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JIM RILEE
Chairman

MEMORANDUM

To: Council Members

From: Margaret Nordstrom, Acting Executive Director

Subject: Plan Conformance Committee Report

Date: 08/21/14

A Plan Conformance Committee Meeting was held on August 21, 2014 at 3:00pm with Highlands staff and GAU Assistant Counsel Peter Simon.

Committee Member Richko will present Council with the municipality name/s recommended by Highlands staff for a Checklist Ordinance approach. Highlands staff will provide a presentation to Council.

At our September 18th meeting, Council will consider a resolution for an approval of the Minutes of Plan Conformance Committee. Highlands staff supporting materials will be posted prior to this meeting.

**TOWNSHIP OF HARDYSTON, SUSSEX COUNTY
HIGHLANDS CHECKLIST ORDINANCE APPROACH**

Highlands Checklist Ordinance Approach

The Township of Hardyston (Sussex County) is petitioning the Highlands Council for Plan Conformance with respect to lands within the Preservation Area only. Based on a detailed review of the properties located within the Township’s Preservation Area, Highlands Council staff concludes that there is limited development potential therein. The Area has limited existing public water and sewerage infrastructure and is subject to the New Jersey Department of Environmental Protection (NJDEP) Preservation Area Rules (N.J.A.C. 7:38). Specifically, the Highlands Council Municipal Build-Out Report (2010), which provides an analysis of buildable lots in the municipality (incorporating NJDEP Highlands Rule parameters), indicates potential development of just seven (7) additional units in the Preservation Area, all served by on-site septic systems. Additionally a significant portion of the Preservation Area is preserved land. Over 10,290 acres of the Township (approximately 80% of the Township Preservation Area) consist of preserved lands.

In sum, the Highlands Council anticipates that proposals for development in Hardyston Township’s Preservation Area that would not qualify for Highlands Act exemptions (and would not therefore be subject to the Highlands Regional Master Plan or effectuating ordinances) will affect one parcel.

Factors	Developable Land Potential (# of parcels/acres)
Disturbance of one acre or more of land	0
New Impervious Surface ¼ acre or more	0
New or expanded use not permitted by ordinance	0
3 or more dwelling units if residential	1/182 acres

Recommendation

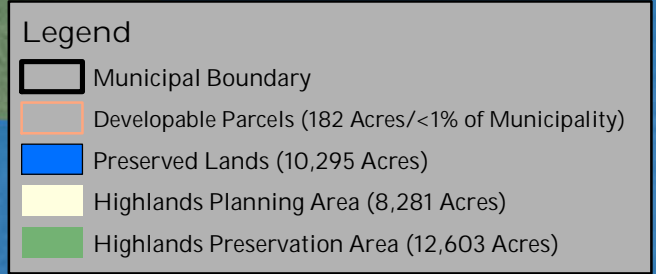
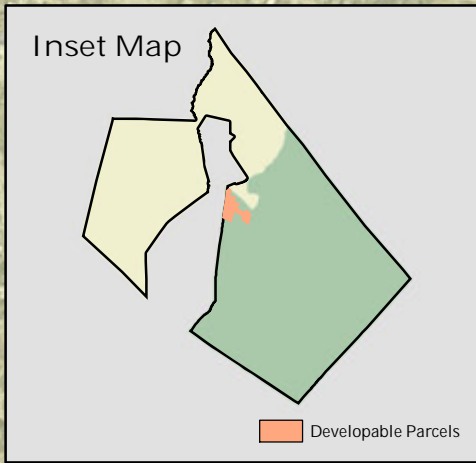
Recognizing the constraints that already exist in the Preservation Area, the recommendation is for Hardyston Township (Sussex County) to follow the modified approach, known as the Checklist Ordinance Approach. This approach authorizes the Township to adopt a Highlands Preservation Area Checklist Ordinance,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

Hardyston Township Parcels



1 inch = 833 feet

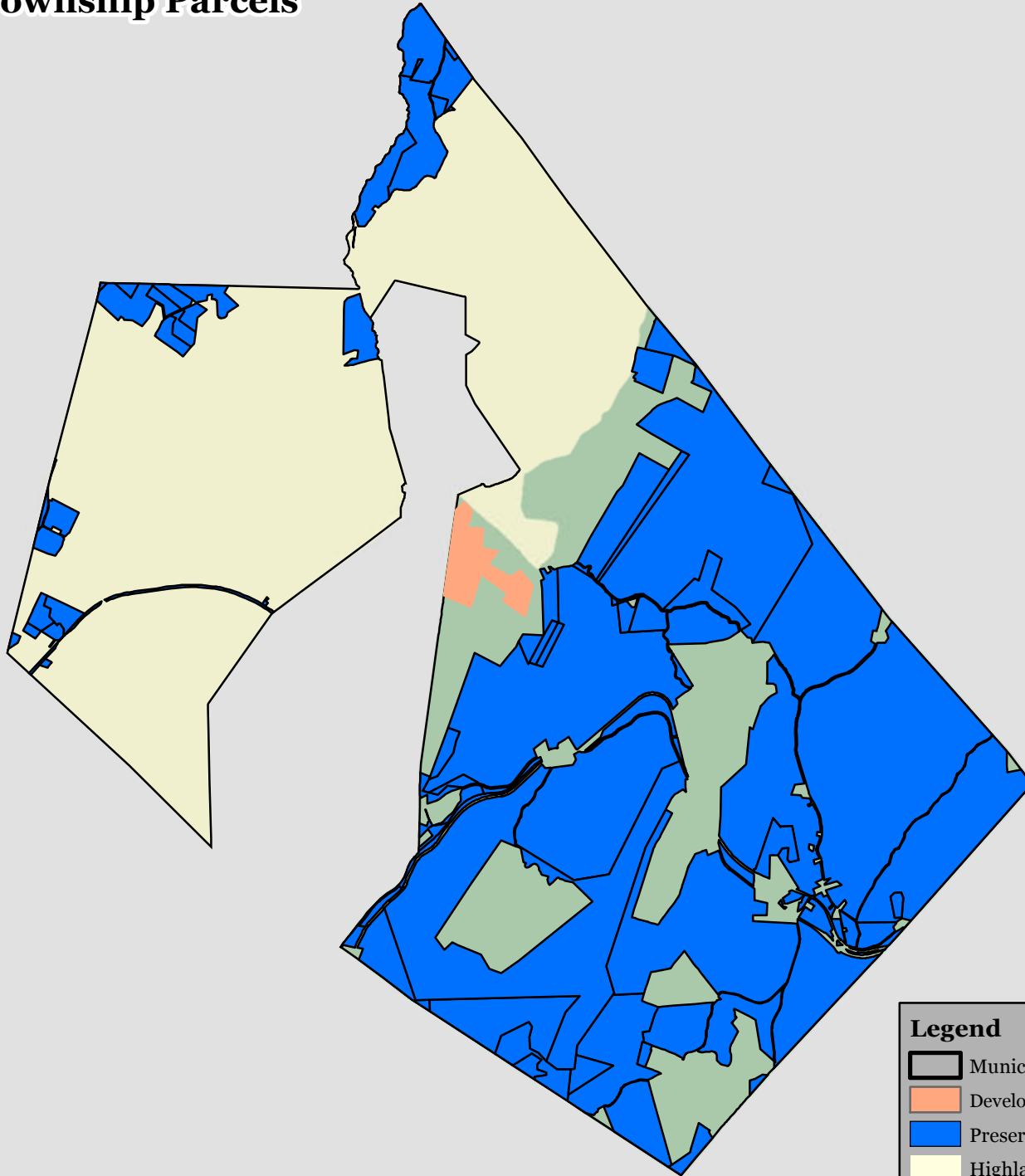
Block 61 Lot 51
(182 Acres)








Hardyston Township Parcels



1 inch = 6,671 feet



Legend

-  Municipal Boundary
-  Developable Parcels (182 Acres / <1% of Municipality)
-  Preserved Lands (10,295 Acres)
-  Highlands Planning Area (8,281 Acres)
-  Highlands Preservation Area (12,603 Acres)