Element, Farmland Preservation Plan, Stormwater Management Plan and land use ordinance.

### **Highlands Land Use Ordinance**

The Township should adopt the Highlands Area Exemption Ordinance. The purpose of this ordinance is to set forth the procedural and substantive requirements by which the Township will issue Highlands Act Exemption Determinations. Such determinations pertain only to Highlands Act Exemptions 1, 2, 4, 5, 6, 7, and 8. Highlands Act Exemption Determinations indicate whether proposed activities, improvements or development projects affecting lands located within the Township's Highlands Preservation Area are exempt from the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq., and are therefore exempt from the Highlands Council's Regional Master Plan, the NJDEP Water Protection and Planning Act Rules, and from any amendments to the Township's master plan, development regulations, or other regulations adopted pursuant to the approval of the Township's Petition for Plan Conformance by the Highlands Council.



The Plan Conformance Guidelines also include the adoption of a Development Application Referral Ordinance as an Initial Revision in order to ensure that any Application for Development not be deemed complete until such time as certain documents have been submitted by the Applicant and to ensure that Applications for Development are consistent or revised to be consistent with the Regional Master Plan. Additionally, the proposed Land Use Capacity Zones should be adopted as overlay zones to the existing municipal zoning.

The adoption of the Development Application Referral ordinance is essential to ensure that applicants achieve compliance with the standards and protections required under the Highland Regional Master Plan despite the interim status of the municipal Plan Conformance ordinances and regulations. The provisions of the Ordinance shall apply in conjunction with all other applicable ordinances, rules and regulations of Union. In the event of conflicting or less restrictive alternate provisions, the provisions of the Highlands Ordinance shall supersede.

The Highlands Development Application Referral Ordinance and Land Use Capacity Zone Ordinance are overlay zones and will not replace the existing Township zoning, but rather builds upon the Township's base zoning by establishing additional standards and criteria, and are intended to provide a means to address issues of special public interest (e.g. watershed management area, open space preservation, historic preservation, urban enterprise zone) that the underlying base zoning may not otherwise take into consideration.

The Highlands Development Application Referral Ordinance shall apply solely to the use and development of lands located within the Township Highlands Preservation Area. Specifically, the Ordinance shall apply to any application seeking approval of a site plan, subdivision, or change in use where approval of such application would:

- A. For residential development, create three (3) or more dwelling units;
- B. For non-residential development:
  1. Result in the ultimate disturbance of one (1) acre or more of land;
  2. Produce a cumulative impervious surface area of one-quarter ( $\frac{1}{4}$ ) acre, or more; or
  3. Introduce or expand on any of the following land uses/facilities:
    - a) Landfills;
    - b) Permanent storage or disposal of hazardous wastes, industrial or municipal sludge or radioactive materials, including solid waste landfills;
    - c) Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous materials, and radioactive materials;
    - d) Industrial treatment facility lagoons; or
    - e) Any Major or Minor Potential Contaminant Source (as identified in Appendix and Appendix B of the Development Application Referral Ordinance, respectively) on

lands located within 200 feet of the wellhead of any public community well or public non-community well, as these are defined at Section 4 below.

All thresholds in A. and B., above, shall be interpreted to apply cumulatively over time, beginning as of the effective date of the Township’s adoption of the Development Application Referral Ordinance. If or when any one of the thresholds is reached, the Ordinance shall apply to any and all development in excess of that threshold. Where an application proposes a mixed use, the thresholds in B., for non-residential development shall apply to the whole of the project, while that in A., shall apply to the residential component.

The provisions of the Ordinance shall apply in conjunction with and as a supplement to the existing Zoning Ordinance, development regulations, and all other rules, codes and regulatory provisions governing the use and development of land in the municipality. In the event of conflicting provisions, the provisions of this Ordinance shall supersede. Where provisions differ only by degree, the more restrictive of the applicable requirements shall supersede.

## Maps

The following series of maps illustrate Union’s Initial Assessment Report.

- Highlands Areas
- Land Use Capability Map
- Vacant Land Map

Highlands Areas Map: This map indicates the broadest level of Highlands Area jurisdiction: The Preservation Area and the Planning Area.

Land Use Capability Map: This map identifies the locations of the Highlands Zones and Sub-zones.

## Cultural/Historic Resources

Union Township is one of the most beautiful and historic landscapes in the State of New Jersey where residents and passersby can enjoy panoramic views of the Spruce Run Reservoir and the mountains as well as the woodlands and open farmlands. The Township, through volunteers, has begun a comprehensive scenic inventory utilizing photo-documentation and mapping to identify the cultural landscapes and important scenic resources within the Township. Union has also been involved with the Rt. 78 scenic byways program. Union Township has nine buildings/sites designated on the State and National Registers of Historic Places and over 129 landmark structures identified within densely settled historic hamlets or on farmsteads. Moreover, Union has 4 historic districts. See Table 3, Cultural and Historic Resources.

Table 3. Cultural and Historic Resources	
Resource Name	Status
Bonnell Tavern (ID#3970)	Eligible INDV
Boss Farm Site (ID#5188)	SHPO Opinion
Daniel Case / Sarah Clark Case Farmstead (ID#1634)	Listed INDV
Clinton Farms Historic District (ID#4552)	NR Eligible
Lehigh Valley Railroad Historic District (ID#4154)	NR Eligible
Peter Mechlin's Corner Tavern (ID#1635)	Listed INDV
Pattenburg Schoolhouse (ID#4633)	Eligible INDV
Perryville Tavern (ID#1636)	Listed INDV
Rockhill Agricultural Historic District (ID#1637)	Listed HD
Stowe House (ID#1638)	Eligible INDV
Chew-Turner-Carhart Farm (ID#1639)	Listed INDV
Union-Exton Farm (ID#3910)	Listed INDV
Van Syckel Corner Historic District (ID#1640)	Listed HD

All of the above listed sites, partially or in their entirety, are located with Highlands Preservation Area except for the Bonnell Tavern, Clinton Farms Historic District, Perryville Tavern, and Stowe House.

### Environmental Resources

According to the Highlands GIS Data, Union Township has the following environmental resources within the Preservation Area within its borders:

- C-1 waterways
  - Mulhockaway Creek
  - Black Brook
  - Spruce Run Reservoir
  - Grandin Stream (sometimes referred to as Sidney Brook)
- 2-year, 5-year, and 10-year well head protection areas (non-community)
- Open water protection areas
- Carbonate rock areas
- Critical habitat areas

#### *Existing Protections*

The existing Zoning Ordinance has provisions pertaining to steep slopes, tree removal, floodplains, stormwater management, aquifer test and analysis, and carbonate rock areas.

On December 16, 2020, the Township adopted a new stormwater management ordinance to comply with new NJDEP Stormwater Management Rules, N.J.A.C. 7:8-1 et seq. The stormwater ordinance defines “environmentally critical areas” as:

*An area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.*

The Stormwater Ordinance includes standards for green infrastructure measures Best Management Practices and nonstructural stormwater management strategies. The green infrastructure Best Management Practices and low impact development should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater Best Management Practices may be necessary to achieve the established performance standards for water quality, quantity and groundwater recharge.

## **Vacant Land & Developable Tracts**

The following is a summary of vacant land, potential redevelopment areas and anticipated development within the Highlands Preservation Area within Union Township.

### **Vacant Land**

There are 66 properties in the Township within the Highlands Preservation Area that are assessed as class 1: vacant. Twenty-two of these lots are less than one acre in size; 25 of these lots are between one and five acres; and 19 of the lots are five acres or more. Within the Highlands Preservation Area, the Township has four zoning districts that permit development with a minimum lot area of two acres, three zoning districts that permit development with a minimum lot area of 8.3 acres and one zoning district that permits development with a minimum lot area of nine acres. Therefore, 54.5% of the vacant lots may be capable of supporting development in the future. Table 4 details the block, lot, property address, ownership and acreage of the privately-owned vacant land in the Highlands Preservation Area within the Township.





Union Township, Hunterdon County  
 Petition for Highlands Plan Conformance – Preservation Area Only

<b>Table 4. Vacant Land within the Preservation Area</b>				
<b>Block</b>	<b>Lot</b>	<b>Property Location</b>	<b>Owner Name</b>	<b>Acreage</b>
1.06	1	Route 173 W	Allen, Marion	1.46
1.06	2	Route 173 W	Quartararo, Rosario % B.Acanfora	3.98
1.06	3	Route 173 W	Perryville Associates LLC %Braddock171	0
1.08	14	Gravel Hill Road	Poniatowski, Helene A	0.28
1.08	18.01	Route 614	Pattenburg Quarry Industries LLC	13
1.08	21	Route 614 - Off	Pennsy Line%Norfold Southern Co/Tax	0.8
1.08	21.01	Route 614	Pennsy Line%Norfold Southern Co/Tax	0.25
1.08	23.01	McCrea Road	Flath, Wm. S & Camille	0.04
1.09	26	527 Route 614	Poniatowski, Mary Deborah Lee	0.32
1.09	33	Route 614	Hogan, Robert S & Helen I Rev Trust	6.97
1	10.01	Route 614	Wene, Dennis A & Edna P	1.52
11	8.35	Albert Drive	Lookout Pointe HOA/Integra MGMT.Co.	10.69
12	1	Route 173 W	Matos, Agostinho	5.47
12	11.01	84 Route 173 W	Perryville Catering Inc.	1
12	13.01	92 Route 173 W	Molnar, Michel P	2
12	8.03	Norton Road	MBP Group LLC	6.6
14,02	4	Main St. Pattenburg	Hamilton, Rhonda R.	0.5
14.03	5.01	593 Main St Pattenburg	Polidore, Mark & Kristi Lee	0.23
14.03	8	Main St. Pattenburg	Unknown Owner	0.71
14	19	59 Baptist Church Rd	Roth, S c/o Rosenblatt	34
15	12	Baptist Church Rd	Kerr, Jenna L & Earle J	3.25
15	28	Route 579	Giel, William D. & Prudence A	4.45
15	36	467 Route 579	Cole, Donna A	0.4
15	43	499 Route579	McClelland Michael & Elizabeth	12.7
16	10	455 Route 579	Kane, Shya & A. c/o J. Blau, CPA	2.2
16	7	Route 579	Hurford, David & Virginia	18.54
17	11.01	Route 579	Terrebusch, Gary	5.59
17	13	Route 579	Saunders, Marcia T & Etal Trustees	4.25
17	14	575 Route 579	Kurt, Margaret H Trust	7.2
17	15	573 Route 579	Baczewski, Jonathan & Carrie	2.5
17	18	577 Route 579	Kurt, Margaret H Trust	4.07
25	10	23 Race Street	Cozze Richard A Jr	5.8
25	11	11 Race Street	Arpaia, Giovanni & Filomena	10.3
25	11.01	5 Race Street	Lauricella, William	0.19
25	7	27 Race Street	AOD, LLC	28.3
28	14.01	222 Main St Jutland	Beyer, Rose H Trustee	2.34
28	43	Route 579	Bandino, Robert F Etals	5.53
4	1.03	Route 173 W	Mulcahy Holdings LLC	0.03
4	3.11	14 White Oak Drive	Nelson, William A Jr & Joyce A	1.87
4	3.13	21 Charles Stewart Dr	Salant, Joshua & Kimberly	0.28
4	3.14	23 Charles Stewart Dr	Kelly, George G & Grace Ann	0.24

Union Township, Hunterdon County  
 Petition for Highlands Plan Conformance – Preservation Area Only

4	3.16	13 White Oak Drive	Gjevukaj, Arijant & Michaela	3.12
4	5	26 Charles Stewart Drive	Plushanski, F Brian & Michelle	4.89
5.01	40	Grandin Ct	Applied Water Mgt Inc	6.11
5	1.01	Strotz Road	Timber West Property LLC	17.01
5	24	150 Route 173 W	Dabrowski, Matthew	12.61
5	4.04	Strotz Road	Wittenberg, Clifford R Sr & Irene	4.55
6	12	27 Norma Road	Budsock, Eugene & Heidi	2.06
6	13.01	82 Norma Road	K7ing, Wislon Jr & Maryanne	9
6	13.02	15 Norma Road	Denlinger, Robert & Madeline	1.18
6	13.03	17 Norma Road	Sulovski, Joseph M & Laura	1.27
6	13.06	72 Norma Road	Dolan, Ronald & Irene	1.46
6	13.07	25 Norma Road	Morano, Edwin and Hillary	0.12
6	15	261 Charlestown Road	Peterson, Harry E & Bonnie A	0.08
6	2.02	Route 635	Stasyshyn, Faith Trustee	2.05
7	1.04	Henderson Road	Pikna, Joseph & Christina McGourty	0.98
7	5.01	19 Polktown Road	Olsen, James	3.27
7	6	9 Polktown Road	Behr, Jake T	2
7	9	37 Polktown Road	Bode, Charles D Jr & Susan M Evans	0.56
8	1	Old Forge Lane	Liu, Cheng-Chung & Won-Piu Chi	5.05
8	1.03	Polktown Road	Olsen, James	2.05
8	2	Anderson Road	Eckhardt, Jack David & Demarie	1.35
8	3	14 Old Forge Lane	Snyder, Timothy J Jr & Sarah L	0.63
8	5.11	3 Old Forge Lane	Hinka Construction LLC	5.06
9	1	Anderson Road	Eckhardt, Jack David & Demarie	0.8
9	1.16	Anderson Road	Cheesman, Michael	0.45

Many of these lots are modest in size and will likely be developed with single-family homes and will not have an impact on Highlands Resources.

The largest tract, 34-acres in size, known as Block 14, Lot 19, is a woodland lot bounded by the Mulhockaway Creek and wetlands to the north, Baptist Church Road to the east, a rail line to the south and a woodland lot to the west. A Mulhockaway Creek tributary crosses the southeasterly corner of the tract. A majority of the tract falls within the Highlands Open Water Protection Area and is identified as critical wildlife habitat.

The Development Application Referral Ordinance specifically excludes the following specific improvements and related applications from the provisions of the Development Application Referral Ordinance:

- i. The reconstruction, within the same footprint, of any building or other structure lawfully existing as of the effective date of this Ordinance, in the event of its destruction or partial destruction by fire, storm, natural disaster, or any other unintended circumstance.

2. Any improvement or alteration to a building or other structure lawfully existing as of the effective date of this Ordinance, where such improvement or alteration is necessary for compliance with the provisions of the Americans with Disabilities Act, or to otherwise provide accessibility to the disabled.
3. Any Agricultural or Horticultural Use or Development that would not result in either:
  - a. An increase, since the date of enactment of the Highlands Act (August 10, 2004), either individually or cumulatively, of new agricultural impervious cover of greater than three percent (3%) to the total land area of a Farm Management Unit. Solar panels shall not be included in any calculation of agricultural impervious cover (all terms as defined in Section 4, below); or
  - b. Construction of three (3) or more residential dwelling units (including accessory dwelling units) served by individual on-site septic system(s).

Moreover, any activity, improvement or development project listed and demonstrated to constitute a Highlands Act exemption shall be exempt from the provisions of the Development Application Referral Ordinance. Formal demonstration of a Highlands Act exemption for an Application for Development involving lands located (or partially located) in the Preservation Area shall consist of one of the following:

1. *State Agency Determination.* State Agency Determinations shall consist of a Highlands Applicability Determination (HAD) issued by the NJDEP indicating that the proposal qualifies as a Highlands Act Exemption.
2. *Municipal Determination.* Pursuant to the Model Highlands Exemption Ordinance (to be adopted by the Township), for any application under this Ordinance involving the following Highlands Act Exemptions, the applicant may request and shall be deemed to have satisfied the evidentiary requirement by obtaining a Municipal Exemption Determination issued by the Municipal Exemption Designee, provided such Determination indicates that the proposal qualifies as a Highlands Act Exemption. The applicant may rely upon the findings of a Municipal Exemption Determination to the same extent and with the same protections as would apply in the case of a HAD issued by the NJDEP.
  - a. *Exemption #1* – The construction of a single family dwelling, for an individual's own use or the use of an immediate family member, on a lot owned by the individual on the date of enactment of the Highlands Act (August 10, 2004) or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.
  - b. *Exemption #2* – The construction of a single family dwelling on a lot in existence on the date of enactment of the Highlands Act (August 10, 2004), provided that the construction does not result in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more.



- c. *Exemption #4* – The reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surface on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more. This exemption shall not apply to the reconstruction of any agricultural or horticultural building or structure for a non-agricultural or non-horticultural use.
- d. *Exemption #5* – Any improvement to a single family dwelling in existence on the date of enactment of the Highlands Act (August 10, 2004), including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool or septic system.
- e. *Exemption #6* – Any improvement, for non-residential purposes, to a place of worship owned by a nonprofit entity, society or association, or association organized primarily for religious purposes, or a public or private school or a hospital in existence on the date of enactment of the Highlands Act (August 10, 2004), including but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility.
- f. *Exemption #7* – An activity conducted in accordance with an approved woodland management plan pursuant to section 3 of the “Farmland Assessment Act”, P.L. 1964, c.48 (C.54:4-23.3) or a forest stewardship plan approved pursuant to section 3 of P.L.2009, c. 256 (C.13:L-31), or the normal harvesting of forest products in accordance with a forest management plan or forest stewardship plan approved by the State Forester.
- g. *Exemption #8* – The construction or extension of trails with non-impervious surfaces on publicly or privately owned lands where a conservation or recreational use easement has been established.

### **Potential Redevelopment Areas**

The Highlands Council defines Redevelopment Areas as the “*conversion of grayfields (abandoned or underutilized commercial facilities) and brownfields (grayfields with suspected or known contamination) into new land uses that are consistent with smart growth strategies and low impact development*”. There are no properties within the Highlands Preservation Area within the Township that are considered underutilized land.

While the Township is seeking Highlands Plan Conformance for the Preservation Area only at this time, they have also identified the following sites as potential redevelopment areas within the Planning Area:

- Block 11, Lot 12: The property is used as a diesel station truck stop and has an antenna with multiple users. The small building that may have been a restaurant appears to be vacant.
- Block 13, Lot 7: Pursuant to Ordinance #2018-14, the Township created an inclusionary overlay zone, the MFO Overlay, on the western portion of the Foster Wheeler site that



permits eight (8) units per acre with a required 20% affordable housing set-aside for for-sale units or ten (10) units per acre with a required 15% affordable housing set-aside for rental units. A for-sale development could include up to 808 units, including 122 affordable units, and a rental development could result in up to 1,010 units, including 151 affordable units.

- Block 22, Lot 30.04: The property consists of a 45,000 square foot industrial building and ten (10) acre stable storage yard. It currently contains Quarry Stone Manufacturing, Inc., a masonry, landscape and building supply company.
- Block 23, Lot 3: The property contains a former PNC Bank branch.

### **Anticipated Development / Redevelopment Projects**

There are a few anticipated development projects within the Township within the Preservation Area that have been approved by the Planning Board or Zoning Board of Adjustment which include the following:

- Gjevukaj: Construction of single family home located at 13 White Oak Drive.
- Pecoraro: Addition to a single-family home at 61 Race Street.

### **Public Outreach Strategy**

In accordance with the Municipal Land Use Law, each Master Plan will be publicly noticed and will provide the public an opportunity to provide comments and feedback on each Plan Element. This also applies to any ordinance revision that will be publicly noticed and adopted by the Township Clerk.

Specific tasks in the Implementation Plan and Schedule may require additional public outreach. Public outreach will be coordinated with Highlands staff. Public outreach may include community visioning events, information sessions and meetings with stakeholders, as needed.

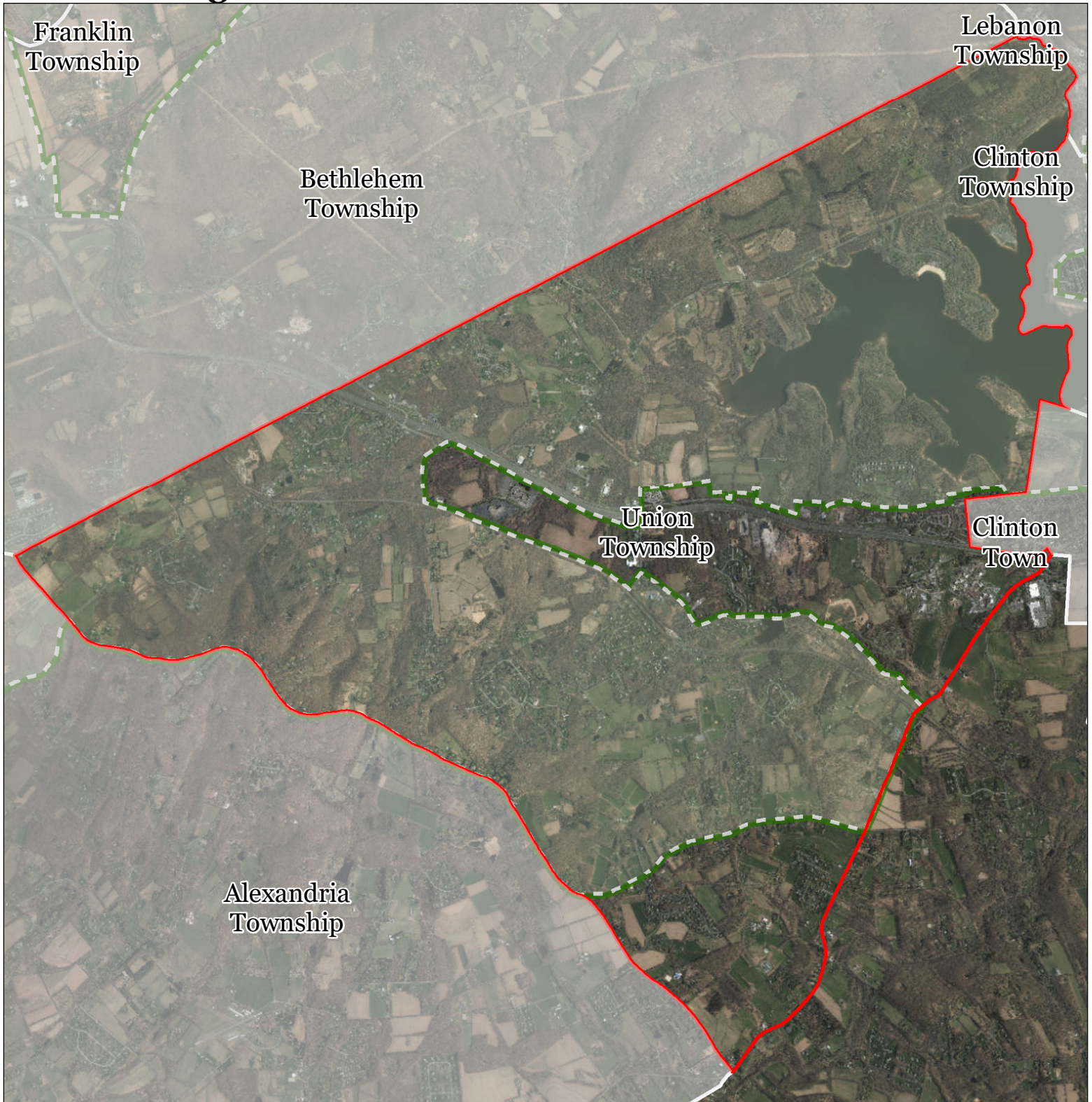
### **Implementation Plan and Schedule**

The Highlands Plan Conformance Guidelines detail the requirements for Plan Conformance including amendments to the Environmental Resource Inventory, Master Plan, and Land Use Ordinance, which together are intended to achieve conformance with the Regional Master Plan and provide immediate protections to vital Highlands Resources. Table 5 identifies the documents and anticipated schedule for the Township to adopt and/or update as required as part of the Highlands Plan Conformance for the Preservation Area:

<b>Table 5. Implementation Plan and Schedule</b>	
<b>Document</b>	<b>Year to be Completed</b>
Highlands Model Referral Ordinance for Preservation Area with the Land Use Capability Overlay Zones	2022
Model Highlands Area Exemption Ordinance	2022
Re-Examination of the Master Plan	2022
Highlands Preservation Area Master Plan Element	2022
Farmland Preservation Plan Element	2022
Stormwater Management Plan	2023
Highlands Environmental Resource Inventory	TBD





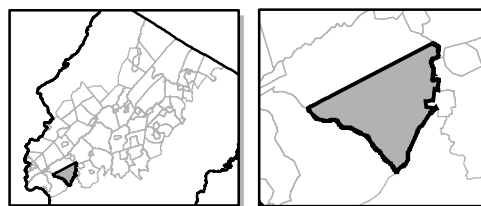
# Exhibit 1: Highlands Preservation Area



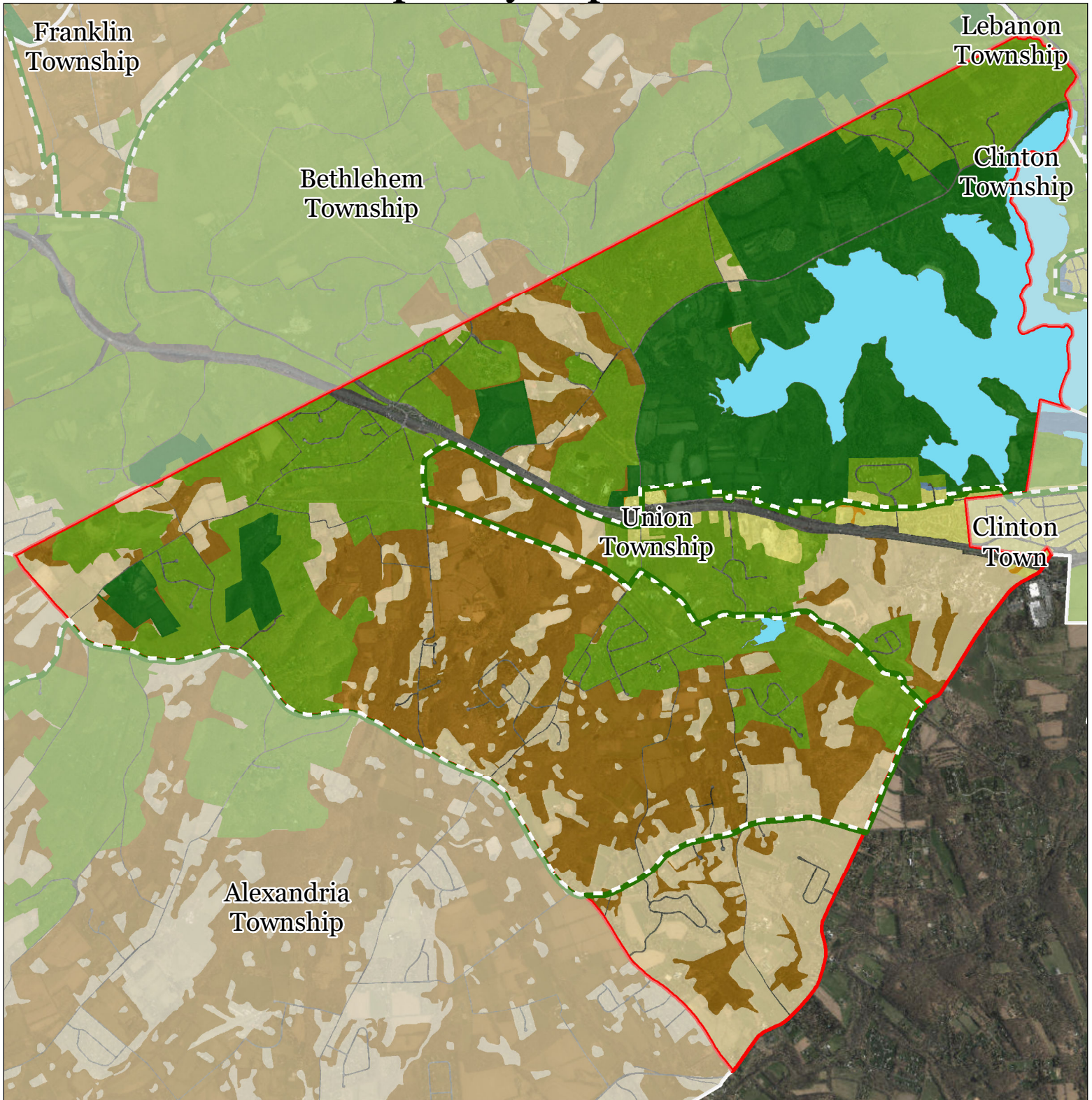
## Union Township

1 inch = 0.864 miles












-  Preservation Area
-  Municipal Boundaries



# Exhibit 2: Land Use Capability Map Zones

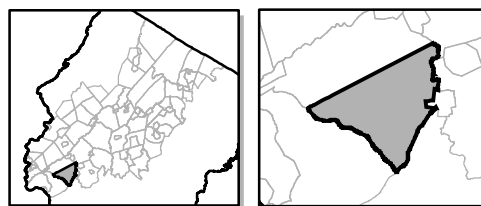


## Regional Master Plan Overlay Zone Designation

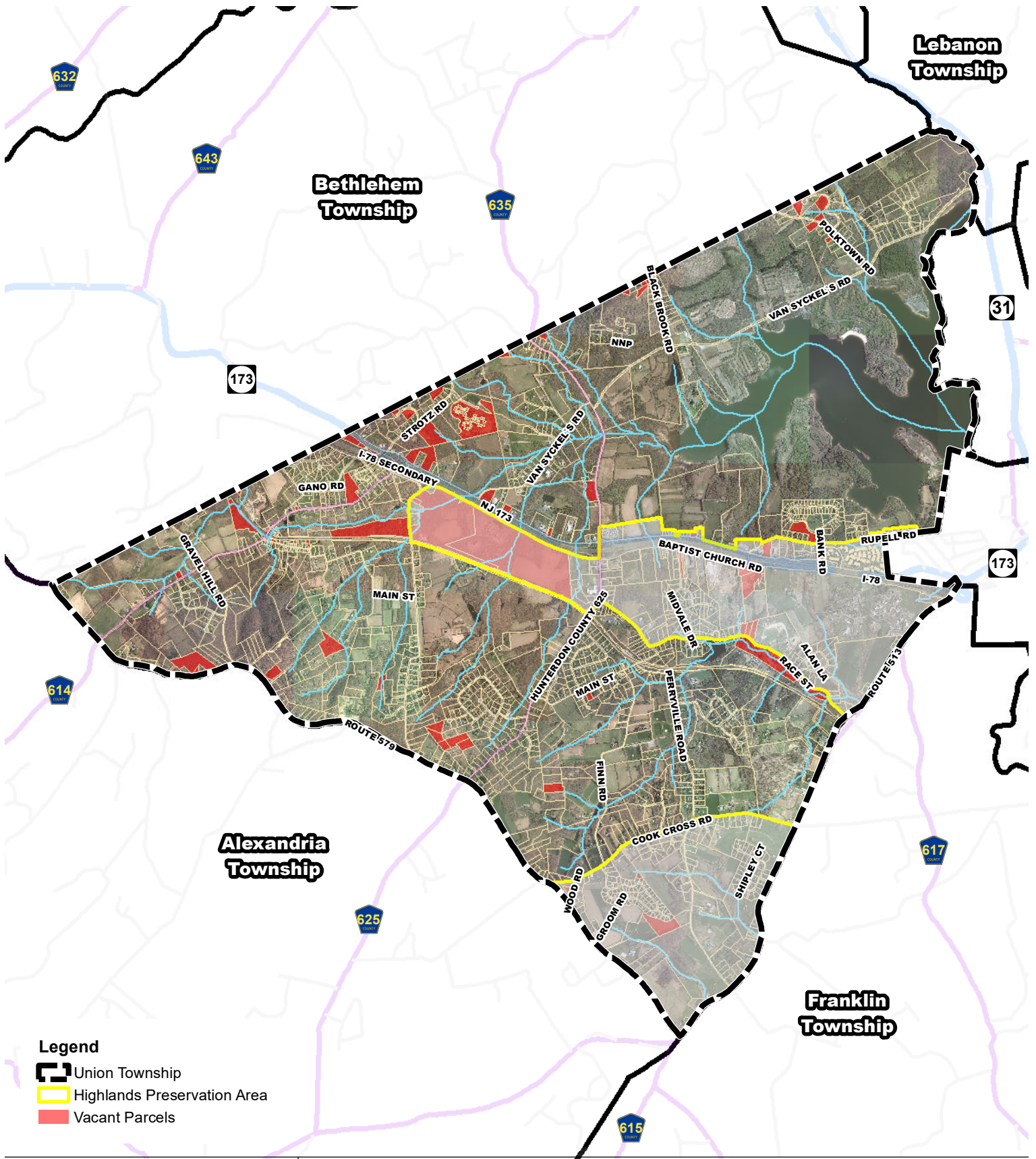
Zone	Sub-Zone
 Protection	 Existing Community
 Conservation	 Environmentally Constrained
 Existing Community	 Conservation Environmentally Constrained
	 Lake Community
	 Wildlife Management
	 Lakes Greater Than 10 acres
 Preservation Area	
 Municipal Boundaries	

## Union Township




1 inch = 0.864 miles

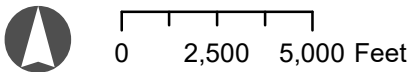






**Legend**

-  Union Township
-  Highlands Preservation Area
-  Vacant Parcels



HIGHLANDS INITIAL ASSESSMENT

# Vacant Land Analysis

**Clarke Caton Hintz** ● ● ■  
 Architecture  
 Planning  
 Landscape Architecture

LOCATION:  
 Union Township, Hunterdon County, New Jersey

DATE:  
 June 2021

**FOR CONSIDERATION AT THE APRIL 21, 2022 MEETING OF THE  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
Petition for Plan Conformance – Draft Consistency Review and Recommendations Report**

**APPENDIX B**

**IMPLEMENTATION PLAN AND SCHEDULE  
Petition for Plan Conformance  
Township of Union, Hunterdon County**

Amended Grant Agreement Task #	PLAN CONFORMANCE TASK	Proposed Cost Fiscal Year 2022-2023	Total Budget (Current and Future)	Completion Date	Status and Comments
1	<b>Housing Element &amp; Fair Share Plan (Module 3)</b>				
	a. Update Module 2, 3 & 7 - 3rd Round Fair Share Plan				
	b. Housing Element and Fair Share Plan				
2	<b>Highlands Environmental Resource Inventory (Module 4)</b>	\$3,000	\$3,000		amendments as necessary and adopt. Scope of Work Approval Required
3	<b>Highlands Element of Municipal Master Plan (Module 5)</b>				
	a. Master Plan Reexamination Report - Prepared and Adopted	\$5,000	\$5,000		
	b. Highlands Element of the Municipal Master Plan	\$10,000	\$10,000		
4	<b>Municipal Master Plan Elements</b>				
	a. Land Use Plan Element				
	b. Conservation Plan Element				
	c. Circulation Plan Element				
	d. Land Preservation and Land Stewardship Plan Element				
	e. Agricultural Retention/Farmland Preservation Plan	\$35,000	\$35,000		Scope of Work Approval Required
	f. Sustainable Economic Development Plan Element/Implementation Actions				
	g. Community Facilities Plan Element				
	h. Historic Preservation Plan Element				
	i. TDR Plan Element				
	j. Septic System Yield Allocation				
5	<b>Highlands Land Use Ordinances (Module 6)</b>				
	a. Adopt Planning Area Petition Ordinance				
	b. Adopt Highlands Municipal Referral Ordinance	\$2,000	\$2,000		
	c. Adopt Delegated Exemption Ordinance	\$1,500	\$1,500		
	Highlands Center Ordinance				
6	<b>Zoning Map Update (Update to reflect Highlands Overlay Zones, Districts)</b>				
7	<b>Resource Management Plans and Programs</b>				
	a. Water Use and Conservation Management Plan				
	b. Habitat Conservation and Management Plan				
	c. Stream Corridor Protection/Restoration Plan				
	d. Wastewater Management Plan				
	e. Septic Management/Maintenance Plan				
	f. Lake Restoration Management Plan				
	g. Scenic Resource Management Plan				
	h. Municipal Stormwater Management Plan	\$20,000	\$20,000		Scope of Work Approval Required
	i. Land Preservation and Stewardship Program				
	j. Forest Stewardship Plan				
8	<b>Implementing Ordinance for Management Plans</b>				
	a. Septic System Maintenance				
	b. Potential Contaminant Source Management				
	c. Water Use and Conservation Management Plan Ordinances				
	d. Habitat Conservation and Management Ordinance				
	e. Stream Corridor Ordinance				
	f. Lake Restoration Ordinances				
	g. Tree Clearing Ordinances				
	h. Right to Farm Ordinance				
	i. Scenic Resource Management Ordinance				
	j. Wellhead Protection Ordinance				
	k. Steep slope protection ordinance				
9	<b>Highlands Center and Highlands Redevelopment Areas</b>				
	a. Highlands Center Planning Petition Study				
	b. Highlands Center Planning				
	c. Phase 1 TDR Assessment				
	d. Highlands Redevelopment Area Planning				
10	<b>Other</b>				
	a. Existing Land Use Inventory				
	b. Downtown Redevelopment Plan Amendments				
	c. Comprehensive Borough Ordinance Revisions				
Totals		\$76,500	\$76,500		

**FOR CONSIDERATION AT THE APRIL 21, 2022 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 Union, Hunterdon County**

**FOR CONSIDERATION AT THE APRIL 21, 2022 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 Union Township's Petition for Plan Conformance were accepted by the Highlands Council through the close of the Public Comment period on March 14, 2022. No public comments were received.

The Petition was also reviewed by the Office of Planning Advocacy per the Highlands Council's Plan Endorsement from the State Planning Commission. The Office of Planning Advocacy had no comments on Union Township's Petition for Plan Conformance.