

Glen Gardner Borough
Chapter of the Hunterdon County
Wastewater Management Plan

Amending the Following Areawide Water Quality Management Plans:

Upper Raritan and Upper Delaware

Prepared by the State of New Jersey Highlands Water Protection and Planning Council in support of Glen Gardner Borough's approved Petition for Plan Conformance and the Water Quality Management Planning Rules, N.J.A.C. 7:15.

Submitted by the Board of County Commissioners of the County of Hunterdon

Approved by the New Jersey Department of Environmental Protection:

February
2024

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Introduction

The New Jersey Department of Environmental Protection (DEP) is responsible for ensuring that all areas of New Jersey are addressed by Wastewater Management Plans (WMPs) that comply with the provisions of the Water Quality Management Planning (WQMP) Rules at N.J.A.C. 7:15. Within the Highlands Region, this process will be achieved through a coordinated process with the affected county, municipality and the Highlands Water Protection and Planning Council (Highlands Council) as provided in N.J.A.C. 7:15-2.9 and N.J.A.C. 7:38-1.1. One of the conditions for each municipality that fully conforms to the Regional Master Plan (RMP) (“Plan Conformance” for the entire municipality) is the development of a municipal WMP or municipal chapter for a County WMP, as appropriate, in conformance with the RMP, and where applicable the DEP Highlands Preservation rules N.J.A.C. 7:38-3.4 (a and b) and N.J.A.C. 7:15. Please note that the WMP document only takes into consideration consistency with the septic guidelines of the RMP Policy 2L2 (**Appendix D**, Select List of Highlands Goals, Policies, and Objectives) and does not apply to any RMP consistency determinations required for other Highlands resources; these resources include, but are not limited to: Highlands Open Water Buffers, Forests Resource Areas, Prime Groundwater Recharge Areas, Carbonate Rock, Vernal Pools, Highlands Critical Habitat, and Steep Slopes. The purpose of the WMP is to ensure that sewer service areas and non-sewer service areas (septic system service area) for wastewater planning flows of 2,000 gallons per day (gpd) or less (individual subsurface sewage disposal systems – ISSDS) are consistent with the Land Use Capability Zone (LUCZ) Map designations and policies of the Highlands RMP. The WMP is therefore a direct result of the Plan Conformance process, intended to be adopted as the municipal chapter of the relevant County WMP where a County WMP is developed, or as a stand-alone document where a County WMP is not developed. Municipalities that do not pursue Plan Conformance for the Planning Area will address their wastewater planning responsibilities in cooperation with their counties or directly with DEP, which in turn will coordinate review with the Highlands Council.

Glen Gardner Borough is a municipality that fully conforms to the Highlands Water Protection and Planning Act (Highlands Act) and the Highlands RMP. On December 16, 2010, the Highlands Council adopted Resolution #2010-15 (attached as **Appendix A**) which approved Glen Gardner Borough’s Petition for Plan Conformance, subject to conditions as set forth in the Final Consistency Review and Recommendation Report for Glen Gardner Borough (**Appendix B**). Plan Conformance applies to the entirety of Glen Gardner Borough as it is completely within the Preservation Area. On July 16, 2013, the municipality adopted land use ordinance amendments consistent with the Highlands Council’s approval of the Petition for Plan Conformance (**Appendix C**). A condition of the approved Petition for Plan Conformance, as detailed in the Final Consistency Review and Recommendation Report, is the requirement that Glen Gardner Borough adopt a WMP, working with the Highlands Council under Plan Conformance. As such, the Glen Gardner Borough Chapter of the Hunterdon County WMP has been developed under Plan Conformance for the entire Borough. The Highlands Council worked cooperatively with Glen Gardner Borough throughout the Plan Conformance process to conduct an extensive analysis of the complete land area of the municipality, using a geodatabase that documents the status of development for each parcel, and wastewater utility service, build-out potential, etc. Mapping depicting these analyses, as identified in this document, is provided.

Wastewater Management Planning Area

The WMP Area is Hunterdon County. This document is the Glen Gardner Borough municipal chapter of the Hunterdon County WMP pursuant to the WQMP rules. The WMP Chapter has been submitted to the DEP for approval so that it may be incorporated into the Upper Raritan and Upper Delaware WQMPs via the plan amendment procedure at N.J.A.C. 7:15-3.5.

Summary of Significant Actions Proposed in this WMP

The WMP Chapter area was reviewed in accordance with the WQMP rules and the Highlands RMP for areas eligible for sewer service and non-sewer service areas. The applicable areas were then assessed to determine if there was adequate wastewater treatment capacity available for the identified type of wastewater service. As a result of this evaluation, 50.5 acres are being removed from the sewer service area. The acres removed are associated with the Eastern Concrete Materials Inc. quarry located in the southern region of the municipality due to a revocation of their permit and the reduction of the assigned sewer service area to the development footprint for the Spruce Hills Condo Association Inc. Treatment Facility. Glen Gardner has no proposed future expansion of the sewer service area. Areas in the Preservation Area that were in the pre-Highlands Act sewer service area established prior to August 10, 2004, and are identified as eligible for an exemption in accordance with applicable exemptions designated under the Highlands Act and N.J.A.C 7:38-2.3a (exemptions 1, 2, and/or 4) have been evaluated as part of the build-out process to identify any additional flows to adjacent (pipes in the ground) Assigned Sewer Service Area. Glen Gardner Borough has zero (0) parcels that qualify for either exemption 1, 2 and/or 4 and are eligible for sewer service.

There are two NJPDES regulated facilities within the WMP Chapter Area, Spruce Hills Condo Association Inc. (NJ0052281) and Heartland Inc. (NJG0108987). The identified sewage treatment plants have adequate existing capacity to serve their designated use.

Areas identified as non-sewer service areas, which are served by ISSDS, have been evaluated in accordance with the standards established at N.J.A.C. 7:38-3.4(b) to determine the potential number of equivalent dwelling units which could occur within the Highlands Region. The build-out analysis identified the potential for zero (0) additional septic systems in the Preservation Area. In addition to this build-out analysis, the number of equivalent dwelling units which could occur in areas identified as non-sewer service areas was evaluated in accordance with applicable exemptions designated in the Preservation Area under the Highlands Act and N.J.A.C 7:38-2.3a (exemptions 1 and 2). There are an estimated 13 parcels that qualify for either exemption 1 or 2 in the Preservation Area in Glen Gardner Borough. These exempt parcels do not meet the Highlands standards established at N.J.A.C. 7:38-3.4(b) because the development of these additional units identified would trigger an exceedance of nitrate dilution capacities established under the build-out conditions. The septic build-out for exempt and underdeveloped parcels is based on some assumptions and does not take into account environmental constraints that may affect the buildability of a parcel. Therefore, the total number of equivalent dwelling units is approximate. A future analysis to determine whether these parcels are buildable may be undertaken thus possibly reducing the number of septic systems that contribute to a potential exceedance in nitrate dilution. Another option is to investigate innovative wastewater alternatives where the replacement of conventional septic systems is not feasible due to lot size or environmental constraints. Alternative/Innovative Wastewater Systems are intended to be used

exclusively for existing developed areas where no centralized treatment facilities exist to accept wastewater. Use of such non-conventional systems may currently be the best means by which to provide for the long-term protection of public health, while at the same time allowing for redevelopment of derelict sites, enhancing water quality, and protecting natural resources. The following strategies have been proposed to address these deficiencies: land preservation, innovative wastewater alternatives and a future analysis of potential buildability of all the exempt parcels. The Highlands Council will work with the Borough through the Plan Conformance Grant Program to fund such analyses.

Sewer Service in the Highlands Region

Assigned Sewer Service Area – These areas may be designated as one of the following:

- a. The Existing Areas Served (EAS) includes all areas currently served by New Jersey Pollutant Discharge Elimination System (NJPDES) permitted wastewater treatment facilities, both domestic and industrial, discharging to surface or ground water, including T-1 sites (general NJPDES permit for existing sanitary septic systems with design flows of greater than 2,000 gpd which were designed and approved in accordance with either N.J.A.C. 7:9A-1 et seq. or its regulatory precursors prior to January 1, 1990);
- b. In the Highlands Preservation Area, assigned sewer service area is limited to those areas that, in accordance with N.J.S.A. 58:11A-7.1, were connected to a wastewater treatment facility as of August 10, 2004. Any new discharge to surface or ground water that would require an individual or general NJPDES permit and any extension of a wastewater collection system that requires a DEP Treatment Works Approval (TWA) is prohibited in the Preservation Area unless the development is in an area eligible for sewer service pursuant to N.J.A.C. 7:38-2.3, 2.4, 2.6, and 3.4. The following areas are eligible to be identified as sewer service area:
 1. Areas determined to be and remaining exempt from the Highlands Act and pursuant to N.J.A.C. 7:38-2.3a;
 2. Areas where a Highlands Preservation Area Approval (HPAA) with waiver has been granted by the DEP;
 3. Areas that lie within a Highlands Council Designated Redevelopment Area that received a waiver in accordance with N.J.A.C. 7:38-6.4; or
 4. Areas that are not a Major Highlands Development as defined at N.J.A.C. 7:38-1.4.
- c. Sewered Exemptions- An evaluation of any possible Highlands Act Exemptions was included in the build-out analysis for assigned sewer service areas. Exemptions 1 and 2 pertain to vacant lots in existence on the date of enactment of the Highlands Act (August 10, 2004), that would allow construction of one single family home. Exemption 4 applies to the reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surface but is limited to one-quarter acre of new impervious. Lots that fall under one of the three exemptions above and are located in a pre-Highlands Act sewer service area are eligible to connect to existing Domestic Treatment Works (DTWs). The exemption build-out

analysis is based on some assumptions, which are discussed in **Appendix E**, and therefore the number of exempt lots is approximate.

Environmentally Sensitive Areas

Under the WQMP rules, large, contiguous, environmentally sensitive areas defined as 25 acres or larger consisting of habitat for endangered and threatened species as identified on the Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species Ranks 3, 4, or 5 (currently Version 3.3), Natural Heritage Priority Sites, Category One Waters and their corresponding 300-foot riparian zones, and wetlands, alone or in combination, should be excluded from areas eligible for sewer service. However, the WQMP rule provides, at N.J.A.C. 7:15-4.4(i)-(m), several exceptions which allow environmentally sensitive areas to be included in areas eligible for sewer service.

RMP Consistency Determinations: Any proposed modification to this WMP will not be approved without a review of Highlands RMP consistency by the Highlands Council and coordination between the Highlands Council and the DEP in accordance with N.J.A.C. 7:38-1.1(k) and 7:15-2.9.

Additional properties may be proposed for inclusion in the assigned sewer service area through DEP approval of amendment(s) to this WMP, where determined to be exempt from the Highlands Act or consistent with the RMP (through a Highlands Council Consistency Determination). Amendments may also be approved to address public health and safety issues. Further, in the Preservation Area, connection of additional properties or expansion of flows from existing connections is subject to municipal approval regarding availability of utility capacity, including both remaining available utility capacity (e.g., wastewater flows) and infrastructure capacity (e.g., pump stations, mains). Compliance with the connection requirement will be governed through compliance with N.J.A.C. 7:9A-1.6(e), which provides guidance on sewer connections.

Wastewater Treatment Facilities

This section addresses wastewater treatment facilities currently or anticipated to be utilized within the municipality, regardless of whether the treatment works itself is located within or outside of the municipality. Facility tables are provided for each existing and proposed wastewater treatment facility.

Overview of Wastewater Services and Wastewater Responsibilities

Wastewater Facility Tables

Below are wastewater facility tables for all sanitary and/or process wastewater discharge to surface water facilities and those sanitary and/or process wastewater discharges to ground water facilities discharging greater than 2,000 gpd (e.g., requiring NJPDES permits). They include domestic wastewater treatment facilities which may serve one or multiple municipalities, onsite domestic treatment facilities, onsite existing sanitary septic system general permit (T-1) treatment facilities, and/or industrial treatment facilities which treat only industrial process wastewater, and/or facilities serving industrial land uses that have independent wastewater treatment facilities that treat and discharge manufacturing process waste and/or sanitary sewage that may be discharged to ground water or to surface water.

Table 1. Spruce Hills Condo Association Inc. Treatment Facility		
1. Existing or proposed facility:	Existing	
2. New Jersey Pollutant Discharge Elimination System (NJPDES) Permit Number:	NJ0052281	
3. Discharge to ground water (DGW) or surface water (DSW):	DGW	
4. Receiving water or aquifer name:	Byram Gneiss	
5. Classification of receiving water or aquifer:	II-A	
6. Owner of facility:	Spruce Hills Condo Association Inc.	
7. Operator of facility:	Roger Parr	
8. Co-Permittee of facility (<i>where applicable</i>):		
9. Location of facility:		
a. Municipality & County	Glen Gardner Borough, Hunterdon County	
b. Street address	Rt 31 & Glen Manor Dr	
c. Block and Lot	Block 1, Lot 8	
10. Location of Discharge:	State Plane Coordinates X: 368243 Y: 680653	
11. Present permitted flow:	0.058 MGD	
12. Summary of population served/to be served:	Current (Year 2019) Population	Build-Out Population
Glen Gardner Borough	836	836
Total	836	836
13. Summary of wastewater flow	Max 12-Month Rolling Average Over 5 Years (MGD)	Build-Out (MGD)
Glen Gardner Borough	0.029651	0.029651
Facility Total	0.029651	0.029651

Table 2. Heartland Inc. Existing Sanitary Septic System General Permit (T-1) Treatment Facility	
1. New Jersey Pollutant Discharge Elimination System (NJPDES) Permit Number:	NJG0108987
2. Discharge to ground water (DGW):	DGW
3. Name of receiving aquifer:	Hornblende Granite
4. Classification of receiving aquifer:	II-A
5. Owner of facility:	NEC Holdings LLC
6. Operator of facility:	Michael Keller
7. Location of facility:	
a. Municipality & County	Glen Gardner Borough, Hunterdon County
b. Street address	159 Main St
c. Block and Lot	Block 8 Lot 8
8. Location of discharge:	State Plane Coordinates X: 369438 Y: 680515
9. Summary of current population served identifying all wastewater generating uses:	_____
Commercial:	6 apartments and 100-seat restaurant
Other: Refer to N.J.A.C. 7:9A-7.4	0.0021 MGD estimated flow

*The existing flow is unmetered. The identified flow is calculated based on existing uses in accordance with N.J.A.C. 7:9A design criteria. The facility is not expected to expand.

Non-Sewer Service Areas (Wastewater Planning Flows of 2,000 gallons per day (gpd) or Less)

Remaining areas of the municipality, not otherwise identified as eligible to receive sewer service from a NJPDES regulated domestic or industrial treatment works, where small treatment works that treat 2,000 gpd or less of wastewater with discharge to groundwater, are included within the non-sewer service area. This category applies to all lands for which the density of new septic system development will be consistent with applicable septic density/nitrate dilution allowances. Portions of the Existing Community Zone that are not sewered and are not intended to receive sewer service may be designated in the same manner. These areas will be subject to a septic maintenance program that will ensure these facilities are functioning properly.

In the Highlands Preservation Area, the applicable septic system density and nitrate dilution capacity allowance must be consistent with the requirements as set forth in the Highlands Act Rules, N.J.A.C. 7:38-3.4, or the development activity must be exempt from the Highlands Act or receive a Highlands Preservation Area Approval (HPAA) with or without waiver, as applicable, from DEP. The Highlands Council evaluated exemptions 1 and 2 in the Preservation Area in accordance with the Highlands Act and N.J.A.C. 7:38-2.3a in this build-out analysis. The septic build-out for exempt parcels in the Preservation Area is based on some assumptions, as discussed in **Appendix E**, and therefore the total number of equivalent dwelling units is approximate.

Projects in non-sewer service areas with cumulative wastewater flows of more than 2,000 gpd shall not be eligible for NJPDES discharge permits or TWAs unless a WQMP revision or amendment to

this WMP is proposed and adopted to change the service area designation from a non-sewer service area to a sewer service area (assigned) for one of the following reasons:

- Projects approved under septic system density provisions consistent with the RMP, as required by the Highlands land use ordinance amendments adopted by the municipality pursuant to Highlands Council approval of its Petition for Plan Conformance. (NOTE: Approval pursuant to these provisions is deemed in conformance with the septic system density requirements of N.J.A.C. 7:15);
- The Highlands Council has determined that the discharge is consistent with the RMP;
- The development activity is exempt from the Highlands Act; or
- Within the Preservation Area, the development activity receives a HPAA with or without waiver from DEP.

Municipal Build-Out Results

The Highlands Technical Method for WMP Build-Out Analysis (attached as **Appendix E**) for Glen Gardner Borough is based upon local zoning, Highlands Act Rules (N.J.A.C. 7:38-3.4), prior approvals, and exemptions. Open space, preserved land, and DEP environmentally constrained land are not included as developable land in the build-out analysis for the assigned sewer service areas. The Highlands Council estimated the number of new development units for potential developable lands for the entire municipality, as summarized in **Table 6** below. The results of the municipal build-out analysis are designed to be utilized at a municipal scale and are not appropriate for determining if a particular parcel or development project is consistent with the RMP (for example, certain results regarding residential or non-residential development that may be altered through a specific development review). The municipal results are a result of current conditions and application of RMP septic requirements. The analysis below provides a critical planning tool but cannot be used as a definitive prediction of the future or as a basis for parcel-based development potential.

Development in Assigned Sewer Service Areas: No new development or increased wastewater capacity demand for the Spruce Hills Condo Association Inc. or the Heartland Inc. is projected.

Available Wastewater Utility Capacity and Municipal Build-Out Results

Assigned Sewer Service Area – This table shows wastewater flows within the Sewer Service Area for the facility discussed under the section Municipal Build-Out Results.

	Facility	NJD PES Permit #	Municipality	Current Flow ¹ (MGD)	Additional Projected Flow ² (MGD)	Total Build-Out Flow ³ (MGD)	NJD PES Permitted Flow (MGD)	Surplus (+) or Deficiency (MGD) ⁴ (-)
Assigned	Spruce Hills Condo Association Inc.	NJ0052281	Glen Gardner Borough	0.029651	0	0.029651	0.058	+0.028

Nitrate Dilution Analysis

The build-out method for non-sewer service areas (discharges to groundwater with planning flows of 2,000 gpd or less) in the Highlands Region is based on RMP Policy 2L2 (**Appendix D**). The septic system yields associated with this area are listed in **Tables 5 and 6**. A Septic Inventory of properties with existing septic systems is provided as **Appendix F**.

Development Reliant on Septic Systems: The build-out analysis identified the potential for zero (0) additional septic systems in the Preservation Area based on the Highlands Act Rules. However, in Glen Gardner Borough there is the potential for 13 dwelling units in the Preservation Area that qualify for either exemption 1 or 2.

Table 4 shows the septic densities allowed based on N.J.A.C. 7:38-3.4(b).

Preservation Area	Septic Density (acres/du) ⁵
Non-Forest	25
Forest	88

Table 5 shows the total number of units projected based on N.J.A.C. 7:38-3.4(b) in the Preservation Area. Nitrate dilution capacity is exceeded when projecting for potential development of exemptions in the Preservation Area.

Table 5. Non-Sewer Service Area Nitrate Dilution Build-Out Analysis
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¹ Highest consecutive rolling 12-month average in most recent 5 years of DMR Data between September 2014 to August 2019, with the highest 12-month period being between January 2018 to December 2018.

² Combined flows from both existing developments not connected to the STP and acreage that can support development within the SSA – See **Appendix E**– “Highlands Technical Method for WMP Build-Out Analysis”

³ Combined flows of Current and Projected Flows

⁴ A deficiency will constitute a “potential capacity deficiency

⁵ Du-dwelling unit

Highlands Area	Developable Land (acres)	Allowed Units based on Septic Density*	Nitrate Dilution Capacity Exceeded **	Total New Units
Preservation Area	103	0	13	13

*Number of equivalent dwelling units projected based on the results of nitrate dilution capacity build-out analysis

** Number of equivalent dwelling units projected based on the number of parcels exempt from the Highlands Act or not subject to evaluation against the RMP

	Preservation Area	Planning Area	Totals
Residential units – Sewered	0	N/A	0
Exempt Residential units – Sewered	0	N/A	0
Septic System Yield (Preservation Area: 25/88) (equivalent dwelling units)	0	N/A	0
Exempt Residential units- Septic	13	N/A	13
Non-Residential – Sewered	0	N/A sq. ft.	0 sq. ft.

Strategies to Address Capacity Deficiencies

There is no potential wastewater treatment capacity deficiency in Glen Gardner. Strategies that Glen Gardner intends to investigate to mitigate for the exceedance of nitrate dilution due to the number of exempt parcels include: land preservation, assessment of innovative wastewater alternatives, such as a small, centralized treatment facility to serve problematic areas, and a future analysis of buildability of identified exempt parcels. The Highlands Council will assist the Borough through the Plan Conformance Grant Program to implement these strategies.

The septic build-out for exempt parcels is based on some assumptions and does not take into account environmental constraints that may affect the buildability of a parcel. Therefore, the total number of equivalent dwelling units is approximate. A future analysis to determine whether these parcels are buildable may be undertaken, thus possibly reducing the number of septic systems that contribute to a potential exceedance in nitrate dilution.

The investigation into innovative wastewater alternatives where the replacement of conventional septic systems is not feasible due to lot size or environmental constraints is a means to mitigate for the exceedance of nitrate dilution. Alternative/Innovative Wastewater Systems are intended to be used exclusively for existing developed areas where no centralized treatment facilities exist to accept wastewater. Use of such non-conventional systems may currently be the best means by which to provide for the long-term protection of public health, while at the same time allowing for redevelopment of derelict sites, enhancing water quality, and protecting natural resources. The NJDEP (N.J.A.C. 7:9A-3.11 Experimental systems) encourages the development and use of new technologies which may improve the treatment of sanitary sewage prior to discharge or allow environmentally safe

disposal of sanitary sewage in areas where standard sewage disposal systems might not function adequately.

The Highlands Council supports ongoing planning and investigations regarding the feasibility of providing public sewerage to the Borough, for the purposes of public health protection. Should a viable option be identified, the Highlands Council would support creation of an appropriately sized treatment facility and sewer service area. A system of this type would require an HPAA with public health and safety waiver from DEP.

Septic Maintenance Program

The WQMP rules require that WMPs for municipalities with septic systems contain a septic system maintenance program that at a minimum contains the following:

- A current inventory of ISSDS;
- A description of the current practices required to promote ISSDS care and maintenance; and
- A description of planned improvements to the current practices to improve the septic system inventory and promotion of improved septic system care and maintenance.

The septic inventory of all existing septic systems within the municipality can be found in **Appendix F**. Compliance with the maintenance component has been demonstrated through the adoption of a Septic System Maintenance Ordinance (Borough of Glen Gardner Ordinance, Chapter 186, Sewage Disposal Systems, Individual; § 186-1 – § 186-30) and the Septic Maintenance Program (see **Appendix G**). Examples of a proper septic maintenance program include identifying problem areas, narrative for permitting process, maintenance requirements for owners/users, pump out requirements, education/outreach on proper maintenance, record creation and maintenance, response actions to complaints, or remedial actions required for failing septic systems and reporting to DEP.

Mapping Requirements Pursuant to N.J.A.C. 7:15-4.3(c)

The relevant mapping requirements of the WQMP Rules at N.J.A.C. 7:15-4.3(c) are met through the following maps for Glen Gardner Borough, as developed specifically for the WMP or as identified and included from the Highlands Plan Conformance documents approved by the Highlands Council. Maps of existing and future treatment works and sewer service areas are used by the DEP for WQMP consistency reviews regarding proposed TWAs and NJPDES permits. They have been developed specifically for this WMP Chapter and are incorporated herein. Maps of environmental and administrative features are used by DEP as basis and background information for the identification of areas eligible for sewer service.

- **Wastewater Management Plan Area (Map #1) Jurisdictional Boundaries** – The affected WMP Chapter Area is the municipal boundary of Glen Gardner Borough and the Areawide WQMPs are the Upper Raritan and Upper Delaware, both of which are shown on the municipal maps. Glen Gardner Borough is entirely within the Highlands Region, within the Preservation Area.
- **Selected Environmentally Sensitive Features (Map #2)**

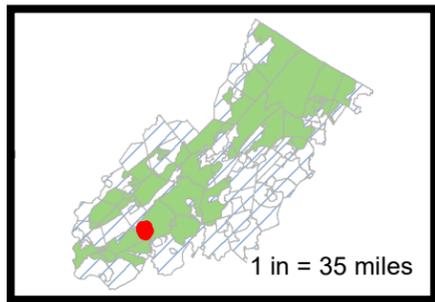
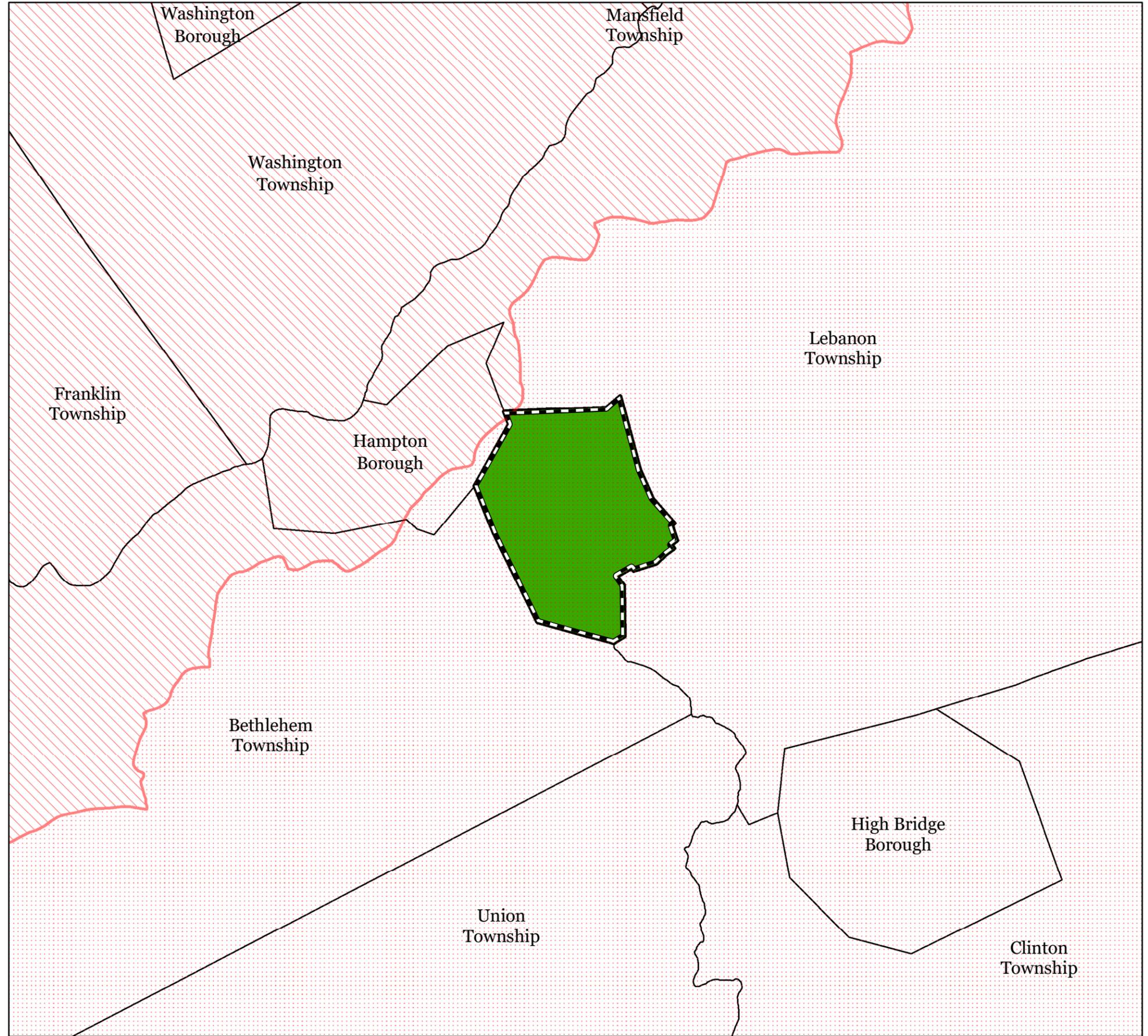
- Suitable habitat for endangered and threatened wildlife species Rank 3, 4, and 5 (Version 3.3)
- Surface waters
- Category One Waters and their corresponding 300-foot riparian zones (NOTE: Under the Regional Master Plan, all Highlands Open Waters in both the Preservation and Planning Areas are associated with 300-foot buffers.)
- Freshwater wetlands
- **Highlands Land Use Capability Zones (Map #3a)**
 - Land Use Capability Zones established within the RMP
- **Wastewater Service Area (Map #3b)**
 - Existing and future domestic and industrial treatment works and their discharge outfalls
 - Assigned sewer service area
 - Spruce Hills Condo Association Inc. (NJ0052281)
 - Heartland Inc. (NJG0108987)
 - Non-sewer service area (planning flows of 2,000 gpd or less that discharge to groundwater)
- **Composite Zoning (Map #4)**
 - Parcel mapping
 - Current composite or municipal zoning

**MAP 1 - BOROUGH OF GLEN GARDNER
WASTEWATER MANAGEMENT PLAN AREA**

Wastewater Management Plan
Glen Gardner Borough, Hunterdon County, New Jersey
November 14, 2019

Legend

-  WMP Area - Glen Gardner Borough
-  Upper Delaware Water Quality Management Area
-  Upper Raritan Water Quality Management Area
-  Municipal Boundaries
-  Highlands Preservation Area



N
1 inch = 0.75 miles
1 inch = 3,960 feet

A north arrow pointing upwards, followed by the scale information: 1 inch = 0.75 miles and 1 inch = 3,960 feet.

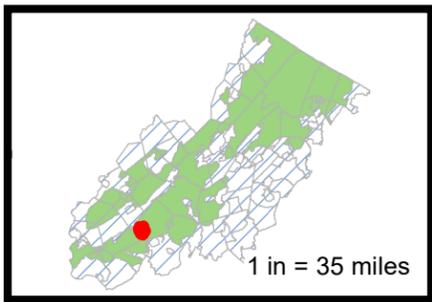
**MAP 2 - BOROUGH OF GLEN GARDNER
SELECTED ENVIRONMENTALLY SENSITIVE FEATURES**

Wastewater Management Plan
Glen Gardner Borough, Hunterdon County, New Jersey
November 14, 2019

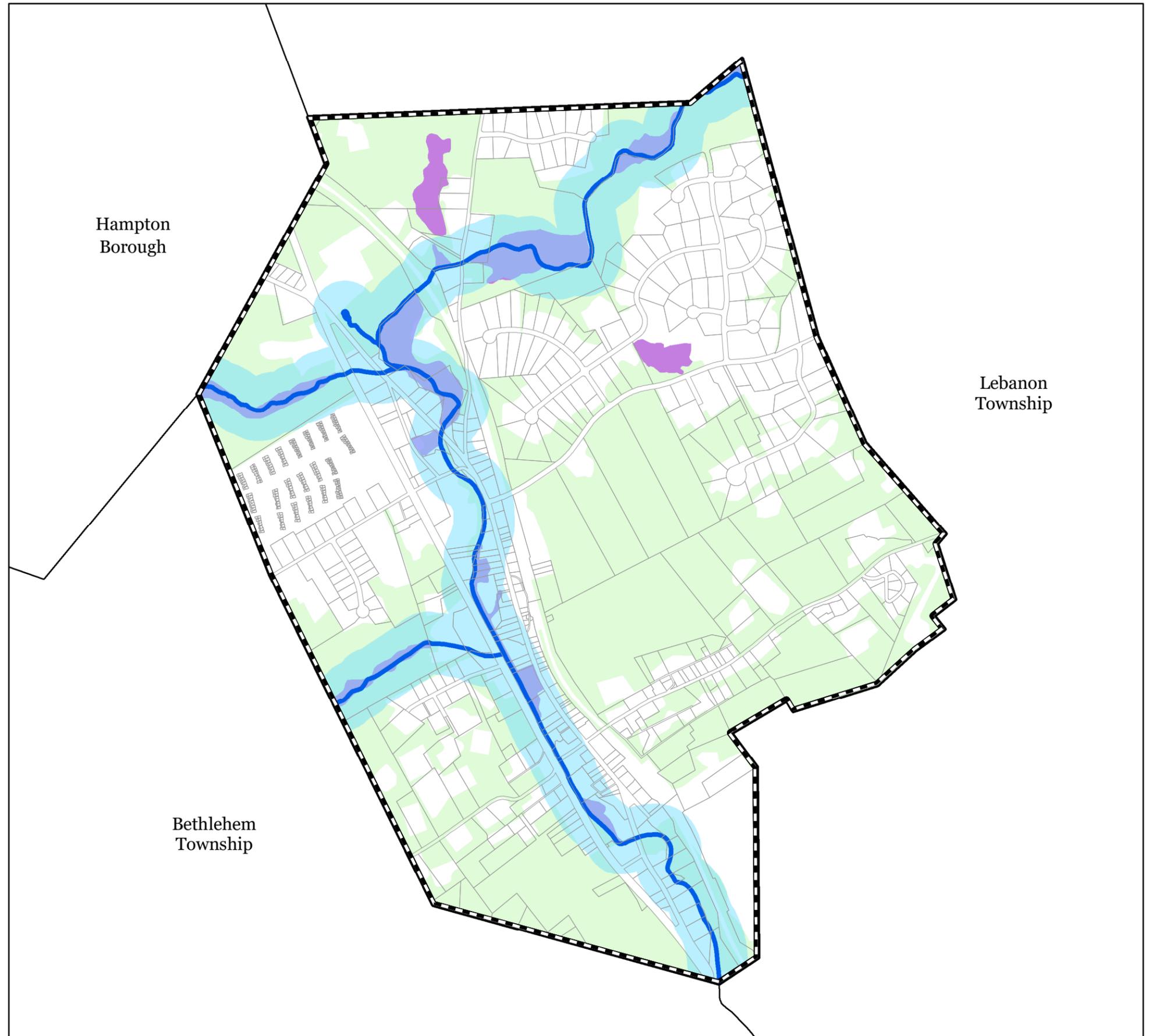
Legend

-  WMP Area - Glen Gardner Borough
-  Municipal Boundaries
-  Parcel Boundaries
-  Surface Water
-  Wetlands
-  C1 Surface Waters and Associated 300ft Buffer
-  Rank 3, 4, and 5 Habitat

Development in areas mapped as environmentally sensitive features may be subject to special restrictions under Federal or State statutes or rules. Interested persons should check with the Department of Environmental Protection for the latest information. Depiction of environmental features shall be for general information purposes only, and shall not be construed to define the legal geographic jurisdiction of such statutes or rules.



N
1 inch = 0.2 miles
1 inch = 1,056 feet



**MAP 3a - BOROUGH OF GLEN GARDNER
HIGHLANDS LAND USE CAPABILITY ZONES**

Wastewater Management Plan
Glen Gardner Borough, Hunterdon County, New Jersey
November 14, 2019

Legend

 WMP Area - Glen Gardner Borough

 Municipal Boundaries

 Parcel Boundaries

Land Use Capability Zones

 Conservation Environmentally Constrained Subzone

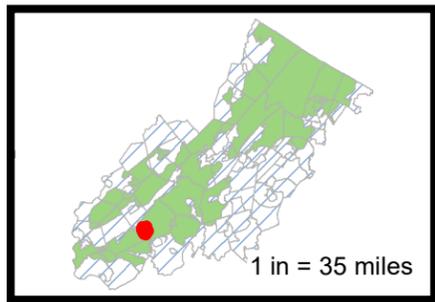
 Conservation Zone

 Existing Community Environmentally Constrained Subzone

 Existing Community Zone

 Protection Zone

 Wildlife Management Area



N

 1 inch = 0.2 miles
 1 inch = 1,056 feet

**MAP 3b - BOROUGH OF GLEN GARDNER
WASTEWATER SERVICE AREAS**

Wastewater Management Plan
Glen Gardner Borough, Hunterdon County, New Jersey
September 13, 2023

Legend

-  WMP Area - Glen Gardner Borough
-  Municipal Boundaries
-  Parcel Boundaries
-  Facility Location and Discharge to Ground Water Location

Sewer Service Areas - Existing Area Served (EAS)

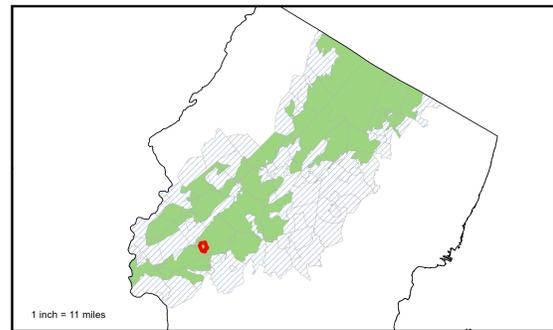
-  EAS - NJ0052281 - Spruce Hills
-  EAS - NJG0108987 - Heartland Inc

Non-Sewer Service Area

-  Non-Sewer Service Area
-  Septic Exemptions (Non-SSA)

Existing Septic Areas

-  Residential
-  Non Residential



The information contained on this map is the best available according to the Highlands Council. However, unintentional inaccuracies may occur, particularly where data or information is derived from sources other than the Highlands Council. The Highlands Council cannot be responsible for the misuse or misinterpretation of the information presented herein. Therefore, under no circumstances shall the State of New Jersey or specifically, the Highlands Council be liable for any actions taken or omissions made from reliance on any information contained herein from whatever source nor shall the State be liable for any other consequences from any such reliance. Additional sources of information may have been used to collect the GIS digital data, but this secondary product has not been verified by those sources.

**MAP 4 - BOROUGH OF GLEN GARDNER
COMPOSITE ZONING**

Wastewater Management Plan
Glen Gardner Borough, Hunterdon County, New Jersey
November 14, 2019

Legend

 WMP Area - Glen Gardner Borough

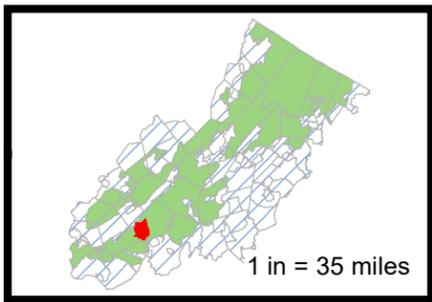
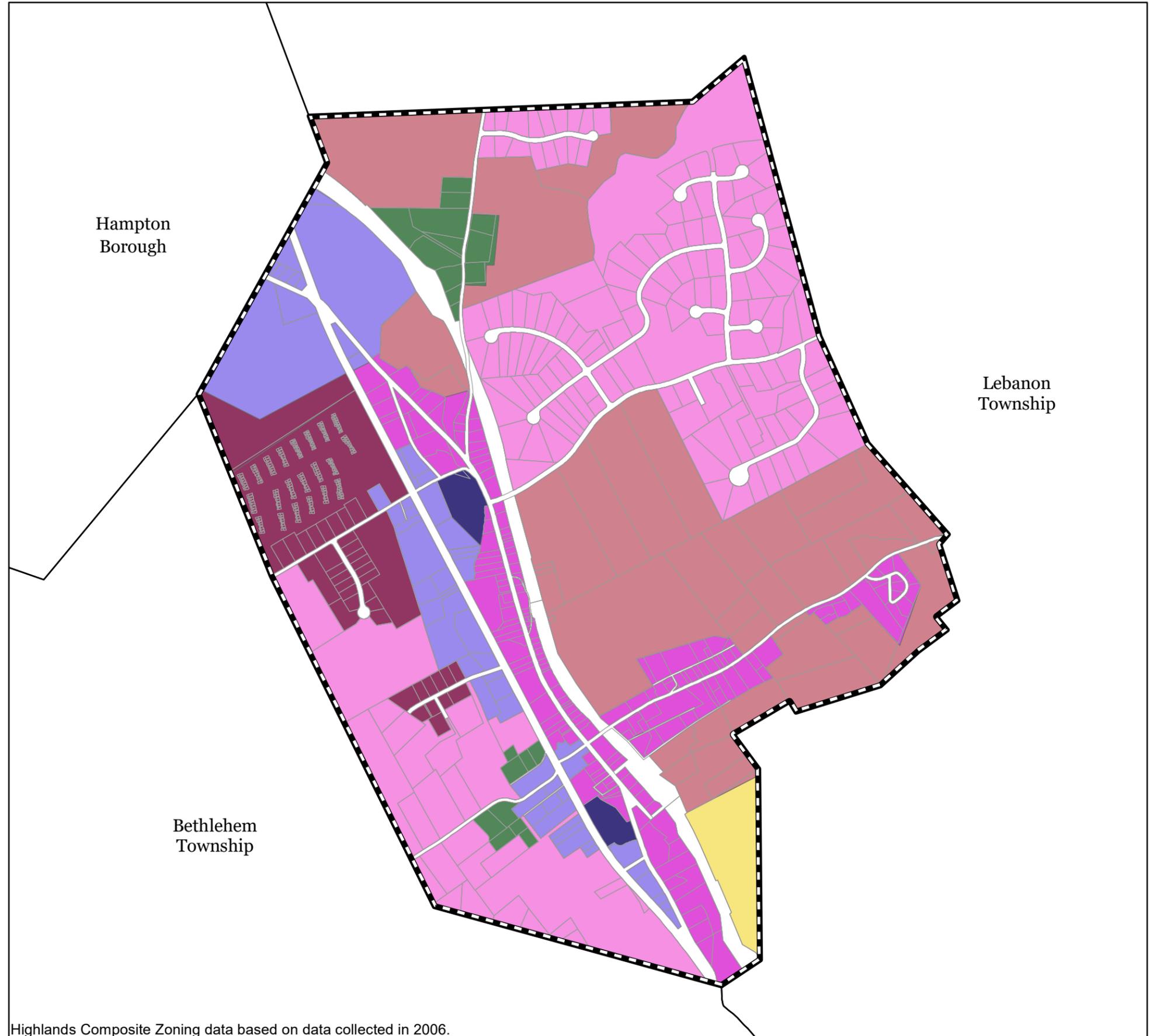
 Municipal Boundaries

 Parcel Boundaries

Composite Zoning

based on 2006 municipal zoning

-  High Density Residential
-  Industrial
-  Institutional
-  Low Density Residential
-  Medium Density Residential
-  Office/Commercial
-  Resource Residential
-  Rural Residential
-  Suburban Residential



N
1 inch = 0.2 miles
1 inch = 1,056 feet

Highlands Composite Zoning data based on data collected in 2006.

APPENDIX A

Highlands Council Resolution Approving Plan Conformance Petition

RESOLUTION 2010-15

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR THE BOROUGH OF GLEN GARDNER, HUNTERDON COUNTY

WHEREAS, the New Jersey Highlands Region (Highlands Region) is an area of over 859,358 acres that consists of 88 municipalities in parts of seven counties – Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren; and

WHEREAS, the New Jersey Legislature found that the Highlands Region is an essential source of drinking water, providing clean and plentiful drinking water for one-half of the population of the State of New Jersey, and also contains other exceptional natural resources such as clean air, contiguous forest lands, agricultural lands, wetlands, pristine watersheds, and habitat for fauna and flora, as well as sites of historic significance and recreational opportunities; and

WHEREAS, the Legislature found that the Highlands Region also provides a desirable quality of life and place where people live and work, that it is important to ensure the economic viability of Highlands communities and that residential, commercial, and industrial development, redevelopment, and economic growth in certain appropriate areas of the Highlands are also in the best interests of all the citizens of the State, providing innumerable social, cultural, and economic benefits and opportunities; and

WHEREAS, the Legislature found that the Highlands Region contains agricultural lands in active production and that these lands are important resources of the State that should be preserved, that the agricultural industry in the Region is a vital component of the economy, welfare, and cultural landscape of the Garden State and that maintenance of agricultural production and a positive agricultural business climate should be encouraged to the maximum extent possible; and

WHEREAS, the Legislature found that the pace of development in the Highlands Region has dramatically increased, that the Region, because of its proximity to rapidly expanding suburban areas, is at serious risk of being fragmented and consumed by unplanned development and that the existing land use and environmental regulation system cannot protect the water and natural resources of the Highlands against the environmental impacts of sprawl development; and

WHEREAS, deeming protection of the Highlands Region an issue of State level importance, the Legislature enacted the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq. (Highlands Act), to establish a regional approach to land use planning for the Highlands Region to replace the uncoordinated land use decisions of 88 municipalities, seven counties and a myriad of private landowners; and

WHEREAS, the Highlands Act delineates two areas in the Highlands Region: a Preservation Area, containing approximately 415,000 acres, and a Planning Area, containing approximately 445,000 acres; and

WHEREAS, the Legislature created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council) to advance a new regional approach to land use planning and to prepare a Regional Master Plan to protect and enhance the significant values of the Highlands resources throughout the entire Highlands Region; and

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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR THE BOROUGH OF GLEN GARDNER, HUNTERDON COUNTY

WHEREAS, the Preservation Area is an area with exceptional natural resource value that should be subject to stringent water and natural resource protection standards, policies, planning and regulation; and

WHEREAS, the Planning Area is the area outside of the Preservation Area that should likewise be part of a comprehensive planning approach that serves to protect the water and other significant resources of the entire Highlands Region while also accommodating appropriate patterns of development, redevelopment and economic growth; and

WHEREAS, the Legislature found that such a new regional approach to land use planning shall be complemented by increased standards more protective of the environment established by the New Jersey Department of Environmental Protection (NJDEP) for development in the Preservation Area of the Highlands; and

WHEREAS, the Legislature found that this comprehensive approach should be guided, in heart, mind, and spirit, by an abiding and generously given commitment to protecting the incomparable water resources and natural beauty of the New Jersey Highlands so as to preserve them intact, in trust, forever for the pleasure, enjoyment, and use of future generations while also providing every conceivable opportunity for appropriate economic growth and development to advance the quality of life of the residents of the Highlands Region and the entire State; and

WHEREAS, Sections 8 and 10 of the Highlands Act mandate that the Highlands Council prepare and adopt the Regional Master Plan with the goal of protecting and enhancing the significant values of the resources in the Highlands Region; and

WHEREAS, Section 10 of the Highlands Act establishes goals for the Regional Master Plan for both the Preservation Area and Planning Area, including to protect, restore, and enhance the quality and quantity of the waters of the Highlands, to preserve environmentally sensitive lands, to preserve lands needed for recreation and conservation, to promote brownfield remediation and redevelopment, to preserve farmland, historic sites and other historic resources, to preserve outdoor recreation opportunities, to promote water resource conservation, and to promote compatible agricultural, horticultural, recreational, and cultural uses and opportunities; and

WHEREAS, the Highlands Act establishes development goals in the Preservation Area, to prohibit or limit, to the maximum extent possible, construction or development which is incompatible with the Preservation Area; and

WHEREAS, the Highlands Act establishes development goals in the Planning Area, to encourage, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and to discourage piecemeal, scattered, and inappropriate development, in order to accommodate local and regional growth and economic development in an orderly way while protecting the Highlands environment from individual and cumulative adverse impacts; and

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WHEREAS, Sections 11 and 12 of the Highlands Act specifically require that the Regional Master Plan be comprised of (a) a Resource Assessment that seeks to determine the amount and type of human development and activity that can be sustained by the Highlands Region's ecosystem while maintaining the Region's overall ecological values; (b) a Financial Component that details the costs of implementing the Regional Master Plan, and details the sources of revenue for covering those costs; (c) a Local Participation Component that provides for the maximum feasible local government and public input; (d) a Coordination and Consistency Component that details the ways in which local, State, and federal programs and policies may be best coordinated to promote the goals, purposes, policies, and provisions of the Regional Master Plan; (e) a Transportation Component that provides a plan for transportation system preservation; (f) a Smart Growth Component that assesses opportunities for appropriate development, redevelopment, economic growth and a transfer of development rights program, and includes a Land Use Capability Map; (g) a Land Use Capability Map for the Preservation Area and a comprehensive statement of policies for the development and use of land in the Preservation Area; and (h) a statement of policies, including a preservation zone element that identifies zones within the Preservation Area where development shall not occur in order to protect water resources and environmentally sensitive lands and which shall be permanently preserved through use of a variety of tools, including but not limited to land acquisition and the transfer of development rights and minimum standards governing municipal and county master planning and development regulations; and

WHEREAS, after a careful analysis of the best available scientific and planning data and consultation with State, federal and local agencies pursuant to the Highlands Act, the Highlands Council adopted Resolution 2008-27 approving the Regional Master Plan on July 17, 2008 and, pursuant to the Highlands Act requirement for gubernatorial review, the Regional Master Plan thereafter became effective on September 8, 2008; and

WHEREAS, the Highlands Act creates a bifurcated system for municipal conformance with the Regional Master Plan – mandatory Plan Conformance for any portion of a municipality located wholly or partially in the Preservation Area and voluntary Plan Conformance for the municipalities with lands wholly in the Planning Area or for any portion of a municipality lying within the Planning Area; and

WHEREAS, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance where municipalities, located wholly or partially in the Preservation Area, must revise and conform their local master plan and development regulations, as they relate to development and use of land in the Preservation Area, with the goals, requirements and provisions of the Regional Master Plan within 15 months of adoption thereof, or December 8, 2009; and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may voluntarily revise and conform their local master plans and development regulations, as they relate to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan at any time; and

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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR THE BOROUGH OF GLEN GARDNER, HUNTERDON COUNTY

WHEREAS, pursuant to Sections 14 and 15 of the Highlands Act, the Highlands Council shall approve, reject, or approve with conditions the revised plan and development regulations, as it deems appropriate, after public hearing, within 60 days after the date of submission thereof; and

WHEREAS, the Highlands Act provides that an approval of a Petition for Plan Conformance entitles the conforming municipality with specific benefits including: planning grants, technical assistance, state aid, priority for projects, tax stabilization funds, a strong presumption of validity and extraordinary deference in the event of legal challenge, and legal representation; and

WHEREAS, the Highlands Council approval of Resolution 2008-27 adopting the Regional Master Plan included the adoption of the Highlands Plan Conformance Guidelines that outlines the procedures, schedule, planning assistance, and benefits available for the submission of a Petition for Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines provides a process for Basic Plan Conformance requiring the submission of plans and regulations that are immediately necessary to ensure protection of the Highlands resources and resource areas with more complex tasks to be completed in accordance with an Implementation Plan and Schedule as a condition of Plan Conformance; and

WHEREAS, Section 18 of the Highlands Act obligates the Highlands Council to establish a grant funding program to reimburse municipalities for reasonable expenses associated with Plan Conformance; and

WHEREAS, on December 18, 2008, the Highlands Council approved Resolution 2008-73 to provide grant funding for the Highlands municipalities to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the Regional Master Plan; and

WHEREAS, under Resolution 2008-73, the Highlands Council authorized the Executive Director to develop and implement a process for the solicitation and distribution of the Plan Conformance Grants in a total amount not to exceed \$7.5 million and up to \$100,000 allocation for each individual municipality for Basic Plan Conformance; and

WHEREAS, the Bylaws of the Highlands Council authorizes the Executive Director, as chief administrative officer, to approve contracts and issue payments up to \$25,000; and

WHEREAS, as directed, the Executive Director developed the Plan Conformance Grant Program, a program that splits Plan Conformance into the following seven steps or modules for administering the authorized grant funding: (1) and (2) Highlands municipal build-out analysis and report; (3) housing element and fair share plan; (4) Highlands environmental resource inventory; (5) master plan Highlands element; (6) Highlands Area land use ordinance; and (7) municipal Petition for Plan Conformance; and

WHEREAS, the Borough of Glen Gardner is located entirely within the Highlands Region, and contains approximately 998 acres, all of which are in the Preservation Area; and

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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR THE BOROUGH OF GLEN GARDNER, HUNTERDON COUNTY

WHEREAS, on December 7, 2009, Glen Gardner Borough submitted a Petition for Plan Conformance for all lands lying in the Preservation Area; and

WHEREAS, on January 22, 2010, the Executive Director deemed the Petition for Plan Conformance administratively complete, and on February 1, 2010, posted the Petition documents on the Highlands Council website and thereafter commenced staff review of the Petition for consistency with the Regional Master Plan; and

WHEREAS, on July 1, 2010, the Executive Director provided Glen Gardner Borough with a Draft Consistency Review and Recommendations Report, which provides the staff's assessment of the Petition for Plan Conformance, the level of conformance with the Regional Master Plan, and recommendations for any further actions necessary for Plan Conformance; and

WHEREAS, the Executive Director provided Glen Gardner Borough with a deliberative municipal response period allowing Glen Gardner Borough to review and respond to the Draft Consistency Review and Recommendations Report; and

WHEREAS, on November 17, 2010, the Executive Director completed the Final Draft Consistency Review and Recommendations Report, and posted a Public Notice, the Final Draft Consistency Review and Recommendations Report, and the complete Petition documents on the Highlands Council website for a public review and comment period with written comments due on or before December 3, 2010; and

WHEREAS, on December 10, 2010, the Executive Director posted the Final Consistency Review and Recommendations Report and Highlands Implementation Plan and Schedule on the Highlands Council website which addressed issues raised during the public comment period; and

WHEREAS, on December 16, 2010, the Highlands Council held a public hearing on Glen Gardner Borough's Petition for Plan Conformance and provided an opportunity for public comment; and

WHEREAS, the Highlands Council accepts the recommendation of the Executive Director as stated in the Final Consistency Review and Recommendations Report; and

WHEREAS, according to the Highlands Act and the Plan Conformance Guidelines, Glen Gardner Borough's compliance with an approved Final Consistency Review and Recommendations Report, the Highlands Implementation Plan and Schedule, the Highlands Plan Conformance Guidelines and the Highlands Act shall maintain Glen Gardner Borough's status as conforming to the Regional Master Plan and all statutory benefits associated with Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines recognizes that conformance in the Planning Area is voluntary under the Highlands Act and provides that the period of an approval of a Petition for Plan Conformance shall be for a period of no more than six (6) years, or until six (6) months after the completion of a reexamination by Glen Gardner Borough of its master plan and development regulations as required by the Municipal Land Use Law, or until one (1) year after the Highlands

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Council adopts its six-year reexamination of the Regional Master Plan, whichever time period is the shorter; the six (6) month and one (1) year periods provided herein allowing time for the submittal and processing of petitions for a re-examination of Plan Conformance before the Highlands Council; and

WHEREAS, the Plan Conformance Guidelines provides that no amendment to any master plan or development regulations applicable to the development and use of land in Glen Gardner Borough shall be effective until Glen Gardner Borough has submitted such amendment to the Highlands Council and such amendment has been found by the Council to be in conformance with the Regional Master Plan, or the Executive Director has notified Glen Gardner Borough that such amendment does not affect the Highlands Council's prior finding of Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines provides that following the receipt of any amendment to Glen Gardner Borough's master plan or development regulations, the Executive Director is required to determine whether or not the amendment raises a substantive issue with respect to the conformance of the municipal master plan or development regulations with the Regional Master Plan, and

WHEREAS, the Plan Conformance Guidelines provides that if the Executive Director determines no such substantive issue is raised with respect to an amendment, the Executive Director shall certify such fact and notify the Clerk of Glen Gardner Borough and the Highlands Council, and shall provide notice on the Highlands Council website, and such amendment shall thereupon take effect in accordance with its terms and applicable law; and

WHEREAS, the Plan Conformance Guidelines provides that if the Executive Director determines that an amendment raises a substantive issue with respect to the conformance of the municipal master plan or development regulations to the Regional Master Plan, the amended municipal master plan or development regulations shall be reviewed in accordance with the Plan Conformance Guidelines; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby approves Glen Gardner Borough's Petition for Plan Conformance with conditions as set forth in the Final Consistency Review and Recommendations Report and the Highlands Implementation Plan and Schedule; and

BE IT FURTHER RESOLVED that the Executive Director is authorized to make any amendments and publically release the Final Consistency Review and Recommendations Report, Highlands Implementation Plan and Schedule, and amend the Plan Conformance Grant Agreement

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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR THE BOROUGH OF GLEN GARDNER, HUNTERDON COUNTY

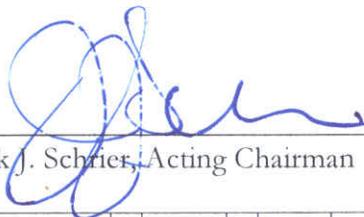
consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Report and Schedule on behalf of the Council; and

BE IT FURTHER RESOLVED, that Glen Gardner Borough is hereby entitled to the statutory benefits associated with Plan Conformance as detailed in the Highlands Act, the Regional Master Plan and the Plan Conformance Guidelines, so long as Glen Gardner Borough remains in conformance with the Regional Master Plan and to the extent such funds are made available by the State; and

BE IT FURTHER RESOLVED, the Executive Director is authorized, consistent with direction from the Council, to oversee and monitor Glen Gardner Borough's compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16th day of December, 2010.



 Jack J. Schrier, Acting Chairman

<u>Vote on the Approval of this Resolution</u>	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Carluccio		✓	✓			
Councilmember Cogger			✓			
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember Kovach	✓		✓			
Councilmember Letts			✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Councilmember Schrier			✓			

APPENDIX B

Highlands Council Final Consistency Review and Recommendations Report



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



JACK J. SCHRIER
Acting Chairman

EILEEN SWAN
Executive Director

**INCORPORATED BY REFERENCE INTO
HIGHLANDS COUNCIL RESOLUTION 2010 - 15
ADOPTED DECEMBER 16, 2010**

**FINAL CONSISTENCY REVIEW
AND RECOMMENDATIONS REPORT**

**PETITION FOR PLAN CONFORMANCE:
GLEN GARDNER, HUNTERDON COUNTY**

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

DECEMBER 10, 2010

INTRODUCTION

This Final Consistency Review and Recommendations Report (“Report”) has been prepared by the Staff of the New Jersey 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 Borough of Glen Gardner, 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.

REPORT SUMMARY

Municipality: Glen Gardner

Date of Petition Submission: December 7, 2009

Date Deemed Complete: January 22, 2010

Conformance Area: Preservation Area

Staff Recommendation: Approve with Conditions

Administrative Submittals	Meets Requirements	Conditions of Approval
1. Resolution or Ordinance	X	None
2. Record of Public Involvement	X	None
3. List of Current Planning and Regulatory Documents	X	None
4. Other	N/A	N/A

Petition Components	Consistent	Conditions of Approval
1. Modules 1-2 Build-Out Report*	X	None
2. Module 3 Housing Element/Plan	X	See Section D.1
3. Module 4 ERI	X	See Section D.1
4. Module 5 Highlands Element	X	See Section D.1
5. Module 6 Land Use Ordinance	X	Follow-Up Required per Section B.5; D.1
6. Module 7 Petition	X	
a. Self-Assessment Report	X	None
b. Implementation Plan/Schedule	X	Follow-Up Required per Section B.6; D.1
7. Other	N/A	N/A

*Completed by the Highlands Council in collaboration with the municipality prior to substantive review of the Petition.

Optional Submission Items	Submission Date	Status/Recommendation
1. RMP Updates	October 2010	Processed - Complete
2. Map Adjustments	N/A	
3. Center Designation Requests	N/A	
4. Highlands Redevelopment Area Designation Requests	N/A	
5. Other	N/A	

A. REVIEW OF ADMINISTRATIVE SUBMITTALS

- 1. Resolution.** The Resolution petitioning the Highlands Council for Plan Conformance was adopted by the municipal Governing Body at its noticed public meeting of December 1, 2009. The document submitted is appropriately signed and sealed by the Municipal Clerk to verify authenticity. The language of the Resolution relies upon the model provided by the Highlands Council. The Resolution clearly petitions the Highlands Council for Plan Conformance; conformance being proposed with respect to municipal lands located in the Preservation Area, which includes the entire municipality.
- 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.** Copies of meeting agendas and adopted meeting minutes from Planning Board meetings held September 9, 2009 (discussion of Initial Assessment Grant) and June 9, 2009 (discussion of Module 4);
 - b.** Copies of public notice, agenda and adopted meeting minutes from Planning Board meeting of August 11, 2009, held to discuss Module 5;
 - c.** Copies of meeting agenda and draft meeting minutes from Planning Board meeting of November 10, 2009 featuring discussion of Modules 3, 6, and 7; and
 - d.** Copy of the December 1, 2009 Borough Council meeting agenda; discussion on Module 7 and adoption of Resolution petitioning 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, required petition documents should be available in the offices of the Highlands Council in Adobe pdf format. The exception to this requirement is where a Land Use Ordinance (or other planning document) is publicly available in digital format through an on-line service provider, such as General Code. All items have been received in Adobe pdf format.

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 June 25, 2009.
2. **Housing Element & Fair Share Plan (Module 3).** Both the RMP and Highlands Council instructions concerning submission of Master Plan Housing Elements and Fair Share Plans, sought municipal participation in a three-step process, intended to culminate in the submission of fully developed affordable housing plans to both the Highlands Council and the Council on Affordable Housing (COAH) (or alternatively the Highlands Council and the Superior Court). This process was designed to assist municipalities in developing plans to address fair share housing obligations that are consistent with the RMP. For most Highlands municipalities, the deadline for submission to COAH was extended to June 8, 2010. The extended time allowance was intended to provide for completion of Highlands Municipal Build-Out Reports (see Modules 1-2, above) and incorporation of resulting information into fully developed affordable housing plans in accordance with Executive Order #114 (2008) and COAH's *Guidance for Highlands Municipalities that Conform to the Highlands Regional Master Plan*. This process also allows for Highlands Council review of as yet unconstructed projects in municipal housing plans, for consistency with the RMP.

The Borough of Glen Gardner provided all components required by the Highlands Council. The first submission was included as requested within the municipality's Petition for Plan Conformance, while the remaining items were provided in sufficient time for inclusion within this review. The completed Highlands Council form used to conduct the preliminary submission review appears in Appendix A. A review follows of the final Housing Element and Fair Share Plan submission, dated June 7, 2010, which was adopted by the Land Use Board on June 7, 2010. These findings constitute a preliminary analysis of the Housing Element and Fair Share Plan by the Highlands Council. Formal review will be conducted by COAH. These documents were filed with COAH on June 8, 2010. The final Housing Element and Fair Share Plan appears to address the municipality's Fair Share Obligation. As to consistency with the requirements of the RMP, the Plan is satisfactory..

- a. **Summary of Municipal Obligation.** The Municipal Obligation appears to be correctly calculated and includes the components listed below.

- **Rehabilitation Share:** 6 units
- **Prior Round Obligation:** 7 units
- **Growth Share Obligation** (see B.2.b, below): 3 units

- b. **Municipal Growth Projections.** Municipal Growth Projections, used to determine the Growth Share Obligation (above) were correctly indicated in the COAH Workbook D form or other submittals provided by the municipality. The

final figures are listed below. Note: Highlands Full Build-Out Projections apply in the case of conformance for the full municipality (i.e., for split municipalities, including both the Planning and Preservation Area) in accordance with COAH's instructional document, *Guidance for Highlands Municipalities that Conform to the Highlands Regional Master Plan*; COAH Growth Projections apply in all cases where the municipality is not petitioning for conformance for the whole of the municipality, until or unless modified by COAH consistent with the Guidance or as applicable, the Superior Court. The municipality's Housing Element relies upon Highlands Full Build-Out Projections.

- **Highlands Full Build-Out Projections**

- Residential Growth (housing units): 1
- Non-Residential Growth (jobs): 23
- Total Growth Share, after exclusions (units): 3

- **COAH Growth Projections through 2018**

- Residential Growth (housing units): 31
- Non-Residential Growth (jobs): 26
- Total Growth Share, after exclusions (units): 8

c. **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.

- **Rehabilitation Program:** Borough program to be established and administered via Borough contract with qualified rehabilitation consultant, in accordance with COAH requirements. Anticipated Credits: 6.
- **Prior Round Site:** Parkside Apartments (Block 9 Lot 104, Parkside Court), existing construction that includes 48 subsidized rental units; 40 of these are Senior Citizen units while 8 units are designed and dedicated to housing for disabled individuals; constructed 1981. Prior Cycle Credits: 48.
- **Other Mechanisms:** Extension of expiring controls on 10 units within Parkside Apartments (Block 9 Lot 104), via 30-year deed restrictions as very low income housing rental units. This addresses the Third Round obligation of 3 and allows for future credits. Anticipated Credits: 3+.

3. **Environmental Resource Inventory (Module 4).** The proposed Borough of Glen Gardner Highlands Environmental Resource Inventory (ERI) is based on the Highlands Model ERI provided to municipalities by the Highlands Council. The Borough of Glen

Gardner Highlands ERI contains 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. The following sections of the model Highlands ERI are not relevant to the municipality and have thus been deleted.

- Lake Management Areas
- Carbonate Rock Areas
- Significant Natural Area
- Vernal Pools and Vernal Pool Buffers
- Scenic Resources
- Preserved Farmland
- Special Environmental Zone
- Contaminated Sites
- Public Sewer Utility Areas

b. Deleted Figures. All Figures coinciding with the sections listed above that were included in the ERI submittal have been deleted.

4. Master Plan Highlands Element (Module 5). The proposed Borough of Glen Gardner Master Plan Highlands Element is based on the model Highlands Element provided to municipalities by the Highlands Council. The document 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 Basic 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 minor modifications are required to complete the document for purposes of adoption by the Planning Board, the heading or sub-heading indicates, “Minor Modifications Required for Completion.” If needed, explanatory discussion is provided.

a. Policies, Goals & Objectives. Consistent

- Preservation Area Goals. Consistent
- General Purposes of Zoning. Consistent

- Relationship Between Highlands Act & MLUL. Consistent

b. Land Use Plan Element. Consistent

- Highlands Zones and Sub-Zones. Consistent. (Note: Lake Community Sub-Zone not applicable – deleted.)
- Land Uses. Consistent. (Note: Cluster Development, Carbonate Rock and Special Environmental Zone provisions not applicable – deleted.)
- Density and Intensity of Development. Consistent.
- Cluster Development. Not Applicable – Deleted. The designated agricultural lands in the Borough are of insufficient size and extent to trigger the use of the mandatory cluster development provisions within the Agricultural Resource Area.
- Land Use Inventory. Consistent
- Redevelopment Planning. Consistent

c. Housing Plan Element. Consistent. Review and recommendations concerning the adopted Housing Element and Fair Share Plan appear at item #2 above, Housing Element & Fair Share Plan. Goals and objectives required for Plan Conformance have been included therein, and thus not retained in the Highlands Element. The Element provides reference to the adopted Housing Element and Fair Share Plan.

d. Conservation Plan Element. Consistent.

- Forest Resources. Consistent
- Highlands Open Waters and Riparian Areas. Consistent
- Steep Slopes. Consistent
- Critical Habitat. Consistent. (Note: Significant Natural Areas and Vernal Pools are not applicable and therefore, deleted.)
- Carbonate Rock. Not Applicable – Deleted
- Lake Management. Not Applicable – Deleted
- Water Resources Availability. Consistent
- Prime Ground Water Recharge Areas. Consistent
- Water Quality. Consistent
- Wellhead Protection. Consistent

- Low Impact Development. Consistent
 - e. **Utility Services Plan Element.** Consistent
 - f. **Circulation Plan Element.** Consistent
 - g. **Land Preservation/Stewardship Plan Element.** Consistent. As part of Full Plan Conformance activities the Borough will combine the Agriculture Retention/Farmland Preservation Plan Element with the Land Preservation/Stewardship Plan Element.
 - h. **Agriculture Retention/Farmland Preservation Plan Element.** Consistent. Section will be combined with Land Preservation/Stewardship Plan Element during Full Plan Conformance phase, due to limited agriculture and no Preserved Farms in the Borough.
 - i. **Community Facilities Plan Element.** Consistent
 - j. **Sustainable Economic Development Plan Element.** Consistent
 - k. **Historic Preservation Plan Element.** Consistent
 - Historic, Cultural, and Archaeological Resources. Consistent. The municipality has selected the alternative policies provided as an option, which do not anticipate the adoption of a Historic Preservation Ordinance at this point in time.
 - Scenic Resources. Not Applicable – Deleted
 - l. **Development Transfer Plan Element.** Inclusion of this Section is optional and the municipality has elected not to incorporate it.
 - m. **Relationship of Master Plan to Other Plans.** Consistent
 - n. **Exhibits.** Consistent. The list of Exhibits includes all that apply to the municipality. The applicable Exhibits have been provided in both electronic and paper formats, and are provided with the Highlands Element for purposes of public distribution, as needed.
5. **Highlands Area Land Use Ordinance (Module 6).** The proposed Borough of Glen Gardner Highlands Area Land Use Ordinance is based on the model Highlands Area Land Use Ordinance provided to municipalities by the Highlands Council. 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 Borough of Glen Gardner Highlands Area Land Use Ordinance as proposed (including modifications by the Highlands Council) contains all required Highlands

Area Land Use Ordinance language to fully address the immediate mandatory requirements of Plan Conformance. Please see #5m, below for discussion pertaining to all Exhibits.

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 Basic 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 minor modifications are required to complete the document for purposes of adoption, the heading or sub-heading indicates, “Minor Modifications Required for Completion.” If needed, explanatory discussion is provided.

- a. **Article 1. Title, Purpose, Scope.** Consistent.
- b. **Article 2. Applicability.** Consistent.
- c. **Article 3. Definitions.** Consistent.
- d. **Article 4. Establishment of Highlands Area Districts.** Consistent. (Note the Lake Community Sub-zone is not applicable to the Borough of Glen Gardner and has been deleted.)
- e. **Article 5. Highlands Area Zone District Regulations.** Consistent. The municipality will follow-up as required for selection of the methodology preferred for Section 5.3.5, Development Served by Septic Systems, and will finalize prior to ordinance adoption.
- f. **Article 6. Highlands Area Resource Regulations.** Consistent
 - Forest Resources. Consistent
 - Highlands Open Waters & Riparian Resources. Consistent
 - Steep Slopes. Consistent
 - Critical Habitat. Consistent
 - Carbonate Rock. Not Applicable – Deleted
 - Lake Management Area. Not Applicable – Deleted
 - Water Conservation & Deficit Mitigation. Consistent
 - Prime Ground Water Recharge Areas. Consistent
 - Wellhead Protection. Consistent
 - Agricultural Resources. Consistent
 - Historic, Cultural & Archaeological Resources. Not Applicable – Deleted

- Scenic Resources. Not Applicable – Deleted
- g. Article 7. Highlands Area General Regulations.** Consistent
- Affordable Housing. Consistent
 - Low Impact Development. Consistent
 - Conservation Restrictions. Consistent. The municipality will address/incorporate the minor final modifications made by the Highlands Council.
 - Stormwater Management. Consistent
 - Special Environmental Zone. Not Applicable – Deleted
 - Septic System Design and Maintenance. Consistent
- h. Article 8. Planned Development Regulations.** Not Applicable – Deleted
- i. Article 9 (New Article 8). Application Review Procedures & Requirements.** Consistent. The municipality will address/incorporate the minor final modifications made by the Highlands Council and will finalize fee and escrow figures (with assistance from the Highlands Council).
- j. Article 10 (New Article 9). Appeals, Waivers, Exceptions.** Consistent. The municipality will address/incorporate the minor final modifications made by the Highlands Council.
- k. Article 11 (New Article 10). Enforcement, Violations, Penalties.** Consistent
- l. Appendices.** Consistent
- m. Exhibits.** The List of Exhibits and all in-text document references to Exhibits have been updated by the Highlands Council to include the new 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 several modifications have been made to Glen Gardner's Highlands Area Land Use Ordinance maps since first provided to the municipality July 2010. First, as follow-up to the municipal decision not to regulate Highlands Historic/Cultural resources by Ordinance, old Exhibit #9 (Highlands Historic, Cultural and Archaeological Resources) has been removed while old Exhibit #10 has been renumbered to #9. All in-text references to these Exhibits have been adjusted within the Highlands Area Land Use Ordinance to reflect this update.

As previously explained, the revised maps are 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, 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 achieve Full Plan Conformance.
 - **Narrative Portion.** The Narrative Portion has been completed accurately for purposes of Basic Plan Conformance.
 - **Spreadsheet Portion.** The Spreadsheet Portion has been completed accurately for purposes of Basic Plan Conformance.
- b. **Highlands Implementation Plan & Schedule.** The Highlands Implementation Plan and Schedule provides a template for future Plan Conformance activities. It is 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: a) included all mandatory components required to achieve full Plan Conformance; and b) incorporated realistic timeframe estimates associated with each mandatory element. The Highlands Implementation Plan and Schedule has been modified since first issued by the Highlands Council however, and the municipality's document has been updated accordingly. 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, into and including the 2011 State fiscal year.

In addition, the proposed Highlands Implementation Plan and Schedule includes non-mandatory Full Plan Conformance activities, the estimated costs and timeframes for completion of which, the municipality has considered. These activities have been incorporated into the revised Highlands Implementation Plan and Schedule.

Recommended Highlands Council edits tailoring the revised documents to the municipality (based on the Petition submittals) have been considered and included in the final version. Important additions include the assignment of funding (*pending Highlands Council budget approval*) for development of a Stream Corridor Protection and Restoration Plan. Further information (e.g. detailed scope of work) will be provided prior to the release of grant funds.

C. REVIEW OF OPTIONAL SUBMISSION COMPONENTS

1. **RMP Updates.** The Petition for Plan Conformance was accompanied by requests for RMP Updates for preserved lands and public water service areas. The Borough of Glen Gardner provided documentation for the Module 1 information for preserved lands and public water service areas and therefore, RMP Update is complete. The RMP Update for public water utility service areas based on the Module 1 information and has been incorporated into the Highlands Land Use Ordinance exhibits.
 - a. **RMP Update Request(s).** Public water service areas and preserved lands - Processed
2. **Map Adjustments.** N/A
3. **Highlands Center Designation Requests.** N/A
4. **Highlands Redevelopment Area Designation Requests.** The Petition was not accompanied by any requests for Highlands Redevelopment Area Designation, however, Glen Gardner does intend to evaluate potential redevelopment opportunities in the future.
5. **Other.** N/A

D. STAFF 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 Borough of Glen Gardner, as currently proposed by the municipality, be approved with conditions as outlined below.

1. Approval with Conditions. Highlands Council staff recommends that this Petition for Plan Conformance be approved by the Highlands Council. The approval should be conditioned upon satisfactory completion of all items noted within Sections A through C of this Report (including all items addressed in the herein-referenced Highlands Council Staff-provided MSWord “Track-Changes” versions of the various Petition documents), and in addition, satisfaction of the below-listed requirements.

a. 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.

b. Adoption of Approved Master Plan Highlands Element. The Master Plan 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 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.

- c. 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. Highlands Council Information and Training Sessions.** Prior to the effective date of the Highlands Area Land Use Ordinance, municipal 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 and the implications of Highlands Act exemptions for local development reviews.
- d. Adoption of Updated Zoning Map.** The Borough shall prepare an updated Municipal Zoning Ordinance 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.

- e. **COAH Approval of Housing Element & Fair Share Plan.** The Highlands Council shall be copied on all related correspondence and kept apprised of the COAH review and approval process as it unfolds. Any subsequent revision to the 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 Housing Element and Fair Share Plan, this Plan Conformance component shall remain a conditionally approved item. (In recognition of potential changes in the applicable laws pertaining to the provision of affordable housing in the state of New Jersey, these requirements shall be considered subject to modification, with the intent being only to ensure that the municipality remains in compliance with all applicable statutes, rules, regulations and requirements, at any given time, so to protect the municipality from legal challenge.)
- f. **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 requirements of COAH, as applicable and all legal requirements and protocols pertaining thereto. Plan implementation and continued compliance with the final COAH-approved Fair Share Plan moreover, shall be a condition of continued Plan Conformance approval, subject to Highlands Council review and monitoring.
- g. **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. The current NJDEP due date for such Plans is April 11, 2011.
- h. **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 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.

- Water Use & Conservation Management Plan (Note: Glen Gardner is currently participating in a pilot project for a HUC14 subwatershed in which most municipal wells are located.)
- Habitat Conservation & Management Plan
- Stormwater Management Plan (Updates Only)
- Land Preservation and Stewardship Program
- Septic System Management/Maintenance Plan

iv. Non-Mandatory Components.

- Stream Corridor Protection/Restoration Plan. Funding for this project regarding the Spruce Run and its tributaries has been incorporated into the Highlands Implementation Plan & Schedule, to enable the Borough to address severe erosion problems along the Spruce Run within the Borough. Funding to be released upon approval of a scope of work by the Executive Director.

v. Implementing ordinances associated with each of the above (long-term, as applicable), as well as a Right to Farm ordinance (adoption of which is anticipated earlier in the full Plan Conformance phase without need for a prior planning/program document).

- i. 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.
- j. Optional Petition Requests.** Not Applicable.
- k. RMP Update(s).** The RMP Update(s) submitted by the Borough of Glen Gardner in 2010 for preserved lands and public water service areas have been processed.

E. MUNICIPAL RESPONSE PERIOD

The Highlands Council provided a Draft Consistency Review and Recommendations Report dated June 30, 2010, to the municipality (sent on July 2, 2010). The Municipal Response Period expired on October 18, 2010. The municipality provided confidential and deliberative supplemental and amended materials in support of the Petition for Plan Conformance, prior to expiration of that Period, 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.

1. **Planning/Regulatory Documents.** The Current Planning Documents listed below were provided in Adobe pdf format. These documents fully addressed the requirement for submission of current planning/regulatory documents, as listed in the prior version of this Report.
 - i. Third Round Housing Element and Fair Share Plan, prepared by Elizabeth McKenzie, dated 12/6/05.
 - ii. Borough of Glen Gardner Land Use Chapter 104 (last update 2/15/07).
2. **Master Plan Highlands Element.** Minor edits were returned by the municipality. The edits address all Plan Conformance requirements. Section B4 of this Report has been updated accordingly.
3. **Highlands Area Land Use Ordinance.** Minor edits were returned by the municipality. Section B5 of this Report has been updated accordingly, and reflects consistency with Basic Plan Conformance requirements, with only minor items remaining for completion of the document.
4. **Highlands ERI.** Minor edits were returned by the municipality. Section B3 of this Report has been updated accordingly, and reflects consistency with Basic Plan Conformance requirements.
5. **Highlands Implementation Plan & Schedule.** Minor edits were returned by the municipality, however significant additional revisions were made by Highlands Council Staff to incorporate updates to the model Highlands Implementation Plan and Schedule since the time of the municipality's first submission. The document also now includes anticipated funding for development of a Stream Corridor Protection/Restoration Plan. Section B6 of this Report has been updated accordingly.

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

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 was 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. The period established for receipt of written public comment extended from November 12 through December 3, 2010. The comment/response document is attached to this document, at Appendix B. Comments were received from the New Jersey Farm Bureau and the Fair Share Housing Center.

G. FINAL RECOMMENDATIONS

Based upon the comments received, the recommendations of Highlands Council staff concerning the Petition for Plan Conformance of the Borough of Glen Gardner, remain unchanged.

In conclusion, the Highlands Council staff recommends that the Petition for Plan Conformance of the Borough of Glen Gardner, be approved with conditions; with all applicable conditions being those listed and discussed in Section D, above.

APPENDIX A

**HIGHLANDS COUNCIL REVIEW
MODULE 3 HOUSING ELEMENT AND FAIR SHARE PLAN**

Preliminary Consistency Review

Borough of Glen Gardner, Hunterdon County

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

MODULE 3 REVIEW FORM December 8, 2009 Submission

MUNICIPAL INFORMATION			
Municipal Code: 1012		Date: 2-18-2010	
Municipality: Glen Gardner			
REVIEW CHECKLIST			
	<u>Yes</u>	<u>No</u>	<u>N/A</u>
1. Review Affordable Housing Obligation			
a. Prior Round Obligation Correct	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Rehab Obligation Correct (Optional)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Growth Share Obligation and Calculations Correct (see Workbook D)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Review of Highlands Consistency Review Report(s) required (use Site Review form)			
3. Housing Transfer (RAHDP) Letter of Interest (Optional)			
a. Sending	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Receiving	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIGHLANDS COUNCIL STAFF REVIEW			
Follow up Required?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Comments: Glen Gardner has indicated that the COAH CO data is incorrect. Glen Gardner is using prior round cycle credits to address its prior round obligation of 7 units, the 6 rehab units are addressed and the 3 third round units are being addressed via a developed apartment complex. Glen Gardner is complete for the March 1 st submittal.			
Reviewer Name: Christine Danis			
Initial: CD		Date: 2-18-2010	

APPENDIX B

PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES

Petition for Plan Conformance

Borough of Glen Gardner, Hunterdon County

PUBLIC COMMENTS RECEIVED

Written comments regarding Glen Gardner's Petition for Plan Conformance were accepted by the Highlands Council through the close of the Public Comment period on December 3, 2010. Comments were provided by the following individuals/entities:

1. New Jersey Farm Bureau
2. Fair Share Housing Center

The comments are summarized in the section that follows with Highlands Council responses provided below, for each.

PUBLIC COMMENT/RESPONSE SUMMARY

1. **Comment:** There is no consistency about whether the municipality is required to develop an Agricultural Retention and Farmland Preservation Master Plan Element. There should be some relationship to the amount of land in the Agricultural Resource Area (ARA) and whether that plan should be optional. Glen Gardner shows plans to develop such a plan "by 2012+" when this plan could help farmland owners create a new productive agricultural future within the constraints of the RMP. It should be required for early in 2011, not put off indefinitely.

Response: The Highlands Council is required by the Highlands Act to reimburse municipalities for "all reasonable costs" incurred in conforming with the Regional Master Plan. The available funds must be allocated to clear priorities. Regarding Agricultural Retention and Farmland Preservation Master Plan Elements, the priority must be given to municipalities with extensive agricultural lands within an ARA, rather than to those with lands in an ARA but only limited portions of that in active agriculture. From a regional perspective, allocation of such funds in municipalities such as Glen Gardner Borough will have a lower priority.

2. **Comment:** § 3.3 Density Requirements. This planning overlay requires that municipalities apply the septic system standards of 1/88 acres in wooded areas and 1/25 acres in open lands. The NJ Farm Bureau suit against the NJDEP's misuse of the Nitrate Dilution Model is still ongoing, so may yet result in an order from the Appellate Division for NJDEP to change the factors in this formula to those more scientifically supportable. What will the Highlands Council do to implement such a decision in all the counties and towns that have already changed their zoning density requirements?

Response: The Highlands Council acknowledges the comment; however, a response is not ripe as the matter is presently in litigation with oral arguments scheduled for March 2011.

3. **Comment:** § 6.1 Forest Resources. The confusing array of forestry plans required if a landowner needs to cut some trees – each of which could cost several thousands of dollars - appears to be designed to influence most landowners to do nothing, to forego action to improve the forest health and productivity.

Response: It is critically important to note that the provisions of this section, and in fact all provisions of the Highlands Land Use Ordinance, apply to development activities regulated under the Highlands Land Use Ordinance, not to exempt activities or those excluded under § 2.1. A regulated development must develop a Forest Impacts Report if it will affect certain forest resources, and a Deforestation Impact Report if deforestation is intended. The Reports have the purpose of demonstrating a need for forest impacts. If impacts are unavoidable a Forest Mitigation Plan is required to ensure that such impacts are appropriately mitigated.

Actions to improve forest health and productivity are generally conducted under a Woodland Management Plan or are de minimus actions associated with existing land uses, not regulated under the Highlands Land Use Ordinance. Any activity conducted under the auspices of an approved Woodland Management Plan or the normal harvesting of forest products in accordance with a State Forester-approved Forest Management Plan is exempt from the provisions of § 6.1, and in fact, from the entirety of the Highlands Area Land Use Ordinance, pursuant to Highlands Act Exemption #7, as specifically called out in the Highlands Area Land Use Ordinance at § 2.4.

4. **Comment:** § 6.1 Forest Resources. In some municipalities the mapping of the Forest Resource Area (FRA) overlaps extensively with the delineated Agricultural Resource Area (ARA). Does this mean that landowners in the ARA also must live up to all the requirements of the FRA? Will this force all ARA land owners mapped in the FRA to be required to engage in forest management planning, many for the first time if their woodlands were heretofore defined as “appurtenant to the farm”?

Response: Both resource areas were defined by the Regional Master Plan to include the most concentrated agricultural and forest resources in the Highlands Region, using a “density mapping” process. In that process, interstitial lands that are not agricultural or forested, as relevant, are included in the resource area. Where they overlap, regulated development activities must comply with both, to the extent applicable. Generally, the Highlands Land Use Ordinance provisions apply to agricultural lands in the Agricultural Resource Area, and forested lands in the Forest Resource Area, except regarding cluster development which is required for all sizable residential subdivision proposals in the Agricultural Resource Area. Specifically, the Highlands Land Use Ordinance does not require agricultural landowners to engage in forest management planning. In addition to all Highlands Act exemptions, the Highlands Area Land Use Ordinance provides an important exclusion for agricultural and horticultural use and development, as follows (see § 2.1.1): “Unless specifically indicated otherwise, and in that case only to the specific extent indicated, the provisions of this Ordinance shall not apply to Agricultural or Horticultural Use and Development (as defined at § 3.2).” The provisions that are “specifically indicated otherwise,” consist primarily of those discussed in the Highlands Area Land Use Ordinance at § 6.10, regarding agricultural development that exceeds the thresholds of new impervious surfaces established by the Highlands Act.

5. **Comment:** § 6.1 Forest Resources: This section make no reference to the existence of approved Woodland Management Plans and requires a whole new set of plans or reports as the landowner tries to use the wooded land: Forest Management Plan, Forest Impacts Report,

Deforestation Report, and a Forest Protection Plan. Each of these costs the landowner time and money, lessening farm viability and sustainability. In the interests of efficiency the plans should be interchangeable, all incorporated into fewer documents.

Response: Approved Woodland Management Plans are exempt from regulation under the Highlands Act, as specified in § 2.4 and discussed above. Please also see the responses to the other comments regarding § 6.1 above. A forest management plan has a completely different purpose than the other plans associated with a regulated development proposal.

6. **Comment:** § 6.2.5 B Highlands Open Waters Buffer Standards – Agricultural and Horticultural Land Uses. There is nothing said about farm operators being able to continue farm activities within the riparian buffer as per a recent agreement between NJDA and DEP. It should also be explained how a farmland owner can establish his ability to farm or exercise a Woodland Management Plan in wetlands and transition areas, stream corridors, and within the Highlands open waters buffer. Forest landowners need to know to which agency and according to what standards they must use to protect their ability to continue farming in these areas.

Response: In addition to all Highlands Act exemptions, the Highlands Area Land Use Ordinance provides an important exclusion for agricultural and horticultural use and development, as follows (see § 2.1.1): “Unless specifically indicated otherwise, and in that case only to the specific extent indicated, the provisions of this Ordinance shall not apply to Agricultural or Horticultural Use and Development (as defined at § 3.2).” The provisions that are “specifically indicated otherwise,” consist primarily of those discussed in the Highlands Area Land Use Ordinance at § 6.10, regarding agricultural development that exceeds the thresholds of new impervious surfaces established by the Highlands Act. As these exemptions and exclusions are addressed in Article 2, there is no need to repeat them in § 6.2.5 B or anywhere else in the Highlands Land Use Ordinance.

7. **Comment:** § 6.4.1 Critical Habitat Findings. There is no statutory authority for adding the long list of species considered “rare” to those needing protection of their habitat. This seems designed merely to increase significantly the number of acres under regulation and use restrictions. Our members have also found the Landscape Project maps in error or out of date with DEP admittedly making no changes to correct these problems even as they are proven. Therefore the farmland owner must develop an expensive wildlife survey when DEP might have already been notified of the same errors. Furthermore, the Township should be aware that designating an actively farmed area as “grassland bird habitat” when it is and will be devoted to a rotation of crops of little value to target bird species produces regulatory overload for the farmer and no real benefits for the birds. Such a designation implies that the municipality desires a loss of farmed acres producing crops that could add to farm income. Contrary to popular belief, experience shows practically no market for native grass hay and, over time it does require either crop rotation with legumes or application of fertilizer to produce any significant yield at all.

Response: Please see response at 6 above, regarding the Highlands Area Land Use Ordinance exclusion for agricultural use and development at § 2.1.1. Regarding the impacts of development actions regulated by the Ordinance, the Highlands Act provides authority for the Regional Master Plan to address Critical Habitat for rare species.

8. **Comment:** § 6.9.3A (1) Agricultural and Horticultural Development. The list of farm activities to be permitted by the municipality does not include some of those in the RMP, especially in the agriculture program section (p. 289 of the RMP). This list must be expanded during development of the municipal Agriculture Retention and Farmland Preservation Master Plan Element and should be included in the development of the Economic Development Master Plan Element.

Response: The Regional Master Plan requirement that Agricultural and Horticultural uses be included among the permitted uses in a the Agricultural Resource Areas of the Region does not imply that all such uses must be permitted in every community containing an Agricultural Resource Area. As the commenter notes, the list may be expanded as further examination occurs in the development of the full Agriculture Retention and Farmland Preservation Master Plan Element for the municipality, however this task must be completed in the context of the community and the specific agricultural and horticultural uses and activities appropriate and sought for development within it. The Agriculture Retention and Farmland Preservation Master Plan Element should be developed in concert with and as a complement to the Sustainable Economic Development Plan Element.

9. **Comment:** § 6.10.3 Agricultural Development. This appears to give the municipality unwarranted discretion over determining in the ARA the Permitted and Accessory Uses, Bulk and Other Requirements, or the types of structures to be allowed. Though it is stated that this is not meant to conflict with the Right to Farm Act, the process of formally adopting this overlay to the municipal land use ordinance could provide an opportunity for a town to determine permitted uses that the farmland owners would be forced to challenge at great expense of time and money. Agriculture as a business depends upon flexibility in order to keep in touch with markets and remain viable and sustainable.

Response: Municipalities have certain discretion within the existing State statutes regarding agricultural developments. However, please see response at 6 above, regarding the Highlands Area Land Use Ordinance exclusion for agricultural use and development at § 2.1.1. § 6.10.3 applies only to those agricultural developments for which an exemption or exclusion does not apply.

10. **Comment:** § 7.1 Conservation Restrictions. We continue to oppose overuse of requirements for a conservation easement as a condition of some form of approval from the DEP, or the Highlands Council. There is no statutory authority to require a permanent conservation restriction running in perpetuity with the land for “both the Preservation and the Planning Area; whether or not any disturbance of such Resources or Areas is proposed; and regardless of the type of application at issue” (e.g. zoning or building/construction permit requiring prior resource review and approval). This is a major impediment to a landowner’s willingness to make improvements or investments in a farm’s property, cuts out any flexibility of use options in the future, and for many buyers of farmland reduces their interest in acquiring the property.

Response: Please see response at 6 above, regarding the Highlands Area Land Use Ordinance exclusion for agricultural use and development at § 2.1.1. This provision applies to development proposals regulated under the Ordinance for parcels that include such resources.

- 11. Comment:** Kevin Walsh, Esq. submitted comments and documents on behalf of the Fair Share Housing Center (FSHC) contending that the Housing Element and Fair Share Plan improperly relied upon COAH's waiver of its regulations for Highlands municipalities and use of Highlands Municipal Build-Out Report to adjust the affordable housing obligation calculated in COAH's rules. FSHC incorporates their briefs in an action filed in the Appellate Division against the State wherein FSHC raised these same issues.

Response: The adjustment of the fair share obligations based on conformance with the RMP was issued by COAH as a waiver from COAH's regulations and is considered final agency action by COAH. FSHC has filed litigation in the Appellate Division challenging COAH's actions related to the adjustment of fair share obligations for conforming Highlands municipalities. FSHC raises the same issues through this comment. The State's responses to the claims in the Appellate Division matter are incorporated herein by reference.

In addition, the recent Appellate Division decision invalidating portions of COAH's regulations will have substantial implications on the fair share obligations for every municipality statewide. The Highlands Council has concluded that this Petition for Plan Conformance be approved conditioned upon achieving and retaining compliance with the Fair Housing Act, as demonstrated by approvals of its Housing Element and Fair Share Plan from either COAH or the Law Division of New Jersey Superior Court. This condition incorporates any on-going changes as may be necessary to retain compliance with future amendments to the Fair Housing Act and any other changes in the applicable laws, rules, or regulations that govern the provision of affordable housing.

- 12. Comment:** FSHC contends that the Petition may not properly utilize the Highlands Council's instructions for Module 2 and Module 3 to adjust the fair share obligations since those modules were not adopted through rulemaking. FSHC incorporates their briefs filed on this matter with the Appellate Division.

Response: This Petition properly utilized the instructions to complete the Highlands Plan Conformance modules as these instructions simply provided Highlands municipalities with the process to prepare a Petition for Plan Conformance consistent with the RMP. The validity of the Module 3 Instructions is presently under consideration by the Appellate Division in a matter filed by the FSHC. The State's response to the claim contained in briefs filed in that matter is incorporated herein by reference. The Module 2 and Module 3 instructions are not rules, but are part of the 2009 Plan Conformance Grant Program designed to help conforming municipalities receive reimbursement for costs associated with the process of conforming to the RMP. The scopes of work in the Module 2 and Module 3 instructions are based entirely on the RMP and COAH's regulations and do not themselves set forth new policy.

- 13. Comment:** Fair Share Housing Center objects to the reduction of Glen Gardner Borough's third round fair share obligations from 8 units to 3 units.

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

Response: Glen Gardner Borough’s reduction in its third round Fair Share Obligation is based upon the Highlands Municipal Build-Out report prepared by the Highlands Council. The reports are prepared by the Highlands Council, in consultation with the municipality, based upon the restrictions of the Highlands Act, the Highlands Regional Master Plan, and the NJDEP rules at N.J.A.C. 7:38. The Highlands Municipal Build-Out Reports specifically responds to the Highlands Act mandate for the contents of the Regional Master Plan to include a resource assessment to determine “the amount and type of human development and activity which the ecosystem of the Highlands region can sustain while still maintaining the overall ecological values thereof...” The preparation of a Highlands Municipal Build-Out Report is a specific requirement of the RMP to perform an analysis of the natural resource protection and utility capacity policies of the RMP. It is a planning tool developed by the Highlands Council that organizes and applies the RMP policies at the municipal level to identify areas with land-based, infrastructure-based, and resource-based capacity to grow.

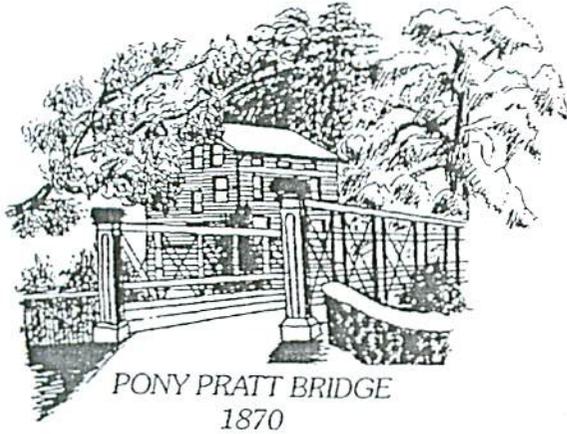
Applying those RMP policies to Glen Gardner Borough resulted in the identification of land capable of sustaining new development, redevelopment and economic growth opportunities. In the case of Glen Gardner Borough, the Municipal Build-Out Report reflected the municipality’s location entirely within the Preservation Area and the lack of an available public wastewater system, which significantly limits the amount of residential and non-residential development likely to occur. In addition to the results of the Highlands Municipal Build-Out Report, the methodology includes recent actual construction activity. The number of Certificates of Occupancy issued for both residential and non-residential construction from 2004 through the end of 2008 is included in the revised Fair Share Obligation. Together these give the Borough a more accurate tool to plan for their Fair Share Obligation. However, these numbers are projections of future growth and do not necessarily predict the Borough actual Fair Share Obligation. Ultimately, the Borough will be required to supply affordable housing based on actual growth that has occurred, and will occur, in the municipality from 2004 through 2018. To ensure the Borough continues to provide for its Fair Share Obligation, the Highlands Council resolution regarding the Borough’s petition for Plan Conformance includes as a proposed condition of approval, continued compliance with the Fair Housing Act.

14. **Comment:** FSHC maintains that there is no opportunity for the public to challenge the results of the Highlands Municipal Build-Out Reports and the application of the build out results to determine municipal fair share obligations. FSHC requests clarification on this issue as the Highlands Council submitted a response to an objection filed by FSHC with COAH.

Response: FSHC may and has submitted public comments raising concerns with the Highlands Municipal Build-Out Report. Accordingly, the public certainly has an opportunity to raise concerns regarding the Highlands Municipal Build-Out Reports through the Council’s review of a municipal Petition for Plan Conformance. With respect to FSHC’s request for clarification, the Highlands Council simply advised COAH that the issue of the validity of adjusting fair share obligations based on the results of the Highlands Municipal Build-Out Reports is the exact issue currently and appropriately under consideration by the Appellate Division of the Superior Court and thus that issue should not be adjudicated in two separate forums.

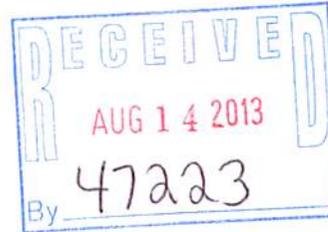
APPENDIX C

Land Use Ordinance Amendments



BOROUGH OF GLEN GARDNER
PO BOX 307
GLEN GARDNER, NEW JERSEY 08826

Phone: (908) 537-4748
Fax: (908) 537-7026



August 13, 2013

Cathy Drummond, Municipal Clerk
Borough of Hampton
P.O. Box 418
Hampton, NJ 08827

Karen Sandorse, Municipal Clerk
Township of Lebanon
530 West Hill Road
Glen Gardner, NJ 08826

Christine Dispenza, Municipal Clerk
Township of Bethlehem
405 Mine Road
Asbury, NJ 08802-1107

Sue Dziamara, Planning Director
Hunterdon County Planning Board
Rt. 12 County Complex
P.O. Box 2900
Flemington, NJ 08822

Maryjude Haddock-Weiler
NJ Highlands Council
100 North Road
Chester, NJ 07930

**BOROUGH OF GLEN GARDNER
NOTICE OF PASSAGE OF ORDINANCE**

PLEASE TAKE NOTICE that the attached ordinance was adopted and passed on final reading at the meeting of the Mayor and Borough Council of the Borough of Glen Gardner on Tuesday, July 16, 2013 at the Borough Hall, 83 Main Street, Glen Gardner, New Jersey.

Judy Bass, RMC
Municipal Clerk

**BOROUGH OF GLEN GARDNER
HUNTERDON COUNTY, NEW JERSEY**

Ordinance No. 2013-07

**AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE BOROUGH OF
GLEN GARDNER TO UPDATE PUBLIC NOTICE AND SUBMISSION REQUIREMENTS
AND INCORPORATE HIGHLANDS COUNCIL CALL-UP PROVISIONS FOR
APPLICATIONS FOR DEVELOPMENT IN THE HIGHLANDS PRESERVATION AREA**

WHEREAS, the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.) was enacted by the State Legislature on August 10, 2004 for the purpose of protecting, enhancing, and restoring the natural resources of the New Jersey Highlands Region, in particular the water resources, which provide drinking water to over 5 million New Jersey residents; and

WHEREAS, the Highlands Act created the Highlands Water Protection and Planning Council (the “Highlands Council”) and charged it with crafting a comprehensive master plan for the New Jersey Highlands Region; and

WHEREAS, the Highlands Regional Master Plan was adopted by the Highlands Council through the adoption of Resolution 2008-27 on July 17, 2008, and became effective on September 8, 2008 as the product of a long-term, participatory, and region-wide planning effort; and

WHEREAS, Resolution 2008-27 included the adoption of Highlands Regional Master Plan as well as the adoption of various technical reports and guidelines that accompanied the Plan including the 2008 Plan Conformance Guidelines; and

WHEREAS, the Plan Conformance Guidelines provide an overview of the Highlands Act’s bifurcated system for municipal conformance with the Highlands Regional Master Plan – mandatory Plan Conformance for any portion (or if applicable, the whole) of a municipality located within the Preservation Area and voluntary Plan Conformance for any portion (or if applicable, the whole) of a municipality lying within the Planning Area; and

WHEREAS, Section 14 of the Highlands Act expressly requires that municipalities must revise and conform their local master plan and development regulations for that portion of their lands within the Preservation Area, as related to development and use of said lands, with the goals, requirements and provisions of the Regional Master Plan within 15 months of the effective date of adoption thereof, or December 8, 2009; and

WHEREAS, the 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; and

WHEREAS, the 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; and

WHEREAS, the Plan Conformance Guidelines include the adoption of a Development Application Checklist 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; and

WHEREAS, the Borough of Glen Gardner is located in the Highlands Region with lands lying within the Preservation Area only, as defined by section 7 of the Highlands Act; and

WHEREAS, the Governing Body of the Borough of Glen Gardner, on behalf of the municipality, petitioned the Highlands Council for Plan Conformance with respect to Borough lands located within the Preservation Area portion of the Highlands Region; and

WHEREAS, the Petition filed with the Highlands Council proposed amendments to the municipal planning program, including amendments based on Highlands Council models, to the Environmental Resource Inventory, Master Plan, and Land Use Ordinance, which were intended to achieve conformance with the Regional Master Plan; and

WHEREAS, due to the extremely limited development potential of the Preservation Area in the Borough of Glen Gardner (resulting from both the application of NJDEP Preservation Area Rules to the particular characteristics of Preservation Area lands in the Borough and the existence of extensive areas of already preserved lands), the Governing Body and the Highlands Council together have determined that the adoption of the complete Master Plan Highlands Element and Highlands Preservation Area Land Use Ordinance based on Highlands Council models, is not necessary to implement Plan Conformance standards in the Borough; and

WHEREAS, the Governing Body and the Highlands Council together have determined that the adoption of revised submission requirements pertinent to Applications for Development provides a more efficacious means to ensure that development within the municipality achieves compliance with the standards and protections required under the Highland Regional Master Plan; and

WHEREAS, an immediate level of protection to the resources located within the Highlands Region by adoption of revised submission requirements pertinent to Applications for Development therein is required by the Plan Conformance Guidelines; and

WHEREAS, the Highland Council deems the immediate protections ascribed by this Ordinance to lands in the Preservation Area of the municipality, eligible for application of the provisions of the Highlands Act at N.J.S.A. 13:20-22 and N.J.S.A. 13:20-24 regarding legal representation to municipalities filing for Plan Conformance and regarding the strong presumption of validity and extraordinary deference afforded to such ordinances;

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Glen Gardner that the Land Use Ordinance of the Borough of Glen Gardner be and is hereby amended to incorporate the following provisions:

SECTION 1. APPLICABILITY

This Ordinance shall apply to any Application for Development involving lands located within (or partially within) the Borough Highlands Area (as illustrated in Exhibit A, "Borough of Glen Gardner Highlands Preservation Area") that seeks approval of a site plan, subdivision, or change in use, where approval of such Application would: a) result in the ultimate disturbance of one (1) acre or more of land; b) produce a cumulative impervious surface area of one-quarter ($\frac{1}{4}$) acre, or more; c) in the case of residential development, create three or more dwelling units; or d) 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 A and Appendix B of this 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 6 below.

For purposes of this Ordinance, the phrases "Application for Development," "Highlands Area," "Residential Development," "Ultimate Disturbance," and "Cumulative Impervious Surface Area" shall be defined as provided at Section 6 below.

SECTION 2. ADMINISTRATIVE COMPLETENESS

A. **CONSISTENCY DETERMINATIONS REQUIRED.** No Application for Development included in Section 1 above, shall be deemed complete or considered for review by the applicable Borough Planning/Zoning Board until and unless the Applicant has obtained and provided a copy of:

1. A Consistency Determination from the Highlands Council indicating that the application is consistent with the Highlands Regional Master Plan; or
2. A Consistency Determination from the Highlands Council indicating that the application is not consistent with the Highlands Regional Master Plan, accompanied by a certification, as detailed in Section 1.B below, by the Applicant's professional(s) that the application has been revised since review by the Highlands Council to achieve consistency with the Highlands Regional Master Plan.

B. **FINDINGS OF INCONSISTENCY.** Where a Highlands Council Consistency Determination indicates that an Application for Development is inconsistent with the Highlands Regional Master Plan, no such application shall be deemed complete or considered for review by the applicable Borough Planning/Zoning Board, until or unless the Applicant has obtained from the professional(s) responsible for preparation of the Applicant's plans, a certification indicating that to the best of the knowledge and abilities of such professional(s), the application has been revised to achieve consistency with the Highlands Regional Master Plan, and specifically describing the revisions made to achieve such consistency.

C. **CHECKLIST WAIVER.** The Borough may issue a waiver from the provisions of this Section where it can be established by the Applicant and can be verified by the designated representative(s) of the Borough that:

1. The activity, improvement or development proposed by the subject Application for Development has not yet been formally determined to be exempt from the Highlands Act (see Section 5.B, below), but eligibility for an exemption has been sufficiently established by the Applicant; or
2. The activity, improvement or development proposed in the Application for Development will neither encroach upon a Highlands Resource or Highlands Resource Area, nor be of detrimental impact to any Highlands resource or Highlands Resource Area as these are identified and delineated in the Highlands Regional Master Plan. The Applicant's professional(s) responsible for preparation of the Applicant's plan shall establish compliance of the above through a formal certification specifically addressing the Highlands Resources and Resource Areas and related policies and objectives as identified in Chapter 4 of the Highlands Regional Master Plan.

D. **HIGHLANDS COUNCIL CALL-UP.** All municipal waivers or findings of application completeness issued pursuant to this Section shall be issued in writing, inclusive of a statement indicating the rationale for the determination. All such determinations shall be subject to Highlands Council call-up review and shall include conditions requiring same consistent with this paragraph. The municipality shall within five (5) calendar days of issuance of all such determinations, provide a copy of the decision to the Applicant and to the Highlands Council. The Highlands Council call-up review period shall expire fifteen (15) calendar days following its receipt of same. Upon determining to exercise this authority for call-up review, the Highlands Council shall transmit notice to the Applicant and the municipality. Absent any such notification from the Highlands Council within that timeframe, the application shall be considered complete, with the date of the waiver or finding of application completeness to be as of the date of first issuance by the municipality.

SECTION 3. NOTICE REQUIREMENTS

The provisions of this section shall apply to all requirements concerning public notice for Applications for Development as provided under the MLUL and required pursuant to the underlying municipal land use ordinances.

A. **NOTICE TO HIGHLANDS COUNCIL OF APPLICATION.** The applicant for any Application for Development shall provide notice to the Highlands Council at least ten (10) days prior to the date on which the application is scheduled for consideration by the local Board. A copy of the complete application shall accompany such notice regarding any Application for Development involving the potential disturbance of two (2) acres, or more, or a cumulative increase in impervious coverage of one (1) acre, or more. The applicant shall provide copies of any subsequent revisions to such applications to the Highlands Council at the same time these are provided to the reviewing Board. If such plans or plats have been prepared in digital form, they shall be provided to the Highlands Council in a digital format that meets Highlands Council standards for such submissions.

B. **NOTICE OF DECISION REQUIRED.** The reviewing Board shall provide a certified copy of the fully-executed resolution memorializing its final decision regarding any Application for Development to the Highlands council within ten (10) days of its adoption. This provision shall apply in all cases, whether the Board approves the Application for Development, denies it, or approves it with conditions.

SECTION 4. HIGHLANDS COUNCIL CALL-UP PROVISIONS

All Board decisions pertaining to Applications for Development involving the ultimate disturbance of two (2) acres or more land or a cumulative increase in impervious surface by one (1) acre or more, are subject to call-up and subsequent review by the Highlands Council in accordance with procedural requirements and timeframes established pursuant to the Highlands Act. The Highlands Council may, on notice to the

applicant within 15 calendar days of receipt of the memorializing resolution of the reviewing Board, review and require a public hearing on the application. In that case, subsequent to the hearing the Highlands Council may approve the Application for Development, deny it, or issue an approval with conditions.

The following conditions of approval shall be attached to any Application for Development approved pursuant to the MLUL which involves lands within or partially within the Highlands Preservation Area.

A. **NO LAND DISTURBANCE.** No land disturbance approved in connection with an Application for Development involving the ultimate disturbance of two (2) acres or more of land or a cumulative increase in impervious surface by one (1) acre or more, shall occur until and unless, either:

1. The Highlands Council call-up period has expired without issuance of a notice seeking review of the application by the Highlands Council; or
2. The Highlands Council has issued notice, and has reviewed the approval pursuant to N.J.S.A. 13:20-17(a)1 and has determined not to deny or modify the approval.

B. **AMENDMENTS.** In the event that Highlands Council review of an approved Application for Development pursuant to this Section results in finding that the plans must be modified, the applicant shall amend the application accordingly and submit the amended application to the reviewing Board for approval. Such submissions shall include the written findings and notice of decision of the Highlands Council and any subsequent approval by the Land Use Board shall incorporate any conditions imposed by the Highlands Council.

C. **APPROVALS CONDITIONED ON STATE APPROVALS.** All approvals shall be subject to the approval of any and all State agencies or other authorities having jurisdiction over any aspect or aspects of the approved Application for Development.

D. **AS-BUILT SURVEYS REQUIRED.** Prior to issuance of any final Certificate of Occupancy or Approval, or to the release of any performance bonding held in relation to the approved Application for Development, the applicant shall provide an "as-built" survey depicting the final site conditions.

E. **SUBMISSION OF FINAL PLANS/PLATS TO HIGHLANDS COUNCIL.** The applicant shall provide a copy of any final site plan or subdivision plat to the Highlands Council. If such plans or plats have been prepared in digital form, they shall be provided to the Highlands Council in a digital format that meets Highlands Council standards for such submissions in lieu of copies printed on paper.

SECTION 5. EXCLUSIONS AND EXEMPTIONS

A. **EXCLUSIONS.** The following specific improvements and related applications shall be excluded from the provisions of this Ordinance:

1. 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 otherwise provide accessibility to the disabled.
3. Any Agricultural or Horticultural Use of 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 cumulative, 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 6, below); or
- b. Construction of three (3) or more residential dwelling units (including accessory dwelling units) served by individual on-site septic system(s).

B. EXEMPTIONS. Any activity, improvement or development project listed and demonstrated to constitute a Highlands Act exemption shall be exempt from the provisions of this Ordinance. Formal demonstration of a Highlands Act exemption for an Application for Development involving lands located (or partially located) in the Highlands 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 Borough Ordinance #_____, entitled “Borough of Glen Gardner Highlands Area Exemption Ordinance,” effective as of [insert date] _____, for any application under this Ordinance involving Highlands Act Exemptions #4, #6, #7, or #8, 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.

SECTION 6. DEFINITIONS

For the purpose of this Ordinance and as an amendment to Section 104-4 of the Land Use Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

Agricultural or Horticultural Development – means construction for the purposes of supporting common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

Agricultural or Horticultural Use – means the use of land for common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

Agricultural Impervious Cover – means agricultural or horticultural buildings, structures or facilities with or without flooring, residential buildings and paved areas, but not meaning temporary coverings.

Applicant – means a developer submitting an Application for Development.

Application for Development – means the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of permits pursuant to section 25 or 27 of P.L.1975,c.291 (C.40:55D-34 or C.40:55D-36).

Disturbance – means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

Disturbance, Ultimate – means the total existing or proposed area of disturbance of a lot, parcel, or other legally designated (or otherwise legally recognized) tract or subdivision of land, for the purpose of, and in connection with, any human activity, property improvement, or development, including the surface area of all buildings and structures, all impervious surfaces, and all associated land disturbances such as excavated, filled, and graded areas, and all lawn and landscape areas. Ultimate disturbance shall not include areas of prior land disturbance which at the time of evaluation: a) contain no known man-made structures (whether above or below the surface of the ground) other than such features as old stone rows or farm field fencing; and b) consist of exposed rock outcroppings, or areas which, through exposure to natural processes (such as weathering, erosion, siltation, deposition, fire, flood, growth of trees or other vegetation) are no longer impervious or visually obvious, or ecologically restored areas which will henceforth be preserved as natural areas under conservation restrictions.

Farm Management Unit – means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

Highlands Council – means the New Jersey Highlands Water Protection and Planning Council.

Highlands Act – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 *et seq.*

Highlands Applicability Determination (HAD)– means the determination made by the NJDEP of whether a project proposed for the Preservation Area is a major Highlands development, whether any such major Highlands development is exempt from the Highlands Act, and whether the project is consistent with the applicable Areawide Water Quality Management Plan.

Highlands Area – means that portion of the municipality for which the land use planning and regulation are in conformance with, or are intended or proposed to be in conformance with, the Highlands Regional Master Plan, specifically in the context of this Ordinance, the Borough of Glen Gardner Highlands Preservation Area.

Highlands Region – means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

Impervious Surface – means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, including, but not limited to, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements. In addition, other areas determined by the Municipal Engineer to be impervious within the meaning of this definition will also be classified as an impervious surface.

Impervious Surfaces, Cumulative or Ratio – means the total area of all existing or proposed impervious surfaces situated or proposed to be situated within the boundary lines of a lot, parcel, or other legally recognized subdivision of land, expressed either as a measure of land area such as acreage, or square feet, or as a percentage of the total lot or parcel area.

Major Potential Contaminant Sources (PCS) – means land uses and activities determined by the Highlands Council to pose a major risk of ground water contamination (see Appendix A).

Minor Potential Contaminant Sources (PCS) – means land uses and activities determined by the Highlands Council to pose a minor risk of ground water contamination (see Appendix B).

Municipal Land Use Law (MLUL) – means the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

NJDEP – New Jersey Department of Environmental Protection

NJDEP Preservation Area Rules – means the regulations established by the NJDEP to implement requirements of the Highlands Act, titled “Highlands Water Protection and Planning Act Rules,” and codified at N.J.A.C. 7:38-1 et seq.

Planning Area – means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

Plan Conformance – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.

Preservation Area – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

Public Community Well – means a well that provides water to a public water system serving at least 15 service connections used by year-round residents or regularly serving at least 25 year-round residents.

Public Non-Community Well – means a well that is not a public community well and that provides water to a public water system regularly serving at least 25 individuals for at least 60 days in any given calendar year.

Regional Master Plan (RMP) – means the Highlands Regional Master Plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

Solar Panel – means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array. (As defined by the Highlands Act, N.J.S.A. 13:20-1 et seq, as amended.)

Structure – means a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

APPENDIX A. MAJOR POTENTIAL CONTAMINANT SOURCES

Land uses and activities determined by the Highlands Council (based on New Jersey Safe Drinking Water Act regulations at N.J.A.C. 7:10 and NJDEP regulations) to be Major Potential Contaminant Sources include those listed below:

1. Underground fuel and chemical storage and oil tanks regulated by NJDEP under provisions of the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq.).
2. Above-ground storage facility for a hazardous substance or waste with a cumulative capacity greater than 2,000 gallons.
3. Automotive service center (repair & maintenance).
4. Dry cleaning processing facility.
5. Road salt storage facility.
6. Cemetery.
7. Highway maintenance yard.
8. Truck, bus, locomotive maintenance yard.
9. Site for storage and maintenance of heavy construction equipment and materials.
10. Site for storage and maintenance of equipment and materials for landscaping, excluding household storage and maintenance of such equipment.
11. Livestock operation containing 300 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] as defined by the NJ Department of Agriculture in its Criteria and Standards for Animal Waste Management, at NJAC 2:91.
12. Quarrying and/or mining facility.
13. Asphalt and/or concrete manufacturing facility.
14. Junkyard/auto recycling and scrap metal facility.
15. Residential or agricultural motor fuel in NJDEP exempted underground storage tanks (i.e., under 1,000 gallons).

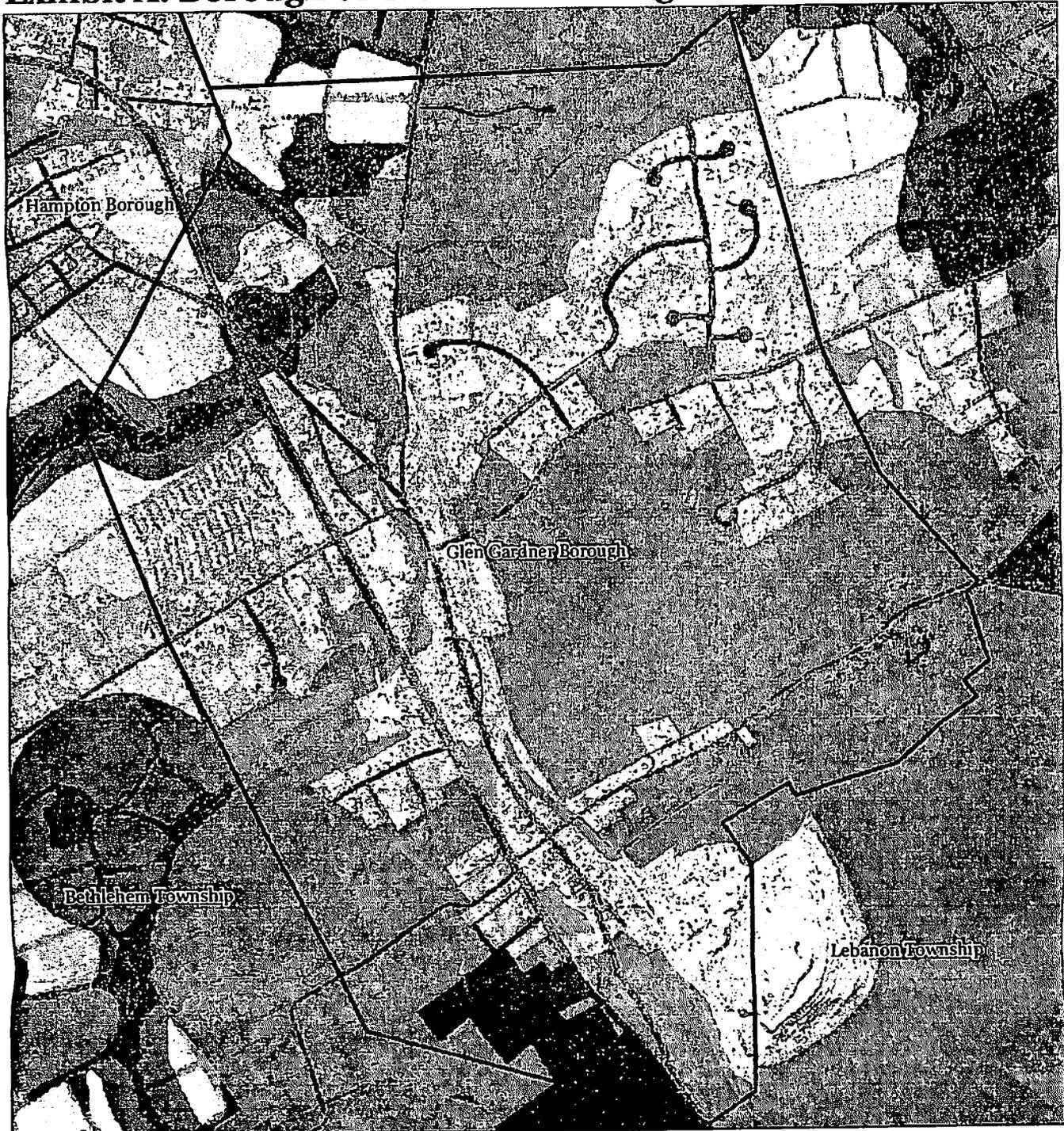
APPENDIX B. MINOR POTENTIAL CONTAMINANT SOURCES

Land uses and activities determined by the Highlands Council (based on New Jersey Safe Drinking Water Act regulations at N.J.A.C. 7:10 and NJDEP regulations) to be Minor Potential Contaminant Sources include the following:

1. Underground storage of hazardous substance or waste of less than 50 gallons.
2. Underground heating oil storage tank with a capacity of less than 2,000 gallons.
3. Sewage treatment facility regulated by a NJPDES permit granted under NJAC 7:14A.
4. Industrial waste line.
5. Septic system disposal field.
6. Facility requiring a ground water discharge permit issued by the NJDEP pursuant to N.J.A.C 7:14A et seq.
7. Stormwater retention-recharge basin on an industrial property receiving runoff from surfaces other than roof areas.
8. Dry well on an industrial property receiving runoff from surfaces other than roof areas.
9. Waste oil collection, storage and recycling facility.
10. Agricultural chemical bulk storage and mixing or loading facility including crop dusting facilities.
11. Above-ground storage of hazardous substance or waste in quantities of less than 2,000 gallons.
12. Livestock operation containing 8 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] or those receiving 142 or more tons of animal waste per year as defined by the NJ Department of Agriculture pursuant to its Criteria and Standards for Animal Waste Management, at NJAC 2:91.

BOROUGH OF GLEN GARDNER
 HIGHLANDS PRESERVATION AREA MASTER PLAN ELEMENT

Exhibit A: Borough of Glen Gardner Highlands Preservation Area



Regional Master Plan Overlay Zone Designation

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

Glen Gardner Borough



1 inch = 0.205 miles



SECTION 7

If any portion, paragraph, clause, sentence or phrase of this Ordinance is determined to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

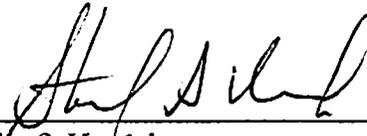
SECTION 8

All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 9

This Ordinance shall take effect after final passage and publication in the manner prescribed by law.

By:



Stanley S. Kovach
Mayor

ATTEST:



Judy Bass
Borough Clerk

Introduction: June 18, 2013
Publication: June 27, 2013
Second Reading: July 16, 2013
Publication by Title: July 25, 2013

APPENDIX D
Select List of Highlands Goals,
Policies, and Objectives

Appendix D. Select List of Highlands Goals, Policies, and Objectives:

Objective 1A2d: To prohibit through Plan Conformance, local development review and Highlands Project Review the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into forested areas of the Forest Resource Area within the Planning Area except as provided for in Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area except as provided for in Policy 2I1 and Objectives 2I1a and 2I1b.

Objective 1L6b: Septic systems and cesspools on small lots in close proximity to lakes shall be replaced with upgraded individual treatment systems, communal septic systems or community-based wastewater systems wherever feasible and cost-effective, with the selection of replacement technology to ensure minimal secondary impacts, including potential reductions in net water availability, maximum environmental benefit, and financial viability. Community-based systems should not provide for additional land development capacity except for exempt lots within that existing lake community that are not environmentally constrained, or for areas that are otherwise permitted to have wastewater service under the Goals, Policies, and Objectives in Part 2, Subpart D, Sustainable Development, and Water Resources.

Policy 2B6: To require through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, Highlands Project Review, and interagency coordination that proposed public water supply and wastewater service areas, new or increased water allocations and bulk water purchases will not directly or indirectly cause or contribute to a Net Water Availability deficit, and where feasible will help mitigate any existing deficit.

Objective 2B6a: Areawide Water Quality Management Plans (WQMPs), Wastewater Management Plans (WMPs) or their amendments shall ensure that the proposed service area will not directly or indirectly cause or contribute to a Net Water Availability deficit, and shall be in conformance with any Water Use and Conservation Plan developed under Objective 2B8c.

Objective 2B8e: Allow water resource transfers between or from Highlands subwatersheds only when there is no other viable alternative and where such transfers would demonstrably not result in impairment of resources in any subwatershed. Potential effects on upstream and downstream subwatersheds should be included in any such evaluation.

Objective 2D4e: Prohibit through Plan Conformance, local development review and Highlands Project Review the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into a Prime Ground Water Recharge Area within the Protection or Conservation Zone within the Planning Area except as provided for in Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area except as provided for in Policy 2I1 and Objectives 2I1a and 2I1b.

Objective 2G3c: WQMPs, WMPs or amendments shall demonstrate that the proposed service area will not directly or indirectly support development that would be in violation of an adopted TMDL.

Objective 2H5d: Amend Areawide WQMPs or WMPs for conforming municipalities and counties to ensure that any activity associated with the proposed service area will not adversely affect a Wellhead Protection Area.

GOAL2I: Limitation of the expansion of water and wastewater infrastructure in the preservation area.

Policy 2I1: To prohibit the expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area unless approved through a Highlands Applicability Determination (HAD) or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.

Objective 2I1a: Designated sewer service areas in the Preservation Area shall be restricted to the Existing Area Served as of August 10, 2004, except to serve development that is approved through a HAD or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.

Objective 2I1b: The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas (ARAs), Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.

Policy 2I2: To identify through Plan Conformance and Highlands Redevelopment Area designation procedures those lands of the Preservation Area that may be appropriate for the extension or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities for redevelopment that would meet the waiver requirements of N.J.A.C. 7:38 and Policy 7G1.

Policy 2J5: To prohibit, through local development review and Highlands Project Review, new or increased water resource transfers between subwatersheds unless it is demonstrated that no other option exists to meet public health, safety and welfare objectives and where such transfers do not result in impairment of resources in the subwatershed from which water is proposed to be transferred.

Policy 2K1: To establish and maintain an inventory of Highlands public wastewater management infrastructure, including developed parcels with current connections to existing utility service areas.

Objective 2K1a: The development and maintenance of an inventory of Existing Areas Served.

Objective 2K1b: The development and maintenance of an inventory of the service areas and capacity of Highlands Domestic Sewerage Facilities.

Objective 2K1c: The development of an estimated Available Wastewater Treatment Capacity for each Highlands Domestic Sewer Facility.

Objective 2K1d: The identification of remaining available wastewater treatment capacity to support regional growth opportunities within the Highlands Region.

Policy 2K3: To provide adequate, appropriate, efficient and cost-effective wastewater management to all development in the Highlands Region, through Plan Conformance, local development review, and Highlands Project Review.

Objective 2K3a: Areawide WQMPs, including WMPs and project-specific amendments, shall be examined for consistency with requirements of this Plan. The Highlands Council shall prepare and transmit to NJDEP consistency determinations for these amendments prior to the NJDEP decision in accordance with N.J.A.C. 7:38-1.1 and N.J.A.C. 7:15.

Objective 2K3b: Existing wastewater collection and treatments systems which are non-compliant with state water quality standards for wastewater treatment and effluent discharge shall be prohibited from collecting and treating additional wastewater until the treatment systems are fully compliant with State permit requirements.

Objective 2K3c: Prohibit new, expanded, or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone, and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of ARAs, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of ARAs, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are:

1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity;
2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or
3. To serve a cluster development that meets all requirements of Objective 2K3d.

Objective 2K3d: Clustered development served by a public wastewater collection and treatment system or community on-site treatment facility within the Protection Zone, the Conservation Zone, and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met:

1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in ARAs pursuant to Policy 3A5;
2. Extension of an existing public wastewater collection and treatment system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity;
3. Creation of a community on-site treatment facility will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity, where the proposed system is designed, permitted, and constructed at a capacity limited to the needs of the clustered development, and where the system does not create the potential for future expansion into areas that are not the subject of cluster developments immediately adjacent to the initial cluster served;

Objective 2K3e: Allow the expansion or creation of wastewater collection systems within the ECZ of the Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to those provided at Objective 2K3c within the ECZ, or to serve new areas for development that meet all other requirements of the RMP. The highest priority for allocation of excess or additional wastewater treatment capacity is to areas where there are clusters of failed septic systems that are located within or adjacent to Existing Areas Served. TDR Receiving Areas, where designated, affordable housing projects (where the affordable units exceed 10% of the total units), infill and redevelopment shall have higher priority for capacity than other developments requiring expansion of sewer service areas.

Objective 2K3f: All development within the Highlands Region, in areas which are not served by public wastewater collection and treatment system or community on-site treatment facility, shall be at a density that can be supported by septic systems under Goal 2L. Where cluster development in the Protection Zone, the Conservation Zone, and the Environmentally-Constrained Sub-Zones of the Planning Area shall be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development and the Agriculture Retention/Farmland Preservation Plan required by Objective 2K3d in combination shall include provisions for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.

GOAL 2L: Ensure that on-site wastewater system discharges do not exceed the natural capacity of ground water to attenuate loadings, exacerbate existing nitrate impairment, or contribute to potential nitrate impairment for subwatersheds of the highlands region.

Policy 2L1: To use nitrate concentrations in ground water as an indicator of water quality, and to use nitrate dilution modeling as the primary method for assessing the carrying capacity of lands for development that relies on septic systems for wastewater treatment.

Objective 2L1a: Determine background median concentrations of nitrate in ground water by HUC14 subwatershed.

Objective 2L1b: Identify the factors affecting the suitability of densities for development that relies on septic systems for wastewater treatment.

Objective 2L1c: Develop appropriate protection measures to minimize contamination of ground water from septic systems.

Objective 2L1d: Develop drought ground water recharge estimates by HUC14 subwatershed for use in the NJDEP nitrate dilution model.

Policy 2L2: To use the median background nitrate concentrations in ground water in the Highlands Region as a basis for establishing on-site wastewater treatment densities through Plan Conformance, local development review, and Highlands Project Review.

Objective 2L2a: Use the median concentrations of nitrate in ground water for Planning Area HUC14 subwatersheds where the Protection Zone is predominant as the nitrate target for new development reliant on septic systems within the Protection Zone. The median is 0.72 mg/L.

Objective 2L2b: Use the median concentrations of nitrate in ground water for Planning Area HUC14 subwatersheds where the Conservation Zone is predominant as the nitrate target for new development reliant on septic systems within the Conservation Zone. The median is 1.87 mg/L.

Objective 2L2c: Use the NJDEP Highlands Preservation Area rules and nitrate thresholds for the Preservation Area.

Objective 2L2d: Use a nitrate target of 2 mg/L for the Existing Community Zone within Planning Area, on a project-by-project basis, where new development will rely on septic systems.

Objective 2L2e: New residential development using septic systems where clustering or conservation design techniques are employed shall have a gross density (for all parcels involved in the development proposal) based on the nitrate dilution target appropriate for the Land Use Capability Zone, but with the density for the developed portion of the site based on a nitrate dilution target not to exceed 10 mg/L or any more stringent requirement as required by N.J.A.C. 7:15.

Objective 2L2f: Carrying capacity shall be documented through the Land Use Capability Septic System Yield Map as the number of allowable septic systems per Conservation and Protection Zone for each HUC14 subwatershed, taking into account the nitrate target, the HUC14 subwatershed drought ground water recharge, and the acreage that is privately owned, undeveloped or underdeveloped, and not preserved.

Objective 2L2g: New residential development utilizing septic systems shall be designed in a manner that ensures that the untreated well water meets the State drinking water quality standards and that minimizes the risk of well contamination due to the flow of septic system plumes within or between developed lots, addressing general ground water flow patterns,

major fracture systems and other appropriate geological, geophysical, and hydrogeological issues.

Policy 2M2: To develop appropriate and innovative resource management programs to protect, restore, and enhance subwatersheds where existing ground water quality is impaired.

Objective 2M2a: Identify innovative technologies that may be appropriate for the design, installation, and maintenance of on-site wastewater treatment systems to minimize impairment to ground water or surface water quality due to elevated nitrate concentrations and other pollutant loads from septic systems provided the systems meet the minimum standards of N.J.A.C 7:9A.

Policy 3C1: To prohibit through Plan Conformance, local development review and Highlands Project Review the development of additional water and wastewater infrastructure in a ARA within the Conservation and Protection Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the preservation of agricultural lands within the ARA.

Policy 6B2: To limit use and development of land in Protection Zone through appropriate policies regarding resource protection, septic system densities, water supply and wastewater utilities and water availability.

Objective 6H1b: Prevent the extension or creation of water and wastewater utility services in the Protection Zone, Conservation Zone, and Environmentally Constrained Sub-Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the protection of agricultural and environmentally sensitive resources.

Policy 7G1: For the Preservation Area, coordinate with NJDEP during Highlands permit review for any major Highlands development including the review of waivers on a case-by-case basis: 1) if determined to be necessary in order to protect public health and safety; 2) for redevelopment in certain previously developed areas as identified by the Highlands Council, or 3) in order to avoid the taking of property without just compensation.

Policy 7G2: For both the Preservation Area and the Planning Area, a waiver may be issued by the Highlands Council on a case-by-case basis from the requirements of the RMP or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit specifically to conform them with the RMP: 1) if determined to be necessary in order to protect public health and safety; 2) for redevelopment in certain previously developed areas as identified by the Highlands Council, or 3) in order to avoid the taking of property without just compensation. Any waiver issued shall be conditioned upon a determination that the proposed development meets the requirements prescribed for a finding as listed in Section 36.a of the Highlands Act to the maximum extent possible.

APPENDIX E

Highlands Technical Method for WMP Build-Out Analysis

Highlands Technical Method for WMP Build-Out Analysis

The Wastewater Management Plan (WMP) build-out analysis is based on available information from the Highlands Region composite zone data, property class information, the [Highlands Regional Build-Out Technical Report](#), and municipally available data. Residential building units and commercial building square footage are calculated by adding the following composite zone information to the available 2015 parcel information: the designated zone, BODUACRE¹, BOFAR², efficiency factor, and average household size (see attached table). The Highlands Council did not take into consideration the possibility of a use variance for parcels that were determined to be undevelopable (a calculated building unit of less than one because of its size and zoning designation).

Below is the list of Highlands Region composite zones that are used during the Highlands WMP build-out process. As a way to separate the residential and non-residential build-out processes, each zone is given a residential designation (res) or a non-residential designation (non-res):

- Estate Residential (Res)
- Rural Residential (Res)
- Resource Residential (Res)
- Low Density Residential (Res)
- Medium Density Residential (Res)
- Suburban Residential (Res)
- High Density Residential (Res)
- Townhouse Attached Residential (Res)
- Garden Apartments (Res)
- Mixed Use/Age Restricted Housing* (Res\Non-Res)
- Mixed Use* (Res\Non-Res)
- Senior or Age Restricted Housing (Res)
- Office/Commercial (Non-Res)
- Retail (Non-Res)
- Industrial (Non-Res)

*These zones go through both the residential and non-residential build-out process; however, they are otherwise considered only non-residential. The resulting gallons per day (GPD) per parcel calculated from the residential and non-residential processes is then added together to get a final GPD.

Assigned Sewer Service Area

To create the Assigned Sewer Service Area the Highlands Council utilized existing areas served sewer service area (EAS-SSA) shapefiles and future sewer service area sewer service area (FSSA-SSA) shapefiles from previous iterations of municipal WMPs or from available sewer shapefiles sent from the municipality. In addition, the Highlands Council reviewed New Jersey Pollutant Discharge Elimination System (NJPDDES) active permits on the New Jersey Department of Environmental Protection (DEP) Data Miner website to add into the Assigned Sewer Service Area if they were not already accounted for from the provided shapefiles. This area was broken down into two zones: existing areas served or future sewer service area. For a parcel that is labeled as existing area served, the **entire** parcel is designated as Assigned Sewer Service Area. For a parcel that is labeled as the future sewer service area, only the portion of the parcel that is designated as Existing Community Zone (ECZ) or Lake Community Zone (LCZ)

¹ BODUACRE – Build-Out Dwelling Unit per Acre.

² BOFAR – Build-Out Floor Area Ratio

of the Highlands Council Land Use Capability Zones (LUCZ) is designated as an Assigned Sewer Service Area. If a parcel is located within the boundaries of a Highlands Designated Center or a Highlands Designated Redevelopment Area, the entire parcel is designated as an Assigned Sewer Service Area, either labeled as future sewer service area or existing area served of the Assigned Sewer Service Area. Parcels that are labeled as existing area served of the Assigned Sewer Service Area do not go through the build-out process as the existing GPD flows are provided by the applicable wastewater treatment facility or through Digital Monitoring Report (DMR) data from the DEP Data Miner website. The GPD of the proposed future flow is estimated using build-out conditions; parcels labeled as future sewer service area of the Assigned Sewer Service Area are run through the build-out process explained below.

Build-Out Process

The build-out process starts with the remaining acreage of the parcels that are within the ECZ or LCZ, have a designated property class of 1 or 3B, and are not zoned as Mixed Use. The acreage of the DEP constraints are subtracted from the remaining acreage of the parcel. The DEP Environmental Constraints layer originates from DEP and is comprised of the following environmentally sensitive areas: wetlands, natural heritage priority sites, C1 streams and their associated 300-foot buffer, and DEP Landscape program rank 3, 4, and 5 critical habitat.

Flow Formula for residential parcels

1. $(\text{Parcel ECZ/LCZ Acres} - \text{DEP Environmental Constraints}) * \text{Efficiency Factor} = \text{Developable Acres}$
2. $\text{Developable Acres} * \text{BODUACRE} = \text{Building Units}$
3. $\text{Building Units} * \text{Average Household Size} = \text{People}$
4. $\text{People} * 75 \text{ GPD} = \text{GPD per parcel}$

Flow Formula for Office/Commercial/Retail parcels

1. $(\text{Parcel ECZ/LCZ Sq Ft} - \text{DEP Environmental Constraints Sq Ft}) * \text{Efficiency Factor} * \text{BOFAR} = \text{Developable Sq Ft}$
2. $\text{Developable Sq Ft} * \text{Public Wastewater System Generation} (.10) = \text{GPD per parcel}$

Flow Formula for Industrial parcels

1. $(\text{Parcel ECZ/LCZ Sq Ft} - \text{DEP Environmental Constraints Sq Ft}) * \text{Efficiency Factor} * \text{BOFAR} = \text{Developable Sq Ft}$
2. $(\text{Developable Sq Ft} / 1,000) * 1.11 = \text{Jobs per 1,000 sq ft}$
3. $\text{Jobs} * 25 \text{ GPD} = \text{GPD per parcel}$

For Mixed Use and Mixed Use/Age Restricted Housing parcels, the residential and commercial build-out derived GPD per parcel are added together to get the final GPD per parcel. Additionally, flows for vacant lands that are calculated below 110 GPD are removed from the Assigned Sewer Service Area, as the environmental constraints on the property reduced its development potential.

For the remaining property classes indicating previous development, the original acreage of the parcel is used to calculate the build-out. For property classes 4A and 4C the commercial build-out from the Highlands Build-Out Technical Report is used and for property class 4B the industrial build-out from the same technical report is used. For property class 2 an assumed 300 GPD is used and the average household size is based on the composite zoning.

Assigned Sewer Service Area - Exemptions

As a way to identify all potential future flows, the Highlands Council attempted to identify parcels that may be entitled to connect to sewer due to eligibility for Exemptions 1, 2, or 4 specified under the Highlands Act and N.J.A.C. 7:38 Highlands Water Protection and Planning Act Rules (Highlands Rules). In order for these identified parcels to be part of the sewer service area they must not only be eligible for an exemption, but also within the pre-Act sewer service area that was designated before August 10, 2004. Parcels that are eligible for an exemption in the Preservation Area, located in the DEP pre-Act Sewer Service Area, and are adjacent to existing sewer service areas are run through the build-out process described above. Parcels identified as property class 4A, 4B, 4C, 15A, 15D or 15F and eligible for Exemption 4 were only run through the build-out process after consulting with the municipality regarding known plans for redevelopment of the identified parcel(s). If no redevelopment plans are known, the parcel is no longer designated as an Exempt Assigned Sewer Service Area.

Unassigned Sewer Service Area

Based on the definition of Unassigned Sewer Service Area, provided by the N.J.A.C. 7:15 Water Quality Management Planning rules, the unassigned sewer service area is any Planning Area parcel that is not designated as an Assigned Sewer Service Area and is located within the ECZ or LCZ and is **not** in the Existing Community Zone – Environmentally Constrained Subzone (ECZ-ECSZ), in accordance with the Highlands Regional Master Plan (RMP). These identified parcels are then run through the build-out process described above. The Highlands Council gave the municipalities the choice to retain identified Unassigned Sewer Service Areas, or delete all or portions of the identified areas.

Septic Build-Out Analysis - Preservation Area

In order to estimate the number of septic systems that may be added in a municipality, build-out conditions were analyzed in the Highlands Region. For the Preservation Area, the build-out analysis started with estimating build-out utilizing the N.J.A.C. 7:38 DEP Highlands Rules. First, parcels that are at least 25 acres or more were identified. This threshold was chosen since a vacant or underdeveloped parcel in the Preservation Area cannot install a new septic on the property that will maintain water quality nitrate standards in accordance with the Highlands Rules under estimated build-out conditions if it is under 25 acres. As per the Highlands Rules, a parcel that contains forest cannot have more than one septic system for every 88 acres and a parcel that does not contain forest cannot have more than one septic system for every 25 acres (25/88 rule). The number of septic systems on a parcel that contains a combination of forest and non-forest is calculated by finding the number of septic systems allowed on the forest and non-forest acres of the parcel and then subsequently adding those septic system numbers together. Land use land cover (LULC) codes are used to determine which portions of the parcels are forest or non-forest. Parcels with septic unit totals greater than or equal to two are kept under the Preservation Area Underdeveloped Septic wastewater designation. Any parcel with less than two calculated septic systems was deleted because it is assumed that a land owner who could get only one septic system on his/her property using the 25/88 rule would prefer to build the septic system under an exemption, if eligible. These septic system numbers are taken into account in the septic exemption build-out.

Septic Exemptions

In an attempt to understand the number of additional septic systems that may be installed in a municipality under complete build-out conditions, the Highlands Council created a build-out analysis to determine how many parcels could fall under exemption eligibility. Like the exemption analysis for the Assigned Sewer Service Area, this process is developed using generalized assumptions that does not take into account environmental constraints that may affect the buildability of a parcel. Septic exemptions are any parcel in the Preservation Area not identified as an Assigned Sewer Service Area, not identified as a Preservation Area Underdeveloped Septic parcel, not identified as preserved land, has a designated property class of 1 or 3B, and was identified as one of the following composite zones:

Estate Residential	Medium Density Residential
Rural Residential	Suburban Residential
Resource Residential	High Density Residential
Low Density Residential	Townhouse Attached Residential

Building unit calculations were based on the BODUACRE from one of the zones above and the acreage of the parcel. Parcels that had a total building unit less than one were removed from the septic exemption designation.

Septic Build-Out Analysis - Planning Area

Residential Zones

Residentially zoned parcels that are in the Planning Area and not designated as existing area served in the Assigned Sewer Service Area are analyzed as part of the septic build-out analysis. The septic build-out was determined using property classes 1, 2, and 3B and parcels with condominium qualifier codes were removed. Condominiums are removed because the wastewater generated by them is too large for a septic system and it is assumed that a developed condominium complex would either be connected to a sewer service area or connected to a discharge to groundwater facility with a designated (NJPDDES) permit. Using the BODUACRE from the composite zoning, building units were calculated for these parcels. For parcels with a property class of 1 or 3B a building unit of at least one had to be calculated in order to proceed with the septic build-out process. For parcels with a property class of 2 at least two building units have to be calculated to proceed with the septic build-out process. Since property class 2 implies at least one single family residential dwelling is built on the property, the parcel has to be zoned for more than one dwelling as it is assumed more single family dwellings can be constructed on the parcel under full build-out conditions. The number of acres of the Protection Zone (PZ), Conservation Zone (CZ), and ECZ are determined on each parcel. Utilizing the [Highlands Council LUCZ Septic Table](#) the number of septic systems is determined for each parcel. The number of septic systems cannot exceed the number of calculated building units, therefore if the number of calculated septic systems for a parcel is higher than the number of building units calculated for the parcel based on zoning, then the number of septic systems is decreased to match the number of building units. Using this process the number of septic units calculated is called the LUCZ yield. These are the number of septic units that can be built in the Planning Area of a municipality that will maintain water quality nitrate standards in accordance with the RMP under full build-out conditions. The Highlands Council also takes into account parcels that may have calculated building units of 2, but are only allowed one septic system on the parcel due to the LUCZ

septic constraints. Since the Highlands land use ordinance amendments only require evaluation against the RMP for the construction of three or more new residential houses, a landowner can choose to build up to two building units and an associated septic system for each unit regardless of the RMP septic yield. Under this scenario, it is assumed under build-out conditions that two septic systems would be installed as opposed to just the one septic system allotted by the LUCZ septic yield.

Non-Residential Zones

Non-residential zoned parcels that are in the Planning Area and not designated as existing area served in the Assigned Sewer Service Area are analyzed as part of the septic build-out analysis. These parcels are identified if they are property classes 1 or 3B, are not preserved lands, and zoned as non-residential. The number of acres of the PZ, CZ, and ECZ and their associated subzones, were determined for each identified parcel. The [Highlands Council LUCZ Septic Table](#) was used to determine the number of septic systems that could be installed on the parcel under RMP septic build-out conditions. Any parcel that received a septic yield of zero was removed.

Highlands Module 2 Build-Out Model Impact Factors

Highlands Zone Type	Comparison Zone/Unit Type	Source	Region	Density Dwelling unit (du)/acre *	Efficiency Factor % (1)	Average Household Size (2)	Average School Children in Household (2)	Percent Impervious (3)	Consumptive/Depletive Water Use includes Indoor demand (gpd per person) plus outdoor demand as (gpd per unit) multiplied by Consumptive/Depletive Use Coefficient (4)	Public Water System Demand (5)	Public Wastewater System Generation (6)
SF Estate Residential or (PA-5)				0.05 to 0.20 (0.17 maximum)	95			0.075* acres	(75 gpd/person + 50 gpd/unit) * Consumptive/Depletive Coefficient	100 gallons per person per day	75 gallons per person per day
	Single-family Detached 4-5 BR	Statewide NJ Demographic Multipliers (2)	Northern ¹			3.809	1.072				
Single-family Detached 4-5 BR	Central ²				3.780	1.094					
SF Rural Residential, Resource Residential, or (PA-4B)				0.21 to 0.5 du/acre (0.17 maximum)	95			0.075* acres	(75 gpd/person + 50 gpd/unit) * Consumptive/Depletive Coefficient	100 gallons per person per day	75 gallons per person per day
	Single-family Detached 4-5 BR	Statewide NJ Demographic Multipliers (2)	Northern ¹			3.809	1.072				
Single-family Detached 4-5 BR	Central ²				3.780	1.094					
SF Low Density or (PA-4)				0.51 to 1.0 du/acre (1.16 maximum)	80			0.075* acres	(75 gpd/person + 50 gpd/unit) * Consumptive/Depletive Coefficient	100 gallons per person per day	75 gallons per person per day
	Single-family Detached 4-5 BR	Statewide NJ Demographic Multipliers (2)	Northern ¹			3.809	1.072				
Single-family Detached 4-5 BR	Central ²				3.780	1.094					
SF Medium Density, Suburban Residential, or (PA-3)				1.01 to 3.0 du/acre (3.81 minimum)	75			26.7	(75 gpd/person + 30 gpd/unit) * Consumptive/Depletive Coefficient	100 gallons per person per day	75 gallons per person per day
	Single-Family Detached, 2-3 BR	Statewide NJ Demographic Multipliers (2)	Northern ¹			3.137	0.607				
Single-Family Detached, 2-3 BR	Central ²				2.578	0.367					
SF High Density or (PA-2)				3.01 to 8.0 du/acre (7.04 minimum)	75			33.7	(75 gpd/person + 5 gpd/unit) * Consumptive/Depletive Coefficient	75 gallons per person per day	75 gallons per person per day
	Single-Family Attached, 2-3 BR	Statewide NJ Demographic Multipliers (2)	Northern ¹			2.477	0.296				
Single-Family Attached, 2-3 BR	Central ²				2.296	0.292					
Attached/Townhouse or (PA-1)				8.01 to 16.0 du/acre (9.78 minimum)	75			45.7	(75 gpd/person + 5 gpd/unit) * Consumptive/Depletive Coefficient	75 gallons per person per day	75 gallons per person per day

Highlands Module 2 Build-Out Model Impact Factors

Highlands Zone Type	Comparison Zone/Unit Type	Source	Region	Density Dwelling unit (du)/acre *	Efficiency Factor % (1)	Average Household Size (2)	Average School Children in Household (2)	Percent Impervious (3)	Consumptive/Depletive Water Use includes Indoor demand (gpd per person) plus outdoor demand as (gpd per unit) multiplied by Consumptive/Depletive Use Coefficient (4)	Public Water System Demand (5)	Public Wastewater System Generation (6)
	Single-Family Attached, 2-3 BR	Statewide NJ Demographic Multipliers (2)	Northern ¹			2.477	0.296				
	Single-Family Attached, 2-3 BR		Central ²				2.296	0.292			
Garden Apartment or (PA-1)				16.01+ du/acre (9.78 minimum)	70			57.1	(75 gpd/person + 5 gpd/unit) * Consumptive/Depletive Coefficient	75 gallons per person per day	75 gallons per person per day
	5+ Units (Own/Rent), 2-3 BR	Statewide NJ Demographic Multipliers (2)	Northern ¹			2.262	0.308				
	5+ Units (Own/Rent), 2-3 BR		Central ²				2.342	0.373			
Mixed use/Age Restricted Housing (percent mix based on 40% residential and 60% non-residential as Office/Commercial)		Municipal Zoning		Apply zone density and FAR value Note: Use Retail/Commercial Impact factors for non-res %	70	Varies Based on zoning Du/Acre description	0.00	68.8	(75 gpd/person + 5 gpd/unit) * Consumptive/Depletive Coefficient	75 gallons per person per day	75 gallons per person per day
Mixed use (percent mix based on 40% residential and 60% non-residential as Office/Commercial)		Municipal Zoning		Apply zone density and FAR value Note: Use Retail/Commercial Impact factors for non-res %	70	Varies Based on zoning Du/Acre description	Varies Based on zoning Du/Acre description	42.0	(75 gpd/person + 5 gpd/unit) * Consumptive/Depletive Coefficient	75 gallons per person per day	75 gallons per person per day
Senior or Age restricted Housing		Municipal Zoning		Varies Based on zoning Du/Acre description	70	Varies Based on zoning Du/Acre description	0.00	60.3	(75 gpd/person + 5 gpd/unit) * Consumptive/Depletive Coefficient	75 gallons per person per day	75 gallons per person per day

Highlands Build-Out Residential Impact Factors – Sources

* Residential dwelling units generated by the build-out model include both market rate and affordable units.

(1) Source: Efficiencies are given as a percentage, between 0 and 100, where a 100 value means complete efficiency (no land lost to development), and a 0 value means no buildings will be estimated for that land use. For example an efficiency of 70% may be representative of developable land that has a 10% set aside for parks and 20% for roads (100% - 10% - 20% = 70%). Project determined values.

(2) Source: Who Lives in New Jersey Housing? New Jersey Demographic Multipliers, The Profile of Occupants of Residential and nonresidential Development. Listokin, D., Voicu, I., Dolphin, W., Camp, M. Center for Urban Policy Research. Rutgers University. November 2006. Northern NJ values were applied to Bergen, Morris, Passaic, Sussex and Warren County municipalities. Central NJ values were applied to Hunterdon and Somerset County municipalities.

1 Table II-C-1 North Region of New Jersey Total Persons and Persons by Age (2000) (p. 85)

2 Table II-D-1 Central Region of New Jersey Total Persons and Persons by Age (2000) (p. 99)

(3) Source: NCNBR, Rutgers University, April 27, 2006. The impervious surface area for new dwelling units large lot zoned areas (*) is based on an average 15% impervious surface value (per NJDEP LU/LC) and a project determined average homestead area of 0.50 acres. No impact value is attached to the remaining undeveloped area. The impact percentage factors for the other residential composite zones represent weighted averages of NJ Highlands Percent Impervious Surface for all residentially developed lands in that composite zone. The raw data was obtained by overlaying NJ Highlands Zoning and DEP 2002 LU/LC spatial data files, and extracting the calculated percent impervious surface area attached to each LU/LC residential developed land polygon and the acres of associated developed land in each intersecting municipal zone polygon. The impervious surface areas in each municipal zone within the composite zone were aggregated and then divided by the total developed residential land area, to produce a weighted IS average for each composite zone.

(4) Source: Center for Urban Policy Research (CUPR), September 2000. NJGS Consumptive Use Coefficients. For consumptive uses, a factor of 29% is utilized. For depletive uses, a factor of 100% is used

(5) Source: NJDEP N.J.A.C. 7:10 Safe Drinking Water Act Regulations Adopted November 4, 2004, 7:10-12.6 Water Volume Requirements and State Plan Impact Assessment

(6) Source: NJDEP N.J.A.C. 7:14A-23.3 Pollutant Discharge Elimination System: Technical Requirements For TWA Applications; Projected flow criteria

Highlands Module 2 Build-Out Model Impact Factors

Highlands Composite Zone Type	Floor Area Ratio	Efficiency Factor % (1)	Region	Jobs per 1,000 sf (2)	Percent Impervious (3)	Consumptive/Depletive Water Use multiplied by Consumptive/Depletive Use Coefficient (4)	Public Water System Demand (5)	Public Wastewater System Generation (6)
Office/Commercial	Based on zoning	80	Northeast US	2.99	78.3	0.125 gpd/sf * Consumptive/Depletive Coefficient	0.125 gallons/day/sf	0.10 gallons/day/sf
Retail	Based on zoning	80	Northeast US	1.63	72.5	0.125 gpd/sf * Consumptive/Depletive Coefficient	0.125 gallons/day/sf	0.10 gallons/day/sf
Industrial	Based on zoning	80	Northeast US	1.11	53.4	25 gpd/person * Consumptive/Depletive Coefficient	25 gallons per person per day	25 gallons per person per day

Highlands Build-Out Non-Residential Impact Factors – Sources

(1) Source: Efficiencies are given as a percentage, between 0 and 100, where a 100 value means complete efficiency (no land lost to development), and a 0 value means no buildings will be estimated for that land use. For example an efficiency of 70% may be representative of developable land that has a 10% set aside for parks and 20% for roads (100% - 10% - 20% = 70%). Project determined values.

(2) Source: Who Lives in New Jersey Housing? New Jersey Demographic Multipliers, The Profile of Occupants of Residential and nonresidential Development. Listokin, D., Voicu, I., Dolphin, W., Camp, M. Center for Urban Policy Research. Rutgers University. November 2006.

a Table II-I-3 Commercial - Office Employees per 1,000 Square Feet of Gross Floor Area (GFA) (p. 136) (Reported Northeast mean value).

b Table II-I-4 Commercial – Retail Employees per 1,000 Square Feet of Gross Floor Area (GFA) (p. 139)

(Value derived by averaging the mean number of employees per 1,000 sq. ft. of GFA for retail (excluding mall), retail (enclosed mall), and retail (strip shopping mall) space in the Northeast).

c Table II-I-6 Industrial – Warehouses Employees per 1,000 Square Feet of Gross Floor Area (GFA) (p. 143)

(Value derived by averaging the mean number of employees per 1,000 sq. ft. of GFA for Non-Refrigerated and Refrigerated space in the Northeast).

(3) Source: NCNBR, Rutgers University, April 27, 2006. The impervious surface area for new dwelling units large lot zoned areas (*) is based on an average 15% impervious surface value (per NJDEP LU/LC) and a project determined average homestead area of 0.50 acres. No impact value is attached to the remaining undeveloped area. The impact percentage factors for the other residential composite zones represent weighted averages of NJ Highlands Percent Impervious Surface for all residentially developed lands in that composite zone. The raw data was obtained by overlaying NJ Highlands Zoning and DEP 2002 LU/LC spatial data files, and extracting the calculated percent impervious surface area attached to each LU/LC residential developed land polygon and the acres of associated developed land in each intersecting municipal zone polygon. The impervious surface areas in each municipal zone within the composite zone were aggregated and then divided by the total developed residential land area, to produce a weighted IS average for each composite zone.

(4) Source: Center for Urban Policy Research (CUPR), September 2000. NJGS Consumptive Use Coefficients. For consumptive uses, a factor of 29% is utilized. For depletive uses, a factor of 100% is used

(5) Source: NJDEP N.J.A.C. 7:10 Safe Drinking Water Act Regulations Adopted November 4, 2004, 7:10-12.6 Water Volume Requirements and State Plan Impact Assessment

(6) Source: NJDEP N.J.A.C. 7:14A-23.3 Pollutant Discharge Elimination System: Technical Requirements For TWA Applications; Projected flow criteria

APPENDIX F
Septic Inventory

WMP Technical Method for Septic Inventory Parcel Identification

The septic inventory was populated utilizing the available information from the Highlands composite zone data, property class information, and municipally available data. These are the composite zones taken into account during the Highlands WMP build-out process and for identifying whether remaining parcels not identified in any of the build outs contain an existing septic unit. After each zone a residential designation (res) or a non-residential designation (non-res) was applied to each composite zone as a way to distinguish between residential and non-residential septic systems:

Developed Residential Septic Systems

Existing residential septic units were identified by selecting parcels that were not identified as an existing area served of the assigned sewer service area and are classified as property class 2 or 3A. These parcels receive 1 septic unit as one septic system was assumed for each developed single family home. These parcels are depicted on Map 3b as Existing Septic Areas – Residential and these parcels and their associated parcel information populate the septic inventory. This process does not account for homes that may have a second system or a cesspool that has not been previously identified by any entity. Any parcel that did not have property class information was not identified as a parcel containing an existing septic system.

Developed Non-Residential Septic Systems

Existing non-residential septic units were identified by selecting parcels that were not identified as an existing area served of the assigned sewer service area and are classified as property class 4A, 4B, 15A, 15D, or 15F. These parcels receive one septic unit as one septic unit was assumed for each developed commercial or industrial property. These parcels are depicted on Map 3b as Existing Septic Areas – Non Residential and these parcels and their associated parcel information also populate the septic inventory. Any parcel that did not have property class information was not identified as a parcel containing an existing septic system.

APPENDIX G
Septic Maintenance Program

**SEPTIC MAINTAINANCE PROGRAM
(Septic Management Plan Component)
WASTEWATER MANAGEMENT PLANS (WMP)**

Hunterdon County Municipality of: Glen Gardner Borough Date: October 2019

I. Current ISSDS (septic system) Inventory:

Provide Data Report (narrative & property/ISSDS data) on ISSDSs for which records are currently maintained, i.e., begin inventory with all existing-to-date records for newly constructed, modified or repaired ISSDSs that required a permit from the Hunterdon County Health Department. The following fields should also be included if the information is available:

- Name & address of person responsible for the ISSDS maintenance;
- Street address/location of ISSDS
- Date ISSDS installed or approximate age of system;
- Type of ISSDS;
- Date/description of last known permitted activity via Health Department (installation, alteration, repair);
- Date of last inspection or pump-out.

Other fields such as name of inspector, name of pump-out provider, date of last notification sent from Hunterdon County Health Dept. or Municipality (as applicable), are examples of other optional fields that may prove useful if available¹.

- Appendix F of the Borough's Wastewater Management Plan contains a spreadsheet all of the parcels within the municipality identified as having an existing septic system. Hunterdon County Health Department has septic design approval information by municipality from January 2012- July 2019 on their website (<http://www.co.hunterdon.nj.us/health/septic1.html>) consistent with the requirements at N.J.A.C. 7:9A-3.15. Information was gathered from the website and used to populate the septic inventory spreadsheet.

II. Current Septic Management Practices:

Provide narrative of the current activity underway in your municipality that helps to support the proper functioning of ISSDSs—both including AND separate from the triennial requirements of N.J.A.C. 7:9A-3.14. The narrative will include a discussion of how each municipality implements septic system maintenance/management, with a specific focus on the activities outlined below:

(Note: All activities outlined below may not be applicable to the current practices in each municipality.)

1. Identify areas (as applicable) that have a history of failing ISSDSs or exhibit other indications that the area is prone to failing ISSDSs that are “aging out” and showing signs of failure or improper maintenance (e.g., complaints to Health Department or from residents speaking out at town meetings);
- Through the development of this inventory, areas within the Borough that are prone to failing septic systems or in need of multiple repairs can be easily identified.

¹ All arrow bullets are the Borough's responses to questions and statements.

2. Narrative for Permitting Process for ISSDSs—provide general summary and (as applicable) other relevant information, such as if there are options for alternative systems that utilize “Green” technologies or are those prohibited and why?
 - The procedures outlined in N.J.A.C. 7:9A for the permitting of new and altered system design approvals are adhered to as follows:
 1. Soil testing is scheduled and application fees are submitted by applicant.
 2. Soil testing conducted by applicant’s professionals and witnesses by municipal representatives.
 3. Application and design for conventional or advanced systems submitted to the Administrative Authority for review.
 4. Permit to construct issued by the Administrative Authority.
 5. Construction is inspected by a representative by the Administrative Authority.
 6. Final construction approval granted upon receipt of as- built plan, certifications, and certificate of compliance prepared by the applicant’s professionals.In addition, the Hunterdon County Health Department publishes Septic Permit checklists and policy documents for New Construction, Alterations, and Repairs. These documents are available to ISSDS owners/users on the Hunterdon County Health Services website (<http://www.co.hunterdon.nj.us/health/environmental/septic.html>).
3. Maintenance requirements for ISSDS owners/users, pursuant to N.J.A.C. 7:9A-3.14 (i.e., what is sent out (include copies of letter/pamphlet, etc.) and when (each triennial schedule))
 - The maintenance requirements for systems incorporating advanced pretreatment per N.J.A.C. 7:9A are adhered to by the Borough. “Well and Septic Care in Hunterdon County a Homeowner’s Guide” pamphlet (http://www.co.hunterdon.nj.us/pdf/health/Well_and_Septic.pdf) is distributed to homeowners.
4. Any additional municipal maintenance requirements, as applicable, (e.g., any existing ordinances, for example, for inspections required every “x” years? Or a pump-out required every “x” years? Other septic management measures?)
 - All policies related to ISSDS within the municipality is outlined in the Borough of Glen Gardner Ordinances, Chapter 186 Sewage Disposal Systems, Individual.
5. Education/Outreach on Proper Maintenance (in addition to 7:9A-3.14)
 - Guidance materials are available from the County Department of Health upon request. ISSDS owners/users can also access educational materials on the Hunterdon County Health Services website (<http://www.co.hunterdon.nj.us/health/environmental/septic.html>).
6. Record Creation and Maintenance (in addition to 7:9A-3.15), such as an already existing inventory of ISSDS owners/users and if/when any municipal notifications are sent to them)
 - Hunterdon County Health Department keeps a record of septic design approvals by municipality from January 2012- July 2019 on their website at <http://www.co.hunterdon.nj.us/health/septic1.html>.
7. Response Actions to Complaints—provide general summary
 - The Hunterdon County Health Department responds to complaints received by the Administrative

Authority within one (1) business day. The Administrative Authority implements the procedures outlined under N.J.A.C. 7:4-3.4(d), (e), and (f) upon identification of a non-compliant system.

8. Remedial Actions Required for Failing ISSDSs—provide general summary
 - The Administrative Authority implements the procedures outlined under N.J.A.C. 7:9A-3.4(d), (e), and (f) upon identification of a non-compliant system.
9. Reporting to DEP—provide general summary
 - Annual numeric data is provided to the NJDEP via the NJ Local Health Reporting System in Hippocrates.

III. Proposed Improvements to Current Septic Management Practices and Plan to Complete Inventory:

Provide a description of activities that will be evaluated and/or implemented over the next 10-year WMP planning period, that will improve the current municipal practices listed above associated with septic management. Examples of the types of activities being sought include:

1. How will existing but yet unaccounted-for ISSDSs be added to the initial/partial inventory—for example, those noted during past realty transfers, CO Inspections, tax records for non-sewer areas, etc.
 2. In what other ways may this inventory be augmented and/or completed, i.e., need a plan or suite of approaches that propose how to augment and complete the inventory over the 10-year WMP planning period.
 3. Improving Tracking and Notification process to further encourage regular pump-outs, system augmentation, and regular maintenance practices;
 4. Additional educational opportunities to share information with system owners on septic maintenance (e.g., classroom presentations or to civic groups such as Lions Club, Women’s Clubs, or partnering with Environmental Commissions/ Advisory Councils/Watershed Ambassadors, etc.).
 5. Include an estimated timeframe and/or system of “Milestones” to chart progress, e.g., estimate total number of ISSDSs per municipality (provided to Health Depts. pursuant to N.J.A.C. 7:9A-3.15) and commit to populating the Inventory for a certain percentage of them over a pre-determined time-period, or dividing non-sewer areas into geographical “sections” to be completed on a pre-determined timeframe, etc.
- The septic inventory is complete to the greatest extent possible. The Borough will work with the Highlands Council through Plan Conformance on incorporating existing, but unaccounted for ISSDSs into the septic inventory. A tracking and notification process to further encourage regular maintenance practices will be implemented. Additional educational opportunities to inform septic system owners on septic maintenance will be developed if needed and mandated by the State.

APPENDIX H

**Resolution for Authorization for Submission of the Glen Gardner Borough
Chapter of the Hunterdon County Wastewater Management Plan to the
New Jersey Department of Environmental Protection**

RESOLUTION 2019-94

RESOLUTION AUTHORIZING THE SUBMISSION OF THE GLEN GARDNER BOROUGH CHAPTER OF THE HUNTERDON COUNTY WASTEWATER MANAGEMENT PLAN TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE HUNTERDON COUNTY BOARD OF CHOSEN FREEHOLDERS

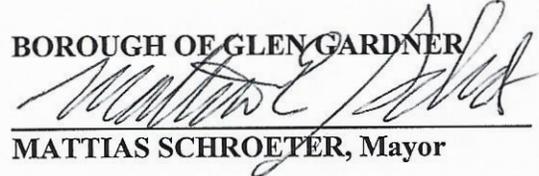
WHEREAS, the Highlands Water Protection and Planning Council ("Highlands Council") has prepared a Wastewater Management Plan (WMP) for Glen Gardner Borough that complies with the 2016 Water Quality Management Plan (WQMP) rules pursuant to N.J.A.C. 7:15, Subchapter 3;

WHEREAS, the Hunterdon County Board of Chosen Freeholders has become the County Wastewater Management Planning Agency;

WHEREAS, the Governing Body of Glen Gardner Borough, Hunterdon County, State of New Jersey has reviewed the draft WMP.

NOW, THEREFORE BE IT RESOLVED that the Governing Body consents to the submission of the Glen Gardner Borough Chapter of the Hunterdon County WMP to the New Jersey Department of Environmental Protection and Hunterdon County Board of Chosen Freeholders for review as required by the 2016 Water Quality Management Plan.

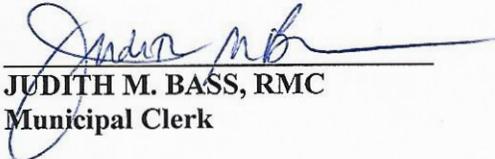
BOROUGH OF GLEN GARDNER



MATTIAS SCHROETER, Mayor

Attest:

December 18, 2019



JUDITH M. BASS, RMC
Municipal Clerk

CERTIFICATION

I, Judith M. Bass, Clerk of the Borough of Glen Gardner, County of Hunterdon and State of New Jersey, do hereby certify that the foregoing to be a true and lawful copy of a duly adopted Resolution of the Mayor and Council of the Borough of Glen Gardner at their meeting held on December 18, 2019.

Dated: 12/18/19



Judith M. Bass, RMC