



State of New Jersey

Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
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CHRIS CHRISTIE
Governor

JIM RILEE
Chairman

KIM GUADAGNO
Lt. Governor

MEMORANDUM

To: Council Members

From: Margaret Nordstrom, Acting Executive Director

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

Date: 10/10/2014

A Plan Conformance Committee Meeting was held on August 21st with Highlands staff and GAU Assistant Counsel Peter Simon.

Committee Member Richko announced at the Council's August 21st meeting that the Township of Hardyston is recommended by Highlands staff for a Checklist Ordinance approach. Highlands staff provided a presentation to Council and the presentation and supporting materials were posted on the Council's website after the meeting.

The Committee agreed to staff's recommendation, and at Council's next meeting, Council will consider a resolution to approve these Minutes of the Plan Conformance Committee.

**RESOLUTION 2014-
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE MINUTES OF THE PLAN CONFORMANCE COMMITTEE**

WHEREAS, at the meeting of May 16, 2013, the Council passed Resolution number 2013-14; and

WHEREAS, among other things, the Resolution 2013-14 resolved that: *"...the Highlands Council will not approve other further resolutions for Plan Conformance that include a Checklist Ordinance until Council has reviewed and approved, or decided to take no action on, the applicability of the Checklist Ordinance to future Plan Conformance Petitions."* and

WHEREAS, at the meeting of June 20, 2013, the Council passed Resolution 2013-16; and

WHEREAS, among other things, the Resolution 2013-16 resolved that: *"...the Council approves of the continuation of the use of the Checklist Ordinance Approach in connection with the Plan Conformance Petitions, provided that a subcommittee of the Council be created to review and comment upon the use of the Checklist approach";* and

WHEREAS, at the meeting of July 18, 2013, the Chairman announced the composition of the Checklist Ordinance Committee, and directed the Committee to meet; and

WHEREAS, at the January 16, 2014 Council meeting, the name of the Checklist Ordinance Committee was changed to the Plan Conformance Committee, and

WHEREAS, a Plan Conformance Committee meeting was held on August 21, 2014 at the Highlands Council office; and

WHEREAS, the Committee meeting minutes have been presented to the Council for acceptance and approval;

NOW, THEREFORE, BE IT RESOLVED, that the Council accepts and approves the minutes of the August 21, 2014 Plan Conformance Committee meeting and the recommendations contained therein.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16TH day of October, 2014.

Jim Rilee, Chairman

RESOLUTION 2014-
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE MINUTES OF THE PLAN CONFORMANCE COMMITTEE

**Vote on the Approval of
This Resolution**

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	_____	_____	_____	_____
Councilmember Carluccio	_____	_____	_____	_____	_____	_____
Councilmember Dougherty	_____	_____	_____	_____	_____	_____
Councilmember Dressler	_____	_____	_____	_____	_____	_____
Councilmember Francis	_____	_____	_____	_____	_____	_____
Councilmember Holtaway	_____	_____	_____	_____	_____	_____
Councilmember James	_____	_____	_____	_____	_____	_____
Councilmember Richko	_____	_____	_____	_____	_____	_____
Councilmember Sebetich	_____	_____	_____	_____	_____	_____
Councilmember Tfank	_____	_____	_____	_____	_____	_____
Councilmember Visioli	_____	_____	_____	_____	_____	_____
Councilmember Vohden	_____	_____	_____	_____	_____	_____
Councilmember Walton	_____	_____	_____	_____	_____	_____
Chairman Rilee	_____	_____	_____	_____	_____	_____



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JIM RILEE
Chairman

MEMORANDUM

To: Plan Conformance Committee
From: Margaret Nordstrom, *MN* Acting Executive Director
Subject: Committee Meeting Minutes– August 21, 2014
Date: September 5, 2014

A Plan Conformance Committee meeting was held on Thursday, August 21, 2014 at 3:20pm at the Highlands office in Chester. Committee Members present: Members Rilee, Richko, Vohden, and Dressler.

Staff Members present: Margaret Nordstrom, Chris Danis, Chris Ross, and Annette Tagliareni.

Also present: Peter Simon, Assistant Counsel, Governor's Authorities Unit.

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

- Hardyston Township (Sussex County) – 1 parcel/182 acres

The analysis for the Township was distributed to committee members. Ms. Nordstrom gave a PowerPoint presentation on the analysis employed in reaching the recommendation for the use of the Checklist Ordinance approach for Hardyston Township.

Member Richko asked who owns the property and what the acreage is in the Preservation and Planning areas. Ms. Danis responded that she believed it was a farm assessed or Q-farm parcel. Ms. Ross researched the ownership of the parcel using the Highlands Interactive mapping feature after the meeting. The Highlands Interactive Map indicated the owner is "FHH Associates C/O Imperatore" and it is a Q-farm parcel based on the MOD IV tax record. The Preservation Area portion of Hardyston Township is 12,603 acres and the Planning Area portion is 8,281 acres.

After discussion, the Committee unanimously agreed with the staff's recommendation for a Checklist Ordinance approach in the Township of Hardyston.

Committee Member Richko will announce at the Council's August 21st meeting that the Township of Hardyston is recommended by Highlands staff for a Checklist Ordinance approach. Highlands staff will provide a presentation to Council and the presentation and supporting materials will be posted on the Council's website after the August 21st meeting.

At the September 18th meeting, Council will consider a resolution to approve these Minutes of the Plan Conformance Committee.

The Plan Conformance Committee adjourned at 3:33pm.

**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

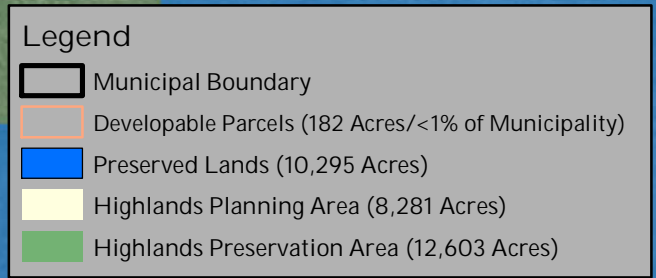
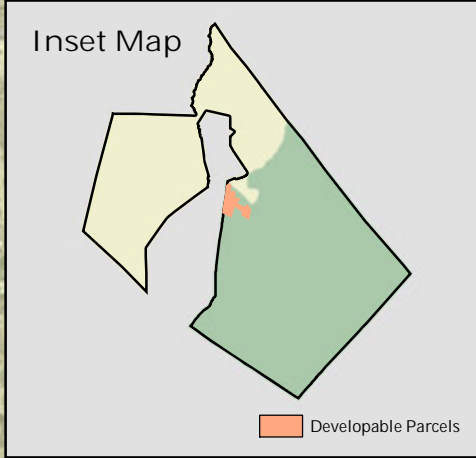
Recognizing the constraints that already exist in the Preservation Area, the recommendation is for Hardyston Township (Sussex County) to follow the modified approach, known as the Checklist Ordinance Approach. This approach authorizes the Township to adopt a Highlands Preservation Area Checklist Ordinance, 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

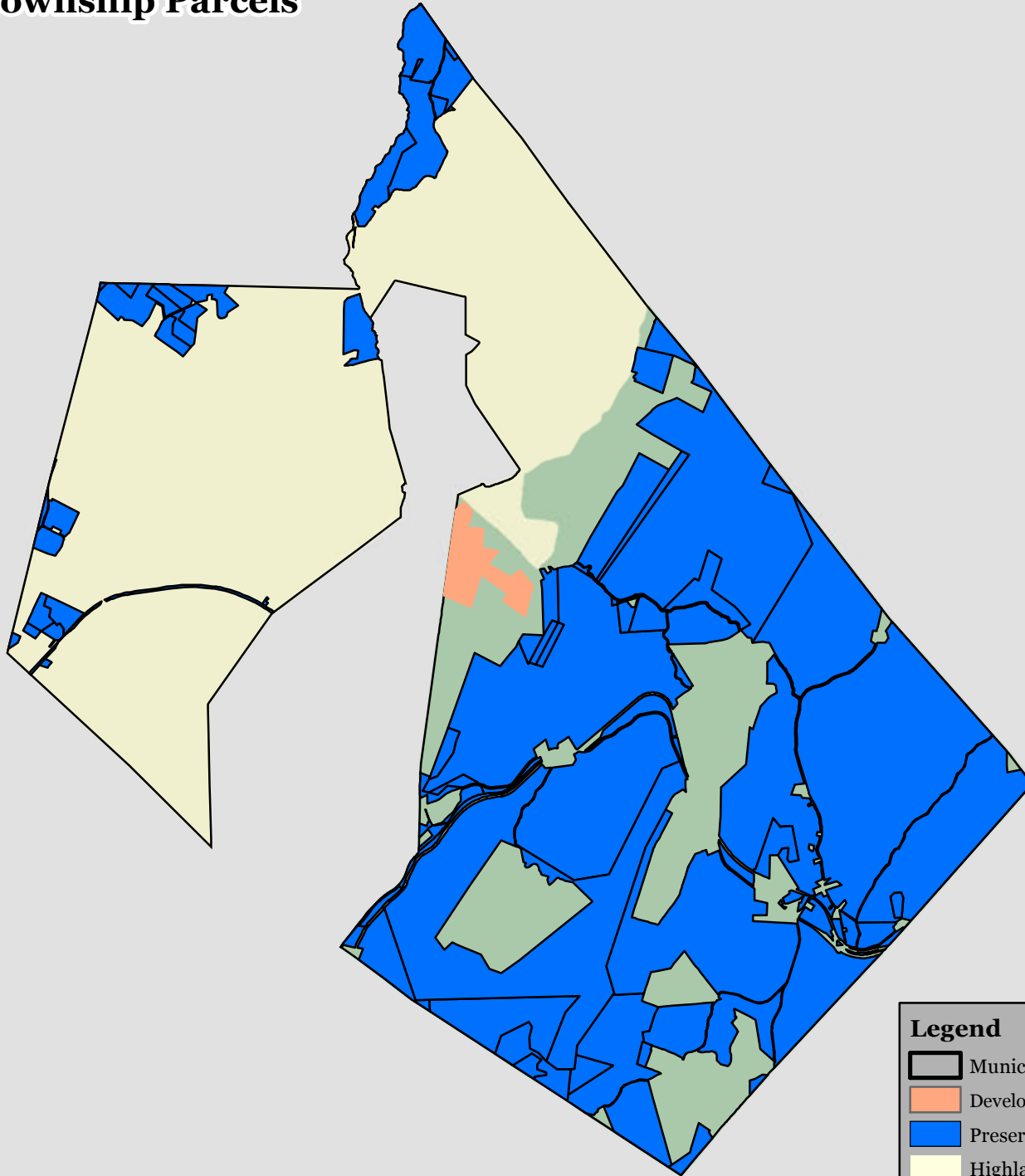
Block 61 Lot 51
(182 Acres)








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)



Highlands Council Meeting

Thursday, August 21, 2014



Plan Conformance Committee Report

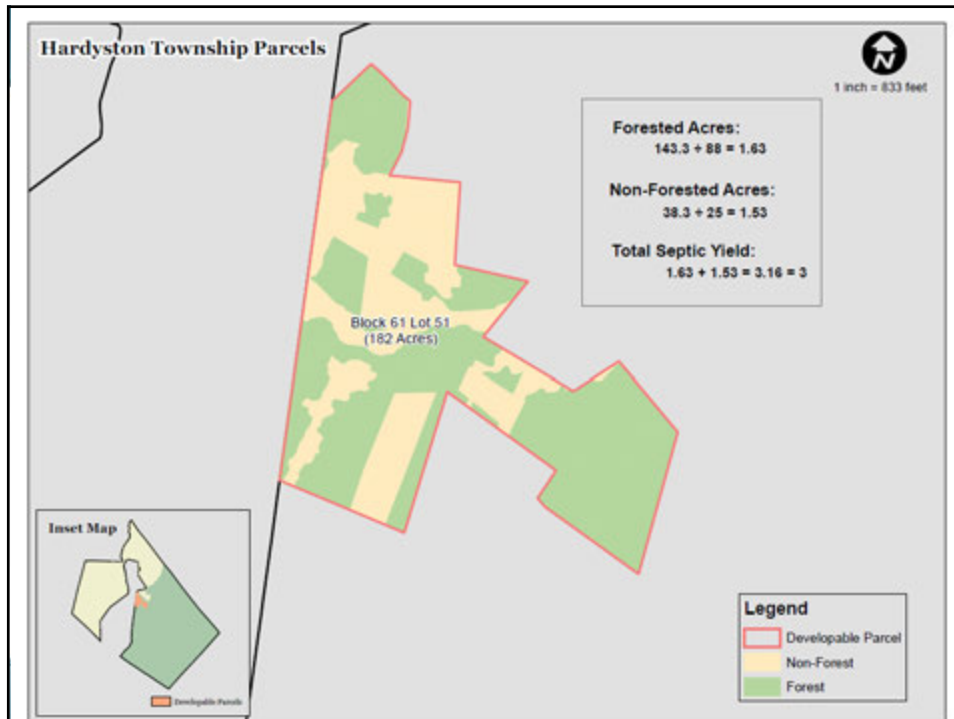


Review of Hardyston Township Build out Report

Hardyston Township, Sussex County

Block	Lot	Total Acres	Notes
61	51	182	Partially forested. Contains agricultural lands may be subject to Highlands Land Use Ordinance, as 3 or more residential units on septic.

* Non-exempt/vacant/non-preserved parcels greater than 75 acres in size and may result in 3 or more development units





Review of Hardyston Township Final Draft Consistency Report

Hardyston Township, Sussex County
Analysis of lands subject to Highlands Ordinance

FACTORS	DEVELOPABLE LAND POTENTIAL
Disturbance of one acre or more of land	0
New impervious surface ¼ acre or more	0
New or expanded use not permitted by ord.	0
3 or more dwelling units if residential	1

