



**CHRIS CHRISTIE**  
*Governor*

**KIM GUADAGNO**  
*Lt. Governor*

**State of New Jersey**  
Highlands Water Protection and Planning Council  
100 North Road (Route 513)  
Chester, New Jersey 07930-2322  
(908) 879-6737  
(908) 879-4205 (fax)  
[www.highlands.state.nj.us](http://www.highlands.state.nj.us)



**JIM RILEE**  
*Chairman*

## MEMORANDUM

**To:** Council Members

**From:** Margaret Nordstrom, Acting Executive Director

**Subject:** Resolution – Approval of the Minutes of the Plan Conformance Committee

**Date:** 7/9/14

A Plan Conformance Committee Meeting was held on June 12, 2014 at 3:00pm with Highlands staff and GAU Assistant Counsel Peter Simon to review a resolution for Council's consideration at the June 19 meeting.

The resolution to approve the minutes of the June 12, 2014 committee meeting did not pass due to the lack of eight affirmative votes (eight being a quorum).

At the July 17<sup>th</sup> meeting a presentation will be given by Highlands staff related to Sparta and Alexandria Townships, and we will ask the Council to reconsider and adopt the resolution.

The presentation will be available (on the table) after the meeting and posted to the Highlands Council website.



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JIM RILEE  
Chairman

### MEMORANDUM

**To:** Plan Conformance Committee

**From:** Margaret Nordstrom, Acting Executive Director *MN*

**Subject:** Committee Meeting Minutes— June 12, 2014

**Date:** 6/16/2014

A Plan Conformance Committee meeting/call was held on Thursday, June 12, 2014 at 3:00pm at the Highlands office in Chester. Committee Members present: Members Rilee (Chair) (by phone), Richko (by phone), Tfank (by phone), Vohden (by phone), and Dressler (by phone).

Staff Members present: Margaret Nordstrom, Chris Danis, James Humphries, and Sabina Martine.

Also present: Peter Simon, Assistant Counsel, Governor's Authorities Unit (by phone).

The only item on the agenda for discussion was staff's recommendations for the use of the Checklist Ordinance approach for two municipalities. The overall basis for this recommendation is the extremely limited development potential of these towns. The two municipalities are:

- Sparta Township (Sussex County) – 1 parcel/213 acres
- Alexandria Township (Hunterdon County) – 1 parcel/143 acres.

The analyses for each township were distributed to committee members.

Mr. Humphries discussed Sparta Township and the analysis employed in reaching the recommendations for use of the Checklist approach.

Ms. Danis discussed Alexandria Township and the analysis employed in reaching the recommendations for use of the Checklist approach.

A resolution will be considered by Council at their June 19, 2014 meeting to accept the minutes of the Plan Conformance Committee meeting regarding the two municipalities recommended for Checklist Ordinance approach.

After discussion, the Committee unanimously agreed with the staff's approach for checklist ordinance use in the Township of Sparta and the Township of Alexandria. The Committee intends to report on this discussion at the June 19, 2014, council meeting and will seek the Council's concurrence with the findings in these minutes.

The Plan Conformance Committee adjourned at 3:15pm.

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

***Highlands Checklist Ordinance Approach***

The Township of Sparta (Sussex County) petitioned the Highlands Council for Plan Conformance with respect to lands within the Preservation Area. The Township’s Petition for Plan Conformance was approved by the Highlands Council on September 15, 2011 and memorialized in Highlands Council Resolution 2011-30. On June 4, 2014 the Sparta Township Planning Board adopted a resolution recognizing the Township’s limited development potential in the Preservation Area and requesting the Highlands Council review the Township’s utilization of the Checklist Ordinance approach.

Development potential within the Township Highlands Preservation Area is extremely limited. In the Preservation Area only the existing Sparta High School is served by sewer infrastructure. Also, the entire Preservation Area is subject to the New Jersey Department of Environmental Protection (NJDEP) Preservation Area Rules (N.J.A.C. 7:38). Additionally a significant portion of the Preservation Area is preserved land. Over 5,046 acres (approximately 44 % of the Township Preservation Area) are preserved lands.

The Highlands Council Municipal Build-Out Report (2009), which provided an analysis of buildable lots in the municipality, incorporating NJDEP Highlands Rules parameters, indicated that in the Preservation Area there were 6 potential residential septic units for development. Based on NJDEP Preservation Area Rules and removing for Highlands Act exemption eligibility, only one large parcel of mostly undeveloped land appears to have development potential. That parcel is known as Block 19 Lot 38, which is approximately 213 acres in size. This is the only parcel that would be subject to the Highlands Land Use Ordinance or Checklist Ordinance with a potential yield of 3 residential dwelling units.

In sum, the Highlands Council anticipates that proposals for development in this area that do *not* qualify for Highlands Act exemptions (and therefore not subject to the Highlands Regional Master Plan) will be limited to only 1 parcel.

<b>Factors</b>	<b>Developable Land Potential (# of parcels/acres)</b>
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	1/213 acres

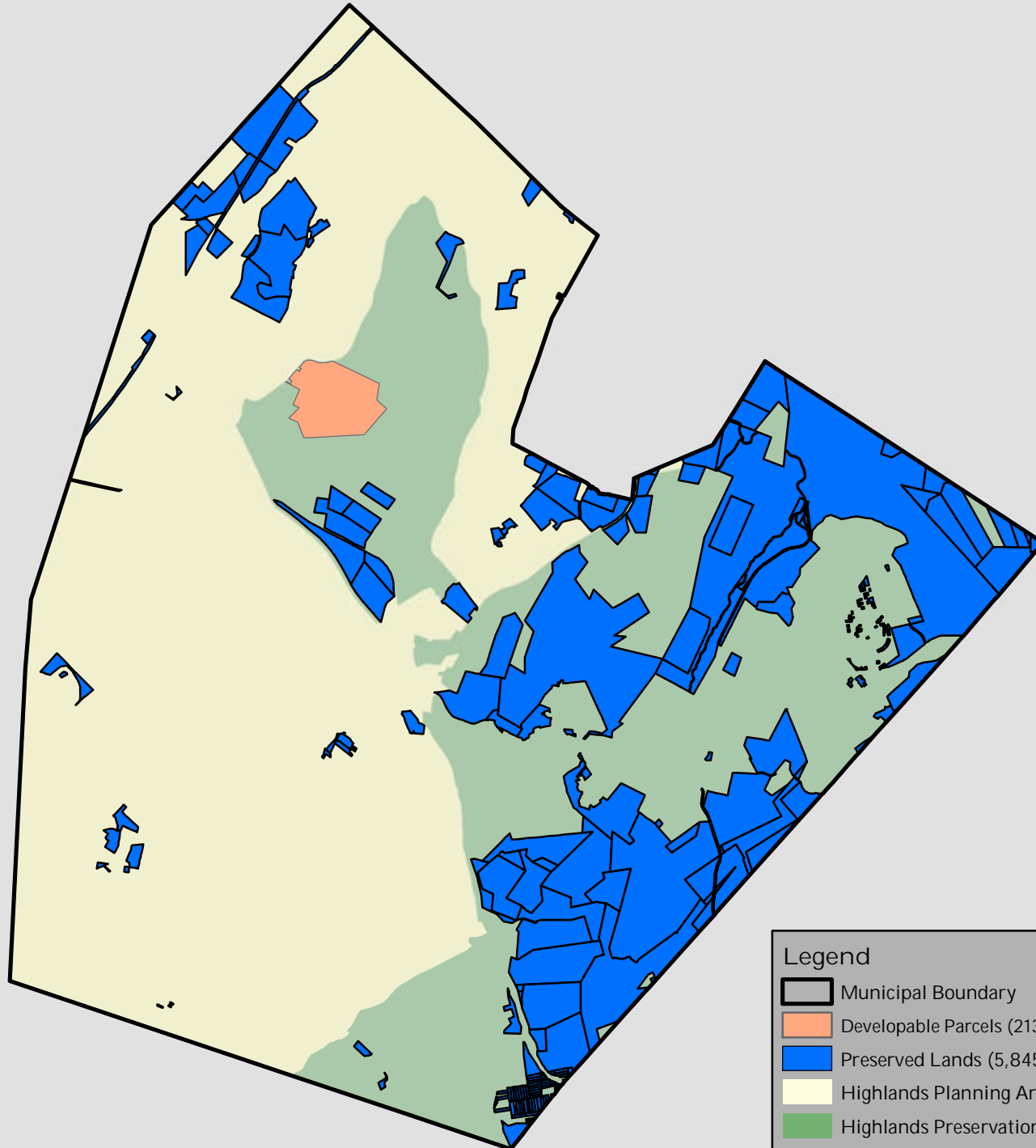
***Recommendation***






Recognizing the constraints that already exist in the Preservation Area, the recommendation is for Sparta 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.

# Exhibit A: Sparta Township Parcels



1 inch = 6,336 feet



Legend	
	Municipal Boundary
	Developable Parcels (213 Acres/<1% of Municipality)
	Preserved Lands (5,845 Acres)
	Highlands Planning Area (13,335 Acres)
	Highlands Preservation Area (11,488 Acres)

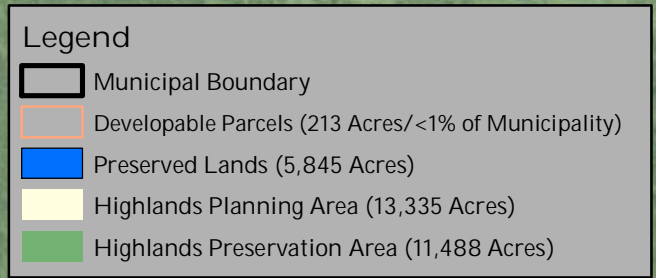
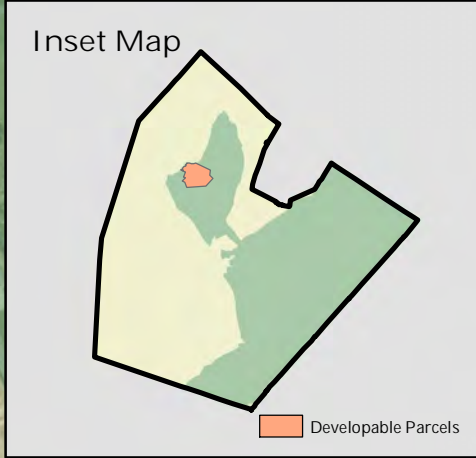


# Exhibit B: Sparta Township Parcels



1 inch = 667 feet

Block 19 Lot 38  
(213 Acres)



**TOWNSHIP OF ALEXANDRIA**  
**HIGHLANDS CHECKLIST ORDINANCE APPROACH**

***Highlands Checklist Ordinance Approach***

The Township of Alexandria (Hunterdon County) petitioned the Highlands Council for Plan Conformance with respect to lands only within the Preservation Area. The Township’s Petition for Plan Conformance was approved by the Highlands Council on April 19, 2012 and memorialized in Highlands Council Resolution 2012-12.

Development potential within the Township Highlands Preservation Area is extremely limited. No portion of the Preservation Area is served by sewer infrastructure and the entire Preservation Area is subject to the New Jersey Department of Environmental Protection (NJDEP) Preservation Area Rules (N.J.A.C. 7:38). Additionally over 430 acres (approximately 16% of the Township Preservation Area) are preserved lands.

The Highlands Council Municipal Build-Out Report (2009), which provided an analysis of buildable lots in the municipality, incorporating NJDEP Highlands Rule parameters, indicated that in the Preservation Area there were 13 potential residential septic units for development. An updated planning analysis of undeveloped lands within the Township’s Preservation Area revealed that additional parcels have come under preservation since the original Build-Out Report, which reduced the yield to 9 units. Based on NJDEP Preservation Area Rules and removing for Highlands Act exemption eligibility, only one large parcel of mostly undeveloped land appears to have development potential. That parcel is known as Block 4 Lot 20, which is approximately 143 acres in size and is actively used for agriculture. One home is located on the parcel. This is the only parcel that would be subject to the Highlands Land Use Ordinance or Checklist Ordinance with a potential yield of 3 residential dwelling units.

In sum, the Highlands Council anticipates that proposals for development in this area that *do not* qualify for Highlands Act exemptions (and therefore not subject to the Highlands Regional Master Plan), will be limited to only one parcel.

<b>Factors</b>	<b>Developable Land Potential (# of parcels/acres)</b>
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 parcel/143 acres

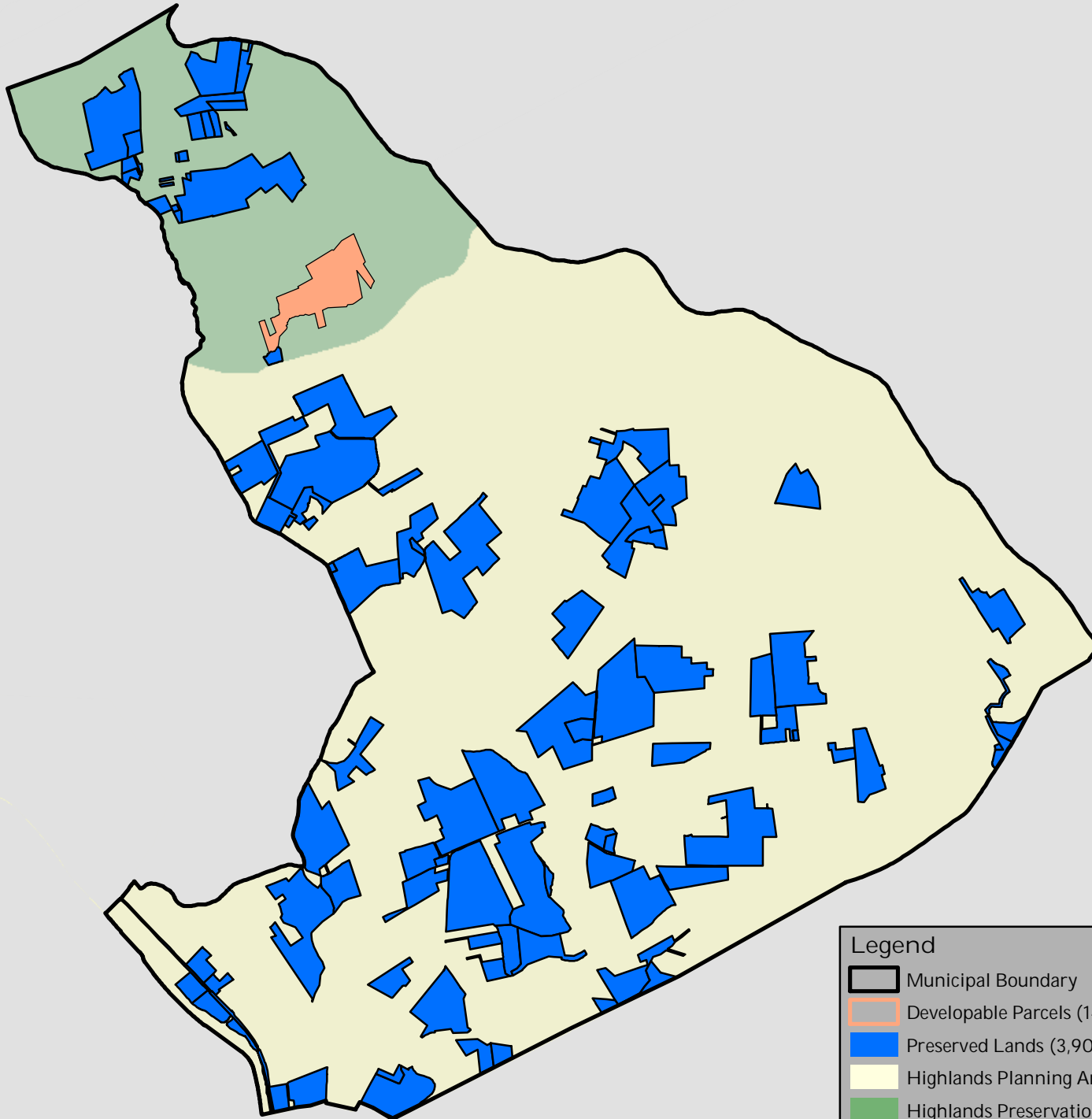
***Recommendation***

Recognizing the significant constraints to development in the Township Preservation Area, the staff recommends that the Township follow the Checklist Ordinance Approach to Plan Conformance. This approach authorizes the Township to adopt a Highlands Preservation Area Checklist Ordinance, which would remain in effect indefinitely, in lieu of adopting the 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.






# Alexandria Township Parcels



1 inch = 5,475 feet



Legend

-  Municipal Boundary
-  Developable Parcels (143 Acres/<1% of Municipality)
-  Preserved Lands (3,904 Acres)
-  Highlands Planning Area (15,038 Acres)
-  Highlands Preservation Area (2,721 Acres)



# Alexandria Township Parcels



1 inch = 587 feet

Block 4 Lot 20  
(143 Acres)

## Inset Map



Developable Parcels

## Legend

-  Municipal Boundary
-  Developable Parcels (143 Acres/<1% of Municipality)
-  Preserved Lands (3,904 Acres)
-  Highlands Planning Area (15,038 Acres)
-  Highlands Preservation Area (2,721 Acres)