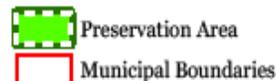
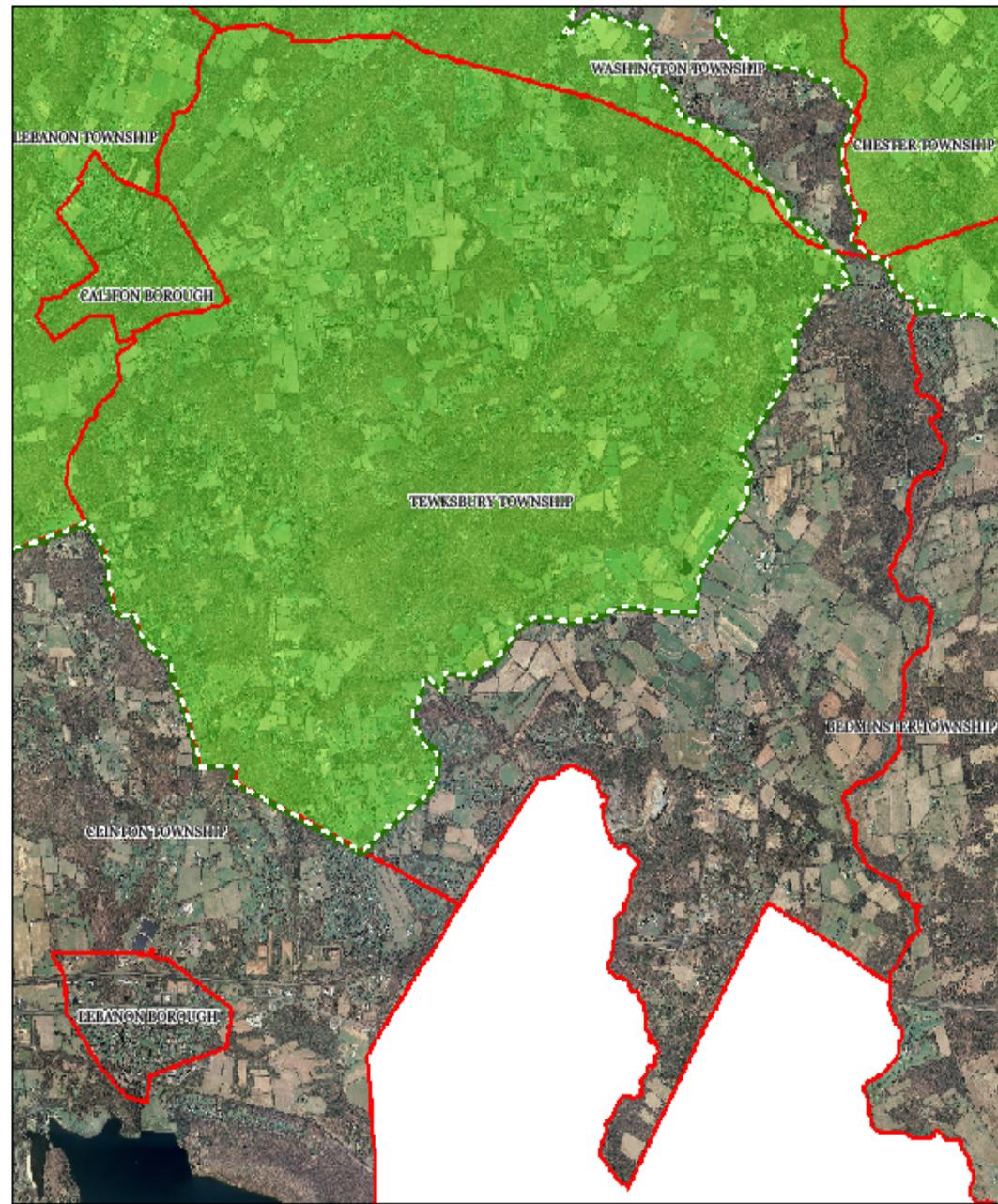

Highlands Regional Master Plan
Highlands Master Plan Element
Module 5

Tewksbury Land Use Board

November 18, 2009

Tewksbury Township

- 2/3 Highlands Preservation Area (*mandatory* RMP conformance)
- 1/3 Highlands Planning Area (*optional* RMP conformance)



TEWKSBURY TOWNSHIP



Purpose of Tonight's Public Meeting

- This is the official public meeting to review the Highlands Municipal Master Plan Element (Basic Conformance Module 5)
- This is the second time this has been discussed with the public and includes revisions based on these comments
- Public input will be continue to be considered in finalizing this draft Highlands Municipal Master Plan Element for inclusion in the conformance petition

Highlands Master Plan Element

- Policies, Goals and Objectives
- Land Use Plan
- Housing Plan – to be submitted separately
- Conservation Plan
- Utility Services Plan
- Circulation Plan
- Land Preservation and Land Stewardship Plan
- Agricultural Retention/Farmland Preservation Plan
- Community Facility Plan
- Sustainable Economic Development Plan
- Historic Preservation Plan
- Development Transfer Plan (Optional)

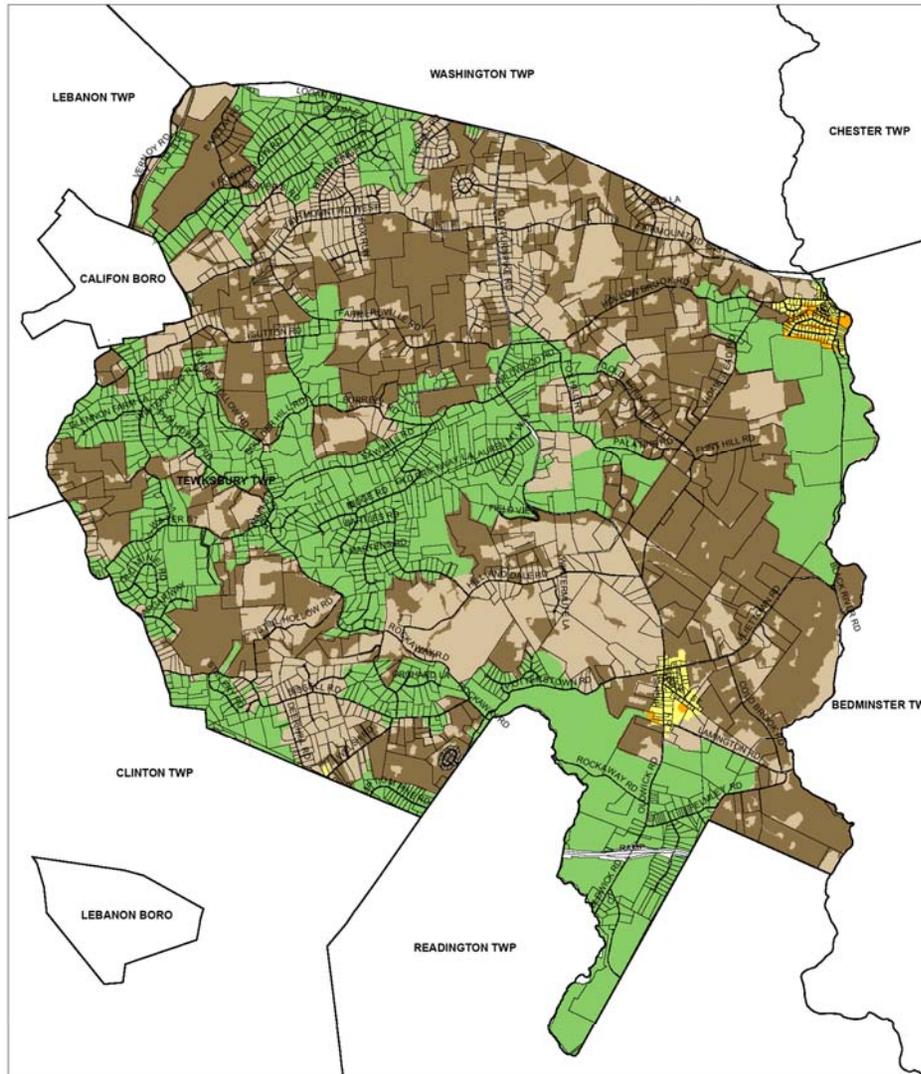
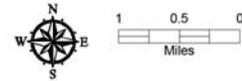
Basic Highlands Conformance

Mandatory Preservation Area Requirements for December 8, 2009:

- Petition the Highlands Council for Plan Conformance (including self-assessment)
- Submit a draft Highlands supplement to the Master Plan
- Submit a draft Highlands supplement to the Land Management Ordinance

Highlands Land Use Capability

Tewksbury Township Regional Area
January 2008



Legend

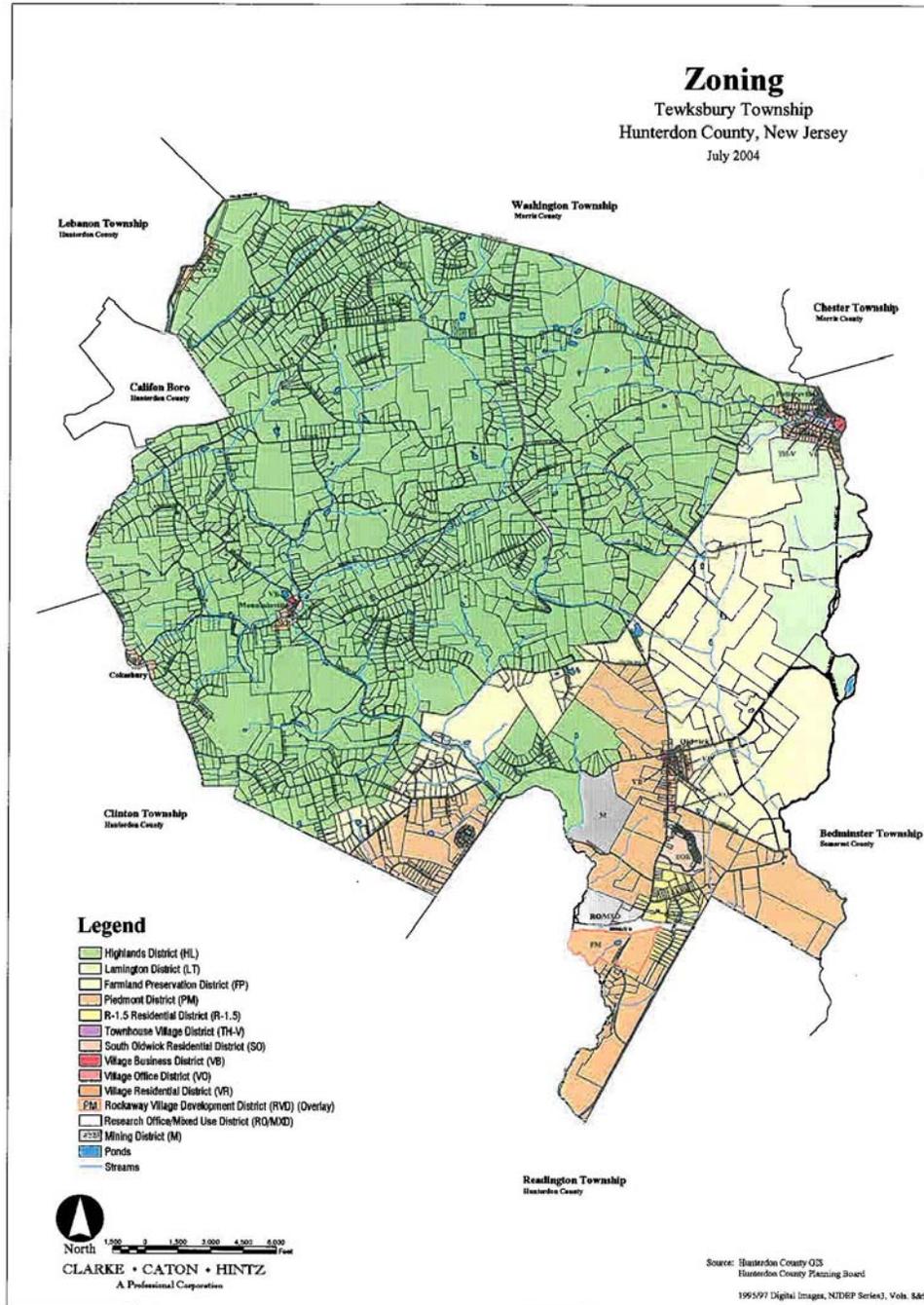
- Protection
- Conservation
- Existing Community
- Conservation Constraint
- Existing Community Constraint

Data Source: NJDEP
New Jersey Highlands Council

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP verified and is not State-authorized.

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Official Zoning Map



Highlands Exemptions Preservation Area

- Homeowners
- Vacant Lot Owner
- Schools
- Church
- Farmland Owners
- The exemptions in the Act allow most homeowners to proceed with home improvements or additions to schools or churches that existed in August 2004 within certain limits.

Homeowners - Exemptions

- Existing homeowners are protected by exemptions which allow expansion of existing dwellings and other improvements to the property. These include:
 - Reconstruction of any building or structure for any reason within 125 percent of the footprint of the lawfully existing impervious surfaces on the site (maximum of one-quarter acre impervious coverage)
 - Any improvement to a legally existing single-family dwelling in existence on August 10, 2004, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system

Vacant Lot Owner - Exemptions

- Any vacant lot, regardless of size, that existed as of August 10, 2004 is entitled to an exemption for the construction of a single family dwelling for the owners own use.
- Lots existing as of August 10, 2004 are also exempt from the Highlands Act or RMP when less than one acre is disturbed for the construction.

Exempt Parcels

PRESERVATION AREA	# of Lots	0-3 acres	3-7 acres	>7 acres
Total Parcels	444			
Class 1	189	97	67	25
Class 3B	253	<u>33</u>	<u>108</u>	<u>112</u>
Pres. Area Totals		130	175	137
PLANNING AREA				
Total Parcels	116			
Class 1	48	33	11	4
Class 3B	68	<u>18</u>	<u>12</u>	<u>38</u>
Planning Area Totals		51	33	42
Planning and Preservation	558	181	208	179

Schools & Houses of Worship - Exemptions

- Schools will not be affected by Highlands Act and the Regional Master Plan since they are an exempt as a category of use
- Houses of Worship - Any improvement to a place of worship owned by a nonprofit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence August 10, 2004, including new structures and additions to an existing building or structure, a site improvement, or a sanitary facility.

Highlands Exemptions

- When viewed together, the Highlands Act exemptions assure that most existing uses in the Preservation Area will not be substantially affected by the RMP.

Farmland Owners

- When located in the Agricultural Resource Area, agriculture is encouraged and the RMP provides for the expansion of agricultural uses.
- If woodlands on farm parcels exist, the RMP prioritizes preservation of the woodlands. Woodland management conducted for Farmland Assessment purposes is an exempt activity, with an approved Woodland Management Plan

Land Uses

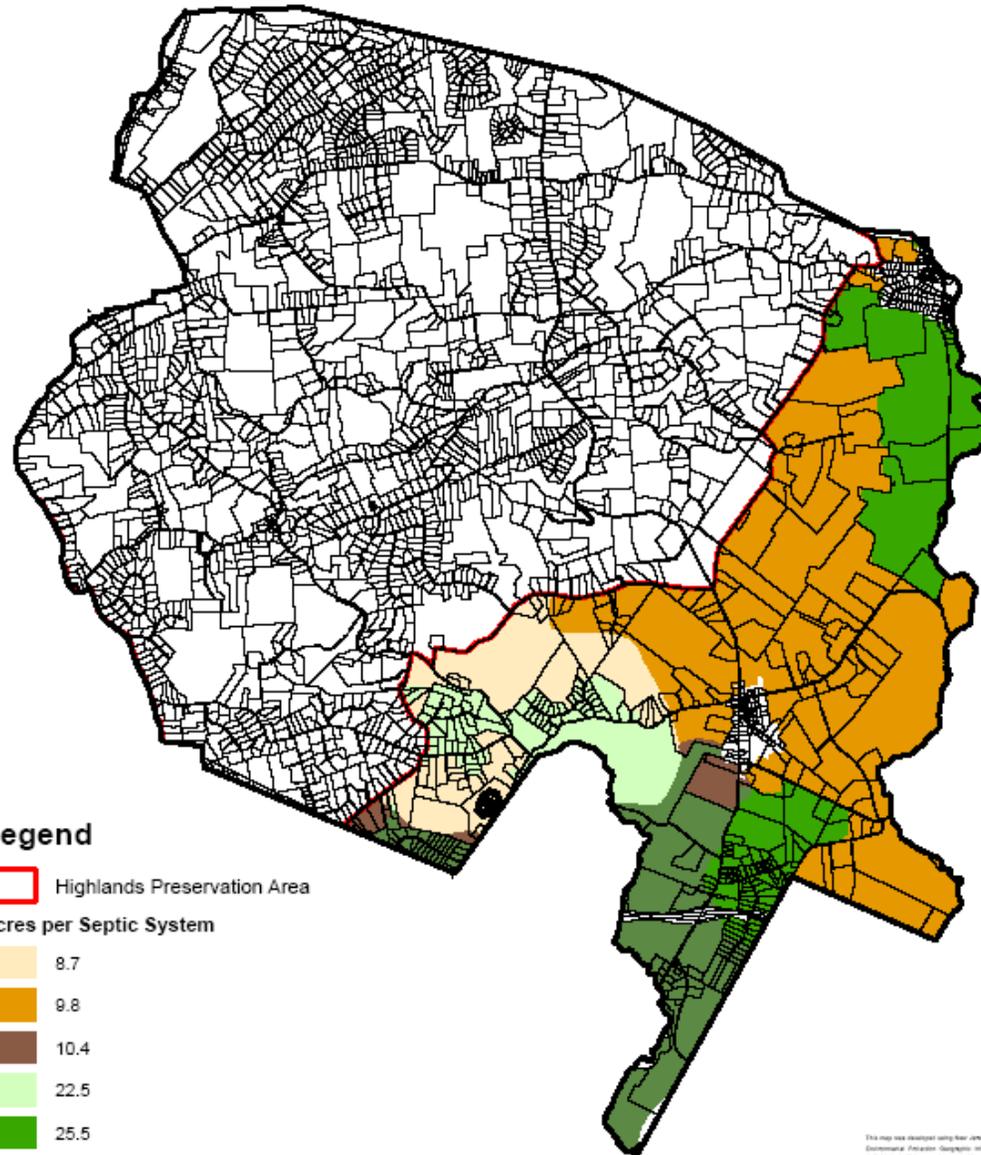
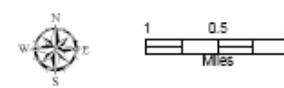
- A review/comparison between municipal plan and Highlands will be conducted to assess compatibility
 - If incompatible, zoning amendments will be required

- Prior to review, currently permitted uses remain in effect for non-exempt development, and must comply with:
 - all resource constraints;
 - all applicable provisions of the NJDEP Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38) and the NJ Dept. of Agriculture Ag. Development in the Highlands Rules (N.J.A.C. 2:92); and
 - Highlands density and intensity requirements

HUC 14 Subwatersheds	HUC 14 SW Name	Drought Recharge Rate (inches/year)	Septic System Density (acres/unit)	
			Protection Zone	Conservation Zone
South Branch Raritan River Watershed				
02030105010060	Raritan R SB(Califon br to Long Valley)	10.9	22.5	8.7
02030105010070	Raritan R SB(StoneMill gage to Califon)	11.6	21.1	8.1
02030105020050	Beaver Brook (Clinton)	9.5	25.8	9.9
North Branch Raritan River Watershed				
02030105050040	Lamington R(Pottersville gage-FurnaceRd)	11.0	22.3	8.6
02030105050060	Cold Brook	9.6	25.5	9.8
02030105050070	Lamington R(HallsBrRd-Pottersville gage)	9.6	25.5	9.8
02030105050080	Rockaway Ck (above McCrea Mills)	10.9	22.5	8.7
02030105050090	Rockaway Ck (Rockaway SB to McCrea Mills)	9.1	26.9	10.4
02030105050100	Rockaway Ck SB	9.3	26.3	10.1
02030105050110	Lamington R (below Halls Bridge Rd)	8.1	30.2	11.6

Highlands Septic System Yield Map HUC 14

Tewksbury Township Regional Area
November 2009



Legend

 Highlands Preservation Area

Acres per Septic System

-  8.7
-  9.8
-  10.4
-  22.5
-  25.5
-  26.9

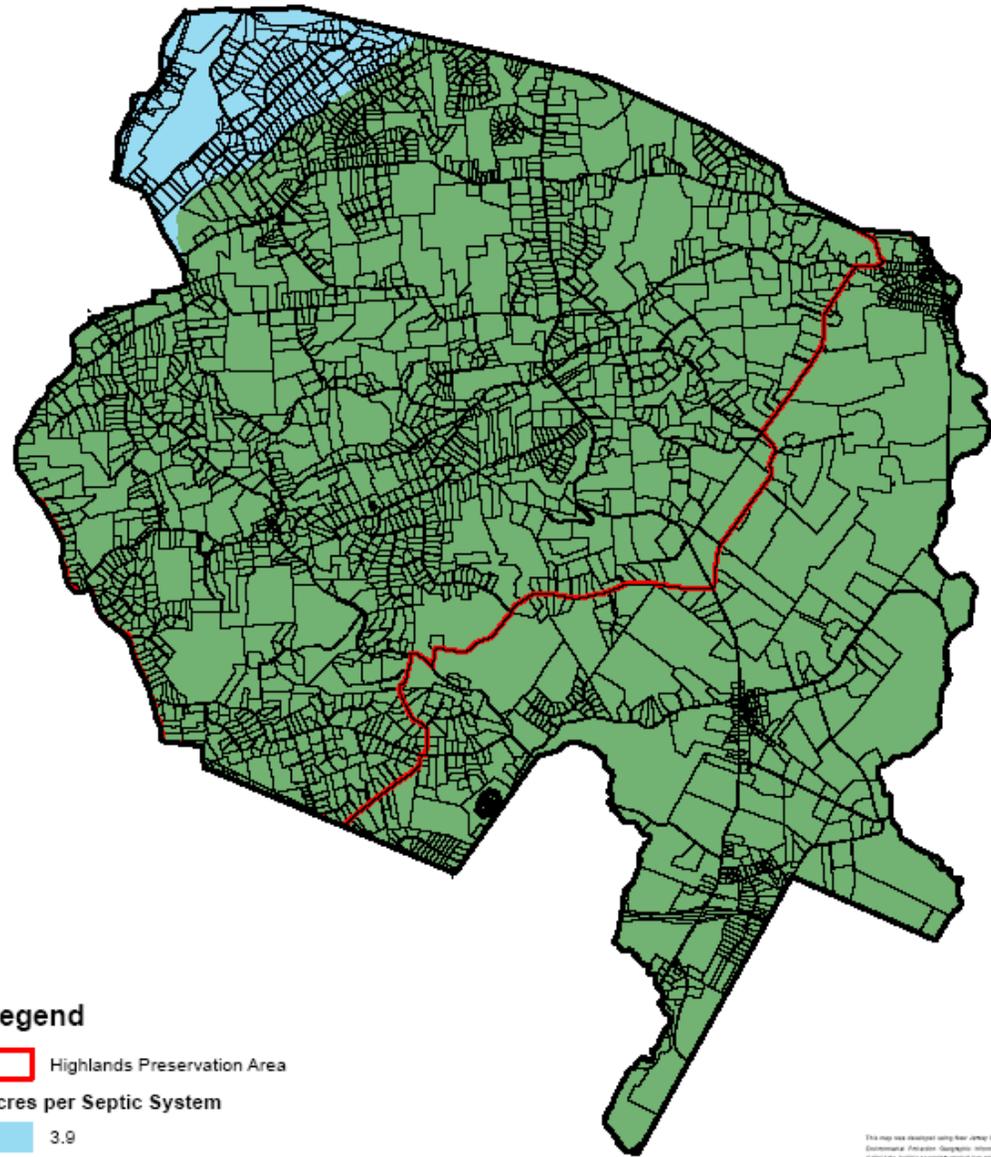
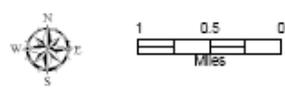
Data Sources: NJDEP,
New Jersey Highlands Council

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NJDEP Septic System Yield Map HUC 11

Tewksbury Township Regional Area
November 2009



Legend

 Highlands Preservation Area

Acres per Septic System

 3.9

 4.1

Data Sources: NJDEP,
New Jersey Highlands Council

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Waivers & Requirements

- The DEP may grant waivers on a case-by-case basis conditioned upon the DEP's determination that the statutory standards are met. A major Highlands Development may obtain one of the following three waivers:
 - Public Health and Safety
 - Redevelopment in previously developed areas as identified by the Highlands Council
 - Any areas for possible redevelopment shall be either a brownfield site designated by DEP or a site with at least 70% impervious coverage.
 - To avoid a Taking of Property without Just Compensation

Agricultural Resource Areas (ARA)

- Agricultural and horticultural uses
- Residential cluster development wherever the minimum thresholds can be satisfied (80% open space set aside required);
 - Residential development concentrated on a limited portion of a much larger tract;
 - Remaining land permanently deed-restricted for agriculture (as a priority), conservation or open space; and
 - Held in common by the homeowners or dedicated to the municipality or other appropriate entity.

Cluster Development

- Requires 80% of tract to remain undeveloped
- Applicable throughout the Township in the Conservation Zone
- Affects most of Tewksbury's Preservation Area and Planning Area
- Protection Zone South of Oldwick is not intended for clustering

Basic Plan Conformance

Septic Systems – Key Provisions

■ **Preservation Area.**

- Shall meet NJDEP septic system density requirements (N.J.A.C. 7:38).
- Minimum requirements range from 25 acres/unit to 88 acres per unit depending on extent of forest cover

Planning Area Optional Conformance

- The RMP is optional in the Planning Area
- There is no deadline to opt-in to the RMP
- Towns may opt-in at any time Planning Area
- RMP allows municipalities to opt-out when changing Highlands' standards would be unacceptable by the municipality.

Impact of Planning Area Conformance on Businesses in Tewksbury

■ No Opt-in

- Current zoning remains in place
- DEP septic standards may impact expansion

■ Opt-in

- Redevelopment/ expansion permitted to 125% of existing footprint
- Highlands HUC-14 septic densities may affect potential expansion
- Water availability may further limit permitted development

Impact of Planning Area Conformance on Farmers and Farmland Owners

- No Opt-in
 - Current permitted densities (7 or 12 acres/unit) remain in place
 - DEP septic densities () will apply to future zone changes, not Highlands

- Opt-in
 - Septic densities for Highlands range from 8 acres/unit to 30 acres/unit
 - Water availability may further limit permitted development
 - In Conservation subzone, lowest densities apply

Highlands Total Build-Out

vs.

COAH 2018 Build-Out

Affordable Unit Generators	Highlands Affordable Units	COAH Affordable Units COAH
CO's 1/04-12/08	22	
Highlands Total Growth Share	59	
COAH 2009-2018 Growth Share		102
Total Round 3 Growth Share	81	102
Prior Round Fair Share Obligation	<u>119</u>	<u>119</u>
Total Fair Share Obligation	200	221

COAH Growth Share 2004 and beyond

Component of COAH Fair Share	Affordable Units
Total Build Out (943 units)	188.6
Total Build Out (651 jobs)	40.7
Build Out Fair Share Obligation	229
Prior Round Fair Share Obligation	119
Total Fair Share Obligation Forecast	348

Highlands Total Build-Out

vs.

COAH Total Build-Out

Affordable Unit Generators	Highlands Affordable Units	COAH Affordable Units COAH
CO's 1/04-12/08	22	
Highlands Total Growth Share	59	
COAH Total Growth Share		218
Total Growth Share Forecast	81	229
Prior Round Fair Share Obligation	<u>119</u>	<u>119</u>
Total Fair Share Obligation	200	348

Third Round Obligation

- Growth Share forecast
 - COAH: 102 affordable units (minimum)
 - Highlands: 81 affordable units (minimum)
- Rental Obligation
 - 26 affordable rental units (COAH)
 - 21 affordable rental units (Highlands)

Affordable Housing Implications

■ Short Term

- **Highlands 2018 growth share forecast is 21 units lower than COAH** if Tewksbury opts in to the RMP for the Planning Area

■ Long Term

- **Highlands long term fair share forecast is 148 units lower than the COAH full build-out condition**

Tax Stability

- Lessons from the Pinelands show that towns in the Pines have maintained tax rates for property owners where towns outside have continually had property taxes on the rise.

New Subdivisions

Acres per Dwelling Unit

Zoning	Highlands	NJDEP	Tewksbury
Farmland			
Pres.	8.7-9.8	4.1	7
Lamington	25.5	4.1	10
Piedmont	8.7-26.9	4.1	5
Highlands	25-88	3.9-4.1	12

Next Steps

- Consider public input on Mod 5 and revise
- Land Use Board and Township Committee review of Highlands Ordinance;
- Determine whether to submit petition for only the Preservation Area or Preservation and Planning Areas
- Prepare Basic Conformance petition.