AGENDA FOR THE COUNCIL MEETING OF THE BOROUGH OF MOUNTAIN LAKES
HELD AT THE BOROUGH HALL, 400 BOULEVARD, MOUNTAIN LAKES, NJ 07046
APRIL 28, 2025
PUBLIC SESSION – BEGINS AT 7PM

1) **CALL TO ORDER AND OPEN PUBLIC MEETINGS ACT STATEMENT – Mayor**
This meeting is being held in compliance with Public Law 1975, Chapter 231, Sections 4 and 13, as notice of this meeting has been reported to The Citizen, the Morris County Daily Record, and The Star Ledger on January 9, 2025 and posted in the municipal building.

2) **ROLL CALL ATTENDANCE - Clerk**

3) **FLAG SALUTE – Mayor**

4) **EXECUTIVE SESSION**

5) **COMMUNITY ANNOUNCEMENTS**

6) **SPECIAL PRESENTATIONS**

7) **REPORTS OF BOROUGH ESTABLISHED BOARDS, COMMISSIONS AND COMMITTEES**

8) **BOROUGH COUNCIL DISCUSSION ITEMS**
a. Continued Discussion - Highlands Regional Master Plan Conformance

9) **PUBLIC COMMENT**
Please state your name for the record. Each speaker is limited to one (1) comment of no more than five (5) minutes and no yielding of time to another person.

10) **ATTORNEY'S REPORT**

11) **MANAGER'S REPORT**

12) **RESOLUTIONS**

13) **ORDINANCES TO INTRODUCE**

14) **ORDINANCES TO ADOPT**

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15) ****CONSENT AGENDA ITEMS***
Matters listed as Consent Agenda Items are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item be removed for consideration.

****RESOLUTIONS***
a. R109-25, Authorizing the Payment of Bills
b. R110-25, Authorizing the Borough Manager to Contract with Bednar Landscape Services for the Abatement of Property Maintenance Violations at 190 Laurel Hill Road and Place a Lien on Block 55, Lot 5 for Costs Incurred in the Remediation of Property Maintenance Violations on this Vacant Property

***APPROVAL OF MINUTES**
4/14/25 (Regular)

***BOARD, COMMITTEE AND COMMISSION APPOINTMENTS**

16) DEPARTMENT REPORTS SUBMITTED FOR FILING

- ☒ Construction Department
- ☒ Department of Public Works
- ☐ Fire Department
- ☒ Health Department
- ☒ Police Department
- ☒ Recreation Department
- ☐ Code Enforcement/Property Maintenance
- ☒ Tax Collector

17) COUNCIL REPORTS

18) PUBLIC COMMENT

Please state your name for the record. Each speaker is limited to one (1) comment of no more than five (5) minutes and no yielding of time to another person.

19) NEXT STEPS AND PRIORITIES

20) ADJOURNMENT

Continued Discussion
Highlands Regional Master Plan Conformance
April 28, 2025

Issue: After a multi-year process of assessing whether to voluntarily opt in to Highlands Regional Master Plan (RMP) conformance and taking steps towards achieving conformance, Borough Council needs to make a final determination on moving forward with the final steps in this process: 1) adopting an ordinance for Highlands RMP conformance; and 2) implementing a Highlands Element in the Borough's Master Plan.

Recommendation: Our recommendation is to move forward with Highlands RMP conformance. Benefits to the Borough of conforming with the Highlands RMP include: grant funding, local planning and technical expertise, support with affordable housing planning and targets, and support for protecting the Borough's natural resources.

Potential downsides to conformance, including possible restrictions on development and administrative burdens, are significantly mitigated by the determination that: 1) very few properties in the Borough are subject to Highlands standards; and 2) there are a limited number of areas where the Borough needs to modify local standards and zoning to achieve Highlands RMP conformance because most Borough land is already developed or preserved and because existing zoning is largely consistent with Highlands RMP goals.

If the Borough later decides that Highlands RMP conformance has created unacceptable limits on development or is administratively too burdensome, the Borough can opt back out of conformance. Borough Council can do this by rescinding any ordinances that were adopted to align municipal regulation with the Highlands RMP. If the Borough does opt out, it does not need to return any Highlands grant funding that it has received for completed work.

Note: Over the years only two municipalities (Washington Township and Bloomingdale Borough) have chosen to opt out of Highlands RMP conformance after having opted in. One of these municipalities, Washington Township, is currently in the process of opting back in to Highlands RMP conformance.

Timing: Completing Highlands RMP conformance before the end of June 2025 will allow the Borough to seek immediate grant funding to support affordable housing planning ($25,000), will provide support for a lower realistic development potential affordable housing target for the Borough, and will allow the Borough to seek grant funding for long-term lakes management planning ($181,000), work that ideally can start this calendar year.

Background:

1. What is the Highlands Council?
2. What is the Highlands Water Protection and Planning Act?
3. What municipalities are in Highlands Region, and which conform with the Highlands RMP?
4. What does it mean to conform with the Highlands RMP?
5. What are potential benefits for the Borough of conforming with the Highlands RMP?
6. What are potential downsides for the Borough of conforming with the Highlands RMP?
7. What properties in the Borough would be affected? What types of development are exempted?
8. What steps are required to conform with the Highlands RMP – and where is the Borough in this process?

Background

What is the Highlands Council? The Highlands Council is a regional planning agency that works in partnership with municipalities and counties in the Highlands Region to encourage a comprehensive regional approach to implementing the 2004 Highlands Water Protection and Planning Act.

What is the Highlands Water Protection and Planning Act (the Highlands Act)? The Highlands Act is a law signed in August 2004 intended to preserve open space and protect the state's greatest diversity of natural resources including the precious water resources that supply drinking water to more than half of New Jersey's families. The Highlands Act documents the geographical boundary of the Highlands Region and establishes the Highlands Preservation Area and the Highlands Planning Area. It required the creation of the Highlands Council and the development of a regional master plan for the entire Highlands Region.

The New Jersey Highlands Region is divided into two distinct areas:

1. Highlands Preservation Area: This area encompasses approximately 398,000 acres of exceptional environmental value. Municipalities within the Preservation Area are mandated by the Highlands Act to conform their local master plans and zoning regulations to align with the Highlands RMP. This ensures that development is strictly regulated to protect critical resources such as water supplies, forests, and biodiversity.

2. Highlands Planning Area: Covering the remaining portions of the Highlands Region, the Planning Area offers municipalities the option to voluntarily conform to the RMP. While not required, municipalities that choose to align their planning and zoning with the RMP can benefit from various incentives and grants provided by the Highlands Council. This voluntary conformance aims to promote sustainable development while preserving the region's environmental integrity. ***Note:*** Mountain Lakes is located in the Highlands Planning Area.

What municipalities are in Highlands Region, and which conform with the Highlands RMP? The New Jersey Highlands region includes 88 municipalities located in parts of 7 counties. Of the 88 municipalities in the Highlands Region, 47 are located both in the Preservation and Planning Areas, 5 are located solely in the Preservation Area, and 36 (including Mountain Lakes) are located solely in the Planning Area. Of the 88 municipalities, 39 either fully or partially conform with the Highlands RMP.

Twenty (20) municipalities have voluntarily opted into full Highlands Regional Master Plan conformance.

- 15 are located both in the Highlands Preservation and Planning Areas: Mahwah Township, Bethlehem Township, Clinton Town, Clinton Township, Holland Township, Lebanon Township, Tewksbury Township, Chester Township, Rockaway Township, Washington Township, Byram Township, Hackettstown Town, Lopatcong Township, Oxford Township, and Pohatcong Township.
- 5 are located solely in the Highlands Planning Area: High Bridge Borough, Lebanon Borough, Chester Borough, Harding Township, and Parsippany-Troy Hills Township.

What does it mean to conform with the Highlands RMP? Conforming with the Highlands RMP means that a municipality revises its local planning and regulatory documents to align with the Highlands RMP's goals, policies, and objectives – ensuring that its land use and resource management practices are consistent with the Highlands

Act and RMP. ***Note:*** In June 2023 the Borough completed its Highlands Planning Area Initial Assessment. The report found that overall, existing Borough policies are generally consistent with those of the Highlands RMP.

What are potential benefits to the Borough of conforming with the Highlands RMP?

- Protecting water resources, including surface and ground water, and natural habitats
- Promoting sustainable development and preservation of historic sites
- Local planning guidance and technical expertise
- Grant funding: Municipalities can access grant funding from the Highlands Council to support a variety of initiatives. In addition to grant funding from Highlands to offset the costs of conformance planning and implementation, the Borough has identified several grant opportunities:
    - The highest priority is a $181,000 grant for long-term lakes management planning
    - Other priorities include economic development planning, Highlands Center planning (a "Highlands Center" is a designated area where development and redevelopment are planned and encouraged, aiming to support sustainable economic growth while protecting natural resources), climate change vulnerability assessment, historic preservation inventory and planning, stream corridor assessment and planning, storm water management planning, trails inventory and planning, affordable housing planning, and public outreach and education efforts around water conservation, recycling, and other topics.
- Avoiding future costs: By protecting water resources and natural habitats now, municipalities can avoid the potential costs of future water treatment and environmental remediation

What are potential downsides for the Borough of conforming with the Highlands RMP?

- Restricted Development: The Highlands RMP aims to protect and enhance the region's resources, which can lead to restrictions on development
- Administrative burdens associated with Highlands RMP conformance and its review process

What properties in the Borough would be affected? What types of development are exempted? Very few Borough properties would be affected by Highlands RMP conformance. All existing single-family homes in the Borough are exempt from any Highlands standards. Redevelopment or expansion of commercial properties are exempt if they stay within 125% of the existing impervious footprint and do not increase impervious surfaces by more than ¼ acre. This is known as "Exemption 4" and is an exemption often applied in the Highlands. New non-residential development and new residential development of three (3) units or more may be subject to implementation of Highlands standards. In developed municipalities such as Mountain Lakes, the most common implementation standard is for green infrastructure to manage stormwater.

The Highlands Act includes seventeen exemptions from the provisions of the Act and Regional Master Plan, as well as several waivers that allow some degree of deviation from the enhanced environmental standards of the Act. The Highlands Council website provides a summary of each exemption and waiver: Highlands Act Exemptions.

Note: The Highlands Council can issue exemptions, or the Borough can choose to become certified to issue its own exemptions. The Highlands Council will reimburse the Borough for the 2-hour training required to become certified in issuing its own exemptions.

There are a limited number of areas where the Borough may need to modify local standards and zoning to conform with the Highlands Regional Master Plan. Given that Mountain Lakes is a largely built out municipality, most anticipated development would occur in the form of redevelopment and infill, and any impacts from conforming with the Highlands RMP would be limited.

What steps are required to conform with the Highlands RMP – and where is the Borough in this process?

Step 1: Initial Outreach and Education: Municipalities should take steps to understand the provisions of the Highlands Act and the objectives of the Highlands RMP and should conduct public meetings to discuss the benefits and implications of Highlands RMP conformance.

Mountain Lakes Status: The Borough completed its Highlands Planning Area Initial Assessment in June 2023 and Borough Council has focused several public discussions on this topic:

- Jun 13, 2022 Special Presentation: Highlands Council – Overview & Benefits of Membership
- Jun 26, 2023 Special Presentation: Initial Highlands Planning Area Conformance Assessment
- Nov 13, 2023 Continued Discussion: Highlands Regional Master Plan Conformance
- Apr 28, 2025 Continued Discussion: Highlands Regional Master Plan Conformance

Step 2: Adopt a Resolution of Intent: The municipal governing body should pass a resolution expressing its intent to conform to the Highlands RMP, demonstrating a commitment to align local planning with regional objectives.

Mountain Lakes Status: Borough Council approved a resolution of intent regarding Highlands Regional Master Plan conformance on November 27, 2023: https://ecode360.com/documents/MO1514/public/753066327.pdf

Step 3: Collaborate with the Highlands Council: Municipalities should engage with the Highlands Council to understand the specific requirements and resources available for the conformance process and utilize technical support provided by the Highlands Council to assess current municipal plans and identify necessary adjustments.

Mountain Lakes Status: The Borough has worked closely with the Highlands Council over the past three years to understand the specific requirements of Highlands Plan conformance and has secured technical assistance and grant funding from the Highlands Council to assist in the process, including:

- Feb 2023 $15,000 – Highlands Initial Assessment Grant
- Feb 2024 $15,000 – Grant to Hire Special Planner to Prepare Plan Conformance Petition
- July 2024 $ 5,000 – Consistency Review & Recommendations Report Grant

Step 4. Develop and Submit a Petition for Plan Conformance: Municipalities should prepare a comprehensive petition that includes proposed amendments to the municipal master plan and zoning ordinances to achieve consistency with the Highlands RMP. They should make the draft petition available for public inspection and comment and then submit the finalized petition to the Highlands Council for review.

Mountain Lakes Status: The Borough prepared and submitted its petition for plan conformance to the Highlands Council. This was discussed in public meetings and the petition was available for public review.

Step 5. Highlands Council Review: The Highlands Council reviews the petition for consistency with the Highlands RMP and provides a minimum 30-day public comment period during which stakeholders can submit feedback on the petition.

Mountain Lakes Status: The Highlands Council approved the Borough's petition in December 2024.

Step 6. Implementation: Municipalities adopt the necessary ordinances and regulations to implement the conformance measures outlined in their petition and maintain regular communication with the Highlands Council to ensure continued adherence to the RMP and address any emerging issues.

Mountain Lakes Status: Borough Council needs to decide whether to move forward with this final step in the conformance process, which includes: 1) adopting an ordinance for Highlands Regional Master Plan conformance; and 2) approving a Highlands element in the Borough's Master Plan.

Attachments:

1. Highlands Region Municipal / County List & Conformance Status (March 2025)
2. Final Draft Consistency Review and Recommendations Report (December 2024)
3. Draft Conformance Ordinance

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Memorandum

To: Mayor and Council of the Borough of Mountain Lakes, NJ

From: Elizabeth Leheny, AICP, PP
Paul A. Phillips, AICP, PP

Date: November 22, 2024
REVISED: April 24, 2025

Re: Potential Impacts on Mountain Lakes Land Use Policies and Regulations Related to Highlands Plan Conformance

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Our firm initially prepared this memo dated November 22, 2024 describing potential impacts that Highlands Plan Conformance could have on Mountain Lakes Land Use Policies and Regulations. In the intervening months, we have had follow-up conversations with representatives from the Highlands Council which addressed some of our questions and concerns. This memo provides status updates, where warranted, in red bold underlined text.

I. INTRODUCTION

The Borough of Mountain Lakes (the "Borough") petitioned the New Jersey Highlands Water Protection and Planning Council ("Highlands Council") for Highlands Regional Master Plan Conformance. The Borough conformance area includes the entire municipality and consists of 1,861 acres all of which is in the Highlands Region Planning Area. This memo discusses potential impacts on the Borough's land use polices and regulations related to Highlands Plan Conformance.

II. BACKGROUND

The Highlands Water Protection and Planning Act ("Highlands Act," N.J.S.A. 13:20-1 et seq.) was enacted by the New Jersey State Legislature on August 10, 2004, for the purpose of protecting, enhancing, and restoring the natural resources of the New Jersey Highlands Region.

Of the over 800,000 acres that make up New Jersey's Highlands Region, the Highlands Act designates approximately 398,000 acres of exceptional natural resource value as the Highlands Preservation Area. All of the land in the Highlands Region that is not in the Highlands Preservation Area lies within the Highlands Planning Area. The Borough of Mountain Lakes is located entirely within the Highlands Planning Area.

The Highlands Act created the Highlands Council and charged it with crafting a comprehensive master plan for the New Jersey Highlands Region. The Highlands Regional Master Plan ("RMP") was adopted by the Highlands Council in 2008. The Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may at any time voluntarily revise and conform its local

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master plan and development regulations, as related to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan.

Over the last several years, representatives of the Borough engaged in conversations with Highlands Council staff to understand the potential benefits and/or impacts of Plan Conformance for the Mountain Lakes community. In June 2023 the Borough completed the first step in the Plan Conformance process by submitting to the Highlands Council a Highlands Planning Area Initial Assessment ("Initial Assessment" or "IA") prepared by J. Caldwell & Associates. Subsequently, on November 27, 2023, the Borough adopted Resolution #207-23 Petition for Plan Conformance. In response to the Borough's petition, the Highlands Council issued a *Draft Consistency Review and Recommendations Report* ("Consistency Report" or "CR") dated October 16, 2024, which provides a review and discussion of each component of the IA. The IA and CR both conclude that overall the existing policies of the Borough are generally consistent with those of the RMP and that most anticipated development in Mountain Lakes, as a largely built out municipality, would occur in the form of redevelopment and infill and any impacts from conforming with the RMP would be limited.

The comment period on Mountain Lake's petition ended November 21, 2024. ~~and the Highlands Council anticipates taking action on the Petition at their meeting on December 12, 2024, or a subsequent regular meeting of the Highlands Council~~. **The Highlands Council by Resolution 2024-33 approved the Borough's Petition on December 12, 2024.** As part of Plan Conformance, Mountain Lakes must adopt an ordinance entitled, "Ordinance for Highlands Council Regional Master Plan Conformance" ("Plan Conformance Ordinance" or "Ordinance").

This memo analyzes the facts, observations, and recommendations contained in the IA and CR, as well as the provisions of the Plan Conformance Ordinance to try to assess any potential impacts on the Borough's land use policies and regulations.

III. POTENTIAL IMPACTS OF PLAN CONFORMANCE

The following sections provide some details on what Plan Conformance would mean for Mountain Lakes.

III. A. LAND USE CAPABILITY ZONES AND SUB-ZONES

Highlands Region overlay zones serve to establish an area that addresses distinguishing circumstances or landscape features and are superimposed over existing municipal zoning. Overlay zones do not replace existing municipal zoning but rather build upon base zoning by establishing additional standards and criteria and are intended to provide a means to address issues of special public interest (e.g. watershed management area, open space preservation, historic preservation, urban enterprise zone) that the underlying base zoning may not otherwise take into consideration. In the Highlands

Region, overlay zones are intended to provide all levels of government (federal, state, county, and municipal) and the public with an indication of areas where special consideration is required to protect regionally significant resources. Overlay zones also indicate where and how development initiatives may occur based on the ability of areas to accommodate growth.

The Highlands Council established three primary Land Use Capability overlay zones two of which are found in Mountain Lakes: the Protection Zone and the Existing Community Zone.[1] These overlay zones distinguish between resource constrained lands, where development will be limited (Protection Zone), and those lands characterized by existing patterns of human development where, dependent on municipal planning, land or capacity constraints, additional growth may or may not be appropriate (Existing Community Zone).

Each overlay zone has its own purpose, application, and minimum standards. The Initial Assessment ("IA") and Consistency Review ("CR") identify the Highlands Land Use Capability Zones and Sub-Zones in Mountain Lakes. Please note that there are discrepancies between the two documents regarding the location of these areas presumably due to the 2024 overlay zone mapping updates described in the Highlands *Land Use Capability Zone Map Technical Report: 2024 Update.*[2] For the purposes of this report, parcels are identified by the overlay zone indicated in the CR as the IA was completed before the 2024 mapping updates.

If the Borough adopts the Plan Conformance Ordinance, it will have to establish the following Land Use Capability Zones and Sub-Zones.

PRIMARY LAND USE CAPABILITY ZONES

Protection Zone ("PZ")

The PZ encompasses approximately 223 acres or 12 percent of the total land area. These areas consist primarily of high resource value lands in terms of forest resources, Critical Habitat, water quality and quantity, and ecological function, and having limited or no capacity to support human development without adversely affecting overall ecological function of the Highlands Region. Land acquisition is a priority in the Protection Zone and development activities are extremely limited; any development is subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands.

[1] The third primary overlay zone is the Conservation Zone which identifies those areas with a high concentration of agricultural lands and associated woodlands and environmental features, where development potential may exist to the extent it is not limited by available infrastructure to support development. No lands in Mountain Lakes are in this overlay zone.
[2] www.nj.gov/njhighlands/master/amendments/warehouse_lucz/lucz_rpt_2024.pdf.

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The properties categorized as PZ in Mountain Lakes are mainly Borough owned and are part of Richard Wilcox Municipal Park. There are two parcels owned by The County Park Commission that are part of Tourne County Park. The PZ primarily coincides with the Borough's C-1 Conservation Zone-Passive Recreation which permits the following: (a) Recreational uses that involve limited disturbance to the natural environment, including, but not limited to, walking, jogging, biking on designated biking trails, bird-watching, fishing, cross-country skiing, and sledding; and (b) Unpaved trails and puncheon-type boardwalks, approved by the Borough Council, and in accordance with the New Jersey Freshwater Wetlands Protection Act.

Parcels adjacent to Birchwood and Crystal Lakes are zoned C-2 Conservation Zone, Active Recreation. The C-2 zone permits the same uses as the C-1 as well as other recreational uses utilizing paved trails, playgrounds, tennis courts, athletic fields and other recreational facilities approved by the Borough Council.

There are two parcels in the R-AA Resident Single-Family zone, one of which is privately owned and improved with a single-family home; the other parcel is in Tourne County Park. The R-AA zone permits single-family detached dwellings; public, private and church schools; playgrounds; parks; churches and similar places of worship; libraries; museums; and noncommercial recreation centers such as YMCAs; and any municipally owned or operated building, other structure, facility or use.

Parcels in Mountain Lakes identified as being the PZ are shown in Table 1.

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TABLE 1: PARCELS IN THE PZ

ADDRESS	BLOCK/LOT	OWNERSHIP	ZONE	CURRENT USE
29 Arden Road	Block 25/Lot 7	Private	R-AA	Single-family home
Rattlesnake Meadow	Block 26/Lot 1	Borough	C-1	Richard Wilcox Municipal Park
Crestview Road	Block 27/Lot 16	Morris County Park Commission	R-AA	Tourne County Park
Crestview Road	Block 27/Lot 26	Borough	C-1	Richard Wilcox Municipal Park
Crestview Road	Block 28/Lot 9	Borough	C-1	Richard Wilcox Municipal Park
Crestview Road	Block 28/Lot 13	Morris County Park Commission	C-1	Tourne County Park
49 West Shore Road	Block 29/Lot 1	Borough	C-2	Richard Wilcox Municipal Park
West Shore Road	Block 30/Lot 1	Borough	C-1/C-2	Storage Building, Parking, and Other Facilities that are part of Richard Wilcox Municipal Park
West Shore Road	Block 30/Lot 66	Borough	C-1	Richard Wilcox Municipal Park
Birch Lane	Block 30/Lot 70	Borough	C-1/C-2	Richard Wilcox Municipal Park
56 West Shore Road	Block 31/Lot 29	Borough	C-2	Richard Wilcox Municipal Park
30 Crystal Road	Block 32/Lot 1	Borough	C-1	Richard Wilcox Municipal Park
311 Boulevard	Block 34/Lot 5	Borough	R-AA	Richard Wilcox Municipal Park
21 Overlook Road	Block 35/Lot 1	Borough	R-AA	Richard Wilcox Municipal Park
27 Overlook Road	Block 36/Lot 1	Borough	C-1	Richard Wilcox Municipal Park
Longview/Locust/Ivy	Block 37/Lot 1	Borough	C-1	Richard Wilcox Municipal Park
Woodcliff Road	Block 38/Lot 12	Borough	C-1	Richard Wilcox Municipal Park
Longview Road	Block 39/Lot 1	Borough	C-1/C-2	Richard Wilcox Municipal Park
Longview Road	Block 39/Lot 22	Borough	C-1	Richard Wilcox Municipal Park
East Shore Road North	Block 41/Lot 1	Borough	C-1	Richard Wilcox Municipal Park
Birchwood Lake	Block 137/Lot 1	Borough	R-AA	Richard Wilcox Municipal Park (volleyball courts and beach area only. Not the lake)

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Existing Community Zone ("ECZ")

The Existing Community Zone encompasses approximately 620 acres or 33 percent of the total land area. The ECZ consists of extensive and intensive existing development which may have capacity to support additional development without adversely affecting the ecological value of the Highlands Region. These areas tend to have limited environmental constraints due to previous development patterns and may have existing infrastructure that can support development and redevelopment provided that such development is compatible with the protection and character of the Highlands environment, at levels that are appropriate to maintain the character of established communities.

Most of Mountain Lakes' existing developed properties are designated ECZ. The IA notes that there are very few parcels that are within the ECZ which are vacant and located completely within the ECZ and do not encroach into one of the two Existing Community Sub-Zones described below.

The Consistency Report concurs with the IA that as a largely built out municipality, most anticipated development would occur in the form of redevelopment and infill and any impacts from conforming with the RMP would be limited. The CR analyzes several lots in the ECZ that it contends are the Borough's likely potential development/redevelopment areas. These include the following[3]:

- Block 5, Lot 1.01 (Route 46 East South of Junction with Crane Road) is a 1.77-acre property in the ECZ overlay zone and the Borough's B Business zone between the railroad tracks and Route 46 East. The site is unimproved and a large portion to the rear is wetlands which may limit redevelopment per NJDEP rules despite whether the parcel becomes subject to Highlands Region regulations. Per Highlands mapping, the site also has mapped for critical wildlife habitat, wetlands, open water protection area, and constrained slopes. The combination of environmental constraints may limit any future redevelopment under the Highlands Region regulations. **NJ Geoweb shows that just under half the site is NJDEP regulated wetlands which would impact development potential regardless of Highlands conformance.**
- Block 5, Lot 1 (62 Route 46) is a 1.9-acre parcel in the ECZ overlay zone and the Borough's B Business zone. It is located to the west of Lot 1.01 above and was formerly the Speedway gas station. It was approved for

[3] Block 2, Lot 1 was included in the Consistency Report. However, the Borough let the Highlands Council know that the property was not vacant and was subject of a "d(1)" use variance in recent years. The lot has an address of 380 Route 46. It is partly in Denville and is improved with a contracting yard with storage containers and diesel fuel containers.

a self-storage facility that has not been built. As a previously disturbed site the parcel would be exempt from Highlands Region regulations if any redevelopment stayed within 125 percent of the existing impervious coverage and does not create a ¼-acre of new impervious coverage. **This exemption from Highlands review is known as "Exemption 4" which is cited in subsection 4 of Chapter 13:20-28 in the Highland Act. Exemption 4 reads as follows:**

> ***"Reconstruction of buildings or structures within 125% of the footprint: The reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more…"***

The site is 1.9 acres. A rough estimate of the impervious surface using GIS shows that approximately ±0.77 acres of the site is currently impervious. Based on Exemption 4, reconstruction could occur on 0.96 acres of the site (i.e., 0.77 acre plus 25 percent of 0.77 acres which is 0.19 acres) which equates to approximately 50 percent of the entire site. As a point of comparison, the B zone permits a maximum building coverage of 30 percent (in this instance approximately 0.57 acres); and improved coverage of 80 percent (in this instance approximately 1.52 acres).

- Block 116, Lot 4 (117 Bloomfield Avenue) is a 1.44 acre property in the ECZ overlay zone and the Borough's OL-2 Office, Light Industrial zone/R-1 Residential Overlay to the east of King of Kings Church. The lot is improved with a single-family home. Much of the unimproved areas of the lot are characterized by steep slopes which may limit further disturbance of the site under the Borough's existing regulations. The Highlands Region mapping shows the site in an open water protection area, riparian area, as well as steep slopes. However, based on their location on the site the resources may not limit the redevelopment potential of the site. **In addition to Exemption 4 noted above, the existing development on the site would also fall under "Exemption 5" which exempts from Highlands review the following:**

  > ***"Improvement to a single family dwelling: Any improvement to a single family dwelling in existence on the date of enactment of this act, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system;"***

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LAND USE CAPABILITY SUB-ZONES

In addition to the primary overlay zones, the Council has identified overlay sub-zones, two of which are in the Existing Community Zone: The Existing Community- Environmentally Constrained Sub-Zone and the Lake Community Sub-Zone. Both sub-zones are described below. These constrained areas recognize regionally significant sensitive environmental features where development is subject to stringent limitations on the extension or creation of water and wastewater services; however, they do not incorporate all environmental constraints and other factors that may be considered during local development review and Highlands Project Review.

Existing Community- Environmentally Constrained Sub-Zone ("EC-ECSZ")

Approximately 121.0 acres or 6.5 percent of the total land area. The EC-ECSZ includes areas in the Existing Community Zone that have significant environmental features within the Existing Community Zone that should be protected from further fragmentation. They serve as regional habitat "stepping stones" to larger contiguous critical habitat and forested areas. As such, the Highlands Council does not think these parcels are appropriate for significant development and are best served by land preservation and protection. Development is constrained through restrictions on the extension or creation of water supply and wastewater services.

Parcels in Mountain Lakes identified as being the EC-ECSZ are limited in number and scattered throughout the Borough. These parcels include portions, or the entirety of the following parcels shown in Table 1.

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TABLE 2: PARCELS IN EC-ECSZ

ADDRESS	BLOCK/LOT	DESCRIPTION	OWNERSHIP	ZONE	CURRENT USE
40 Pocono Road	Block 6/Lot 12	Portion of parcel (remaining portion is in the ECZ)	Borough	OL-2	Vacant
Ogden Road and Tower Hill Road	Block 53/Lot 52	Portion of parcel (remaining portion is in the ECZ)	Borough	R-AA	Vacant
64 Kenilworth Road	Block 69/Lot 11	Entire parcel	Borough	C	Portion of Halsey A. Frederick Memorial Park. Includes portion of one playing field.
75 Morris Avenue	Block 88/Lot 17	Portion of parcel (remaining portion is in the ECZ and LCZ)	Borough	C	Portion of Halsey A. Frederick Memorial Park. Includes playing fields and walking paths but not little league fields
101 Powerville Road	Block 88/Lot 27	Entire parcel	Borough	R-A	Portion of Halsey A. Frederick Memorial Park
100 Fanny Road	Block 88/Lot 30	Portion of parcel in the rear of the property (remaining portion is in the ECZ)	Lakeland Hills Family YMCA	R-A	Unimproved area to rear of YMCA building and parking lot
Powerville Road	Block 86.01/Lot 23	Portion of parcel (remaining portion is in the ECZ and LCZ)	Board of Ed	R-A	Includes wooded area around Troy Brook Tributary
Robin Hood Drive	Block 117.01/Lot 53	Portion of parcel (remaining portion is in the ECZ)	Spruce Edge Association	RC-3	Common property for townhouse community
23 Bloomfield Avenue	Block 118.04/Lot 2.01	Portion of parcel (remaining portion is in the ECZ)	Sunrise of Mountain Lakes	R-AH3	Sunrise of Mountain Lakes
3 Crescent Drive	Block 127.06/ Lot 1	Portion of parcel (remaining portion is in the ECZ)	Borough	c	Vacant
56 Woodland Avenue	Block 129/ Lot 1	Portion of parcel (remaining portion is in the ECZ)	Borough	C	Vacant
Intervale Road	Block 129.02/Lot 1	Portion of parcel (remaining portion is in the ECZ)	Borough	R-A	Midvale Park
44 Woodland Avenue	Block 129.01/Lot 18.02	Entire parcel	Borough	R-A	Vacant

A portion of Block 118.04/Lot 2.01, which is a 5.9-acre parcel improved with a portion of the Sunrise Assisted Living is in the Environmentally Constrained Sub-Zone (see orange area within the red circle below). The parcel is in the R-AH3 Residential Affordable Housing-3 Overlay zone.

The Highlands Council should place this site in the Existing Community Zone in recognition of its status as fully developed. **Highlands staff indicated that this issue can easily be resolved as there is an online form to update the RMP and reclassify the property as it is already developed.**

Existing Community- Lake Community Sub-Zone ("LCZ")

The remaining parcels in the Borough are in the LCZ which is approximately 578.2 acres or 31.1 percent of the total land area. It encompasses areas within the Existing Community Zone that are also within 1,000 feet from a lake shoreline. The goal is to protect water quality, resource features, shoreline development recreation, scenic quality, and community character. This zone has unique policies to prevent degradation of water quality and watershed pollution, harm to lake ecosystems, and promote natural aesthetic values within the Existing Community Zone.

Parcels in Mountain Lakes identified as being LCZ include any parcel in Mountain Lakes within 1,000 feet of a lake's shoreline that is not in the PZ. These parcels are mainly located in the R-AA Residential Single-Family Zone and the R-A Single-Family Zone. These lots are primarily improved with single-family homes. **As noted above, Exemption 5 of the Highlands Act exempts from Highlands review improvements to a single-family dwelling in existence on the date of enactment of the act. Additionally, "Exemption 2" of the Highlands Act exempts from Highlands review construction of a single family dwelling on an existing lot provided that the construction does not result in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more.**

However, there are also public uses such as the Briarcliff School (Block 87/Lot 1), the Wildwood School (Block 87/Lot 12) and the municipal building (Block 21/Lot 38). Other uses in the LCZ include the Park Lanes Tennis Club (Block 16/Lot 19) and St. Catherine of Siena Church (Block 19/Lot 1). **The schools and houses of worship would fall under "Exemption 6" which exempts from Highlands review the following:**

> ***"Places of worship, schools, or a hospitals: Any improvement, for non-residential purposes, 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 on the date of enactment of this act, including but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility;"***

The Consistency Report mentions Block 19, Lot 5 on North Pocono Road which is a woodland area that is assessed farmland. **The Consistency Report notes that the approximately 8.9-acre parcel has mapped wetlands at its center and future development would therefore be completely constrained by the 300-foot Highlands Open Waters buffer.**

There are several areas in the Borough which are developed and zoned with non-residential development that are in the LCZ. These areas include the following:

- **Parcels zoned B Business located south of Route 46** and north of the railroad tracks are in the Existing Community-Lake Community Sub-Zone (see blue parcels in red circle below). Development in this area includes the Wawa, Mountain Lakes Country Day School, El Dorado Wine Store, Clemente's Auto Body, Paul's Family Diner, Lightbridge Academy, Mansion at Mountain Lakes, and Forest Lumber & Building Supply.

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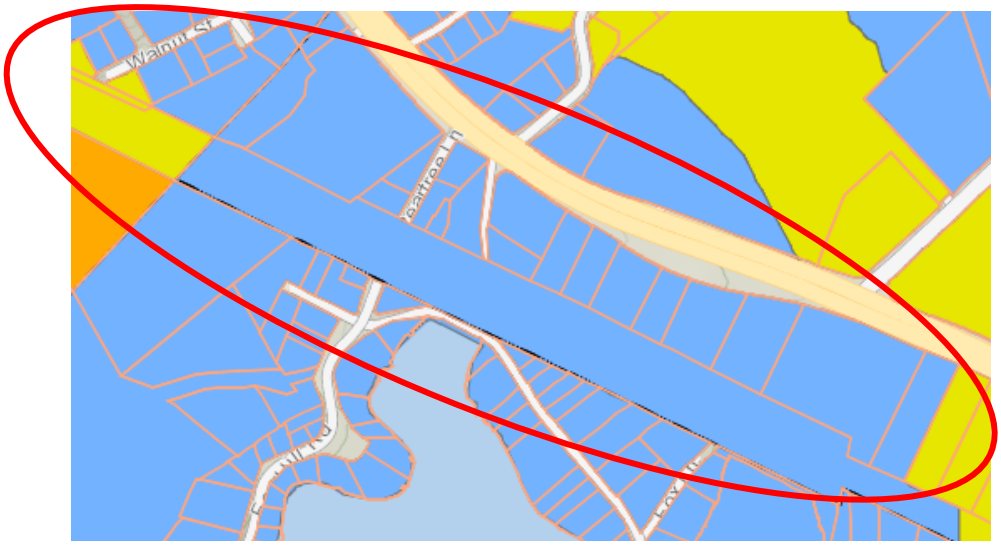
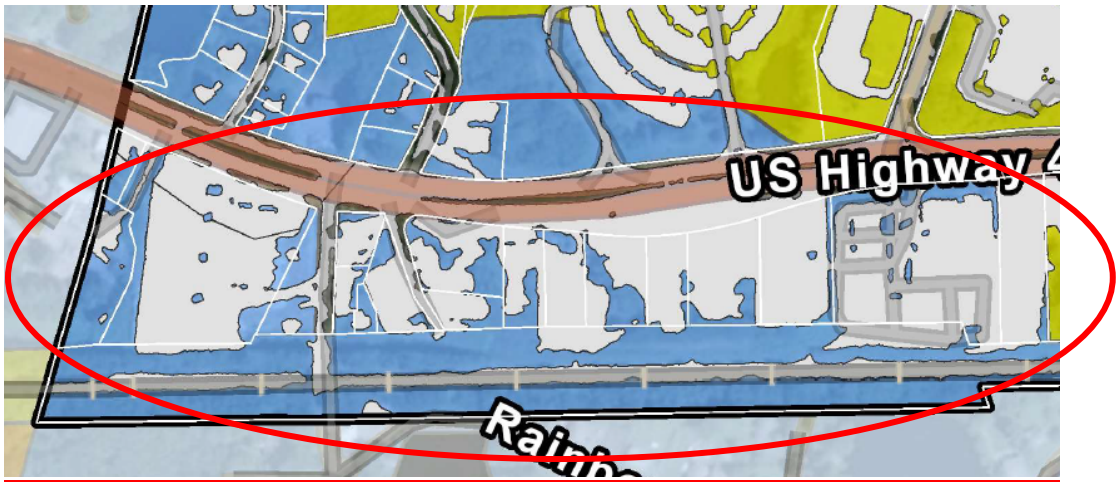


Exemption 4 will apply to most of these properties. The figure below shows in white/gray the impervious areas of these lots. Exemption 4 would allow redevelopment of 125 percent of these impervious areas.



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- **Parcels on the north side of Route 46 in commercial zones** (see blue parcels in red circle below). A **<u>portion</u>** of Block 7/Lot 7 which is improved with a 2-story, approximately 150,000 square foot, office building is in the LCZ and the OL-1/AH-MFO Office Light Industrial Zone/ Multifamily Affordable Housing Overlay**.** The portions of the lot impacted are currently improved with the parking lot and wooded areas. Block 7/Lot 8 is improved with a small office building and is in the B zone and in the LCZ. Block 7/Lot 8 is improved with a medical office building and is in the LCZ and OL-2/AH-MFO Office Light Industrial Zone/ Multifamily Affordable Housing Overlay.

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As shown below, most of Lots 7 and 8 are already impervious and, based on Exemption 4, large portions of each parcel could be redeveloped.

Lot 7 is shown above. Lot 8 is shown below.

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III. B. AFFORDABLE HOUSING ZONES

The IA noted that providing for the Borough's fair share of affordable housing has been the source of the main development pressure within the municipality. The Borough's affordable housing zones specifically consist of: the R-AH Zone, which is a townhouse development in the northeastern corner of the Borough (Legacy of Mountain Lakes/Fusee Site); the R-AH2 zone which is the Enclave at Mountain Lakes by Pulte Homes (the King of Kings Backlands site); and the R-AH3 zone which was developed into Sunrise Assisted Living Facility along Route 46. The Enclave and Sunrise parcels have portions in the Environmentally Constrained Subzone of the existing Community Zone. However, the sites have already been developed for these uses. Per conversations with Highlands Council staff, the mapping can be refined to indicate on-the-ground conditions.

There are also affordable housing overlay zones that are intended to address the Borough's Third Round Unmet Need Obligation pursuant to the Borough's Settlement with Fair Share Housing Center and the Borough's Housing Element and Fair Share Plan. The overlays are located on primarily developed sites within the OL-1 and OL-2 zones that exist along Route 46. Most of the locations are not located within the Environmentally Constrained Subzone of the Existing Community Zone and would be able to properly support development, which would be consistent with the Highlands Regional Master Plan. However, two parcels in the affordable housing overlay zones are in the Highlands' Lake Community Sub-Zone where development may be more restricted. **That said, these two parcels (i.e., Block 7, Lots 7 and 8) are subject to Exemption 4 as noted above.**

TABLE 3: LAND USE CAPABILITY ZONES AND SUB-ZONES OF THE BOROUGH'S AFFORDABLE HOUSING OVERLAY ZONES

Block	Lot	Address	Zone	Acreage	Density (dwelling units/ acre)	Total Units	Set-Aside (%)	Potential Affordable Units	Highlands LUCZ
7	7	333 Route 46	OL-1	16.2	14	226	15/20	34/45	LCZ (portion fronting Route 46)
7	8	415 Boulevard	OL-2	3.04	14	42	15/20	6/8	LCZ
7	9	425 Boulevard	OL-2	1.8	14	25	15/20	4/5	ECZ
6	14	420 Boulevard	OL-2	5.87	14	82	15/20	12/16	ECZ
116	5.01-5.52 (formerly Lot 5)	115 Route 46	OL-2	5.5	14	77	15/20	12/15	ECZ
116	6	105 Route 46	OL-2	11.7	14	164	15/20	25/33	ECZ
								93/122	

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III. C. AFFORDABLE HOUSING HIGHLANDS BUILD OUT ANALYSIS

Per the new affordable housing legislation adopted in March 2024 (i.e., A4/S50), DCA shall publish a report of the Fourth Round (i.e., 2025-2035) affordable housing obligations for each municipality by October 20, 2024. DCA issued that report on October 18, 2024. **DCA's report indicated Mountain Lakes had a Fourth Round obligation of 267 units.** The legislation states that the obligation numbers contained in the report are not binding and that each municipality shall determine its own affordable housing obligation using the methodology in the law. By January 31, 2025, each municipality must adopt a binding resolution indicating its affordable housing obligation numbers. **Prior to the January 31, 2025 deadline, Mountain Lakes adopted a binding resolution and submitted the resolution to the Courts indicating the Fourth Round obligation was 146 units. Fair Share Housing Center filed a challenge to the Borough's number. The Borough settled with Fair Share Housing Center in March 2025 agreeing that the Borough has a Fourth Round obligation of 190 units.**

Subsequent to DCA issuing the affordable housing numbers on October 18th, 2024 the Highlands Council released a "New Jersey Highlands 2024 Municipal Build-Out Update" and associated Build-Out Update Review Portal and WebMap service to assist **conforming** municipalities with compliance of their the Fourth Round obligations. The portal takes into account the Highlands Region environmental constraints which can help conforming municipalities to limit their total acreage of developable land.

Based on conversations with Highlands Council staff, ~~the number of developable acres indicated in the portal can be adopted by the Borough as its Fourth Round obligation due to the State by January 31, 2025.~~ **the Borough may use the portal to calculate its realistic development potential for the Fourth Round so long as the Borough adopts the Plan Conformance Ordinance (detailed below) and the Highlands Element to the Borough's Master Plan.**

III. D. DRAFT PLAN CONFORMANCE ORDINANCE

An outline of the Draft Plan Conformance Ordinance is provided in the Appendix. The draft Ordinance was adapted by Highlands Council staff for Mountain Lakes. The draft is not official but rather serves to provide some idea of what types of regulations and constraints would be placed on Mountain Lakes. As it is currently drafted there appear to be some internal inconsistencies which should be further clarified.

Applicability

In conversations with the Highlands Council staff, it was emphasized that the Ordinance would not apply to single-family homes. The draft Ordinance indicates that it only applies to residential development of three or more units. However, the exemption section notes that to be exempt from the Ordinance, the single-family dwelling had to be in existence on the date that the Highlands Act was adopted (i.e., May 17, 2004).

Additionally, if the single-family residential construction would result in the disturbance of one acre or more of land it was no longer exempt. Finally, the draft Ordinance indicates that an exemption is only permitted after a Highlands Exemption Determination is issued by the Highlands Council and a municipal determination.

A conversation with Highlands Council staff on November 21, 2024, affirmed that single-family homes are exempt from the provisions of the Conformance Ordinance and that the exemption language, while not directly applicable, remains in the Ordinance as a "belts and suspenders" to indicate that the single-family properties are exempt. The Borough might want to provide clarifying language in the Ordinance so as to avoid any future confusion.

Application of Land Use Capacity Zones and Sub-Zones

The Ordinance is clear that by its adoption, the Highlands Region Land Use Capacity Zones and Sub-Zones as mapped by the Highlands Council would apply in Mountain Lakes. However, the Ordinance makes very few mentions of how the overlay zones and sub-zones apply to applications for development. This issue needs further clarification.

Further clarification has been provided by representatives of the Highlands Council. Perhaps the most important clarification are the Highlands Act Exemptions detailed above which are intended to encourage redevelopment. Additionally, language has been added to the draft Conformance Ordinance to more explicitly state the exemptions from the Act.

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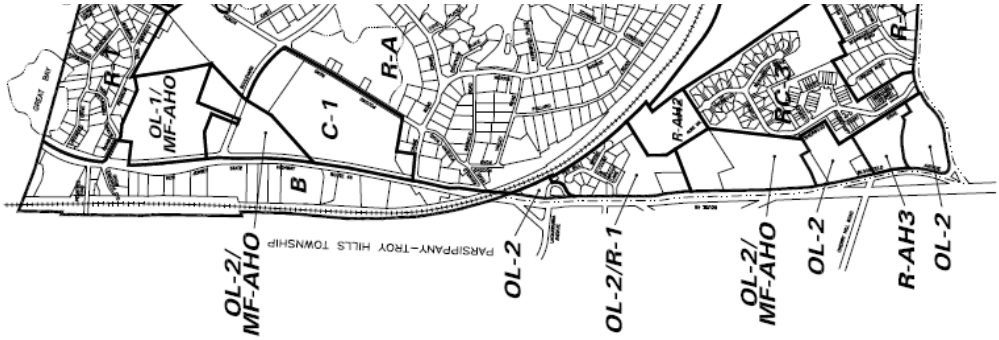
Impacts on the Route 46 Corridor

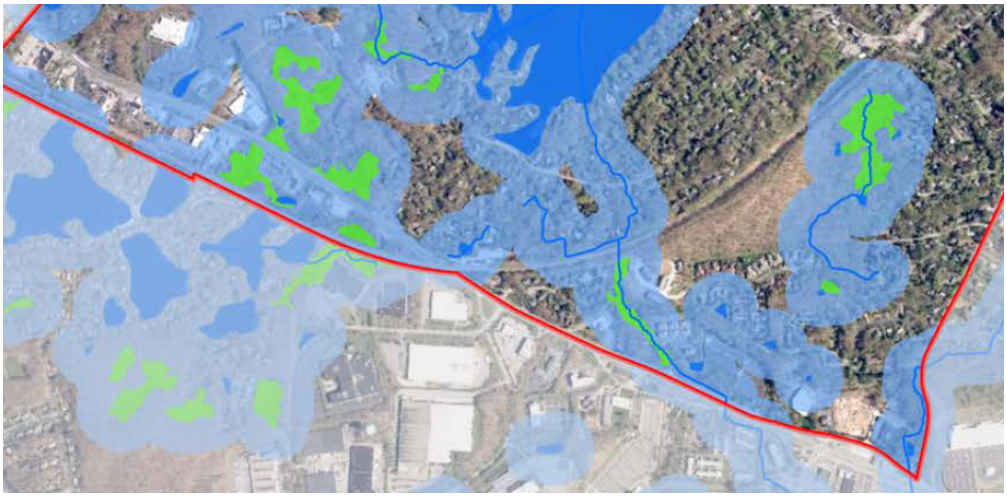
Our greatest apprehensions about Plan Conformance relate to the potential impacts on the Route 46 corridor. This area of the municipality encompasses almost the entirety of the Borough's non-ratable tax base. The zoning for the corridor is shown below.



Our concerns relate to potentially making infill development and redevelopment along this corridor administratively burdensome and potentially prohibited. As indicated in sections above, due to its proximity to Rainbow Lake in Parsippany-Troy Hills, much of the southern side of Route 46 in the B Business Zone is in the Lake Sub-Zone. The mapping which accompanied the Consistency Report also notes the following environmental features of the parcels in this area including the following:

Forested Areas. Total Forested Areas along Route 46 are shown in green in the figure below. Per the draft Ordinance, disturbance of forested areas is limited. Disturbance of ½ acre or more requires submission, approval, and implementation of a Forest Mitigation Plan. Any disturbance of 1 acre or more requires a Forest Impact Report prepared by a State of New Jersey Approved Forester. The Enclave and Sunrise Assisted Living are shown as having forested areas despite the fact that they have been developed. However, further expansion of these sites may require Highlands Council review.

Highlands Open Waters. Highlands Open Waters and Buffers along Route 46 are shown in the figure below (the blue are the buffers, and the green are wetlands). Per the draft Ordinance, buffers shall be maintained in their undisturbed or -pre-existing condition. Any existing disturbances may remain but shall not be increased. Disturbances of previous disturbed buffers in the Existing Community Zone are permitted but must be accompanied by the finding that there will be no net loss of functional value of the buffer. Recent projects like Sunrise Assisted Living and portions of The Enclave are in the buffer as are portions of the affordable housing overlay zones.



*Critical Wildlife Habitat and Confirmed Vernal Pool Buffer***.** Confirmed Vernal Pool Buffers of 1,000 feet are shown in light orange and Critical Wildlife Habitat along Route 46 shown in green in the figure below. Per the draft Ordinance, a Critical Wildlife Habitat area may be disturbed only after submission to a Land Use board of a Habitat Suitability Analysis conducted by a qualified professional. The same applies in Vernal Pool buffer areas. The draft Ordinance limits the buffer to 300-feet but the Highlands mapping indicates the buffer is 1,000 feet. Please note that The Enclave and Sunrise Assisted Living Parcel are shown as having Critical Wildlife Habitat.

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Prime Groundwater Recharge Areas. Prime Groundwater Recharge Areas along Route 46 are shown in purple below. Disturbance of Prime Ground Water Recharge Area (PGWRA) is prohibited and shall be permitted only upon a finding by the reviewing board that the entirety of the subject property is located within a PGWRA and thus cannot be avoided, or the disturbance represents the only viable alternate means to avoid Critical Habitat, Highlands Open Waters buffers, Vernal Pool Buffers, Moderately Constrained Steep Slopes, or Severely Constrained Steep Slopes, to the extent that these resources are also present upon the subject property. Where total avoidance is not feasible, total recharge area disruption (i.e., alteration of natural recharge patterns or volumes) shall not exceed 15% of the PGWRA. Low Impact Development practices shall be used in the design of the development proposal to reduce total recharge disruption to the minimum feasible, within the 15% cap. Any development application involving disturbance of a PGWRA shall be accompanied by a mitigation plan, providing for an equivalent of 125% of pre-construction recharge volumes for that portion of the PGWRA.

Please note that parcels shown in the PGWRA below include The Enclave, Sunrise Assisted Living, and portions of the affordable housing overlay zones.

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IV. CONCLUSION

As noted, our primary concerns about Plan Conformance relate to the potential impacts on the Route 46 corridor and the heart of the Borough's non-ratable tax base. Highlands Council staff indicated that the mapping can be updated by the staff to reflect the current on-the-ground condition regarding the Sunrise and The Enclave parcels in the Environmentally Constrained Sub-Zone. However, aside from this change, it is not clear to what extent other mapping updates can be made to not only the Sunrise and The Enclave parcels but other parcels along the corridor.

We discussed our concerns relating to the commercial corridor with Highlands Council staff. They advised that the Borough cannot create an exemption for these corridors as doing so would be contrary to the intents and purposes of the Highlands Regional Master Plan and municipal Plan Conformance. They advised that there are few commercial properties in this area that are not already disturbed and stressed the provisions in the Ordinance that exempt development/redevelopment projects in previously disturbed areas from Highlands Council review. The Highlands Council staff contends that conflicts over the Borough's goals for development and redevelopment will be minimal.

We generally concur with the Highlands Council's rationale but urge the Borough to consider the potential for redevelopment that would not be exempt and subject to the Conformance Ordinance. Of particular concern are the parcels in the affordable housing overlay zones, as well as the commercially zoned properties, that might involve further disturbance of previously developed lots.

We also strongly urge the governing body and the other Borough professionals to review the Appendix to understand the additional requirements and regulations that certain applications for development would be subject to under Plan Conformance.

Our subsequent analysis and conversations with representatives of the Highlands Council show that many of the parcels on the Route 46 corridor are developed and the existing impervious coverage would be subject to Exemption 4 (i.e., reconstruction of any building or structure within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more). The figures below show impervious coverage on Route 46 in yellow and wetlands in blue/green stripes. The figures illustrate how much land on the corridor is already impervious and how much of the remaining land is in wetlands areas. Exemption 4 is critical to the long-term success of Route 46 as a commercial corridor in the Borough. The exemption alleviates many of our concerns about Highlands Conformance impacts on the corridor.

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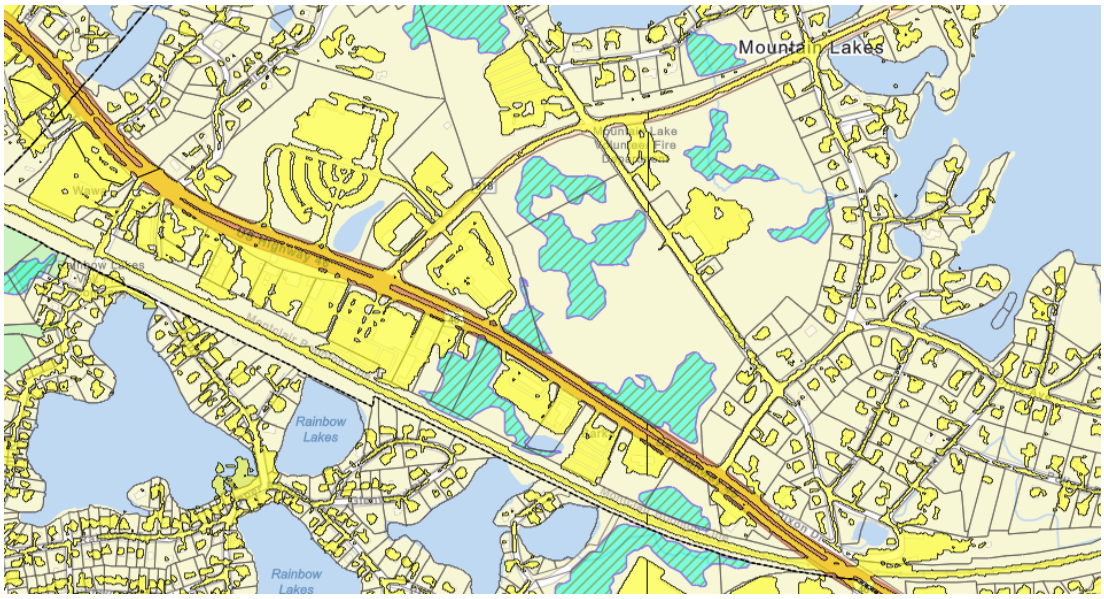

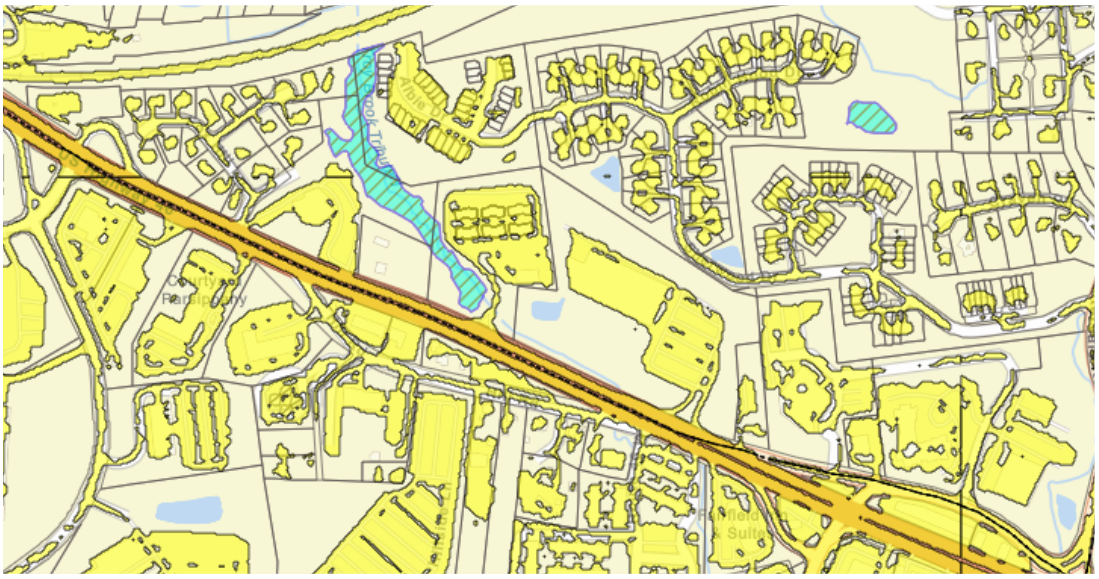

Additionally, if in the future Mountain Lakes determines that Plan Conformance is too onerous or is no longer in the best interest of the Borough and its residents then the Borough may remove itself from Highlands review. This ability for the Borough to "opt out" at any time should also help to alleviate any apprehensions about Plan Conformance.

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APPENDIX: SUMMARY OF PLAN CONFORMANCE ORDINANCE

In order to become a conforming municipality, Mountain Lakes must adopt an ordinance entitled, "Ordinance for Highlands Council Regional Master Plan Conformance" ("Plan Conformance Ordinance" or "Ordinance"). The Ordinance adopts amendments to the Borough's land use ordinances that establish the following provisions detailed below.

- **Highlands Region Land Use Capability Zones and Sub-Zones** for Mountain Lakes. These overlay zones and sub-zones are discussed in the following section as well as the extent of their boundaries in Mountain Lakes.
- **Applicability of Ordinance.** The Ordinance would apply to applications for development[4] including:
    - Residential development that creates three (3) or more new dwelling units.
    - Non-residential development that results in the ultimate disturbance of one or more acres of land.
    - Non-residential development that produces a cumulative impervious surface area of ¼ acre or more.[5]
- **Exclusions and Exemptions from Ordinance.** Any application for development for the following shall be exempt from the Ordinance.
    - 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.
    - 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 to otherwise provide accessibility to the disabled.
    - Any Agricultural or Horticultural Use or Development that would not result in either:
        - An increase, since the date of enactment of the Highlands Act (August 10, 2004), either individually or cumulatively, 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; or

[4] 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 a permit.
[5] In mixed use developments, if the aforementioned thresholds for the non-residential development are met then the Ordinance shall apply to the whole of the project; while for residential development the Ordinance shall apply to the residential component only.

- Construction of three (3) or more residential dwelling units (including accessory dwelling units) served by individual on-site septic system(s).

- **Highlands Act Exemptions.** Any application for development exempt from the provision of the Highlands Act shall be exempt from the Ordinance. The bullets below list applications exempt from the Ordinance. Demonstration of a Highlands Act exemption for an Application for Development includes a Highlands Exemption Determination issued by the Highlands Council and a municipal determination. Highlands Act exemptions include the following:
  - The construction of a single-family dwelling, for an individual's own use or the use of an immediate family member, on a lot owned by the individual on the date of enactment of this act or on a lot for which the individual has on or before May 17, 2004 entered into a binding contract of sale to purchase that lot;
  - The construction of a single-family dwelling on a lot in existence on the date of enactment of this act, provided that the construction does not result in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more;
  - The reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more. This exemption shall not apply to the reconstruction of any agricultural or horticultural building or structure for a non-agricultural or non-horticultural use;
  - Any improvement to a single-family dwelling in existence on the date of enactment of this act, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system;
  - Any improvement, for non-residential purposes, 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 on the date of enactment of this act, including but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility;
  - An activity conducted in accordance with an approved woodland management plan or a forest stewardship plan, or the normal harvesting of forest products in accordance with a forest management plan or forest stewardship plan approved by the State Forester;
  - The construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established;
- **Prohibited Uses.** The following are prohibited uses in the Highlands Area:

- Landfills
- Facilities for the permanent storage or disposal of hazardous wastes, industrial or municipal sludge or radioactive materials, including solid waste landfills;
- Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous materials, and radioactive materials;
- Industrial treatment facility lagoons.
- Any principal or accessory use, or structure related or devoted to such use, which is designated by the Highlands Council as a Major Potential Contaminant Source (PCS) which include the following:
    - 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.).
    - Above-ground storage facility for a hazardous substance or waste with a cumulative capacity greater than 2,000 gallons.
    - Automotive service center (repair & maintenance).
    - Dry cleaning processing facility.
    - Road salt storage facility.
    - Cemetery.
    - Highway maintenance yard.
    - Truck, bus, locomotive maintenance yard.
    - Site for storage and maintenance of heavy construction equipment and materials.
    - Site for storage and maintenance of equipment and materials for landscaping, excluding household storage and maintenance of such equipment.
    - 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.
    - Quarrying and/or mining facility.
    - Asphalt and/or concrete manufacturing facility.
    - Junkyard/auto recycling and scrap metal facility.
    - Residential or agricultural motor fuel in NJDEP exempted underground storage tanks (i.e., under 1,000 gallons).
- Any principal or accessory use, or structure related or devoted to such use, which is designated by the Highlands Council as a Minor Potential Contaminant Source (PCS) which include the following:
    - Underground storage of hazardous substances or waste of less than 50 gallons.

- Underground heating oil storage tank with a capacity of less than 2,000 gallons.
- Sewage treatment facility
- Industrial waste line.
- Septic system disposal field.
- Facility requiring a ground water discharge permit issued by the NJDEP pursuant to N.J.A.C 7:14A et seq.
- Stormwater retention-recharge basin on an industrial property receiving runoff from surfaces other than roof areas.
- Dry well on an industrial property receiving runoff from surfaces other than roof areas.
- Waste oil collection, storage and recycling facility.
- Agricultural chemical bulk storage and mixing or loading facility including crop dusting facilities.
- Above-ground storage of hazardous substances or waste in quantities of less than 2,000 gallons.
- 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.

- **Highlands Open Waters.** All Highlands Open Waters shall include a minimum 300-foot-wide protection buffer, as measured from the edge of the waterbody. No disturbance of Highlands Open Waters are permitted except where previously approved by the Highlands Council.
- **Highlands Open Waters Buffers.** All buffers shall be maintained in their undisturbed or pre-existing condition unless approved by the following:
    - Where a NJDEP Letter of Interpretation (LOI) has been issued delineating the location of a wetland, the boundaries of said wetland as identified shall govern. However, the buffer shall be 300 feet irrespective of the buffer identified in the LOI.
    - Any lawful pre-existing structure or improvement located within a Highlands Open Waters protection buffer area may remain and be maintained or rehabilitated, provided that the existing area of disturbance attributed to or associated with such structure or improvement shall not be increased.
    - Disturbances of Highlands Open Waters buffers located in the Existing Community Zone are permitted in previously disturbed areas as follows. However, existing agricultural and horticultural uses, whether or not under active management or operation, shall not be considered

"previously disturbed" buffer areas with regard to uses for non-agricultural development.

- Any disturbance in a previously disturbed buffer must be accompanied by the finding that there will be no net loss of functional value of the buffer. This may include the use of mitigation and restoration of the Highlands Open Water Buffer.
- If existing land uses create a human, natural or development barrier to the buffer, then the buffer may be considered to be developable.
- In Protection Zones: Disturbances of Highlands Open Waters buffers are permitted in previously disturbed areas but in no case shall the remaining buffer be reduced to less than 150 feet from the edge of Highlands Open Waters. Existing agricultural and horticultural uses, whether or not under active management or operation, shall not be considered "previously disturbed" buffer areas.
- Any proposed disturbances must demonstrate full utilization of the following performance standards in the listed order, to demonstrate the necessity of an encroachment into Highlands Open Waters buffers:
  - avoid the disturbance of Highlands Open Waters buffers;
  - minimize impacts to Highlands Open Waters buffers; and
  - mitigate all adverse impacts to Highlands Open Waters buffers so that there is no net loss of the functional value of the buffer.

- **Riparian Area Standards.** Disturbance of any portion of a Highlands Riparian Area in the Protection Zone is prohibited except for linear development[6], which shall be permitted only where it has been shown that there is no feasible alternative for the linear development outside of the Riparian Area.
  - To address the "no feasible alternative for linear development" standard, the applicant shall demonstrate that there is no other location, design or configuration for the proposed linear development that would reduce or eliminate the disturbance of Riparian Area
  - For proposed linear development that would provide access to an otherwise developable lot, the applicant shall show that:
    - The proposed linear development is the only point of access for roadways or utilities to an otherwise developable lot; and
    - Shared driveways are used to the maximum extent possible to access multiple lots.

[6] **Linear development** refers to land uses for which the basic function is to connect two points. Examples of linear development include but are not limited to: roads, drives, railroads, sewer and stormwater pipes, gas and water pipelines, as well as electrical, telephone transmission lines. Linear development does not encompass residential, commercial, office, or industrial buildings, utility lines, pipelines, or internal circulation roads within a development.

- An alternative shall not be excluded from consideration under this subsection merely because it includes or requires an area not owned by the applicant that could reasonably be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed linear development.

- **Critical Wildlife Habitat.** No disturbance is permitted in any Critical Wildlife Habitat except in accordance with the following:
  - A Critical Wildlife Habitat area may be disturbed where a Habitat Suitability Analysis conducted by a qualified professional has been submitted to the land use board, which shall review and confirm findings that:
  - The nature of the site is such that it does not provide habitat for species of concern;
  - The species of concern are not present on the site during any critical part of their life cycle, do not depend upon the site for food, shelter or breeding, and the habitat or the site is either unsuitable or not critical to species' recovery in the Region; or
  - Existing land uses create a human, natural or development barrier to the use of the site by species of concern.
  - Avoidance of disturbance to species of concern can be achieved through adherence to commonly accepted, species-specific timing restrictions including but not limited limitations on the timing of tree clearing, site disturbance, and project development.
  - Where disturbance of any Critical Wildlife Habitat has not been confirmed to be in accordance with the above standards, no disturbance shall be authorized without prior written approval of the Highlands Council.
- **Certified Vernal Pools.** No disturbance is permitted in any 300-meter buffer of a certified vernal pool. A Critical Wildlife Habitat area may be disturbed where a Habitat Suitability Analysis conducted by a qualified professional has been submitted to the land use board which shall review and confirm findings that:
  - The nature of the buffer is such that it does not provide habitat for species of concern;
  - The species of concern are not present within the buffer during any critical part of their life cycle, do not depend upon the site for food, shelter or breeding, and the habitat or the site is either unsuitable or not critical to species' recovery in the Region; or
  - Existing land uses present a human, natural or development barrier to the use of the buffer by species of concern.
  - Avoidance of disturbance to species of concern can be achieved through adherence to commonly accepted, species-specific timing restrictions

including but not limited limitations on the timing of tree clearing, site disturbance, and project development.
  - No disturbance is permitted in any New Jersey Department of Environmental Protection Natural Heritage Priority Site.

- **Steep Slopes.** Disturbance of Severely Constrained and Moderately Constrained Slopes is prohibited, with the exception of that required in connection with a linear development. Such linear development, however, shall be permitted only in the event that there is no feasible alternative for such development outside of the Severely Constrained or Moderately Constrained Slopes. To address the "no feasible alternative for linear development" standard, the applicant shall demonstrate that there is no other location, design or configuration for the proposed linear development that would reduce or eliminate the disturbance of Severely Constrained or Moderately Constrained Slopes. For proposed linear development that would provide access to an otherwise developable lot, the applicant shall in addition, show that:
  - The proposed linear development is the only point of access for roadways or utilities to an otherwise developable lot; and
  - Shared driveways are used to the maximum extent possible to access multiple lots.
  - An alternative shall not be excluded from consideration under this subsection merely because it includes or requires an area not owned by the applicant that could reasonably be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed linear development.
  - The reviewing municipal authority shall not approve any application pursuant to this subsection if, after review of the information submitted to support an approval, it finds that there is a reasonable alternative to the proposed linear development.
- **Prime Groundwater Recharge Areas.** Disturbance of Prime Ground Water Recharge Area (PGWRA) [or Municipally Important Groundwater Recharge Area (MIGWRA)] by any regulated development is prohibited and shall be permitted only upon a finding by the reviewing board that the proposal complies with the provisions of this subsection. Development shall not occur in PGWRA [MIGWRA] unless either, the entirety of the subject property is located within a Prime Ground Water Recharge Area and thus cannot be avoided, or the disturbance represents the only viable alternate means to avoid Critical Habitat, Highlands Open Waters buffers, Vernal Pool Buffers, Moderately Constrained Steep Slopes, or Severely Constrained Steep Slopes, to the extent that these resources are also present upon the subject property.

Where total avoidance is not feasible, total recharge area disruption (i.e., alteration of natural recharge patterns or volumes) shall not exceed 15% of the PGWRA [MIGWRA] located within the affected parcels, placed where feasible on those parts of the PGWRA [MIGWRA] having the lowest relative recharge rates and the least potential for aquifer recharge based upon site analysis.

Low Impact Development practices shall be used in the design of the development proposal to reduce total recharge disruption to the minimum feasible, within the 15% cap.

Any development application involving disturbance of a PGWRA [MIGWRA] shall be accompanied by a mitigation plan, providing for an equivalent of 125% of pre-construction recharge volumes for that portion of the PGWRA [MIGWRA] that will be disturbed. The recharge mitigation shall occur within the following areas, in order of priority: (1) the same development site to the maximum extent feasible; (2) the same HUC14 subwatershed; or (3) where no feasible option exists in the same HUC14 subwatershed, an interrelated HUC14 subwatershed approved by the Highlands Council.

- **Septic Density.** This section does not apply to replacement or repair of an existing septic system. All development proposing new or increased demand for septic system capacity shall provide for a minimum acreage for each dwelling unit (or equivalent) as noted below.
    - Septic System Density Allowances. Septic system density (gross acres per septic system) shall not exceed the following allowances, for each Highlands Zone:
        - Existing Community Zone: 11 acres/septic system
        - Protection Zone: 20 acres/septic system
    - These allowances indicate the minimum acreage required per septic system, where that system is designed for a one-family household generating a maximum flow of 300 gallons of wastewater per day. The resulting acreage shall be applied as the minimum average acreage necessary to support every 300 gallons of daily wastewater flow generated by any proposed use where the unit/square footage figures below shall be applied as 300 gallon-per-day equivalents.
    - Equivalent Yields. The following unit/square footage figures shall be applied as 300 gallon-per-day equivalents:
        - Residential Uses (All Types, except as provided below) – 1 dwelling unit
        - Deed-Restricted Senior Citizen Residential Units, or Mobile Home Parks with dwelling units less than 500 square feet in size – 1.5 dwelling units

- Office and Commercial Uses – 2,400 square feet of floor area
- Industrial (Including Warehousing/Distribution) Uses – 18,182 square feet of floor area (Excluding Process Wastewater Flow)

- **New or Extended Water and Wastewater Infrastructure.**
  - Protection Zone and Environmentally-Constrained Sub-Zones. New, expanded or extended public water supply systems, public wastewater collection and treatment systems, and community on-site wastewater treatment facilities are prohibited unless approved through a waiver to address a documented threat to public health and safety, for a Highlands Redevelopment Area or Takings Waiver (RMP Policies 7G1 and 7G2) or to serve a cluster development that meets the requirements of RMP Objective 2J4b.
  - Existing Community Zone (excluding Environmentally-Constrained Sub-Zone) and Lake Community Sub-Zone. Expansion or creation of public water supply systems, public wastewater collection and treatment systems, and community on-site wastewater treatment facilities are permitted: to serve lands which are appropriate for designated TDR Receiving Zones, infill development, or redevelopment; to address public health and safety; or to serve new areas for development.
- **Water Conservation Requirements.** All development proposals shall incorporate, as applicable, the following water conservation measures to promote sound resource use, reduce supply deficits, and reduce the need for additional utility infrastructure:
  - Provide automatic controls based on rain sensors (or soil moisture) for all new and replacement lawn irrigation systems, as required by the electrical subcode at N.J.A.C. 5:23-3.16;
  - Design all non-potable irrigation water uses to ensure that only the necessary amounts of water are used to achieve optimum plant growth, to the maximum extent practicable;
  - Provide for internal recycling or beneficial reuse of reclaimed water in new commercial development projects, to the maximum extent practicable;
  - Rely on stormwater for irrigation purposes to the maximum extent practicable, including but not limited to methods recommended by the U.S. Green Building Council through its Leadership in Energy and Environmental Design (LEED) program;
  - Reduce water losses to the maximum extent practicable, in the rehabilitation of on-site water supply utility infrastructure, through such means as application of American Water Works Association/International Water Association water loss analysis methods (AWWA Manual M-36 or most recent version).

- **Net Water Availability.** The following shall apply for any development application proposing a new or increased use of potable or non-potable water averaging 6,000 gallons per day or more, derived from: a) any groundwater source in a Highlands Area HUC14 subwatershed, whether through a public community or non-community water supply system well, a non-public well, or an individual private well; or b) any surface water source in a Highlands Area HUC14 subwatershed that is not associated with a safe yield determined by the NJDEP through a water allocation permit.
    - Where a Highlands Council-approved Water Use and Conservation Management Plan has been adopted, any development application involving the use of water derived from a subwatershed(s) with a deficit net water availability shall be regulated fully in accordance with the requirements of such Plan.
    - Absence of Water Use and Conservation Management Plan: No application shall be deemed complete or considered for review by the applicable Board until or unless the Highlands Council has determined that the proposed water use will not exceed the remaining Net Water Availability for the source HUC14 subwatershed(s).
- **Forest Resources.**
    - Any disturbance of more than ¼ acre within the Total Forest Area shall be permitted only upon a finding by the reviewing board that the following requirements have been satisfactorily addressed:
        - Demonstration that the proposed disturbance can neither be avoided nor reduced in extent, while adequately providing for a proposed use that otherwise addresses the requirements of this Ordinance;
        - Incorporation of Low Impact Development techniques appropriate to the activity or development project proposed;
    - Any proposed disturbance of one half (½) acre or more, other than that associated with the maintenance of a legally pre-existing use or structure (expressly excluding the expansion of any such use or structure), submission, approval and implementation of a Forest Mitigation Plan designed to minimize the extent of such disturbance, protect forest areas adjacent or proximate to the disturbance area, and mitigate for loss of trees or other forest vegetation removed during the course of such disturbance; and
    - In the case of any proposed disturbance that by definition constitutes deforestation; submission, approval and implementation of a Forest Mitigation Plan designed to minimize the extent of deforestation, protect forest areas to remain, and restore or mitigate for forest area loss.
- **Forest Impact Report.**

- Any proposed disturbance of 1 acre or more of Forest Area requires preparation of a Forest Impact Report including the following:
  - A map of Forest Area located on or within 500 feet of the subject property.
  - A map indicating any Forest Area to be disturbed.
  - A determination of whether the disturbance area qualifies as a Forest under the NJDEP Highlands Area Rules, at N.J.A.C. 7:38-3.9(c). This shall be the Confirmed Forest area.
  - An analysis of the effects (direct and indirect) of the disturbance upon the Confirmed Forest Area.
  - All Forest Impact Reports must be prepared by a State of New Jersey Approved Forester or other qualified professional.

- **Forest Mitigation Plan.** Where the Forest Impact Report confirms that disturbance of 1 acre or more of Confirmed Forest Area will occur, a Forest Mitigation Plan prepared by a State of New Jersey Approved Forester or other qualified professional. shall be prepared in accordance with the following.
  - Mitigation Priority Area Map. Priority Areas are forested locations within the site having the highest ecological value to be targeted for conservation, restoration, or mitigation, including such areas as:
    - Highlands Open Waters and Buffers
    - Riparian Areas, including Floodplains and Floodprone Areas
    - Critical Habitat
    - Steep Slopes and Ridgelines
    - Core Forests and Contiguous Forest Patches
    - Forest Protection Plan. A plan incorporating pre-construction and construction best management practices to ensure the well-being of forest areas adjacent or proximate to the disturbance area.
    - Mitigation Description.
  - A description of the proposed forest restoration, tree planting plan or other mitigation initiative proposed to provide equivalent or enhanced forest ecosystem benefit in consideration of the extent and type of disturbance or deforestation that would result if the use or activity is approved.
  - Planting Plan indicating the specific plantings proposed, including size, species, quantity, location, separation distances, planting details, deer and pest management protections, and maintenance plans.
  - Maintenance Agreement. A minimum 5-year maintenance agreement that outlines care-taking responsibilities of the applicant once the proposed planting has been completed. The maintenance agreement must include monitoring of newly planted stands, provide for protection

devices in working order for 5 years, and ensure at least a 75% survival rate after 5 years.

- **Affordable Housing.**
  - Any development consisting of newly constructed residential units shall reserve for occupancy at least 20 percent (20%) of the residential units constructed for low-or moderate-income households.
  - Development exempt from the Highlands Act is not exempt from the 20% reservation requirement.
  - A minimum of 13% of the total units residential units reserved for low- or moderate-income households should be designated for very low-income households pursuant to section 7 of P.L.2008, c.46 (C.52:27D-329.1).
  - No density bonus or presumptive density increase over existing zoning shall be required to be granted by the municipality for the construction of the affordable housing units on site. Density bonuses or presumptive density increases may be provided through Fair Share Plans and associated implementing ordinances to address affordable housing needs of the municipality where inclusionary housing projects are selected as a compliance mechanism by the municipality.
  - Municipalities shall provide for the local review of any proposed affordable units provided by requiring the submission of an Affordable Housing Production Plan in accordance with the following:
    - An Affordable Housing Production Plan detailing all issues related to the affordable units shall be submitted to the municipality's Planning Board or Zoning Board at the time application is made for any development requiring affordable housing pursuant to this ordinance.
    - The Affordable Housing Production Plan shall be a condition of the completeness determination and is hereby added to the submission requirements checklist for any new residential development or major residential subdivision.
    - The Affordable Housing Production Plan shall include at a minimum the anticipated bedroom distribution, income split, anticipated administrative entity, tenure, estimated rent or sales prices, maintenance obligations and any other information pertinent to the creation and long-term support of the affordable housing units.
    - The Affordable Housing Production Plan shall include a phasing plan detailing the proposed time frames for the construction and occupation of the affordable housing units.
  - All Affordable Housing Production Plans shall be the subject of review by the municipality's Planning Board or Zoning Board for consistency with

these guidelines, the RMP, and the municipalities certified Housing Element and Fair Share Plan.

- Compliance with the RMP, the Fair Housing Act and the Affordable Housing Production Plan shall be a condition of any local approval.
- Any approval shall be accompanied by a development agreement between the applicant, the municipality, and any other party principal to the provision and/or the administration of the affordable housing units.
- The development agreement shall detail the responsibilities of all parties and shall include the phasing plan for the construction and occupancy of the affordable housing units.
- The cost of the construction of the units may be required to be covered by appropriate performance and/or maintenance guarantees to ensure the construction of the units.
- Where it has been determined that the provision of some or all affordable housing units on-site would not be consistent with the RMP (i.e., regarding septic system density or resource protection), the units may be provided off-site within the municipality wherever feasible.

- **Waivers and Exceptions.**
  - Highlands Waiver may be granted for the Prohibited Uses; Septic Density; New or Extended Water and Wastewater Infrastructure
  - Highlands Waivers may only be issued by the NJDEP or Highlands Council

ORDINANCE FOR HIGHLANDS COUNCIL REGIONAL MASTER PLAN CONFORMANCE

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

WHEREAS, the Borough of Mountain Lakes is located in the Highlands Region with lands lying entirely within the Planning Area, as defined by section 7 of the Highlands Act; and

WHEREAS, the Governing Body of the Borough of Mountain Lakes has, on behalf of the municipality, petitioned the Highlands Council for Plan Conformance with respect to Borough lands located within the Planning Area of the Highlands Region; and

WHEREAS, the Petition filed with the Highlands Council contains proposed amendments to the municipal planning program, 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 located within the Borough of Mountain Lakes; and

WHEREAS, the Governing Body finds that the proposed changes to the municipal planning program are of broad and significant effect, are vital to the protection of the Highlands resources of the municipal Highlands Area, and are compelling to the interests and general welfare of the community;

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Mountain Lakes that the following is hereby adopted as an amendment to the Borough land use ordinances:

Section 1 Petition for Plan Conformance

The Borough of Mountain Lakes is located fully within that portion of the New Jersey Highlands Region defined by the Highlands Act as the "Planning Area" (see definitions). This Ordinance is

enacted pursuant to Section 15.a. of the Highlands Water Protection and Planning Act (Highlands Act, N.J.S.A. 13:20-1 et seq.), which provides that a municipality may choose to conform its master plan, development regulations, and other regulations to the provisions of the Highlands Regional Master Plan, with respect to lands located within the Planning Area, and by Ordinance, petition the New Jersey Highlands Water Protection and Planning Council (Highlands Council) for Plan Conformance approval of such planning and regulatory documents.

By adoption of this Ordinance, the Governing Body of the Borough of Mountain Lakes establishes that the municipality shall conform its master plan, development regulations, and all other regulations applicable to the use and development of land within the Planning Area of the municipality, to achieve consistency with the goals, requirements, and provisions of the Highlands Regional Master Plan. Said conformance shall be in accordance with the provisions of Highlands Council approval of the municipality's Petition for Plan Conformance, which was approved by Highlands Council Resolution No. XXX, adopted on ____. Further, this Ordinance specifically reserves the rights of the municipality as specified by the Highlands Act, with respect to the voluntary nature of Plan Conformance for the Planning Area.

Section 2 - Highlands Council Review of Land Development Ordinance Amendments

Any amendment to the Borough of Mountain Lakes Land Development Regulations shall not be effective until deemed consistent with the Regional Master Plan or deemed not subject to review by the Highlands Council.

Section 3 - Amendment to Land Development Regulations

I. Establishment of Highlands Districts

1. **Highlands Planning Area**
    1. In accordance with the delineation as set forth in the Highlands Act (C.13:30-7) the Borough of Mountain Lakes hereby establishes the Planning Area of the Highlands Region.
    2. For purposes of this Ordinance, this Area shall henceforth be known and designated as the Borough of Mountain Lakes Highlands Area.
2. **Highlands Land Use Capability Zones:** In accordance with the Highlands RMP there are hereby established two primary Land Use Capability Zones (LUCZ) (the Protection Zone and Existing Community Zone) and two LUCZ sub-zones (Existing Community Zone–Environmentally Constrained Sub-Zone and Lake Community Sub-Zone).
3. **Exhibits:** The following exhibits are hereby adopted.

1. Exhibit A~~1~~ entitled ~~Highlands Area and Highlands~~ Land Use Capability Map Zones depicting the municipality along with delineation of the Highlands Area and Highlands Land Use Capability Zones,
2. Exhibit B entitled Total Forest Area;
3. Exhibit C entitled Highlands Open Waters;
4. Exhibit D entitled Steep Slope Protection Area;
5. Exhibit E entitled Critical Wildlife Habitat;
6. Exhibit F entitled Net Water Availability;
~~1.~~7. Exhibit G entitled Prime Groundwater Recharge Areas; and
~~2.~~8. Exhibit ~~2~~ H entitled Wellhead Protection Areas.~~,~~
~~3. Exhibit 3 entitled Highlands Open Water Buffers and Riparian Areas,~~

~~4. Exhibit 4 entitled Net Water Availability, and~~
~~5. Exhibit 5 entitled Forest Area.~~

II. Applicability

The following Applications for Development involving lands located within the Borough of Mountain Lakes Highlands Area (as illustrated in Exhibit ~~1~~A, "~~Borough of Mountain Lakes Highlands Area~~Land Use Capability Zones") shall comply with the provisions of this ordinance:

1. For residential development, creates three (3) or more new dwelling units.
2. For non-residential development:
   a) Results in the ultimate disturbance of one (1) acre or more of land; or
   b) Produces a cumulative impervious surface area of one-quarter (¼) acre, or more.
3. Introduces or expands 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 herein.

All thresholds above shall be interpreted to apply cumulatively over time, beginning as of the effective date of this Ordinance. If or when any one of the thresholds is reached, the Ordinance shall apply to any and all development in excess of that threshold. Where an application proposes a mixed use, the thresholds in 2., for non-residential development shall apply to the whole of the project, while that in 1., shall apply to the residential component. 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 herein.

III. HIGHLANDS COUNCIL CALL-UP

The municipality shall, within fifteen (15) calendar days of issuance of any decision under this ordinance, provide a copy of the decision to the Applicant and to the Highlands Council. The Highlands Council call-up review period shall expire 15 calendar days following the Highlands Council's receipt of same. Any decision issued under this ordinance shall not be effective until the expiration of the call-up period, or upon notification that the Highlands Council is exercising its review authority and approval issued by the Highlands Council. Absent any notification from the Highlands Council within the 15-day timeframe, the decision shall be considered effective.

IV. EXCLUSIONS AND EXEMPTIONS

The following applications shall not be subject to the standards of this ordinance:

A. Exclusions: Any application for development as follows below shall not be subject to any provisions of this ordinance.
   1. **Construction of a single family dwelling for own use or family use:** The construction of a single family dwelling, for an individual's own use or the use of an immediate family member, on a lot owned by the individual on the date of enactment of this act or on a lot for

which the individual has on or before May 17, 2004 entered into a binding contract of sale to purchase that lot;

2. **Construction of a single family dwelling on existing lot:** The construction of a single family dwelling on a lot in existence on the date of enactment of this act, provided that the construction does not result in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more;

3. **Developments with prior Municipal and DEP Approvals:** A major Highlands development that received on or before March 29, 2004:
   a. one of the following approvals pursuant to the "Municipal Land Use Law," L.1975, c. 291 (C.40:55D-1 et seq.):
      i. preliminary or final site plan approval;
      ii. final municipal building or construction permit;
      iii. minor subdivision approval where no subsequent site plan approval is required;
      iv. final subdivision approval where no subsequent site plan approval is required; or
      v. preliminary subdivision approval where no subsequent site plan approval is required; and
   b. at least one of the following permits from the Department of Environmental Protection, if applicable to the proposed major Highlands development:
      i. a permit or certification pursuant to the "Water Supply Management Act," P.L.1981, c. 262 (C.58:1A-1 et seq.);
      ii. a water extension permit or other approval or authorization pursuant to the "Safe Drinking Water Act," P.L.1977, c. 224 (C.58:12A-1 et seq.);
      iii. a certification or other approval or authorization issued pursuant to the "The Realty Improvement Sewerage and Facilities Act (1954)," P.L.1954, c. 199 (C.58:11-23 et seq.); or
      iv. a treatment works approval pursuant to the "Water Pollution Control Act," P.L.1977, c. 74 (C.58:10A-1 et seq.); or
   c. one of the following permits from the Department of Environmental Protection, if applicable to the proposed major Highlands development, and if the proposed major Highlands development does not require one of the permits listed in sub-subparagraphs (i) through (iv) of subparagraph (b) of this paragraph:
   d. a permit or other approval or authorization issued pursuant to the "Freshwater Wetlands Protection Act," P.L.1987, c. 156 (C.13:9B-1 et seq.); or
      i. a permit or other approval or authorization issued pursuant to the "Flood Hazard Area Control Act," P.L.1962, c. 19 (C.58:16A-50 et seq.).
      ii. The exemption provided in this paragraph shall apply only to the land area and the scope of the major Highlands development addressed by the qualifying approvals pursuant to subparagraphs (a) and (b), or (c) if applicable, of this paragraph, shall expire if any of those qualifying approvals expire, and shall expire if construction beyond site preparation does not commence within three years after the date of enactment of this act;

4. **Reconstruction of buildings or structures within 125% of the footprint:** The reconstruction of any building or structure for any reason within 125% of the footprint of

the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or This exemption shall not apply to the reconstruction of any agricultural or horticultural building or structure for a non-agricultural or non-horticultural use;

5. **Improvement to a single family dwelling:** Any improvement to a single family dwelling in existence on the date of enactment of this act, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system;

6. **Places of worship, schools, or a hospitals:** Any improvement, for non-residential purposes, 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 on the date of enactment of this act, including but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility;

7. **Woodland and Forest management plans:** An activity conducted in accordance with an approved woodland management plan pursuant to section 3 of L.1964, c. 48 (C.54:4-23.3) or the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester;

8. **Trails on public or private lands:** The construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established;

9. **Repair of transportation or infrastructure systems:** The routine maintenance and operations, rehabilitation, preservation, reconstruction, or repair of transportation or infrastructure systems by a State entity or local government unit, provided that the activity is consistent with the goals and purposes of this act and does not result in the construction of any new through-capacity travel lanes;

10. **Transportation safety projects:** The construction of transportation safety projects and bicycle and pedestrian facilities by a State entity or local government unit, provided that the activity does not result in the construction of any new through-capacity travel lanes;

11. **Public utility lines, rights of way, or systems:** The routine maintenance and operations, rehabilitation, preservation, reconstruction, repair, or upgrade of public utility lines, rights of way, or systems, by a public utility, provided that the activity is consistent with the goals and purposes of this act;

12. **Reactivation of rail lines/rail beds:** The reactivation of rail lines and rail beds existing on the date of enactment of this act;

13. **Public Infrastructure:** The construction of a public infrastructure project approved by public referendum prior to January 1, 2005 or a capital project approved by public referendum prior to January 1, 2005;

14. **Mining or Quarrying:** The mining, quarrying, or production of ready mix concrete, bituminous concrete, or Class B recycling materials occurring or which are permitted to occur on any mine, mine site, or construction materials facility existing on June 7, 2004;

15. Site Remediation: The remediation of any contaminated site pursuant to L.1993, c. 139 (C.58:10B-1 et seq.);

16. Military lands: Any lands of a federal military installation existing on the date of enactment of this act that lie within the Highlands Region;

~~1.~~ **Affordable Housing:** A major Highlands development located within an area designated as Planning Area 1 (Metropolitan), or Planning Area 2 (Suburban), as designated pursuant to P.L.1985, c. 398 (C.52:18A-196 et seq.) as of March 29, 2004, that on or before March 29, 2004 has been the subject of a settlement agreement and stipulation of dismissal filed in the Superior Court, or a builder's remedy issued by the Superior Court, to satisfy the constitutional requirement to provide for the fulfillment of the fair share obligation of the municipality in which the development is located. The exemption provided pursuant to this paragraph shall expire if construction beyond site preparation does not commence within three years after receiving all final approvals required pursuant to the "Municipal Land Use Law," P.L.1975, c. 291 (C.40:55D-1 et seq.).

17. 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.~~

18. 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 to otherwise provide accessibility to the disabled

~~3.~~ .

~~4.~~19. Any Agricultural or Horticultural Use or 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 cumulatively, 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 4, 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. Highlands Act Exemptions: Any application for development exempt from the provision of the Highlands Act (C.13:20-28) shall be exempt from all provisions of this ordinance (with the exception of Section XVI Affordable Housing). Demonstration of a Highlands Act exemption for an Application for Development involving lands located in the Highlands Area shall consist of one of the following:

1. State Agency Determination. State Agency Determinations shall include a Highlands Exemption Determination issued by the Highlands Council for a Planning Area proposal, indicating that the proposal qualifies as a Highlands Act Exemption.
2. Municipal Determination. Pursuant to Borough of Mountain Lakes Ordinance #_____, entitled "Borough of Mountain Lakes Highlands Area Exemption Ordinance," effective as of [insert date] _____, for any application involving Highlands Act Exemptions #1, #2, #4, #5, #6, #7, or #8 indicating that the proposal qualifies as a Highlands Act Exemption.

V. Prohibited Uses

Any of the following uses are prohibited within the Highlands Area:

A. Landfills;
B. Facilities for the 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; and
D. Industrial treatment facility lagoons.
E. Any principal or accessory use, or structure related or devoted to such use, which is designated by the Highlands Council as a Major or Minor Potential Contaminant Source (PCS) (see Appendix A and Appendix B is expressly prohibited from that portion of any Tier 1 Wellhead Protection Area lying within 200 feet of the wellhead as shown on Exhibit H~~2~~.

VI: Highlands Open Waters

A. Highlands Open Waters and Buffers: All Highlands Open Waters shall include a minimum 300-foot-wide protection buffer, as measured from the edge of the Highlands Open Waters feature indicated in Exhibit C~~3~~.

1. No disturbances of Highlands Open Waters are permitted except where previously approved by the Highlands Council.
2. Highlands Open Waters buffers shall be maintained in their undisturbed or pre-existing condition, unless a disturbance is approved in accordance with following:
   a) Where a NJDEP Letter of Interpretation (LOI) has been issued delineating the location of a wetland, the boundaries of said wetland as identified shall govern. However, the buffer shall be 300 feet irrespective of the buffer identified in the LOI.
   b) With respect to any wetlands and other Highlands Open Waters features not mapped in Exhibit C~~3~~, each shall include a 300-foot wide protection buffer measured from a delineated wetlands line described in a LOI from a field-delineated boundary line for other features.
   c) Any lawful pre-existing structure or improvement located within a Highlands Open Waters protection buffer area may remain and be maintained or rehabilitated, provided that the existing area of disturbance attributed to or associated with such structure or improvement shall not be increased.
   d) Disturbances of Highlands Open Waters buffers located in the Existing Community Zone are permitted in previously disturbed areas as follows.
      (i) Agricultural & Horticultural Land Uses. For purposes of Highlands Open Water buffer disturbances in the Existing Community Zone, existing agricultural and horticultural uses, whether or not under active management or operation, shall not be considered "previously disturbed" buffer areas with regard to uses for non-agricultural development.
      (ii) Any disturbance in a previously disturbed buffer must be accompanied by the finding that there will be no net loss of functional value of the buffer. This may include the use of mitigation and restoration of the Highlands Open Water Buffer.
         (a) If existing land uses create a human, natural or development barrier to the buffer, then the buffer may be considered to be developable.
   e) Protection and Conservation Zone Standards: Disturbances of Highlands Open Waters buffers located in the Protection and Conservation Zone are permitted in previously disturbed areas but in no case shall the remaining buffer be reduced to less than 150 feet from the edge of Highlands Open Waters.
      (i) Agricultural & Horticultural Land Uses. For purposes of Highlands Open Water buffer disturbances in the Protection and Conservation Zone, existing agricultural and horticultural uses, whether or not under active management or operation, shall not be considered "previously disturbed" buffer areas with regard to uses for non-agricultural development.
      (ii) Any proposed disturbances must demonstrate full utilization of the following performance standards in the listed order, to demonstrate the necessity of an encroachment into Highlands Open Waters buffers:
         (a) avoid the disturbance of Highlands Open Waters buffers;
         (b) minimize impacts to Highlands Open Waters buffers; and
         (c) mitigate all adverse impacts to Highlands Open Waters buffers so that there is no net loss of the functional value of the buffer.

B. Riparian Area Standards: Disturbance of any portion of a Highlands Riparian Area in the Protection Zone is prohibited except for linear development, which shall be permitted only where it has been shown that there is no feasible alternative for the linear development outside of the Riparian Area.
   1. To address the "no feasible alternative for linear development" standard, the applicant shall demonstrate that there is no other location, design or configuration for the proposed linear development that would reduce or eliminate the disturbance of Riparian Area
   2. For proposed linear development that would provide access to an otherwise developable lot, the applicant shall show that:
      a) The proposed linear development is the only point of access for roadways or utilities to an otherwise developable lot; and
      b) Shared driveways are used to the maximum extent possible to access multiple lots.
      c) An alternative shall not be excluded from consideration under this subsection merely because it includes or requires an area not owned by the applicant that could reasonably be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed linear development.

VII: Critical Habitat

A. Critical Wildlife Habitat
   1. No disturbance is permitted in any Critical Wildlife Habitat as defined in Section XVII (Definitions) accept in accordance with the following:
   2. A Critical Wildlife Habitat area may be disturbed where a Habitat Suitability Analysis conducted by a qualified professional has been submitted to the land use board, which shall review and confirm findings that:
      a) The nature of the site is such that it does not provide habitat for species of concern;
      b) The species of concern are not present on the site during any critical part of their life cycle, do not depend upon the site for food, shelter or breeding, and the habitat or the site is either unsuitable or not critical to species' recovery in the Region; or
      c) Existing land uses create a human, natural or development barrier to the use of the site by species of concern.
      d) Avoidance of disturbance to species of concern can be achieved through adherence to commonly accepted, species-specific timing restrictions including but not limited limitations on the timing of tree clearing, site disturbance, and project development.
   3. Where disturbance of any Critical Wildlife Habitat has not been confirmed to be in accordance with the above standards, no disturbance shall be authorized without prior written approval of the Highlands Council.
B. Certified Vernal Pools
   1. No disturbance is permitted in any 300-meter buffer of a certified vernal pool.
   2. A Critical Wildlife Habitat area may be disturbed where a Habitat Suitability Analysis conducted by a qualified professional has been submitted to the land use board which shall review and confirm findings that:
      a) The nature of the buffer is such that it does not provide habitat for species of concern;
      b) The species of concern are not present within the buffer during any critical part of their life cycle, do not depend upon the site for food, shelter or breeding, and the habitat or the site is either unsuitable or not critical to species' recovery in the Region; or

c) Existing land uses present a human, natural or development barrier to the use of the buffer by species of concern.
d) Avoidance of disturbance to species of concern can be achieved through adherence to commonly accepted, species-specific timing restrictions including but not limited limitations on the timing of tree clearing, site disturbance, and project development.

C. No disturbance is permitted in any New Jersey Department of Environmental Protection Natural Heritage Priority Site.

VIII: Steep Slopes

A. Disturbance of Severely Constrained and Moderately Constrained Slopes is prohibited, with the exception of that required in connection with a linear development. Such linear development, however, shall be permitted only in the event that there is no feasible alternative for such development outside of the Severely Constrained or Moderately Constrained Slopes.
B. To address the "no feasible alternative for linear development" standard, the applicant shall demonstrate that there is no other location, design or configuration for the proposed linear development that would reduce or eliminate the disturbance of Severely Constrained or Moderately Constrained Slopes. For proposed linear development that would provide access to an otherwise developable lot, the applicant shall in addition, show that:
   1. The proposed linear development is the only point of access for roadways or utilities to an otherwise developable lot; and
   2. Shared driveways are used to the maximum extent possible to access multiple lots.
   3. An alternative shall not be excluded from consideration under this subsection merely because it includes or requires an area not owned by the applicant that could reasonably be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed linear development.
C. The reviewing municipal authority shall not approve any application pursuant to this subsection if, after review of the information submitted to support an approval, it finds that there is a reasonable alternative to the proposed linear development.

IX: Prime Groundwater Recharge Areas

A. Disturbance of Prime Ground Water Recharge Area (PGWRA) [or Municipally Important Groundwater Recharge Area (MIGWRA)] by any regulated development is prohibited and shall be permitted only upon a finding by the reviewing board that the proposal complies with the provisions of this subsection.
B. Development shall not occur in PGWRA [MIGWRA] unless either, the entirety of the subject property is located within a Prime Ground Water Recharge Area and thus cannot be avoided, or the disturbance represents the only viable alternate means to avoid Critical Habitat, Highlands Open Waters buffers, Vernal Pool Buffers, Moderately Constrained Steep Slopes, or Severely Constrained Steep Slopes, to the extent that these resources are also present upon the subject property.
C. Where total avoidance is not feasible, total recharge area disruption (i.e., alteration of natural recharge patterns or volumes) shall not exceed 15% of the PGWRA [MIGWRA] located within the affected parcels, placed where feasible on those parts of the PGWRA [MIGWRA] having

the lowest relative recharge rates and the least potential for aquifer recharge based upon site analysis.

D. Low Impact Development practices shall be used in the design of the development proposal to reduce total recharge disruption to the minimum feasible, within the 15% cap.

E. Any development application involving disturbance of a PGWRA [MIGWRA] shall be accompanied by a mitigation plan, providing for an equivalent of 125% of pre-construction recharge volumes for that portion of the PGWRA [MIGWRA] that will be disturbed. The recharge mitigation shall occur within the following areas, in order of priority: (1) the same development site to the maximum extent feasible; (2) the same HUC14 subwatershed; or (3) where no feasible option exists in the same HUC14 subwatershed, an interrelated HUC14 subwatershed approved by the Highlands Council.

XI: Septic Density

A. Nothing herein shall be deemed to apply to the replacement or repair of an existing septic system.

A. Planning Area. All development proposing new or increased demand for septic system capacity in the Planning Area shall be regulated in accordance with this subsection. The following are gross septic density requirements and shall not modify any minimum lot size requirements contained in the Mountain Lakes land development ordinance. Every development shall provide for a minimum acreage for each dwelling unit (or equivalent) as noted below.

1. Septic System Density Allowances. Septic system density (gross acres per septic system) shall not exceed the following allowances, for each Highlands Zone:
   a) Existing Community Zone: 11 acres/septic system
   b) Protection Zone: 20 acres/septic system
2. These allowances indicate the minimum acreage required per septic system, where that system is designed for a one-family household generating a maximum flow of 300 gallons of wastewater per day. The resulting acreage shall be applied as the minimum average acreage necessary to support every 300 gallons of daily wastewater flow generated by any proposed use where the unit/square footage figures below shall be applied as 300 gallon-per-day equivalents.
3. Equivalent Yields. The following unit/square footage figures shall be applied as 300 gallon-per-day equivalents:
   a) Residential Uses (All Types, except as provided below) – 1 dwelling unit
   b) Deed-Restricted Senior Citizen Residential Units, or Mobile Home Parks with dwelling units less than 500 square feet in size – 1.5 dwelling units
   c) Office and Commercial Uses – 2,400 square feet of floor area
   d) Industrial (Including Warehousing/Distribution) Uses – 18,182 square feet of floor area (Excluding Process Wastewater Flow)
   e) Specific Non-Residential Uses by Facility Type – In lieu of iii., or iv., above, 300 gallon-per-day equivalents may be computed based on the average sewage volumes provided in N.J.A.C. 7:9A-7.4.]

XII: New or Extended Water and Wastewater Infrastructure

A. ***Planning Area – Protection Zone and Environmentally-Constrained Sub-Zones.*** New, expanded or extended public water supply systems, public wastewater collection and treatment systems, and community on-site wastewater treatment facilities are prohibited unless approved through a waiver to address a documented threat to public health and safety, for a Highlands Redevelopment Area or Takings Waiver (RMP Policies 7G1 and 7G2) or to serve a cluster development that meets the requirements of RMP Objective 2J4b.

B. ***Planning Area – Existing Community Zone*** *(excluding Environmentally-Constrained Sub-Zone)* ***and Lake Community Sub-Zone.*** Expansion or creation of public water supply systems, public wastewater collection and treatment systems, and community on-site wastewater treatment facilities are permitted: to serve lands which are appropriate for designated TDR Receiving Zones, infill development, or redevelopment; to address public health and safety; or to serve new areas for development.

XIII: Net Water Availability

A. Water Conservation Requirements. All development proposals shall incorporate, as applicable, the following water conservation measures to promote sound resource use, reduce supply deficits, and reduce the need for additional utility infrastructure:
   1. Provide automatic controls based on rain sensors (or soil moisture) for all new and replacement lawn irrigation systems, as required by the electrical subcode at N.J.A.C. 5:23-3.16;
   2. Design all non-potable irrigation water uses to ensure that only the necessary amounts of water are used to achieve optimum plant growth, to the maximum extent practicable;
   3. Provide for internal recycling or beneficial reuse of reclaimed water in new commercial development projects, to the maximum extent practicable;
   4. Rely on stormwater for irrigation purposes to the maximum extent practicable, including but not limited to methods recommended by the U.S. Green Building Council through its Leadership in Energy and Environmental Design (LEED) program;
   5. Reduce water losses to the maximum extent practicable, in the rehabilitation of on-site water supply utility infrastructure, through such means as application of American Water Works Association/International Water Association water loss analysis methods (AWWA Manual M-36 or most recent version).

B. The following shall apply for any development application proposing a new or increased use of potable or non-potable water averaging 6,000 gallons per day or more, derived from: a) any groundwater source in a Highlands Area HUC14 subwatershed, whether through a public community or non-community water supply system well, a non-public well, or an individual private well; or b) any surface water source in a Highlands Area HUC14 subwatershed that is not associated with a safe yield determined by the NJDEP through a water allocation permit.
   1. Where a Highlands Council-approved Water Use and Conservation Management Plan has been adopted, any development application involving the use of water derived from a subwatershed(s) with a deficit net water availability as shown in the Exhibit F4 shall be regulated fully in accordance with the requirements of such Plan.
   2. Absence of Water Use and Conservation Management Plan: No application shall be deemed complete or considered for review by the applicable Board until or unless the Highlands Council has determined that the proposed water use will not exceed the remaining Net Water Availability for the source HUC14 subwatershed(s).

XIV. Forest Resources

A. All portions of the Highlands Area identified as Forest Area are found in Exhibit B~~5~~.

B. Any disturbance of more than ¼ acre within the Total Forest Area shall be permitted only upon a finding by the reviewing board that the following requirements have been satisfactorily addressed:

1. Demonstration that the proposed disturbance can neither be avoided nor reduced in extent, while adequately providing for a proposed use that otherwise addresses the requirements of this Ordinance;
2. Incorporation of Low Impact Development techniques appropriate to the activity or development project proposed;
3. For any proposed disturbance of one half (½) acre or more, other than that associated with the maintenance of a legally pre-existing use or structure (expressly excluding the expansion of any such use or structure), submission, approval and implementation of a Forest Mitigation Plan designed to minimize the extent of such disturbance, protect forest areas adjacent or proximate to the disturbance area, and mitigate for loss of trees or other forest vegetation removed during the course of such disturbance; and
4. Notwithstanding the preceding provisions, in the case of any proposed disturbance that by definition constitutes deforestation; submission, approval and implementation of a Forest Mitigation Plan designed to minimize the extent of deforestation, protect forest areas to remain, and restore or mitigate for forest area loss.

C. Forest Impact Report Required. Where disturbance of 1 acre or more of Forest Area as shown on Exhibit B~~5~~ is proposed, a Forest Impact Report shall be prepared including the following:

a) A map of Forest Area located on or within 500 feet of the subject property, as provided in Exhibit B~~5~~.
b) A map indicating any Forest Area to be disturbed.
c) A determination of whether the disturbance area qualifies as a Forest under the NJDEP Highlands Area Rules, at N.J.A.C. 7:38-3.9(c). This shall be the Confirmed Forest area.
d) An analysis of the effects (direct and indirect) of the disturbance upon the Confirmed Forest Area.
e) All Forest Impact Reports must be prepared by a State of New Jersey Approved Forester or other qualified professional.

D. Forest Mitigation Plan. Where the Forest Impact Report confirms that disturbance of 1 acre or more of Confirmed Forest Area will occur, a Forest Mitigation Plan shall be prepared in accordance with the following.

a) All Forest Mitigation Plans must be prepared by a State of New Jersey Approved Forester or other qualified professional. A Forest Mitigation Plan must include each of the components listed herein.
b) Mitigation Priority Area Map. Priority Areas are forested locations within the site having the highest ecological value to be targeted for conservation, restoration, or mitigation, including such areas as:
(i) Highlands Open Waters and Buffers
(ii) Riparian Areas, including Floodplains and Floodprone Areas
(iii) Critical Habitat
(iv) Steep Slopes and Ridgelines
(v) Core Forests and Contiguous Forest Patches

c) Forest Protection Plan. A plan incorporating pre-construction and construction best management practices to ensure the well-being of forest areas adjacent or proximate to the disturbance area.

d) Mitigation Description.

(i) A description of the proposed forest restoration, tree planting plan or other mitigation initiative proposed to provide equivalent or enhanced forest ecosystem benefit in consideration of the extent and type of disturbance or deforestation that would result if the use or activity is approved.

(ii) Planting Plan indicating the specific plantings proposed, including size, species, quantity, location, separation distances, planting details, deer and pest management protections, and maintenance plans.

(iii) Maintenance Agreement. A minimum 5-year maintenance agreement that outlines care-taking responsibilities of the applicant once the proposed planting has been completed. The maintenance agreement must include monitoring of newly planted stands, provide for protection devices in working order for 5 years, and ensure at least a 75% survival rate after 5 years.

XVI. Affordable Housing

A. Any development consisting of newly constructed residential units shall reserve for occupancy at least 20 percent (20%) of the residential units constructed for low-or moderate-income households.

B. Development exempt from the Highlands Act is not exempt from the 20% reservation requirement.

C. A minimum of 13% of the total units residential units reserved for low- or moderate-income households should be designated for very low-income households pursuant to section 7 of P.L.2008, c.46 (C.52:27D-329.1).

D. No density bonus or presumptive density increase over existing zoning shall be required to be granted by the municipality for the construction of the affordable housing units on site. Density bonuses or presumptive density increases may be provided through Fair Share Plans and associated implementing ordinances to address affordable housing needs of the municipality where inclusionary housing projects are selected as a compliance mechanism by the municipality.

E. Municipalities shall provide for the local review of any proposed affordable units provided by requiring the submission of an Affordable Housing Production Plan in accordance with the following:

1. An Affordable Housing Production Plan detailing all issues related to the affordable units shall be submitted to the municipality's Development Review Board at the time application is made for any development requiring affordable housing pursuant to this ordinance.
2. The Affordable Housing Production Plan shall be a condition of the completeness determination and is hereby added to the submission requirements checklist for any new residential development or major residential subdivision.
3. The Affordable Housing Production Plan shall include at a minimum the anticipated bedroom distribution, income split, anticipated administrative entity, tenure, estimated rent or sales prices, maintenance obligations and any other information pertinent to the creation and long-term support of the affordable housing units.
4. The Affordable Housing Production Plan shall include a phasing plan detailing the proposed time frames for the construction and occupation of the affordable housing units.

5. All Affordable Housing Production Plans shall be the subject of review by the municipality's Planning or Land Use Board for consistency with these guidelines, the RMP, and the municipalities certified Housing Element and Fair Share Plan.
6. Compliance with the RMP, the Fair Housing Act and the Affordable Housing Production Plan shall be a condition of any local approval.

F. Any approval shall be accompanied by a development agreement between the applicant, the municipality, and any other party principal to the provision and/or the administration of the affordable housing units.
   1. The development agreement shall detail the responsibilities of all parties and shall include the phasing plan for the construction and occupancy of the affordable housing units.
   2. The cost of the construction of the units may be required to be covered by appropriate performance and/or maintenance guarantees to ensure the construction of the units.

G. Where it has been determined that the provision of some or all affordable housing units on-site would not be consistent with the RMP (i.e., regarding septic system density or resource protection), the units may be provided off-site within the municipality wherever feasible.

XVI. Waivers and Exceptions

In addition to any variance relief required under the Municipal Land Use Law, relief from sections V. (Prohibited Uses), XI. (Septic Density) and XII. (New or Extended Water and Wastewater Infrastructure) of this Ordinance shall require issuance of a Highlands Act waiver. Highlands Act waivers may be issued only by the NJDEP or the Highlands Council in accordance with the respective rules and criteria established by each agency in accordance with the provisions of the NJDEP Highlands Area Rules, the Highlands Act and the Highlands Regional Master Plan. The issuance of a Highlands Act Waiver shall in no case be construed to alter or obviate the requirements of any other applicable State or local laws, rules, regulations, development regulations, or ordinances.

XVII. Definitions

For the purpose of this 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.

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 a permit pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).

Critical Wildlife Habitat - means within the Planning Area, Critical Wildlife Habitat consists of those areas within NJDEP's Landscape Project Version 3.3 (or more recent version as amended) that are Landscape Rank 3 through 5. In addition, it includes areas that are designated Landscape Rank 2 and have a Highlands Conservation Rank of Critically Significant or Significant. Within the Preservation Area, Critical Wildlife Habitat consists of those areas within Landscape Rank 2 through 5, including

all Highlands Conservation Ranks. Parcel level mapping may be found on the Highlands Council's interactive map available through the Highlands Council website.

Development – means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the MLUL.

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.

Forest – means a biological community as determined by the method set forth under the NJDEP Highlands Rules, at N.J.A.C. 7:38-3.9.

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 Area – means that portion of the municipality for which the land use planning and regulation are, or are intended or proposed to be, in conformance with the Highlands Regional Master Plan.

Highlands Open Waters – means all springs, streams including intermittent streams, wetlands, and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region, but not including swimming pools. Highlands Open Waters include seeps, lakes, ponds, and vernal pools; all categories (including springs, streams, and wetlands) as described and identified in ~~Figure 3~~Exhibit C or subsequently identified or modified by a Letter of Interpretation issued by the New Jersey Department of Environmental Protection.

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.

Impervious Surfaces, Cumulative – 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 **l**and 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.

Natural Heritage Priority Site - means any of the 95 NJDEP Natural Heritage Priority Sites, including habitat for documented threatened and endangered plant species, and lands that include unique or regionally significant ecological communities and other significant natural sites and features.

NJDEP – means the New Jersey Department of Environmental Protection

NJDEP Highlands 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 Procedures.

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

Prime Ground Water Recharge - means those lands designated in the Regional Master Plan as being within a HUC14 subwatershed that most efficiently provide, in the aggregate, 40 percent of total drought recharge volume for the HUC14 subwatershed.

Qualified Environmental Professional - means someone who possesses sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions.

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.

Residential Development – means development dedicated to the creation of new dwelling units or the improvement or expansion of existing dwelling units, whether by new construction or conversion of existing building areas or portions thereof, to dwelling use, including any type of residential structure whether a single-family home (including group home), duplex, townhouse, apartment or any other form of multi-family housing construction. For purposes of this ordinance, residential development shall include property improvements associated with and either, required in support of or customarily accessory to, the residential use, including but not limited to porches, patios, decks, driveways, garages, storage sheds, swimming pools, tennis courts, drywells, utility facilities, septic systems, yard grading and retaining walls.

Riparian Area - means areas adjacent to and hydrologically interconnected with Highlands Open Waters rivers and streams consisting of flood prone areas, wetlands, soils that are hydric, alluvial, or have a shallow depth to ground water, and including wildlife passage corridors within 300 feet of surface Highlands Open Waters features.

Slopes, Moderately Constrained – means all forested non-Riparian Area lands having a slope of 15% to less than 20%.

Slopes, Severely Constrained – means all lands having slopes of 20% or greater and all lands within Riparian Areas having slopes of 10% and greater.

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.

Vernal Pool - means a NJDEP-certified vernal pool plus a 300-meter-wide protection buffer surrounding the perimeter of each such pool. Vernal Pools consist of confined, ephemeral wet depressions that support distinctive, and often endangered, species that are specially adapted to periodic extremes in water pool levels.

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.

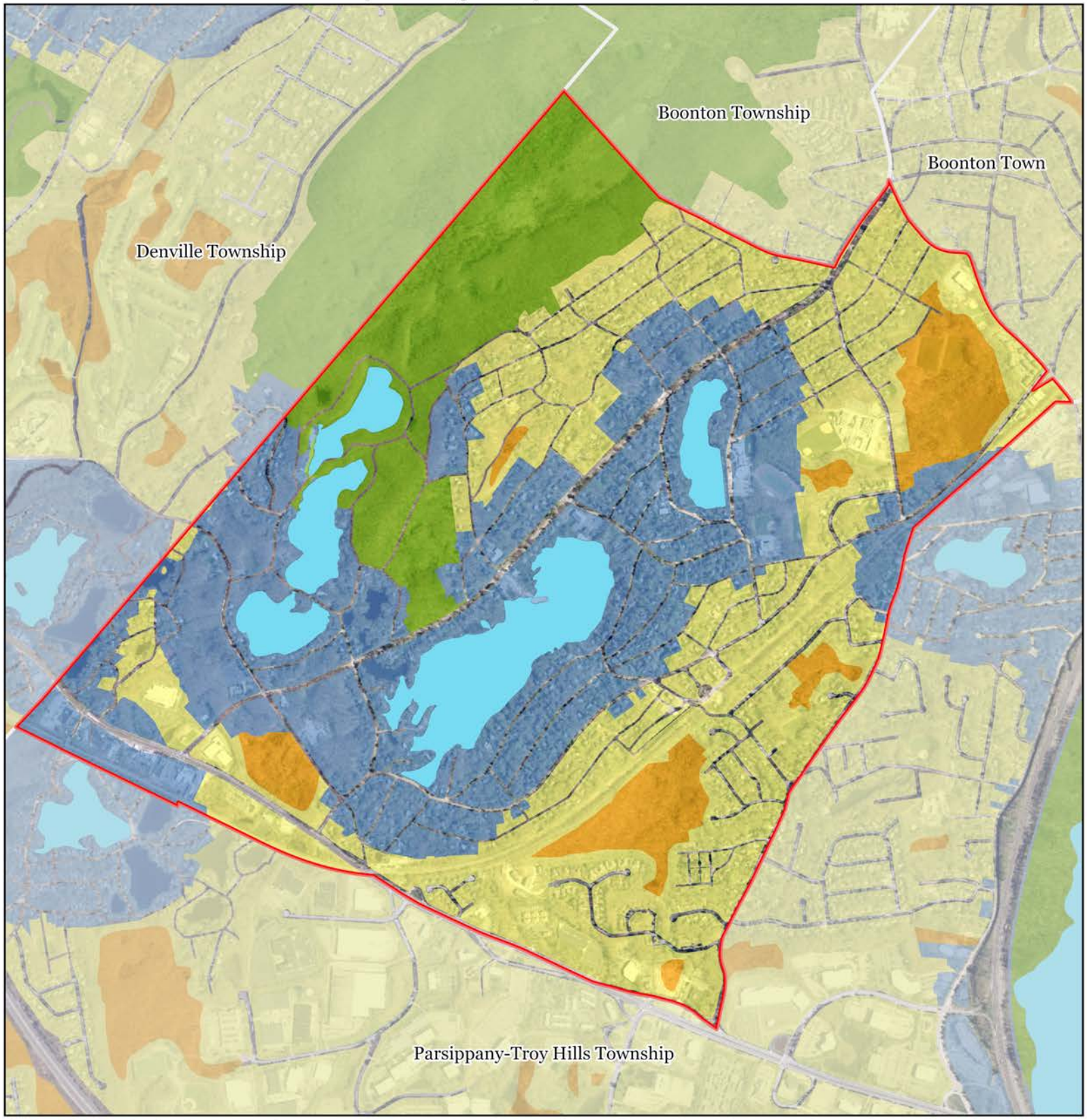
1. Underground fuel and chemical storage and oil tanks regulated by NJDEP under provisions of the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq.).
2. Above-ground storage facility for a hazardous substance or waste with a cumulative capacity greater than 2,000 gallons.
3. 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 substances 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 substances 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.

Exhibit A: Land Use Capability Map Zones



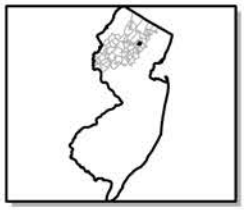
Regional Master Plan Overlay Zone Designation

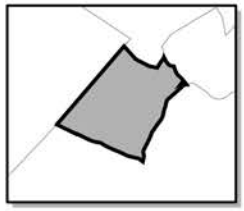
Zone
- Protection
- Existing Community

Sub-Zone
- Existing Community Environmentally Constrained
- Lake Community

- Preservation Area
- Lakes Greater Than 10 acres
- Municipal Boundaries

Mountain Lakes Borough



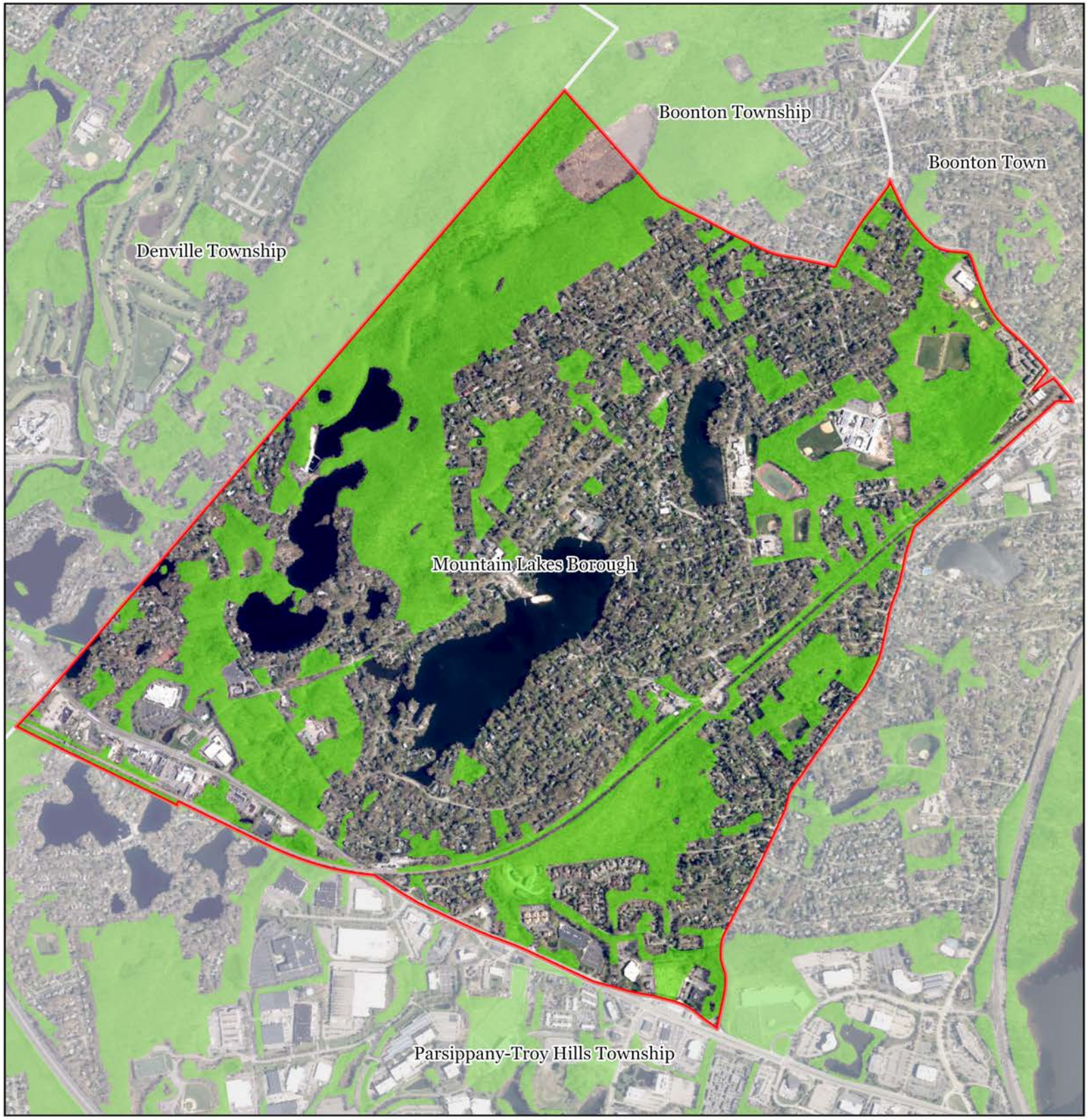


0 0.1 0.2 0.4 0.6 Miles

Highlands Council
New Jersey

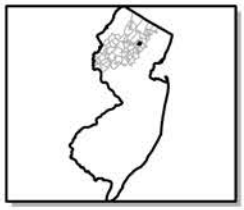
Date Exported: 5/22/2023

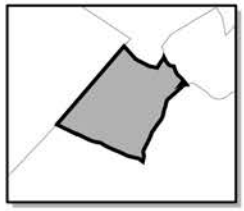
Exhibit B: Total Forest Area



Mountain Lakes Borough

Forested Areas
Preservation Area
Municipal Boundaries



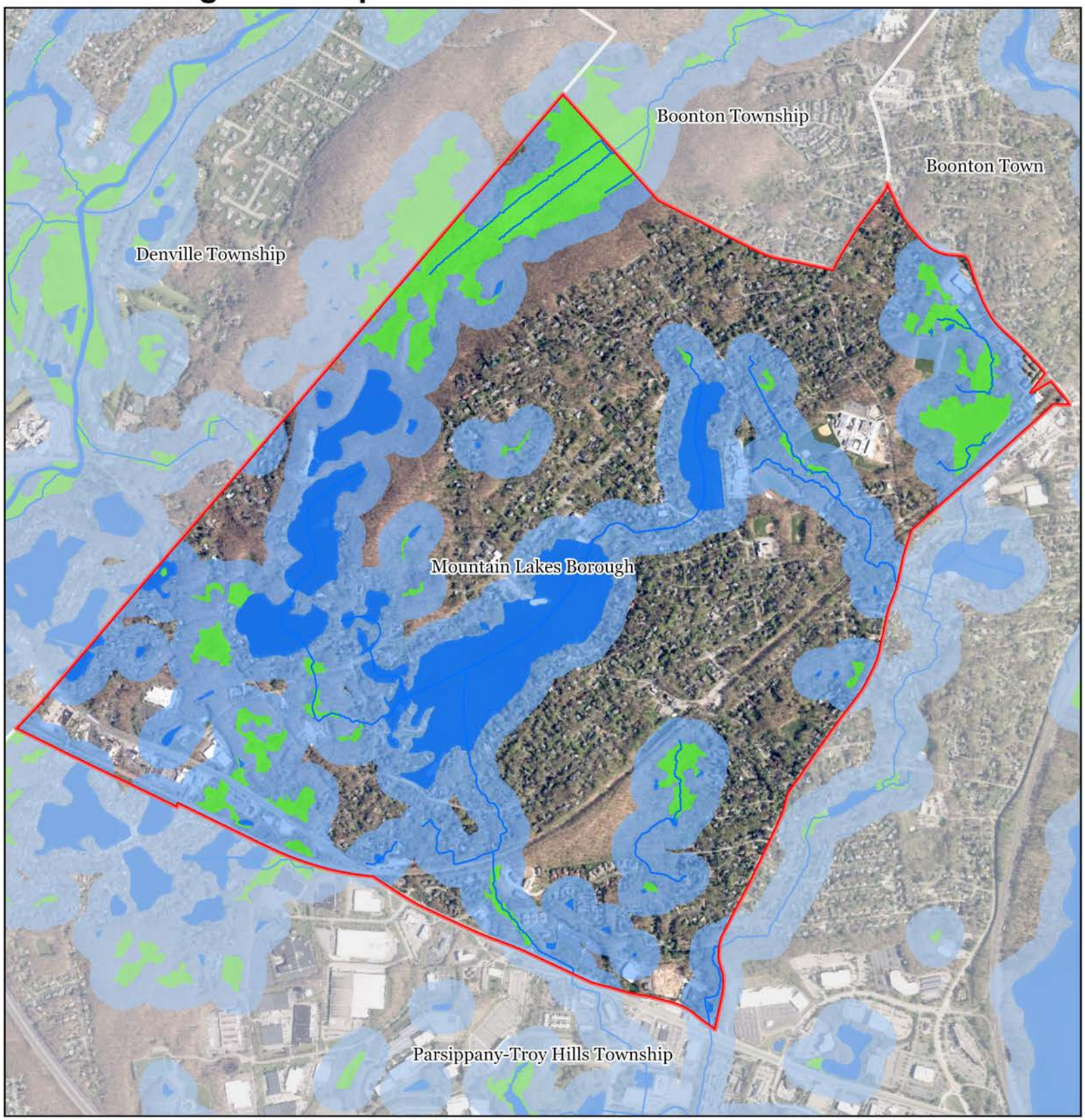


0 0.1 0.2 0.4 0.6
Miles

Highlands Council
New Jersey

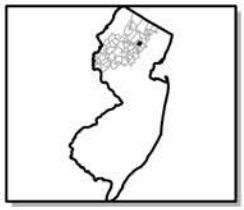
Date Exported: 5/29/2024

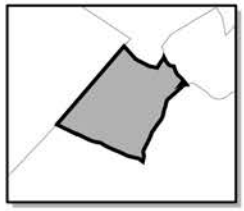
Exhibit C: Highlands Open Waters



Highlands Open Water Buffers (300ft)
Streams
Wetlands
Lakes & Ponds
Preservation Area
Municipal Boundaries

Mountain Lakes Borough



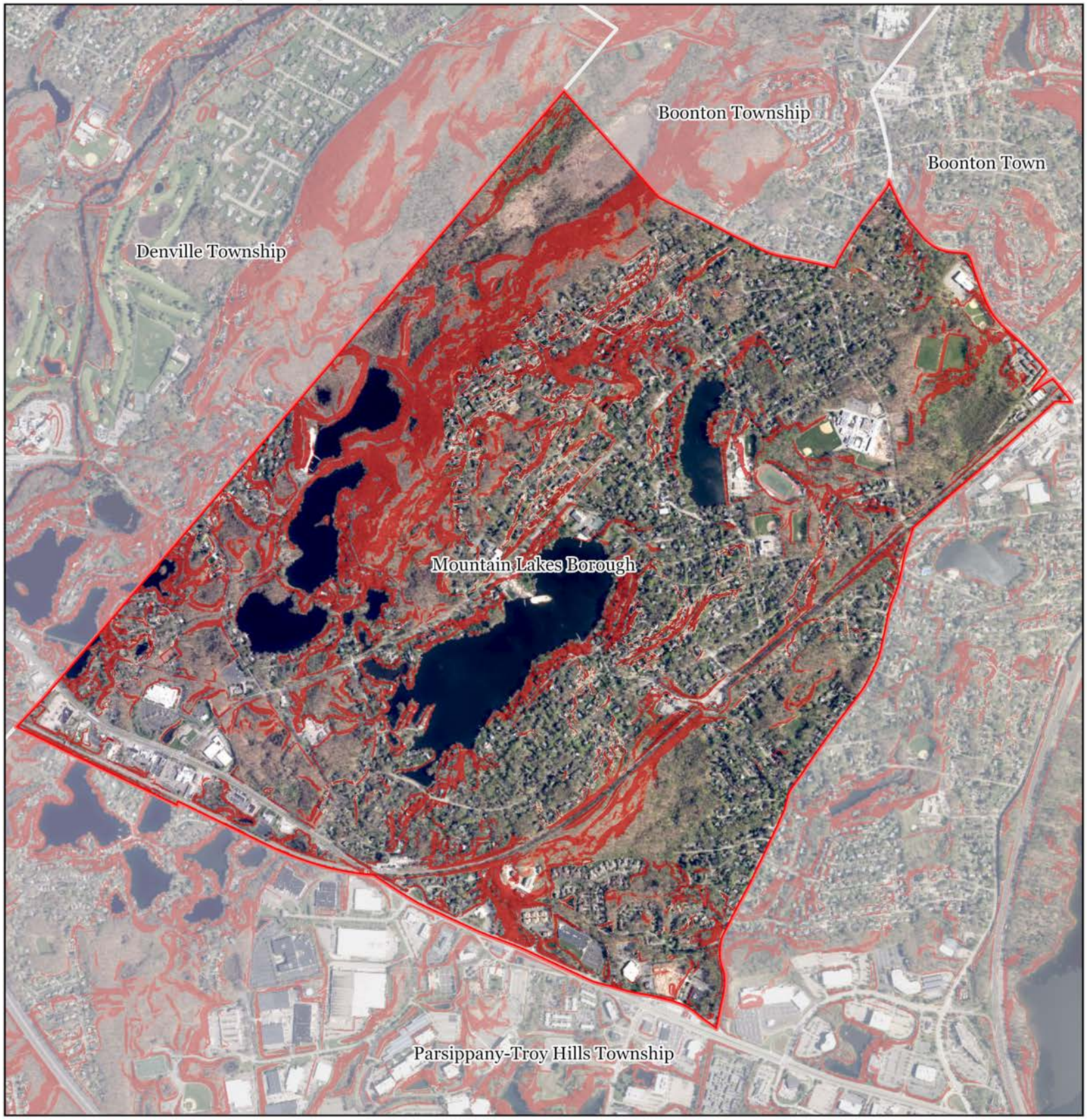


0 0.1 0.2 0.4 0.6 Miles

Highlands Council
New Jersey

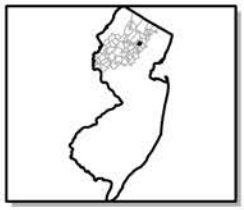
Date Exported: 5/23/2023

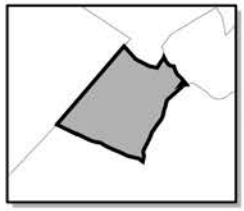
Exhibit D: Steep Slope Protection Areas



Steep Slopes
- *Moderate*
- *Severe*
- Preservation Area
- Municipal Boundaries

Mountain Lakes Borough



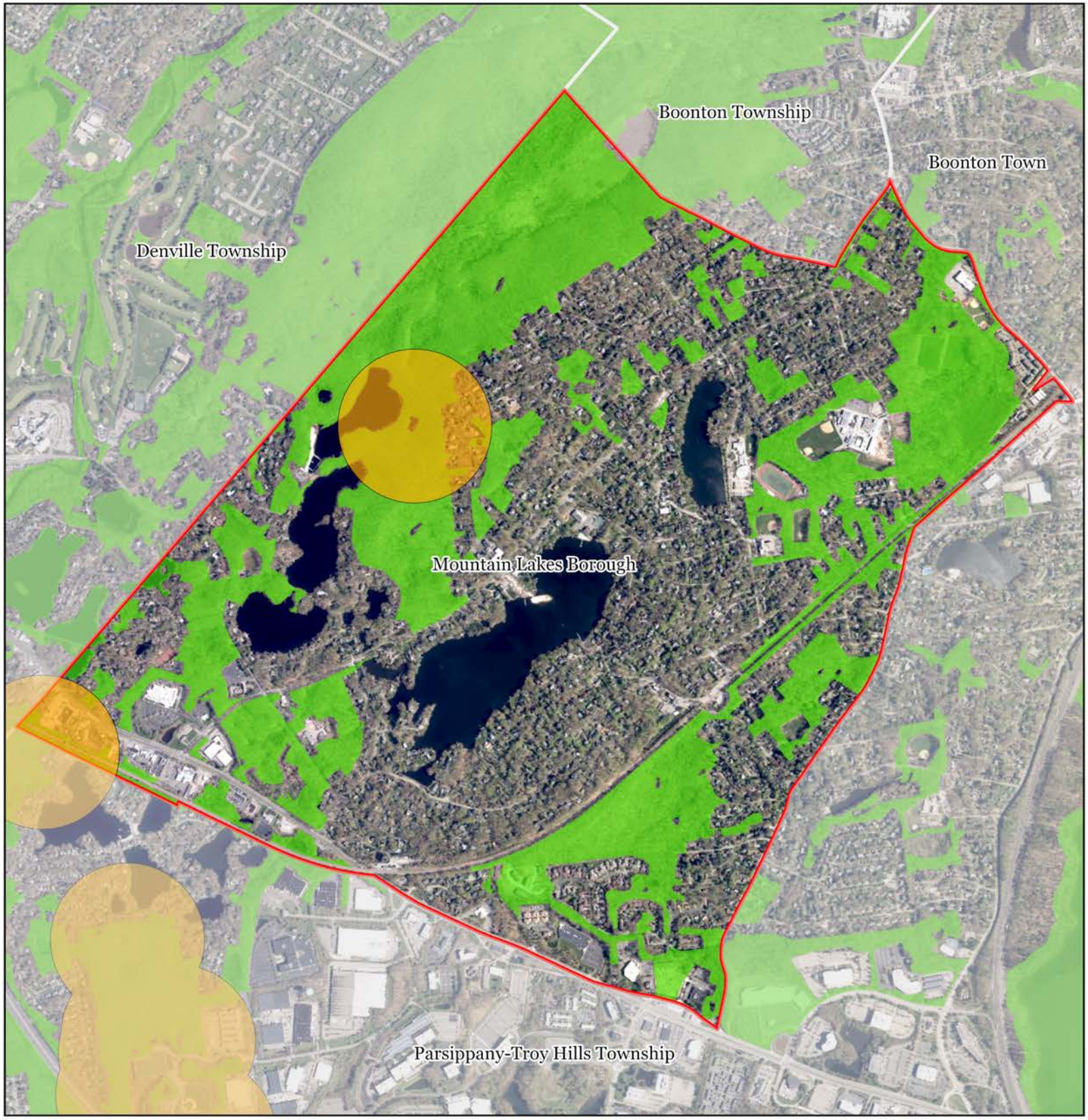


0 0.1 0.2 0.4 0.6 Miles

Highlands Council
New Jersey

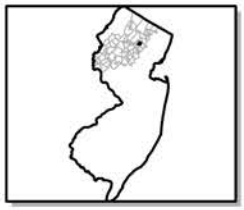
Date Exported:

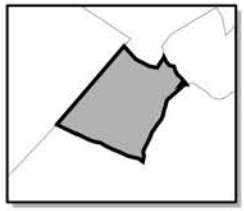
Exhibit E: Critical Wildlife Habitat



Confirmed Vernal Pool Buffer (1,000 ft)
Critical Wildlife Habitat
Preservation Area
Municipal Boundaries

Mountain Lakes Borough





0 0.1 0.2 0.4 0.6
Miles

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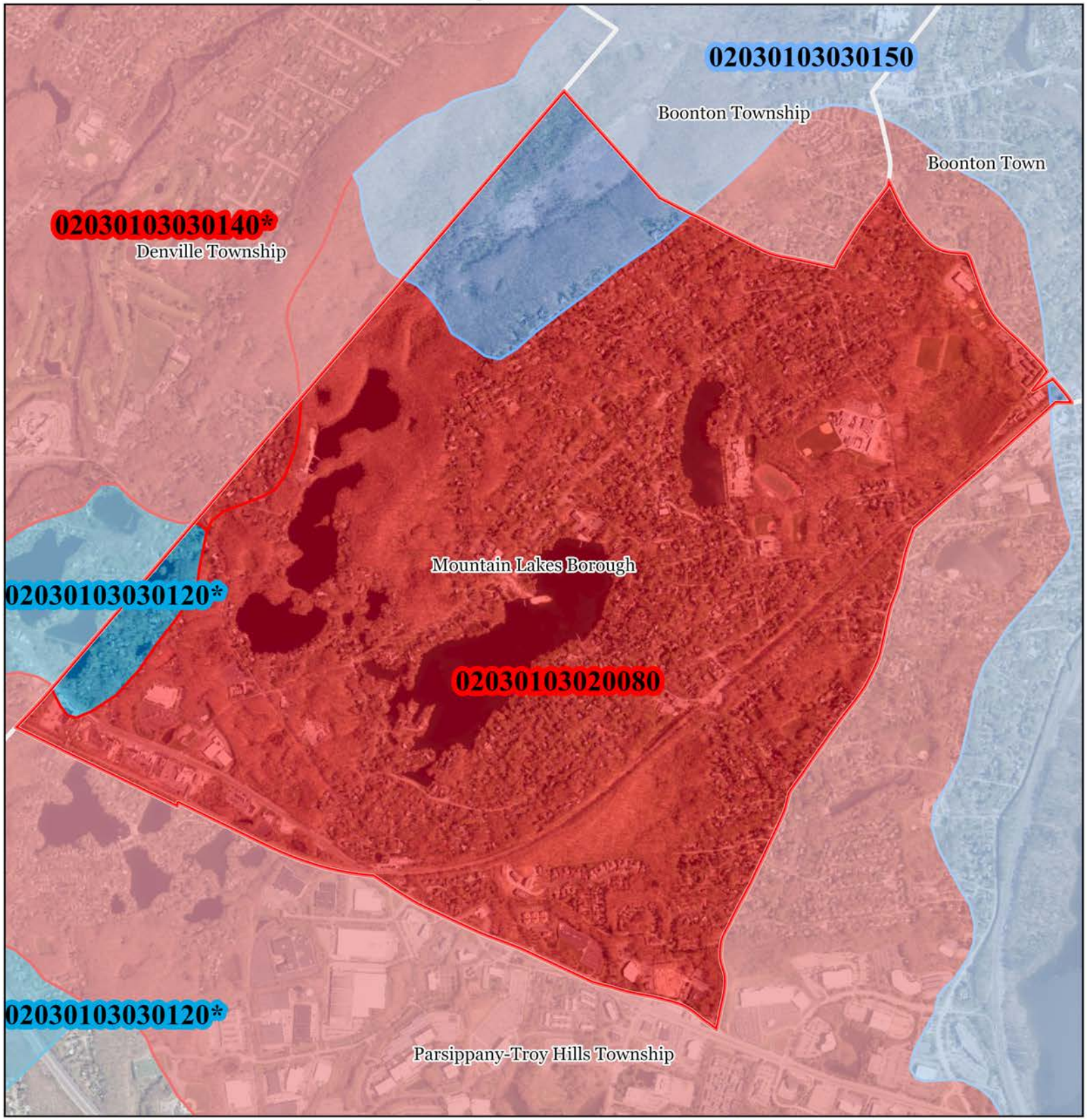
S

Highlands Council
New Jersey

Date Exported:

Exhibit F: Net Water Availability



Net Water Availability By HUC14

Million Gallons Per Day (MGD)

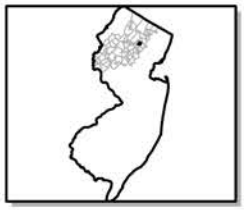
- 0.10 - 0.39
- 0.05 - 0.09
- 0.00 - 0.04
- -0.09 - 0.00
- -0.99 - -0.10
- -7.10 - -1.00

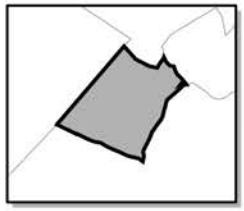
* Indicates updated data was used in for this HUC

Preservation Area

Municipal Boundaries

Mountain Lakes Borough





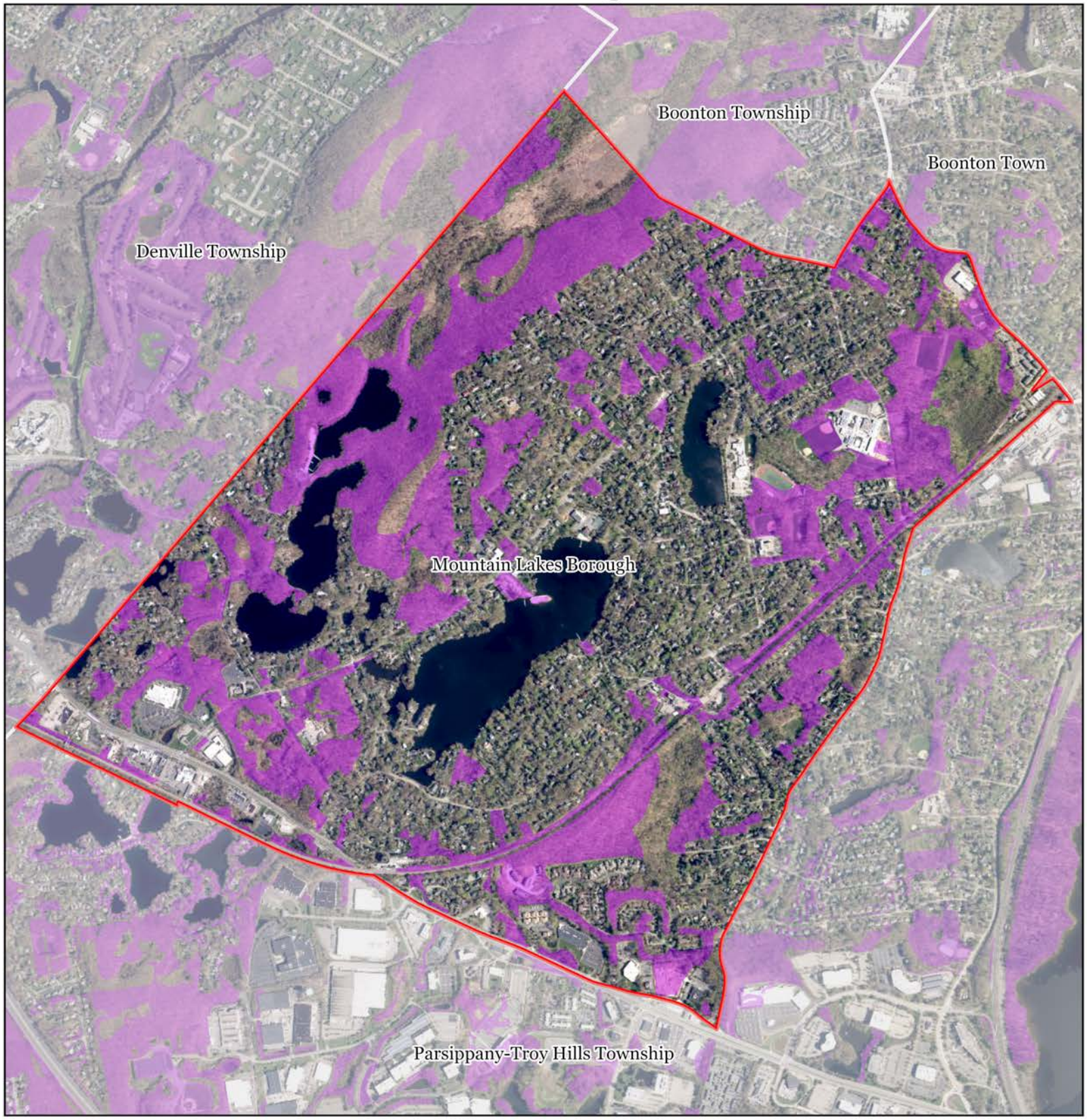
0 0.1 0.2 0.4 0.6 Miles

Highlands Council

New Jersey

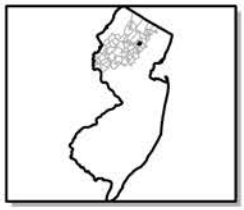
Date Exported:

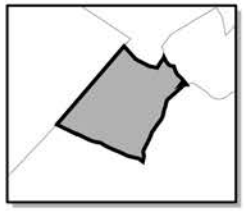
Exhibit G: Prime Ground Water Recharge Areas



Mountain Lakes Borough

Prime Groundwater Recharge Areas
Preservation Area
Municipal Boundaries





0 0.1 0.2 0.4 0.6
Miles

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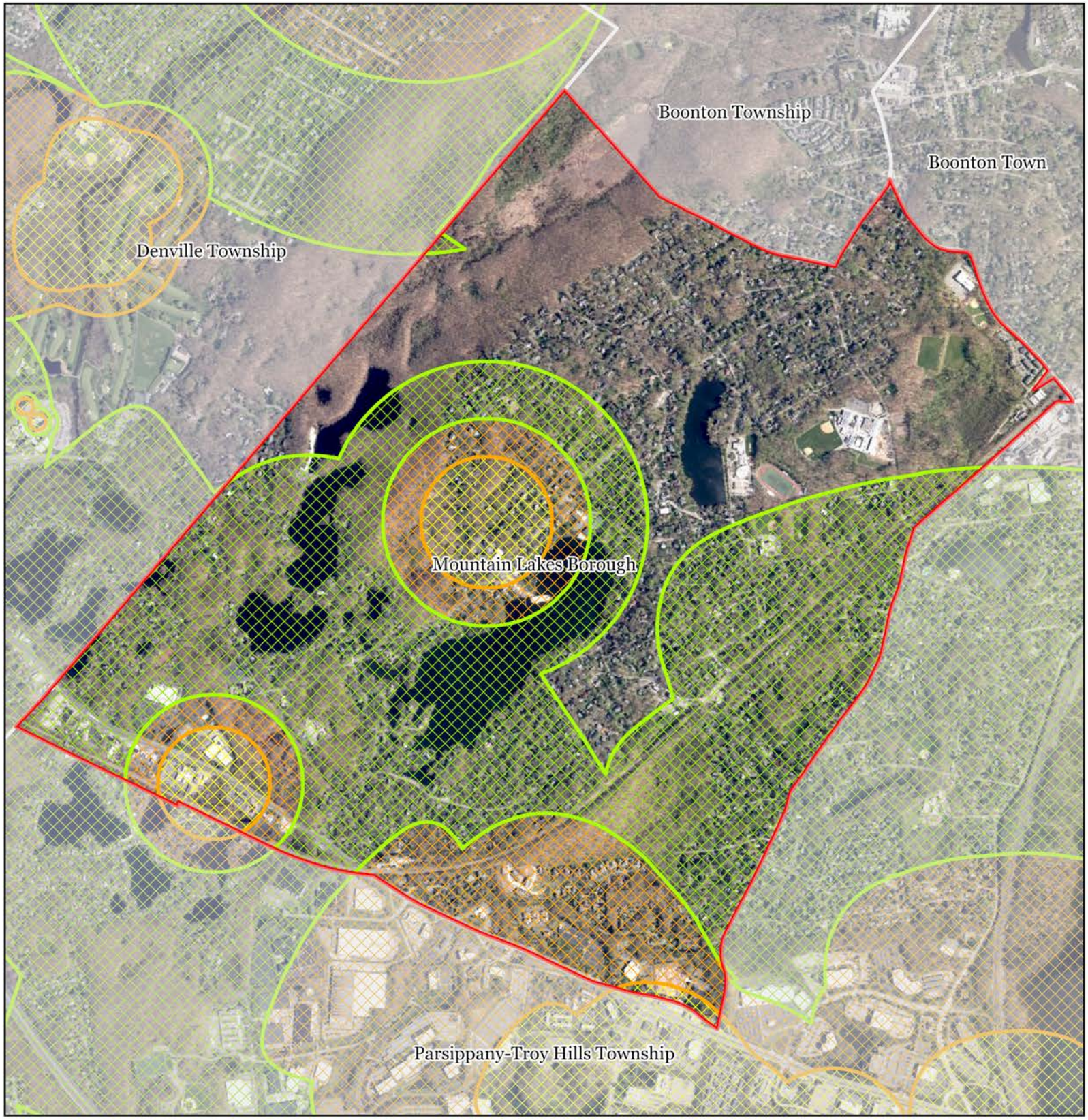
W E
S

Highlands Council
New Jersey

Date Exported:

Exhibit H: Wellhead Protection Areas



Mountain Lakes Borough

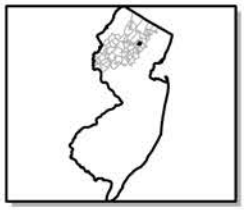
Preservation Area

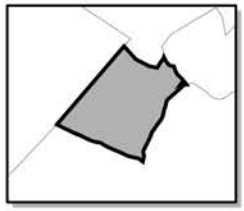
Wellhead Protection Area

2 - Year Tier

5 - Year Tier

12 - Year Tier





0 0.1 0.2 0.4 0.6 Miles

Highlands Council

New Jersey

Date Exported:

New Jersey Highlands Municipalities and Counties

Regional Master Plan (RMP) Conformance Status and Liaisons as of Winter 2025

Conformance Status indicated by color (see color key at end of table)	Lands in: Preservation Area	Lands in: Planning Area	Exemption Certification	Center Designation	Liaison
BERGEN COUNTY	●	●			Maryjude Haddock-Weiler
Mahwah Township	●	●	✓	✓	Maryjude Haddock-Weiler
Oakland Borough	●	●	✓		James Humphries
HUNTERDON COUNTY	●	●			Maryjude Haddock-Weiler
Alexandria Township	●	●	✓		Corey Piasecki
Bethlehem Township	●	●	✓		Corey Piasecki
Bloomsbury Borough	●				James Humphries
Califon Borough	●		✓		Maryjude Haddock-Weiler
Clinton Town	●	●			Corey Piasecki
Clinton Township	●	●	✓		Corey Piasecki
Glen Gardner Borough	●		✓		Maryjude Haddock-Weiler
Hampton Borough	●	●			Elizabeth Ward
High Bridge Borough		●	✓		Maryjude Haddock-Weiler
Holland Township	●	●			Allison Bittner
Lebanon Borough		●		✓	Corey Piasecki
Lebanon Township	●	●	✓		Allison Bittner
Milford Borough		●			Corey Piasecki
Tewksbury Township	●	●			Elizabeth Ward
Union Township	●	●			Corey Piasecki
MORRIS COUNTY	●	●			Maryjude Haddock-Weiler
Boonton Town		●			Maryjude Haddock-Weiler
Boonton Township	●	●			Corey Piasecki
Butler Borough		●			Corey Piasecki
Chester Borough		●		✓	Corey Piasecki
Chester Township	●	●	✓		Corey Piasecki
Denville Township	●	●			Allison Bittner
Dover Town		●			Maryjude Haddock-Weiler
Hanover Township		●			Maryjude Haddock-Weiler
Harding Township		●			Allison Bittner
Jefferson Township	●	●	✓		Elizabeth Ward
Kinnelon Borough	●	●			Allison Bittner
Mendham Borough		●			Corey Piasecki
Mendham Township		●			Corey Piasecki
Mine Hill Township		●			Maryjude Haddock-Weiler
Montville Township	●	●	✓		Maryjude Haddock-Weiler
Morris Plains Borough		●			Corey Piasecki
Morris Township		●			Maryjude Haddock-Weiler
Morristown Town		●			Maryjude Haddock-Weiler
Mountain Lakes		●			Maryjude Haddock-Weiler
Mount Arlington Borough	●	●	✓		Elizabeth Ward
Mount Olive Township	●	●	✓		Allison Bittner
Netcong Borough		●			Maryjude Haddock-Weiler
Parsippany-Troy Hills Twp		●	✓		Maryjude Haddock-Weiler
Pequannock Township	●	●			Corey Piasecki
Randolph Township	●	●		✓	Maryjude Haddock-Weiler
Riverdale		●			
Rockaway Borough		●			
Rockaway Township	●	●			Allison Bittner
Roxbury Township	●	●			Elizabeth Ward
Victory Gardens Borough		●			James Humpries
Washington Township	●	●	✓	✓	Allison Bittner
Wharton Borough		●		✓	Maryjude Haddock-Weiler

New Jersey Highlands Municipalities and Counties

Regional Master Plan (RMP) Conformance Status and Liaisons as of Winter 2025

Conformance Status indicated by color (see color key at end of table)	Lands in: Preservation Area	Lands in: Planning Area	Exemption Certification	Center Designation	Liaison
PASSAIC COUNTY	●	●			Maryjude Haddock-Weiler
Bloomingdale Borough	●	●			Allison Bittner
Pompton Lakes Borough		●			Allison Bittner
Ringwood Borough	●		✓		Allison Bittner
Wanaque Borough	●	●			Allison Bittner
West Milford Township	●		✓		Allison Bittner
SOMERSET COUNTY	●	●			Corey Piasecki
Bedminster Township	●	●	✓		Elizabeth Ward
Bernards Township		●			Elizabeth Ward
Bernardsville Borough		●			Elizabeth Ward
Far Hills Borough		●			Elizabeth Ward
Peapack Gladstone Borough		●			Elizabeth Ward
SUSSEX COUNTY	●	●			Maryjude Haddock-Weiler
Byram Township	●	●	✓	✓	Allison Bittner
Franklin Borough		●			Allison Bittner
Green Township	●	●			Allison Bittner
Hamburg Borough		●			Maryjude Haddock-Weiler
Hardyston Township	●	●	✓		Allison Bittner
Hopatcong Borough	●	●	✓	✓	Allison Bittner
Ogdensburg Borough	●	●			Allison Bittner
Sparta Township	●	●	✓		Allison Bittner
Stanhope Borough		●			Allison Bittner
Vernon Township	●	●	✓		Allison Bittner
WARREN COUNTY	●	●			Maryjude Haddock-Weiler
Allamuchy Township	●	●	✓		Allison Bittner
Alpha Borough		●		✓	Maryjude Haddock-Weiler
Belvidere Town		●			Corey Piasecki
Franklin Township	●	●	✓		Allison Bittner
Frelinghuysen Township		●			Allison Bittner
Greenwich Township	●	●			Allison Bittner
Hackettstown Town	●	●	✓	✓	Corey Piasecki
Harmony Township	●	●	✓		Corey Piasecki
Hope Township		●			Corey Piasecki
Independence Township	●	●			Corey Piasecki
Liberty Township	●	●			Corey Piasecki
Lopatcong Township	●	●	✓	✓	James Humphries
Mansfield Township	●	●			
Oxford Township	●	●	✓	✓	Corey Piasecki
Phillipsburg Town		●		✓	Corey Piasecki
Pohatcong Township	●	●	✓	✓	James Humphries
Washington Borough		●		✓	Corey Piasecki
Washington Township	●	●	✓		Corey Piasecki
White Township	●	●			Corey Piasecki

Fully Conforming, whole municipality/county

Conforming, preservation area only

Not conforming

A conforming municipality/county is defined in the Highlands Council's adopted Plan Conformance Procedures as one that not only has an approved petition for plan conformance for the entire municipality/county, but has also adopted or amended a land development ordinance that is consistent with the Highlands Act and Regional Master Plan (RMP).

State of New Jersey
Highlands Water Protection and Planning Council
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Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.nj.gov/njhighlands

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

CARL J. RICHKO
Chairperson

BENJAMIN L. SPINELLI, ESQ.
Executive Director

FINAL DRAFT CONSISTENCY REVIEW AND RECOMMENDATIONS REPORT

PETITION FOR PLAN CONFORMANCE
BOROUGH OF MOUNTAIN LAKES, MORRIS COUNTY

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

DECEMBER 2, 2024

INTRODUCTION

The Borough of Mountain Lakes petitioned the New Jersey Highlands Water Protection and Planning Council ("Highlands Council") for plan conformance by adoption of Resolution #207-23 on November 27, 2023. The Borough conformance area is for the entire municipality and consists of 1,861 acres in the Planning Area.

Mountain Lakes Borough is a small, primarily residential community, 2.9 square miles in size, in the eastern section of Morris County. The Borough was established in the early 1900's as a planned community centered around a series of small lakes. It's population according to the 2020 census is 4,472 people. It is also home to several commercial areas located along Route 46 and in the "Midvale" section of town.

The Borough engaged in numerous conversations with the staff of the Highlands Council over the past six years seeking to understand the potential benefits/impacts of plan conformance for their residents and businesses. In June 2023 the Borough completed a Highlands Planning Area Initial Assessment. The report found that overall the existing policies of the Borough are generally consistent with those of the Highlands Regional Master Plan (RMP).

REPORT SUMMARY

Municipality:	Borough of Mountain Lakes, Morris County
Date of Petition:	November 27, 2023
Conformance Area:	Planning Area
Staff Recommendation:	Approval subject to conditions

A. REVIEW OF ADMINISTRATIVE SUBMITTALS

1. Borough of Mountain Lakes Highlands Planning Area Initial Assessment, June 2023 (see Appendix A).

2. "Resolution of the Borough Council of the Borough of Mountain Lakes of Its Intention to Revise Master Plan and Development Regulations for Plan Conformance for Land in the Planning Area," November 27, 2023.

B. SUBSTANTIVE REVIEW

The Borough of Mountain Lakes, located in Morris County, is largely built out and contains 1,446 single family residential homes, which accounts for 94% of the developed lands in the municipality. Existing single family homes would not be subject to regulations/standards adopted by the Borough as part of plan conformance implementation.

The Borough completed an Initial Assessment Report to determine the compatibility of the Borough's planning policies with the goals, policies and objectives of the Highlands Regional Master Plan (RMP), and what the impact of conformance may be. The report states that:

> *"The Borough identified a number of objectives in their most recent Master Plan that serve as the basis for planning in the community. These goals and objectives are as follows:*
>
> - *Retain the traditional character of Mountain Lakes;*
> - *Protect and Enhance the Borough's environmental resources;*
> - *Provide for the appropriate development of the Borough;*
> - *Provide for safe and convenient pedestrian and vehicular circulation and access; and*
> - *Maintain the Borough's traditional commitment to education and recreation.*
>
> *Based on the goals and objectives of the municipality, it is evident the community is committed to protecting and preserving the character and natural resources of the Borough, specifically, the lakes, aquifers and parklands, with an emphasis on connecting the publicly-owned parkland areas."*

The overall conclusion of the Report is that the "policies of Mountain Lakes and those of the Regional Master Plan (RMP) are generally consistent with one another."

Land Use Capability Zones (2024)

- Existing Community Zone: 621.0 acres (33.4%)
- Lake Community Subzone: 578.2 acres (31.1%)
- Existing Community - Environmentally Constrained Subzone: 121.0 acres (6.5%)
- Protection Zone: 222.9 acres (12.0%)

The properties categorized as Protection Zone in the RMP coincide with the Borough's C-1 Conservation Zone. The Borough also has C-1 zoning associated with a number of parcels that are designated Existing Community Zone – Environmentally Constrained. There are some parcels zoned for commercial uses that are currently designated Existing Community Zone – Environmentally Constrained.

Historic Preservation

A total of 1,449.9 acres, or 77.9%, of the selected area is located within the following historic districts: Historic Districts possess a significant concentration, linkage, or continuity of buildings, sites, structures, or objects united historically or aesthetically by plan or physical development. Historic District status is granted by the New Jersey State Historic Preservation Office (SHPO).

- Delaware, Lackawanna and Western Railroad Boonton Branch Historic District
- Mountain Lakes Historic District

Highlands Open Waters

Mountain Lakes Borough contains 44 waterbodies, totaling 158.8 acres (8.5%).
Among the waterbodies are:

- Mountain Lake: 79.8 acres
- Crystal Lake: 20.3 acres
- Wildwood Lake: 15.6 acres
- Sunset Lake: 15.3 acres
- Birchwood Lake: 13.6 acres
- Unnamed lakes: 11.2 acres
- Great Bay: 2.2 acres
- Troy Brook tributary: 0.7 acres

Mountain Lakes Borough contains multiple streams totaling 7.8 miles in length. Among the streams are:

- Troy Brook tributary: 5.4 miles
- Unnamed tributary: 1.2 miles

- Rockaway River tributary: 5,275.8 feet – this is a C-1 stream
- Troy Brook: 1,305.9 feet
- ***NOTE: stream lengths run through the lakes to show connectivity of the waterbodies and do not stop at the lakeshore.

Net Water Availability

The Borough is in 4 subwatersheds, which have net water availability values calculated as follows:

- Troy Brook (above Reynolds Ave) subwatershed (HUC14 02030103020080), which has a calculated net water availability of -7.1 MGD
- Rockaway R (Boonton dam to Stony Brook) subwatershed (HUC14 02030103030150), which has a calculated net water availability of 0.0 MGD
- Den Brook subwatershed (HUC14 02030103030120), which has a calculated net water availability of 0.1 MGD
- Rockaway R (Stony Brook to BM 534 brdg) subwatershed (HUC14 02030103030140), which has a calculated net water availability of -2.1 MGD

Water Quality

Total Maximum Daily Load - The Borough is located within 4 subwatersheds that has Total Maximum Daily Load (TMDL) requirements for:

- Troy Brook (above Reynolds Ave): Total Phosphorus (TMDL established in 2008) & Mercury (TMDL established 2010)
- Rockaway R (Boonton dam to Stony Brook): Total Phosphorus (TMDL established in 2008) & Mercury (TMDL established 2010)
- Den Brook: Total Phosphorus (TMDL established in 2008)
- Rockaway R (Stony Brook to BM 534 brdg): Mercury (TMDL established in 2010) & Total Phosphorus (TMDL established 2008)

Utilities

Available Public Community Water System Utility Capacity - Mountain Lakes Water Department (PWSID#1425001) is the public community water supply system that serves Mountain Lakes Borough. The Water Department is a public water system consisting of four wells plus they purchase water from two groundwater sources and one surface water source. This system purchases water from Boonton Township Water Department and Parsippany-Troy Hills Water Department.

As of April 2024, the Mountain Lakes Water Department is allocated 30 million gallons per month (MGM), with a current usage of 28.399 MGM. The additional available capacity is 1.601 MGM with a Firm Capacity of 0.031 MGD.

Available Wastewater Utility Capacity - Mountain Lakes Borough's wastewater treatment needs are served by the Parsippany-Troy Hills Wastewater Treatment Plant (WWTP) (NJPDES NJ0024970). Parsippany-Troy WWTP has a permitted flow of 16 million gallons per day (MGD) with a Max 12-month rolling average flow for the last five years of 10.234 MGD, which represents 63.96% of the total capacity of the WWTP. This available capacity is reserved for the Borough and the other municipalities within the Parsippany-Troy Hills WWTP service area.

The Borough's contractual capacity at the WWTP is 640,000 gallons per day. The current average flow is 561,200 gallons per day, leaving an available capacity of 78,800 gallons per day at the Parsippany-Troy Hills WWTP.

Preserved Lands

Mountain Lakes Borough contains 192 preserved areas, which comprise a total of 666.4 acres. Preserved lands include preserved farmland, open space, and recreation areas. Municipal Preserved Lands include municipal parks, trails, and other open space. County Preserved Lands include County parks, camps, and other open spaces. Private Preserved Lands include privately owned lands that have been preserved through deed restrictions. These areas are as follows:

- Municipal: 629.7 acres
- County: 19.2 acres
- Private: 17.5 acres

Note: The Borough does not contain any farmland.

Steep Slope Protection Area

A total of 399.4 acres, or 21.5%, of the Borough is located within a Steep Slope Protection Area, as follows:

- Severely Constrained: 362.2 acres (19.5%)
- Moderately Constrained: 37.1 acres (2.0%)

Transportation

Transit Score: In total, 885.1 acres, or 47.6%, of the Borough is located within a transit rich area with a minimum score of at least three points.

Trails - The Borough contains multiple trails, totaling 5.5 miles in length. Trails included are:

- Boulevard Trolley Trail: 2.0 miles
- White Trail: 4,249.6 feet
- Red Trail: 3,432.1 feet

- Blue Trail: 3,120.6 feet
- Blue / Red Trail: 2,250.5 feet
- Sled Run: 2,041.5 feet
- Birchwood Loop: 2,027.0 feet
- Purple Trail: 509.7 feet
- Pink Trail: 343.5 feet
- Additional Unnamed Trails: 435.0 feet

Land Use/Land Cover

Land Use/Land Cover (2015) data provides comprehensive and detailed mapping of land use/land cover in the natural and built environments. This data is derived from 2015 orthophotography. The land use of the selected area is described as follows:

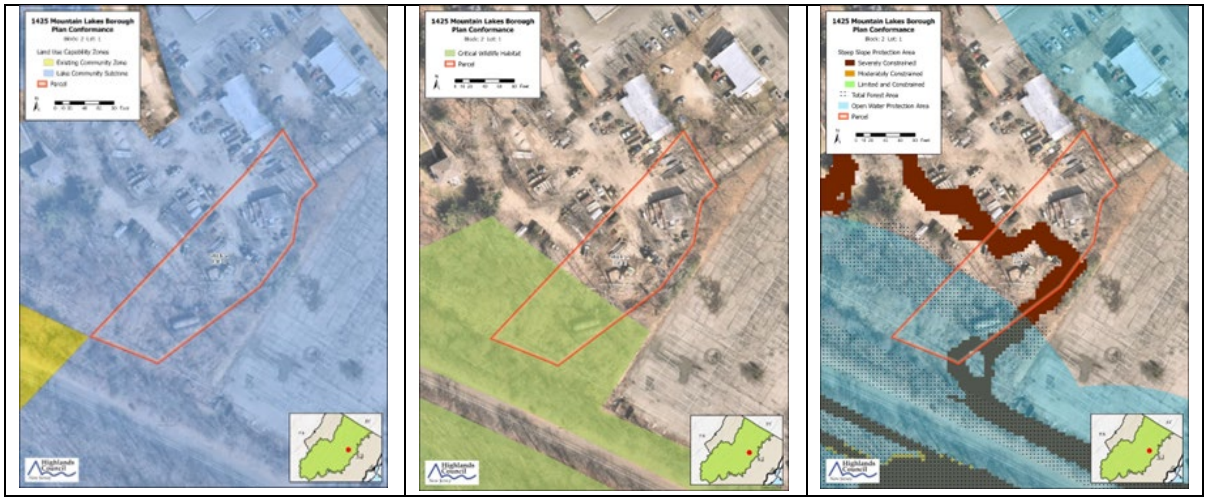
- Urban: 1,021.0 acres (54.9%)
- Forest: 560.7 acres (30.1%)
- Water: 156.6 acres (8.4%)
- Wetlands: 122.4 acres (6.6%)
- Barren Land: 0.3 acres (0.0%)

Conclusion: As a largely built out municipality, most anticipated development would occur in the form of redevelopment and infill and any impacts from conforming with the RMP would be limited. Amendments to local zoning may be necessary to incorporate Highlands Regional Master Plan goals, policies, and objectives. Likely potential development/redevelopment areas are discussed below.

Block 2, Lot 1

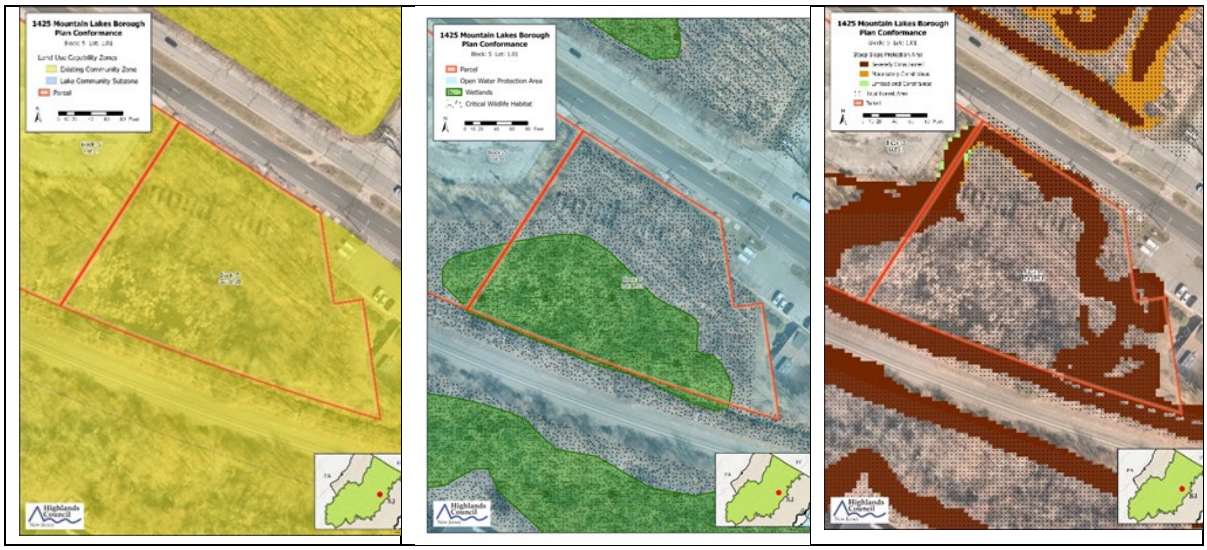
Block 2, Lot 1 is being utilized as a contracting yard with storage containers and diesel fuel containers on Route 46 westbound. Much of the use occurs on the adjacent lot located in Denville Township. The property is within the B "Business Zone" and is approximately 0.86 acres. The site is within the Existing Community Zone – Lake Community Subzone. Various resources are mapped on the site including vernal pool buffers, open water protection area, and riparian areas. The site is also mapped as critical wildlife habitat for Northern Goshawk and Wood Turtle. The property may be appropriate for redevelopment.

Adjacent are Block 2, Lots 2 and 2.01 (recently subdivided from Lot 2). The Wawa is developed on lot 2.01 and lot 2 contains the remains of the parking lot. The Wawa lot is fully developed and the adjacent parking lot is existing impervious surface and would be eligible for an exemption 4 for the purpose of redevelopment.



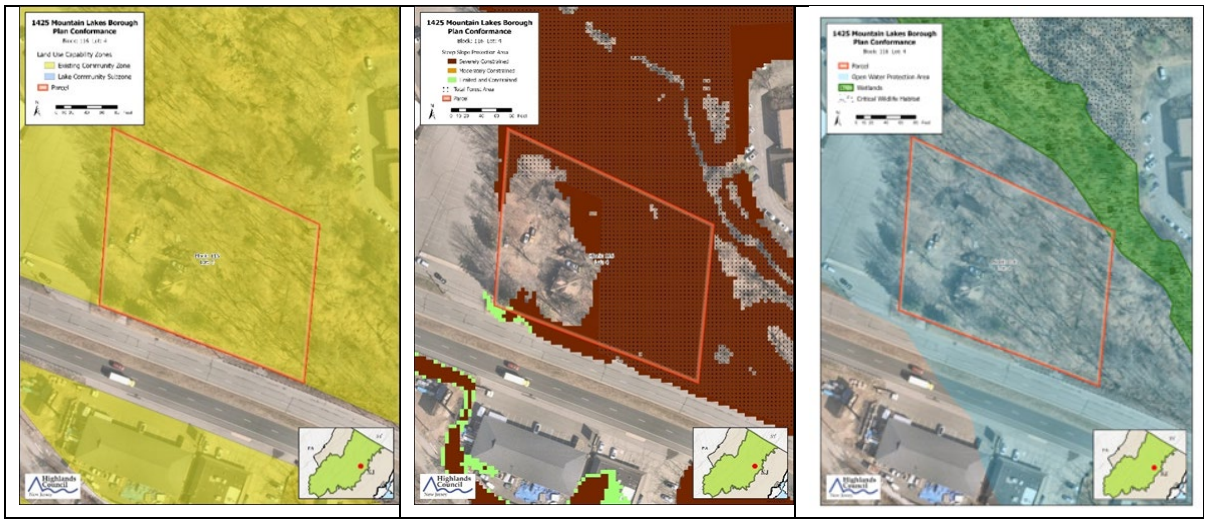
Block 5, Lot 1.01

Block 5, Lot 1.01 is located on Bloomfield Avenue and is within the Borough's Business District. The property is approximately 1.77 acres and located in the Existing Community Zone. Notably the site is mapped for critical wildlife habitat, wetlands, open water protection area, and constrained slopes. The location along Route 46, surrounded by existing development, is relevant in determining future use. Resource constraints may be a factor in future development.



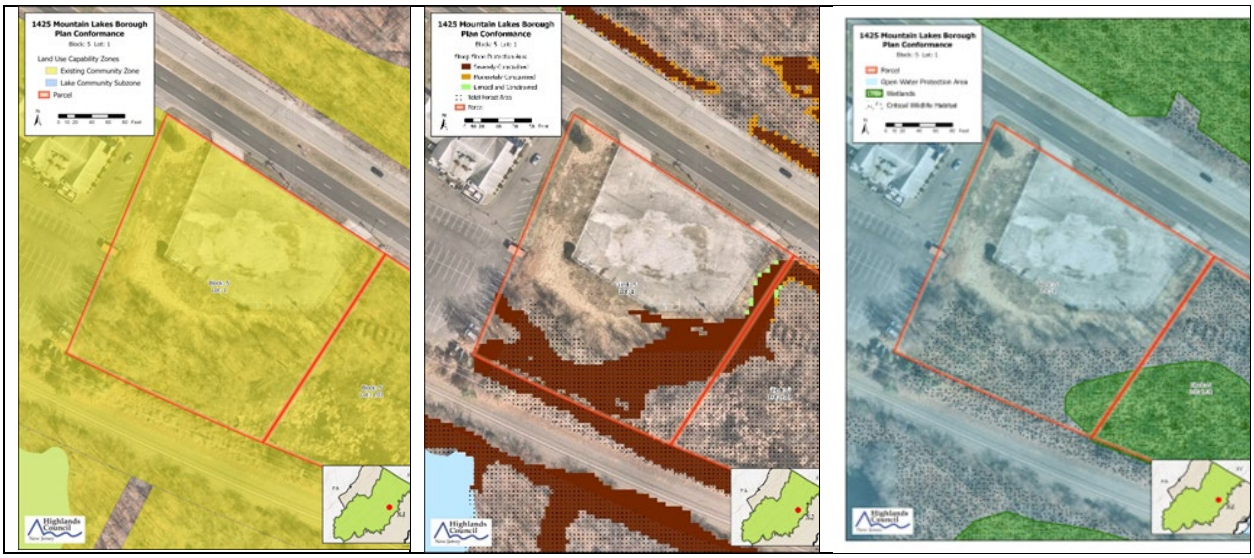
Block 116, Lot 4

Block 116, Lot 4 is approximately 1.44 acres located along Route 46 in the Office/Light Industrial Zone. The property appears to be largely vacant with the exception of a single family home toward the back of the property. The site is mapped with open water protection area, riparian area, and some severely constrained slopes. Based on their location on the site, these resources may not impact potential development.



Block 5, Lot 1

Block 5, Lot 1 is the old Speedway gas station site and has been remediated. There had been a prior approval for a self-storage facility on the site, but that has not been developed. There are wetlands mapped on the southeast corner of the parcel which would require a buffer. Redevelopment of the property would be exempt if it stays within 125% of the existing impervious cover and does not create a ¼ acre of new impervious surfaces.



Developed Properties with Limited Expansion Potential:

Block 4, Lot 22.02; Block 4, Lot 23; and Block 116, Lot 3.01 are currently developed. Based on lot size, these parcels appear to have future development potential, however, these properties also have wetlands and other open water area buffers which impact future development or expansion. The limiting factor for these properties are existing wetlands constraints and plan conformance would not add significantly to the limitations.

Residential Properties:

There is one large (approx. 8.9 acres) parcel within the Borough, designated Lake Community Zone, that is zoned for residential development and is currently undeveloped. The lot (Block 19, Lot 5) has mapped wetlands at the center of the site and therefore is completely constrained by the 300 foot Highlands Open Water buffer.

C. STAFF RECOMMENDATION AND CONDITIONS

The approval of Mountain Lakes Borough's Petition for Plan Conformance is recommended with the following conditions:

1) Adherence to the Plan Conformance Implementation Tasks set forth in the Implementation Plan and Schedule (IPS) (Appendix B). The Highlands Council is available to provide technical assistance and guidance for activities listed in the IPS. The Council's approval of the Borough's Petition specifically includes grant funding for those items listed in Fiscal Year 2025 of the IPS. Funding for items beyond Fiscal Year 2025 are subject to future Highlands Council approval. The approval of the petition includes approval of grant funding in the total amount of $54,000 for FY2025 for the purposes outlined below and in the Implementation Plan and Schedule.

2) **Adoption of Approved Master Plan Highlands Element and Re-examination Report.** The Borough shall prepare the Highlands Master Plan Re-examination Report and the Master Plan Highlands Element and submit it to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the municipal planning board shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the documents by the municipal planning board. At the conclusion of the process, certified copies of the adopted documents shall be provided to the Highlands Council.

3) **Adoption of Highlands Conformance Ordinance.** The Borough shall adopt the Highlands Conformance Ordinance, implementing the Land Use Capability Zones of the Highlands Regional Master Plan along with other Highlands resource protections. Adoption of the Conformance Ordinance also meets the requirement for the adoption of a Planning Area Petition Ordinance as required under Section 15 of the Highlands Act. The Highlands Resource Maps are attached (Appendix C).

4) **Approval of Highlands ERI.** The Borough shall review the Highlands Interactive Environmental Resource Inventory (ERI) as it relates to municipal resources and notify the Highlands Council of any necessary updates. Upon conclusion that the ERI is accurate, the municipal environmental commission shall provide for and complete the required process of formal approval of the ERI. At the conclusion of the process, a copy of the minutes of the meeting(s) or resolution shall be provided to the Highlands Council.

5) **Preparation and Adoption of Housing Element and Fair Share Plan.** The Borough shall prepare and adopt a municipal Housing Element and Fair Share Plan in accordance with the requirements of the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and Municipal Land Use

Law. In accordance with the Fair Housing Act, all newly constructed residential development within the Highlands Region is required to reserve for occupancy by low- or moderate-income households at least 20 percent of the residential units constructed. As the 20% requirement is found in the Fair Housing Act, not the Highlands Act, all municipalities located in the Highlands Region are responsible for the 20 percent requirement, irrespective of plan conformance status or if the project is exempt from the Highlands Act.

6) **Stormwater Management Plan.** Revise and adopt a municipal Stormwater Management Plan that includes: a) Highlands-specific amendments; b) revisions required by the Stormwater Management Rules at N.J.A.C. 7:8; and c) Stormwater Mitigation Plan. Additional work under the Program to include requirements of the current Municipal Separate Storm Sewer System (MS4) permit. This may include: ordinance revision and adoption; stormwater facilities mapping; new/updated storage and maintenance plans; training activities; and development of a Watershed Improvement Plan.

7) **Water Use and Conservation Management Plan.** Completion and adoption of a municipal wide Water Use and Conservation Management Plan.

D. INTERAGENCY COORDINATION

In accordance with the Memorandum of Understanding with the Office of Planning Advocacy (OPA), the Highlands Council provided a copy of the Mountain Lakes Borough Petition for Plan Conformance to the OPA for comment. OPA had no comments on the Petition.

E. COMMENTS FROM THE PUBLIC

The Draft Consistency Review and Recommendations Report was posted to the Highlands Council website and made available at the Highlands Council offices in Chester, NJ, for review and comment by the general public.

No comments were received during the period established by the Highlands Council for receipt of written public comment (October 21 - November 21, 2024).

APPENDIX A

Borough of Mountain Lakes Highlands Planning Area Initial Assessment

Borough of Mountain Lakes, Morris County

BOROUGH OF MOUNTAIN LAKES
HIGHLANDS PLANNING AREA
CONFORMANCE
INITIAL ASSESSMENT

Prepared for:

Mountain Lakes Borough

400 Boulevard

Mountain Lakes, NJ 07046

Prepared by:

J. Caldwell & Associates, LLC

145 Spring Street, Suite E

Newton, NJ 07860

June 2023

BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

MAYOR & BOROUGH COUNCIL
Mayor Khizar Sheikh
Deputy Mayor Lauren Barnett
Chris Cannon
Cynthia Korman
Thomas Menard
Melissa Muilenburg
Chris Richter

MUNICIPAL ADMINISTRATOR
Mitchell Stern

STEERING COMMITTEE
Cynthia Korman, Council Member
Thomas Menard, Council Member
Chris Richter, Council Member
Sandy Batty, Shade Tree Commission Chair
Marty Kane, Planning Board Chair

HIGHLANDS COUNCIL STAFF
Benjamin L. Spinelli, Executive Director
Maryjude Haddock-Weiler, Planning Manager

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This report was paid for by a grant from the New Jersey Highlands Council.

The original of this report was signed and sealed pursuant to N.J.A.C. Section 13:41-1.3.b:

Jessica C. Caldwell Dykstra, P.P., A.I.C.P., Consulting Planner **License No. 5944**

Contents

1. Introduction 4
A. Scope and Purpose 4
B. Background Information 5
C. Mountain Lakes Data and Physical Description 5
2. The Highlands Regional Master Plan 8
A. Overview 8
B. The RMP Overlay Designations in Relation to Existing Land Uses 8
C. Goals Policies and Objectives 12
3. Mountain Lake Planning Programs and Policies 14
A. Overview 14
B. Objectives, Recommendations, and Planning Documents 15
C. Existing Land Development / Land Use Patterns 16
D. Mountain Lakes Development Regulations 19
4. Natural and Cultural Resources 23
A. Introduction 23
B. Natural Resources 23
C. Cultural Resources 30
An Ideal Planned Community 33
Architectural Significance 33
Protections 34
5. Consistencies and Inconsistencies 35
A. Consistencies 35
B. Inconsistencies 35
6. Highlands Center Designation 36
7. Benefits of Plan Conformance 36
8. Summary 38
Appendix A: Lake Management Area Standards 39
Lake Management Areas 40
Issue Overview: 40
Program Summary: 40
Appendix B: Highlands Model Exemption Ordinance 47
Appendix C: Plan Conformance Process 62
Petition for Plan Conformance – Planning Area 63
Appendix D: Model Planning Area Referral Ordinance 65

1. Introduction

A. Scope and Purpose

Mountain Lakes Borough is in the New Jersey Highlands, which is an over 800,000-acre region covering over 1,250 square miles and 88 municipalities in seven (7) counties (Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren). Mountain Lakes is located in the eastern central section of the Highlands Region in Morris County. The Highlands Council was created by the Highlands Water Protection and Planning Act, adopted by the New Jersey State Legislature in 2004. In 2008, the Highlands Council adopted a Regional Master Plan with the primary purpose of protecting water resources within the Highlands Region.

In preparing this report, a number of sources were consulted, including but not limited to the following:

- The 2008 Highlands Regional Master Plan;
- The 2013 Borough of Mountain Lakes Master Plan;
- The Highlands Land Use Capability Zones for Mountain Lakes Borough;
- The Borough of Mountain Lakes Land Development Regulations (Chapter 245);
- The Highlands Region Interactive Environmental Resource Inventory; and
- The Highlands Council Interactive Map.

The Highlands Regional Master Plan (RMP) established the parameters for future land use decisions within the eighty-eight (88) municipalities and seven (7) counties in the Highlands. The 2004 legislation divides the region into two parts – the Preservation Area and the Planning Area. Mountain Lakes is located within the Planning Area and compliance with the RMP is voluntary. In 2023, the Mountain Lakes Borough Council decided to voluntarily conduct an Initial Assessment to determine if Plan Conformance with the RMP is a viable option for the Borough.

This Initial Assessment is the first step in determining the compatibility of the Borough of Mountain Lakes' planning policies with the RMP goals, policies and objectives and what the potential impacts to the Borough may occur with Plan Conformance.

In order to make a determination regarding Plan Conformance, the Highlands Council identifies the following tasks for the Initial Assessment:

- Review the Highlands Regional Master Plan (RMP) with a focus on a review of compatibility between municipal goals and objectives.
- Identify where there are mutual benefits and where conflicts exist.
- Where conflicts do exist, identify opportunities to create compatibility between municipal goals and goals of the RMP.
- Identify conflicts that cannot be immediately resolved for further investigation.

B. Background Information

Mountain Lakes was initially designed as a Planned Community conceived by Herbert J. Hapgood, a land developer, and Arthur T. Holton, a landscape engineer, in the early 1900's who were both inspired by the natural beauty of the area and the advantage of having a direct link to New York City by rail. The overall development concept was to create an "ideal planned community" centered around lakes, which provided a focus for the design and quality of life in the community. The natural and human-made landscape also set the development pattern for the road networks and surrounding neighborhoods which contribute to the unique sense of place in the Borough. Mountain Lakes was centered around the theme of creating a park-like atmosphere with lakes, natural brooks and improvements to be placed within the natural boundaries of the landscape. A natural result of this approach and its emphasis on creating a cohesive relationship between residents and nature is the preservation of a significant open space and parks system within the Borough.

As a result of its history as a planned community, Mountain Lakes has actively directed it's Master Planning efforts to be consistent with and responsive to the provisions of the New Jersey State Development and Redevelopment Plan, The Morris County Master Plan, and State-mandated affordable housing requirements. The first comprehensive Master Plan for the Borough was adopted in 1963. A number of Master Plans, reexamination reports, elements, and amendments were adopted throughout the years. The most recent Master Plan was adopted in October 2013 with amendments through April 2019, all of which view the Borough of Mountain Lakes as a small, fully-developed community with an established, unique character based on its pattern of development as a planned residential community. The Borough identified a number of objectives in their most recent Master Plan that serve as the basis for planning in the community. These goals and objectives are as follows:

- Retain the traditional character of Mountain Lakes;
- Protect and Enhance the Borough's environmental resources;
- Provide for the appropriate development of the Borough;
- Provide for safe and convenient pedestrian and vehicular circulation and access; and
- Maintain the Borough's traditional commitment to education and recreation.

Based on the goals and objectives of the municipality, it is evident the community is committed to protecting and preserving the character and natural resources of the Borough, specifically, the lakes, aquifers and parklands, with an emphasis on connecting the publicly-owned parkland areas.

C. Mountain Lakes Data and Physical Description

The Borough of Mountain Lakes is a small community of 3.1 square miles consisting of numerous small lakes created within the valleys associated with glaciated landscapes. The 2020 Census estimated the current population of the Borough as 4,472 residents. The residential population of the Borough peaked in 1970 with a population of 4,739. The population declined through 1990 to a population of 3,847 and has steadily increased since then, while still remaining below the peak in 1970. While population has gone down and household sizes have been shrinking, the number of households in the municipality has grown since 1970 from 1,168 households to 1,373 in 2020. The Borough also

traditionally has had a higher median family income ($249,615) than both the State of New Jersey ($104,804) and Morris County ($143,166).

The Borough's neighborhoods are located around the publicly owned land within the Borough with most of the development between Boulevard (County Route 618) and the Montclair-Boonton Line Railroad right-of-way. There are residential neighborhoods located along U.S. Highway 46, which is along the southern section of the Borough; along the Borough's border with Parsippany-Troy Hills in the eastern section of the municipality; and near Denville in the southwestern portion of the municipality. About 97 percent of the land in the Borough is developed or in public ownership. The developed land, with few exceptions, contains relatively small lots with residential uses comprised of around 1,200 single family residences. The bulk of Borough-owned land provides for community facilities, utilities, open space or constitutes environmentally important conservation areas. Commercial and light industrial land uses are limited to Route 46, within the "Midvale Market Area" which is north of the railroad near the border with Boonton Town and Parsippany-Troy Hills in the northeastern corner of the Borough and at Fanny Road and Morris Avenue.

In the center section of the Borough, towards the west, are the important water features which gave Mountain Lakes its name. These lakes cover just over 150 acres and provide many active and passive recreation opportunities for the Borough's residents.

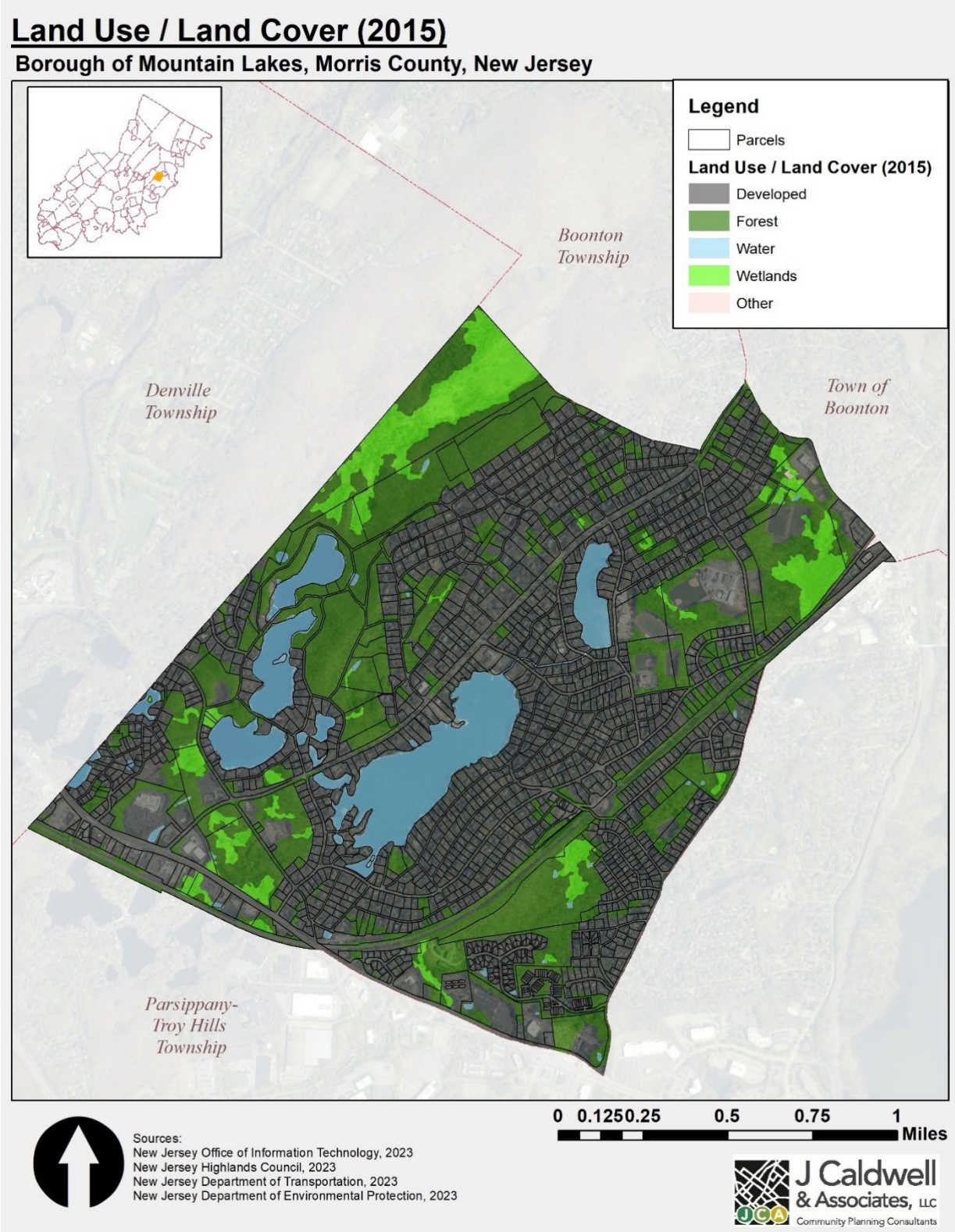
The New Jersey Department of Environmental Protection's (NJDEP) Land Use / Land Cover map from 2015 indicates the following calculations with respect to land uses in the Borough and are identified in **Exhibit 1**.

Land Use / Land Cover (2015)	Acreage	Percent of Total Land Cover
Urban	1,021.03 ac.	54.9%
Forest	560.75 ac.	30.1%
Water	156.64 ac.	8.4%
Wetlands	122.44 ac.	6.6%
Barren Land	0.26 ac.	0.0%

Forested areas are a significant feature of the Borough and there are significant amounts of both water and wetlands scattered throughout the municipality. A majority of Borough (54.9%) land is considered urban, which is consistent with the statement from the master plan that about 97 percent of the land in the Borough is developed or in public ownership.

Mountain Lakes is an established community in terms of its land use pattern. The population of the Borough remains stable and the majority of the Borough is developed or preserved as open space. Most future development is likely to occur as redevelopment or rehabilitation of existing developed areas.

Exhibit 1 - Land Use / Land Cover (2015)



2. The Highlands Regional Master Plan

A. Overview

The RMP focuses primarily on protecting the water supply and water quality in the Highlands Region, which are important to the future of many of the urban and suburban communities in northern New Jersey. The RMP is also concerned with protecting and enhancing the ecosystems throughout the Highlands, partly because of the relationship between ecosystem preservation, water supply and water quality issues but also because of the need to protect and preserve habitat for threatened and endangered species. The RMP also recognizes the need to allow for sustainable growth in the Highlands and is mindful of the fiscal impacts of the Highlands designation to Highlands communities. The purpose of this document is to review consistency of the RMP to Mountain Lakes Master Plan and to identify any potential impacts associated with inconsistencies. The result will be an initial assessment as to whether Plan Conformance can be mutually beneficial to both the Highlands Council and Mountain Lakes Borough by furthering the goals and objectives of the RMP and the goals and objectives of the Borough's Master Plan.

B. The RMP Overlay Designations in Relation to Existing Land Uses

The RMP is a Regional Master Plan that established land use zones, similar to a municipal master plan's land use districts. The Land Use Capability Zone Map (the LUCZ map), included in the RMP, created Land Use Capability Zones (LUCZ) that establish the level of land development desired by the RMP. In addition, the RMP also includes a series of goals, policies and objectives, which have a direct correlation to the LUCZ map. According to the RMP, twenty-one indicators were used to determine how the zones and sub-zones were drawn on the LUCZ map. However, in some locations within the Borough, it may be necessary in the future to investigate if, in fact, those indicators were correctly interpreted and if some of the zone and sub-zone designations are correct. If there are questions on the boundaries of LUCZ, RMP map corrections can be submitted to the Highlands Council as part of the Plan Conformance process.

The LUCZ map is divided into three primary zones and four sub-zones. They are identified as follows:

Primary Zones	Sub Zones
Existing Community Zone	Existing Community – Environmentally Constrained Sub-Zone
Conservation Zone	Lake Community Sub-Zone
Protection Zone	Conservation – Environmentally Constrained Sub-Zone
	Wildlife Management Sub-Zone

The definitions of the LUCZ from the RMP are as follows:

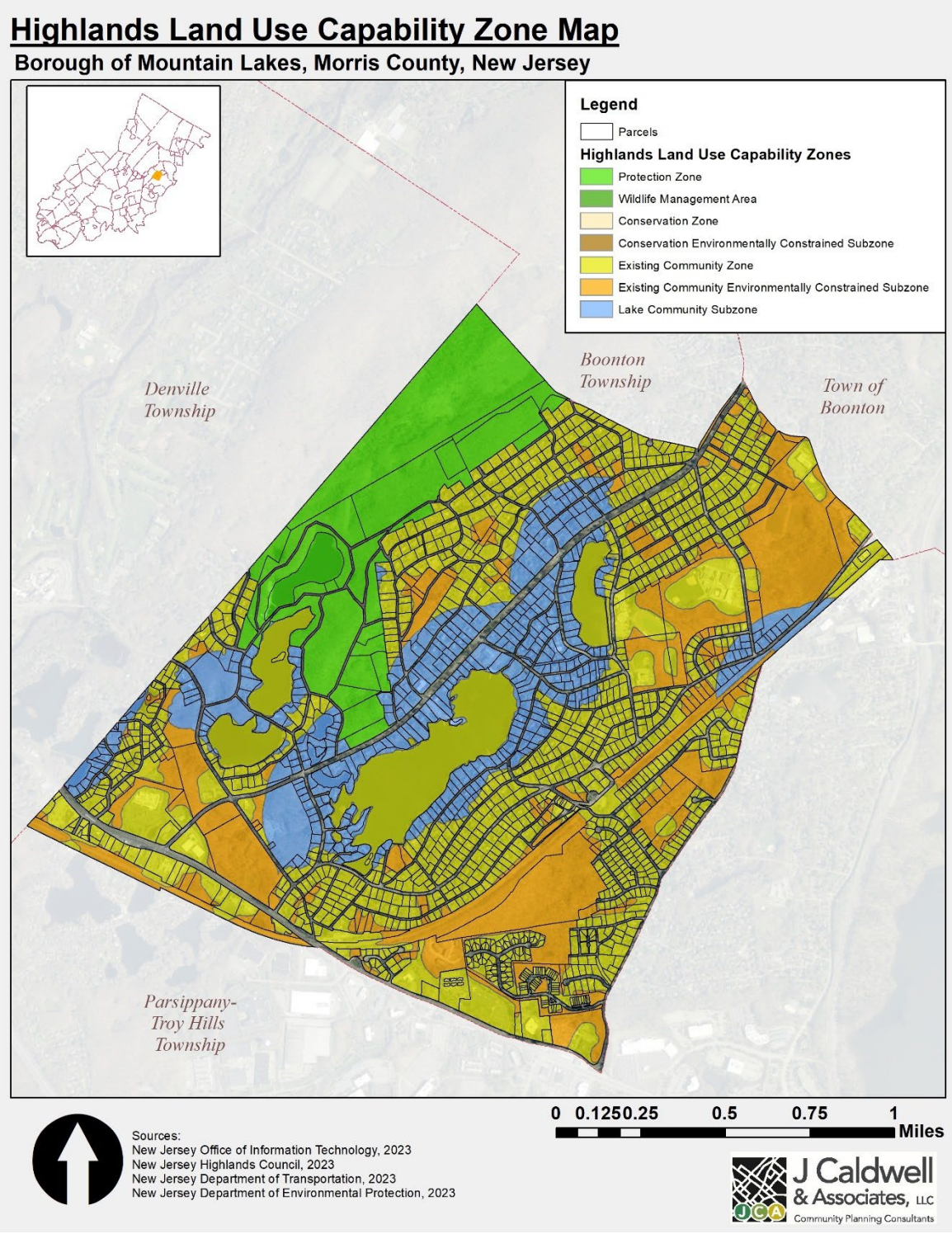
- Existing Community Zone – Areas consisting of extensive and intensive existing development which may have capacity to support additional human development without adversely affecting the ecological value of the Highlands Region.
- Conservation Zone – Areas consisting of significant agricultural lands and limited low-density development interspersed with environmental features that should be preserved whenever possible.
- Protection Zone - Means those areas identified on the Land Use Capability Zone Map consisting primarily of high resource value lands in terms of forest resources, Critical Habitat, water quality and quantity, and ecological function, and having limited or no capacity to support human development without adversely affecting overall ecological function of the Highlands Region.
- Existing Community – Environmentally Constrained Sub-Zone - Means those areas identified on the Land Use Capability Zone Map within the Existing Community Zone that have high resource value and limited or no capacity for on-site human development without adversely affecting the ecological value of the Highlands Region.
- Lake Community Sub-Zone – Areas that are within 1000' of lakes that are ten acres or greater in size. This sub zone has unique policies to prevent degradation of water quality, harm to lake ecosystems and natural aesthetic values. Lake Community Sub-Zones comprise the Highlands Lake Management Area, which provides a tier system. Each tier requires its own policies. A description of Lake Management Areas and associated policies is located in Appendix A.
- Conservation – Environmentally Constrained Sub-Zone – Areas that have significant environmental features that should be preserved and protected from non-agricultural development.
- Wildlife Management Sub-Zone – Areas that are part of a network of lands and waters for conservation, management, and where appropriate, restoration of fish, wildlife and plant resources and their habitats and that permit compatible wildlife dependent recreational uses such as hunting, fishing, wildlife observation and photography, and environmental education and interpretation. These areas are managed by appropriate state and federal agencies.

The Existing Community Zone is the location where most development and redevelopment is envisioned to occur by the RMP. The Conservation Zone and Protection Zone are primarily proposed for protection and preservation. There can be exceptions especially with respect to redevelopment projects and the types of development that fall under a Highlands Exemption. Four (4) of the seven (7) of the above designations are present in Mountain Lakes as shown in **Exhibit 2**. The acreage of each LUCZ is listed below:

Zone/Subzone	**Acreage**
Existing Community Zone	126
Protection Zone	42
Existing Community Zone / Env. Constrained Subzone	60
Lake Community Subzone	46
Total	***274****

* Right-of-way acreage not included in total.

Exhibit 2 - Highlands Land Use Capability Zone Map



Ultimately, this report reviews how the LUCZ Map and the Mountain Lakes Borough Zoning Map relate to each other. Section 4 of this document – Consistencies and Inconsistencies – will describe how the Borough's and the RMP goals coincide or potentially conflict. Overall, the Protection Zone coincides with the zoning as all the areas within the zone are in the C-1 Conservation Zone. The community also has Conservation Zones located where many of the Existing Community- Environmentally Constrained Subzones exist. This area is not inclusive of all the areas where the Environmentally Constrained Subzones exist. Many of the Environmentally Constrained Subzones extend beyond the parcel base and are spread throughout the other zones located within the municipality, specifically in the OL-2 Office Zone, Light Industrial Zone, B-Business Zone located near Route 46, and the R-A Residential Single-Family Zone which is in the middle of the Borough. In addition, most of the subzones which are Lake Community Subzones fall within the R-A Residential Zone and R-AA Residential zones.

In terms of available land for development, there are very few parcels that are within the Existing Community Zone which are available for development. There are very few lots in the Borough which are both vacant and located completely within the Existing Community Zone, and which do not encroach upon the Environmentally Constrained Subzone.

The lakes within the Borough are also located within the Existing Community Zone and not the Lake Community Zone or Protection Zone as would be expected. These areas are not developed, nor developable, and owned by the Borough as protected lands.

C. Goals Policies and Objectives

The goals, policies and objectives of the RMP are both directly and indirectly related to the zone and subzone categories, as depicted on the LUCZ map. To quote from the RMP on page 137 of that document, they "…provide the substantive standards and direction for implementing the goals and requirements of the Highlands Act." Furthermore, they, "… are used in Chapters 5 and 6 (of the RMP) as the basis for the implementation programs." (Note: This Initial Highlands Review does not include an analysis of the aforementioned implementation programs, although their importance is recognized and acknowledged). The goals, objectives and policies are contained in Chapter 4 of the RMP and are divided among ten separate categories or parts as follow

Part 1 - Natural Resources
Part 2 - Water Resources and Utilities
Part 3 - Agricultural Resources
Part 4 - Historic, Cultural, Archeological and Scenic Resources
Part 5 - Transportation
Part 6 - Future Land Use
Part 7 - Land Owner Equity
Part 8 - Sustainable Economic Development
Part 9 - Air Quality
Part 10 - Local Participation

Some parts are further divided into subparts, such as Part 1 - Natural Resources, which is divided into seven separate sub-parts, which include the following – A) Forest Resources B) Open Waters / Riparian Areas C) Steep Slopes D) Critical Habitat E) Land Preservation and Stewardship F) Carbonate Rock and G) Lake Management.

Unlike Natural Resources, other parts such as Part 5 – Transportation, are much less extensive in terms of the amount of space devoted to the corresponding goals, objectives and policies.

Each part and subpart are explained via the specific goals, policies and objectives that pertain to each one. The format used involves stating a goal, which is followed by a description of one or more policies. Each policy is further clarified by one or more objectives. So, using Part 1 – Natural Resources and Part 5 – Transportation as examples, Natural Resources, as already noted, has seven sub parts and Transportation has none. Natural Resources has a total of ten goals associated with its seven sub parts and Transportation five goals. Continuing further, Natural Resources has seventy-three separate policies, which clarify the aforementioned goals and Transportation has twenty-five policies that explain its five goals. Finally, some but not all of the policies are further explained by one or more objectives. Natural Resources has eighty-eight separate objectives associated with it and Transportation has thirteen.

Not surprisingly, the goals, policies and objectives of the RMP are naturally heavily weighted toward environmental protection, including protection of natural resources, cultural resources and water resources. The overarching purpose is essentially to allow development and redevelopment in existing developed areas and to preserve land that is currently undeveloped.

Notwithstanding the focus on environmental protection in the RMP, Part 6 – Future Land Use and Part 8 – Sustainable Economic Development, provide important guidance regarding issues related to development and redevelopment in the Highlands Region. As the RMP indicates there are nearly a million people who reside in the Highlands Region and a substantial amount of existing development already is located there. The Highlands Region is not a pristine natural area. It is mixture of the natural environment and human-made features and this is especially true in Mountain Lakes Borough. In March 2022, the Highlands Council adopted a Highlands Economic Sustainability Plan which "seeks to provide the framework by which to secure the economic future of the Highlands Region, and to do so by means that are compatible with and complementary to the work of the Highlands Council and its partners in protecting and enhancing the natural resources of the Region."

So, with respect to Mountain Lakes and its relationship to the RMP, it is important to focus on portions of Part 6. In Part 6, sub part A – Land Use Capability Zones, goal 6A states – *Use the Highlands Land Use Capability Map Series as a framework for determining the character, location and magnitude of new growth and development in the Highlands Region.*

Another important goal of sub part A is 6F which states – *Support of compact development mixed use development and redevelopment and maximization of water, wastewater and transit infrastructure investments for future use of land and development within the Existing Community Zone.*

Finally, in Part 6 sub part D – Redevelopment - goal 6J states – *Accommodation of regional growth and development needs through the reuse and redevelopment of previously developed areas, including brownfields, grayfields and underutilized sites.*

These three goals and others, plus numerous policies and objectives associated with them, provide a clear indication that the Borough of Mountain Lakes, as a fully developed community, has limited growth potential that may allow for some redevelopment of existing developed areas where appropriate, subject to environmental constraints that exist.

This last point regarding environmental constraints leads to an important factor, which in the final analysis may be the most controlling in terms of future growth – water availability. The question of water deficits and how those deficits can be mitigated will determine to a large extent how much and where new growth can be accommodated.

3. Mountain Lakes Planning Programs and Policies

A. Overview

Mountain Lakes Planning Programs and Policies have been in existence since the Borough's creation as a planned residential park community. While the overall development concept was to create an "ideal planned community," the land development pattern in the Borough predates local zoning.

There have been many zoning and planning changes enacted by the Borough over time, as new planning philosophies and goals were established, however, due to the original concept and partly as a result of good planning by the Borough Council over the years, large areas of the Borough have been preserved from development which have contributed substantially to the park-like atmosphere of the Borough. These spaces are a fundamental characteristic of the Borough and should be preserved.

Since 1996, as discussed in the Master Plan, there have been some major events and changes which have occurred and have impacted the Borough. The most recent Master Plan Update identifies the following:

- Between 1996 and 2008 the value of all real estate increased significantly where homeowners began renovating and expanded their homes, increasing the value of the Borough housing stock.
- Residents continue to use landscape planting to enclose their individual properties.
- Many of the community's long-time residents wishing to remain in the Borough have relocated to smaller homes and condominiums. The Fusee property was developed to address this need.
- The Borough's constitutional "fair share" obligation was partially fulfilled in the development of the Fusee property while any future obligation is uncertain and is on hold due to the state review of COAH.
- Minor subdivision development has reduced the amount of available land for general construction.
- The Borough has suffered the loss of some of its tree canopy due to aging for our shade tree stock and an increase in the number of major storms that have occurred. An ordinance was passed and amended to ensure the preservation and protection of street trees and shrubs and protect trees in the setback areas of residential lots.
- The Borough Dams were repaired and updated to comply with state regulations. Debris was removed from the canal connecting Wildwood Lake and Mountain Lake.[1]
- Traffic congestion on Route 46 and within the Borough remains high due to our dependence on the automobile for transportation. Additional sidewalks were installed around the schools to increase the safety of children walking to school.

[1] There remains one dam that needs to be replaced in order to meet State standards. Planning and engineering work for that replacement has been in progress for several years, with work scheduled to begin in late 2023.

- Concern about maintaining the water quality of the Borough lakes and water supply aquifers is still a priority for the Borough.

The Borough has consistently attempted to achieve a balance in the potential land development patterns and has accordingly zoned for many different types of residential and non-residential uses as well as conservation uses to preserve the natural landscape of the municipality. The Borough has actively recognized the protection of environmentally constrained lands and has helped to protect them via borough ownership of preserved lands and through zoning and the land development review process.

B. Objectives, Recommendations, and Planning Documents

The 2013 Master Plan and subsequent amendments through 2019 are the best sources for summarizing the intent of the Borough with respect to its future. Additionally, the Borough is in the process of preparing a Master Plan Update. As noted earlier, the Master Plan includes a number of objectives which are the basis for planning in the community and is a reflection of how the community plans to evolve. Many of the objectives listed prior reflect a commonality between the RMP and Mountain Lakes. In addition, the 2013 Master Plan includes a number of findings and recommendations which are divided into the following categories:

Findings:

- Community Character
- Population Trends
- Residential & Recreational Land Uses
- Non-Residential Land Use
- Vehicular Traffic
- Connections & Pathways
- Commitment to Public Education
- Need for Upgraded Facilities
- Potable Water Supply
- Diverse Recreation Facilities & Programs
- Recycling
- Historic Preservation

Recommendations

- Future Land Use & Zoning
- Conservation & Water Supply
- Circulation
- Education and Community Facilities
- Recreation
- Historic Preservation

A complete description of the findings and recommendations associated with each category begins on Element XII of the 2013 Document. The two most pertinent categories with respect to the

recommendations for the Master Plan are the Future Land Use & Zoning and Conservation & Water Supply.

The land use recommendations speak to encouraging more appropriate development within the Borough including 1) Establishing a mix and intensity of uses in the traditional/historic character of the residential neighborhoods; 2) Identifying appropriate development and redevelopment opportunities in non-residential areas including provisions for affordable and senior housing; 3) maintaining and protecting the Borough-owned properties and conservation easements to insure dedicated open space and recreation areas; 4) Pursuing redevelopment along the Route 46 corridor that encourages a greater intensity of development; and 5) Promoting the Midvale Town Center as a community focal point.

The conservation goals are to: 1) Continue to advocate policies that protect Borough-owned property and preserve dedicated open space, recreation areas and environmentally sensitive features; 2) protect the quality of the Borough's water bodies, groundwater and vegetation through ordinances, maintenance standards and community operations; and 3) continue to schedule and complete minor improvements throughout the system to maintain a satisfactory quality and quantity of potable water. The Borough's goals, objectives and recommendations moving forward, in comparison with those of the RMP, while less extensive, do have a significant amount of commonality upon which to build conformance.

C. Existing Land Development / Land Use Patterns

As noted earlier, much of the residential development within the Borough is located between Boulevard (County Route 618) and the Montclair-Boonton Rail right-of-way. There is also a commercial corridor which extends along Route 46 along the southern boundary of the Borough. This area also has single family residential and townhouse developments towards the southeast section of the Borough near the Parsippany Troy Hills border. There is a small industrial development in the northeastern corner of the municipality near Fanny Road in the north along the borders with Parsippany Troy Hills and the Town of Boonton. There are three large parks which define the open space areas in the Borough including: Richard Wilcox Municipal Park, which borders the Tourne County Park of the Morris County Park System located in the northwestern section of the Borough; the Halsey A. Frederick Park located in northeast section of the Borough bordering the Town of Boonton; and the Maple Way Woodlands, located in the southeastern portion of the Borough.

The Existing Land Use Map (**Exhibit 3**) and a corresponding set of acreage figures depicts how the properties within the Borough are being used as of the date of this document plus how much acreage is associated with each land use category. The map was prepared using the tax assessment records and other sources which was supplemented with some aerial imagery interpretation and verification using publicly available mapping resources. The map is divided into thirteen (13) categories (see map legend) and identifies a variety of land use categories based primarily on the tax assessment records with two residential categories (single family residential and townhouses) as well as non-residential categories.

In terms of all the categories, the largest number of lots and acreage is for "Single Family Residential" homes where it is presumed that the overwhelming majority of the Borough's 4,472 residents live within 670.76 acres. There are two sections of the Borough where clusters of townhomes comprise about 52.43 acres of land. The first section is located on the northeastern corner of the Borough which used to be known as the Fusee Site which is an inclusionary development with an affordable housing set-aside. The

second section is located in the southeastern section of the Borough, north of the Route 46 business developments and directly south of the Maple Way Woodlands. This section was called the King of Kings Backlands Lot due to the former owner King of Kings Lutheran Church. The property was zoned and developed as a residential inclusionary development with affordable housing set-asides.

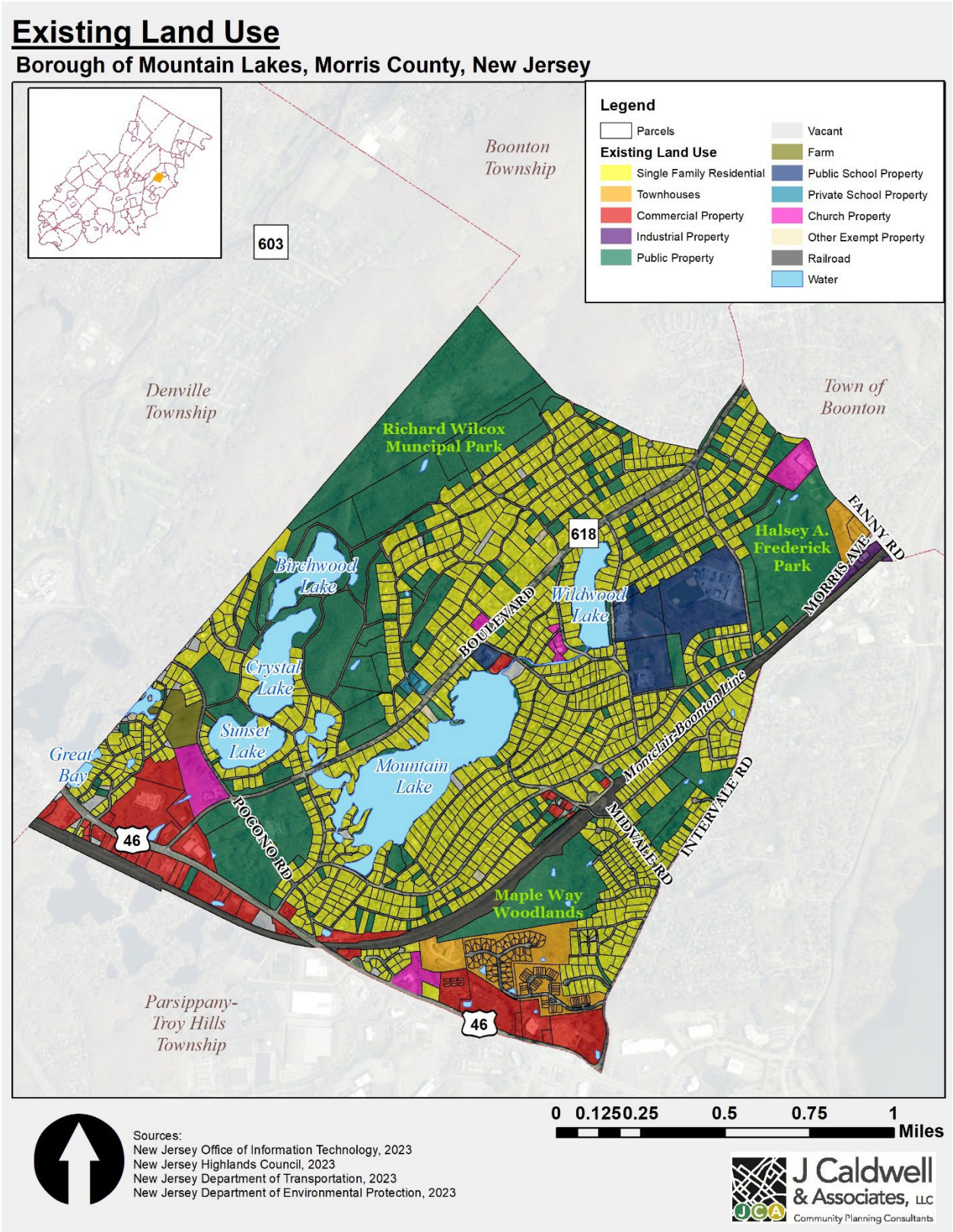
The largest non-residential use category is the commercial category primarily located along the Route 46 corridor. There are a few other non-residential areas including a section known as the Midvale Market area, which is the Borough's traditional town center near the Mountain Lakes train station. There is also an industrial-type development located along Morris Avenue, which is bound by Fanny Road to the north and the Montclair-Boonton line to the southeast. The Borough also has 60.56 acres which are part of the Montclair Boonton Line and its properties.

In terms of open space related categories, about 508.65 acres of land are assessed as Public Property in the Borough. The majority of the public property is located in the three major parks with a number of smaller parcels and groupings of open space areas spread throughout the Borough. These publicly owned properties also include structures owned by the Borough for the upkeep and maintenance of the municipality including the Department of Public Works, Emergency Services and the Borough Hall. The Borough also has approximately 165 acres of open water which include a number of lakes and connecting canals/streams. This water system was part of the original design and inspiration of the creation of this planned community. While there are approximately nine (9) acres of properties assessed as farm land, those lands are subject to approved forest management plans. There are also several other public / quasi-public uses throughout the Borough, including schools (public and private institutions) and churches, as well as 2.31 acres of properties which are considered tax exempt. Approximately 11.57 acres of vacant property is spread throughout the Borough. The approximately 32 vacant properties are privately owned and mostly undersized lots impacted by significant environmental constraints.

The Borough has its commercial focus along Route 46, which is a major United States Highway as well as a traditional smaller commercial downtown focused around the train station. The Borough has continued to retain the traditional character of a community that was deliberately designed to create a park-like atmosphere, emphasizing the preservation and enhancement of the natural features of the Borough.

Land Use	Acres	Percent of Land
Single Family Residential	670.76	39.79%
Public Property	508.65	30.17%
Water Features	165.63	9.82%
Commercial	107.53	6.38%
Public School	61.09	3.62%
Railroad	60.56	3.59%
Townhouse	52.43	3.11%
Church Property	28.72	1.70%
Vacant	11.57	0.69%
Farm Assessed	9.63	0.57%
Industrial	4.58	0.27%
Private School	2.38	0.14%
Other Exempt	2.31	0.14%
Total	**1,685.85**	**100.00%**

Exhibit 3 : Existing Land Use Map



D. Mountain Lakes Development Regulations

The Borough's land development regulations can be found in Chapter 245 of the Borough Code. Mountain Lakes is divided into sixteen (16) separate zoning categories as defined by the Official Zoning Map prepared by Anderson & Denzler Associates, dated January 17, 2019.

R-AA	Residential Zone – Single-Family
R-A	Residential Zone – Single-Family
R-AH	Residential Zone – Affordable Housing
R-AH2	Residential Zone – Affordable Housing 2
R-AH3	Residential Zone – Affordable Housing 3
R-1	Residential Zone – Single-Family
R-2	Residential Zone – Single-Family
RC-2	Residential Zone – Single-Family Clustering Option
RC-3	Residential Zone – Single-Family Clustering Option
A	Business Zone
B	Business Zone
OL-1	Office, Light Industrial Zone
OL-2	Office, Light Industrial Zone
OL-2/R-1	Office, Light Industrial Zone / R-1 Residential
C-1	Conservation Zone – Passive Recreation
C-2	Conservation Zone – Active Recreation

The zoning categories are graphically depicted on the Borough Zoning Map (**Exhibit 4**). The purpose of each zone is relatively self-evident based on their descriptions. Further discussion is warranted regarding the differences between the multiple single-family zones within the Borough as well as how the zone clustering options fit within the zoning as well as the affordable housing zones. There are also some other Multifamily Affordable Housing Overlays which are not shown on the Zoning Map.

The R-AA zone is the most restrictive single family residential zone in the Borough with a minimum lot size of 22,500 square feet, maximum floor area ratio of 13 percent and maximum improved coverage of 20 percent. There are two clusters of the R-AA Zone, both of which are to the north and west of County Route 618. The southernmost R-AA area includes lots near Crystal and Sunset Lakes. The northernmost R-AA cluster is northeast of Birchwood Lake and encompasses Condit Road, Laurel Hill Road, and North Briarcliff Road in addition to the smaller streets which connect those roads. This R-AA Zone cluster forms a "donut" around a small C-1 Zone. Properties in the R-AA Zone consist of single-family residences with public property interspersed throughout.

The R-A Zone is the second most restrictive single family residential zone in the Borough; this zone requires a minimum lot size of 15,000 square feet, a maximum floor area ratio of 17 percent, and maximum improved coverage of 25 percent. This Zone consists of the greatest number of parcels and land area of any residential zone in Mountain Lakes. The Zone is located primarily in the middle of the Borough extending to the northern border with Boonton Township and towards Route 46 in the southern extent of the Borough. There is a small section of R-A zoning in the southeast of the Borough which includes Pickwick Lane.

The R-1 Zone is the next most restrictive single family residential zone with a minimum lot size of 10,000 square feet, a maximum floor area ratio of 20 percent and maximum improved coverage of 25 percent. The R-1 Zone is located in the southwest corner of the municipality and is bound by Denville to the west, Route 46 to the south, the RC-2 and R-A Zones to the north, and the OL-1 and C-1 Zones to the east.

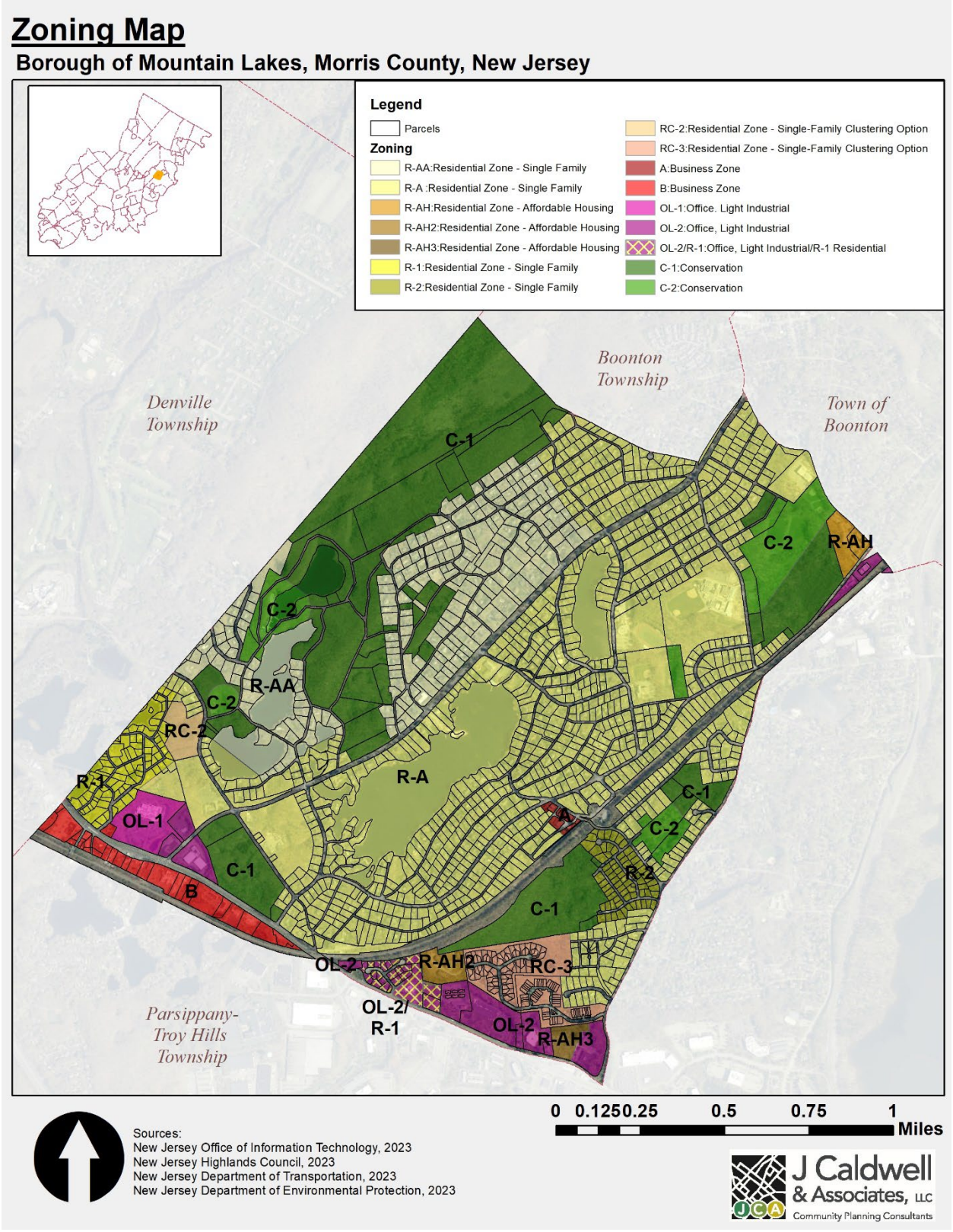
The R-2 Zone is the least restrictive single family residential zone with a minimum lot size of 8,000 square feet although the Zone has the same maximum floor area ratio and improved coverage as the R-1 Zone. This Zone is located between the rail right of way, Maple Way, and the Parsippany-Troy Hills Border.

Within all the residential zones there are very few vacant lots and most of them are located in areas that are not developable due to being bound by water or municipally-owned properties used for open space.

Providing for the Borough's fair share of affordable housing has been the source of the main development pressure within the municipality. The Borough's Master Plan has addressed affordable housing concerns by zoning three areas for affordable housing and two other areas with the option of single-family clustering. The affordable housing zones specifically consist of: the R-AH Zone, which is a townhouse development in the northeastern corner of the Borough (Legacy of Mountain Lakes/Fusee Site); the R-AH2 zone is the location of the recently constructed Enclave at Mountain Lakes by Pulte Homes (the King of Kings Backlands site); and the R-AH3 zone which was developed into an Assisted Living Facility along Route 46. While the R-AH2 and R-AH3 lots were developed in the Environmentally Constrained Subzone of the existing Community Zone, the sites have recently been developed for these uses. The Zoning Code also calls for Multifamily Affordable Housing Overlays on primarily developed sites within the OL-1 and OL-2 zones that exist along Route 46. Most of the locations where this is possible are not located within the Environmentally Constrained Subzone of the Existing Community Zone and would be able to properly support development in these areas, which would be consistent with the Highlands Regional Master Plan.

Of the areas that allow for single-family clustering, the RCC-3 Zone was built into a townhouse development which is located next to the Enclave at Mountain Lakes site and the RC-2 Zone is currently assessed as farmland which is used for private forestry.

Exhibit 4 - Zoning Map



The non-residential zones outside of affordable housing overlays do not provide for a significant number of residential uses within the Borough and are mostly developed or preserved. In order to provide for affordable housing, the Borough created ordinances to allow for overlays that permit these uses in the OL-1 and OL-2 zones so as to not cause further disturbance of the Historic District and historic character of the community. Due to the size and depth of the lots within these zones located on the north side of Route 46, there is enough land area to accommodate residential development. However, it is also noted in the Bulk Requirements that the OL-1 Zone is fully developed.

The remaining zones in the Borough are intended for land conservation. The Conservation Zones are primarily Borough-owned parks and open space areas. The difference between the C-1 and C-2 Zone is that the C-2 Zone allows for more active recreational uses such as playgrounds, tennis courts, athletic fields and other recreational facilities approved by the Borough while the C-1 Zone only allows for recreational uses that involve limited disturbance to the natural environment.

The Borough's zoning regulations, in addition to the zone requirements and limitations, also contain some supplementary bulk regulations which apply, specifically related to the lakefront exceptions. Chapter 245-20A of the Ordinance states as follows for the Lakefront Exceptions:

(1) It is the intent of this subsection that the view of the lake afforded existing houses or principal buildings on lakefront property shall be maintained to the extent reasonably achievable, balancing the rights of all parties. Where there is a neighboring house or principal building on an adjacent property, the setback distance from the lake of any proposed new house, addition or accessory structure shall be no less than the setback of the neighboring house or principal building, or 25 feet, whichever is greater. Where there are neighboring houses or principal buildings, on each side, on adjacent properties, the new setback distance shall be no less than the setback of a line drawn between the setbacks of the neighboring houses or principal buildings, or 25 feet, whichever is greater. Where the adjacent property is Borough-owned property, the next adjacent neighboring house or principal building shall be used to establish the setback as described above. This provision shall not apply to accessory structures five feet or less in height
(2) No structure shall be located within 25 feet of the shoreline of a lake, of the bank of a watercourse or within delineated wetlands.

The Borough's vision for the future, its planning documents that clarify that vision, and the Borough Code provisions, which constitute the legal basis for controlling development, are all working to preserve the existing traditional character of the Borough to continue the unique heritage of the Borough. These regulations provide for protecting and enhancing the Borough's environmental resources and its ability to provide for appropriate development within what is a mostly developed or preserved municipality. At this time, there would be little reason why the Borough could not integrate the goals of the Highlands RMP into its plans.

4. Natural and Cultural Resources

A. Introduction

The preservation and enhancement of the natural environmental features of Mountain Lakes as a planned residential community in the early part of the 20th century was a central focus in the development of Mountain Lakes. The borough's original design was to create the lakes as a central focus of the planned new community with large areas left undeveloped as woodlands. The roads and residential neighborhoods were laid out to deliberately create a parklike atmosphere by blending man-made and preserved natural features. The result is a community with distinct character that the Borough and its citizens have conserved and protected in this natural heritage.

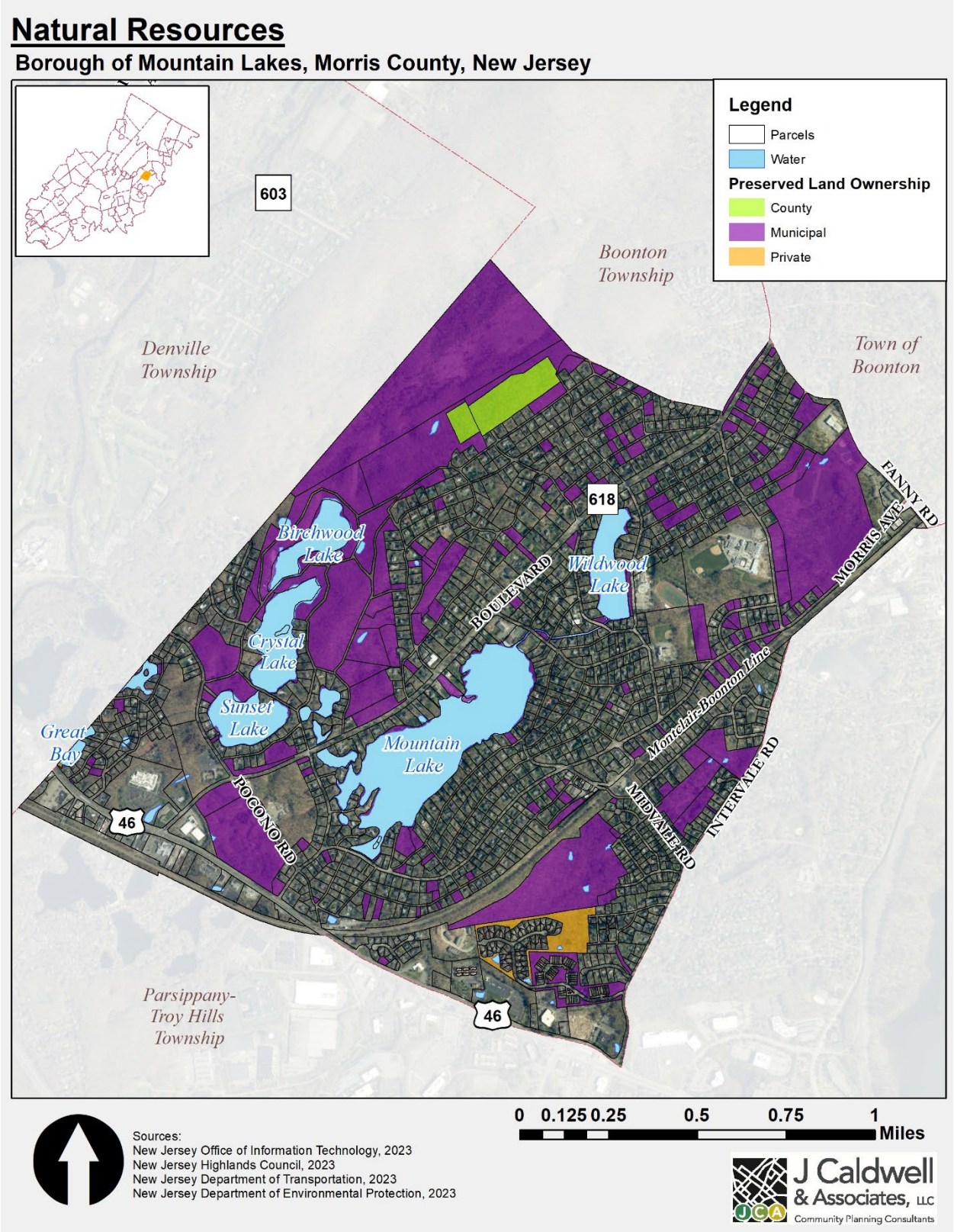
The Borough, due to its development as a planned community, has a dedication to the preservation of its many distinctive buildings. Much of the Borough became a historic district listed on the State and National Register of Historic Places which is both a source of pride for the Borough and also protects against intrusive developments. Mountain Lakes qualifies as a historic district under the primary criteria of significance of community planning and development as a planned residential park suburb, and the secondary criteria as significance in architecture for the concentration of Craftsman style homes.

This section of the Initial Highlands Planning Area assessment will identify all the natural and cultural resources within the Borough of Mountain Lakes and a table of protections, either existing, proposed or needed. As a developed town which was a planned community, there has been a significant commitment to protecting these assets which have been identified through previous Environmental Resource Inventories.

B. Natural Resources

Mountain Lakes has put considerable effort into preserving and protecting the extensive Borough-owned areas dedicated for parks, open space and conservation purposes. The preservation of these areas is important both for the character of the community as well as preserving the quality of the environmental resources. Many of the areas set aside from development contain environmentally sensitive lands including steep, erosion-prone slopes, detention and water recharge areas, soils with high water tables and natural woods. These areas are located within the passive sections of dedicated parks or within other Borough Owned Land. There are also a couple of parcels within the municipality which are owned by Morris County as well as some privately dedicated land. The map below (**Exhibit 6**) shows the location of the preserved natural resources within the borough and the tables below show the block and lot, address location and the jurisdictional steward of the natural resource area.

Exhibit 5. Natural Resources



Property Designated for the Purposes of Conservation, Park Lands and Open Space in the Borough of Mountain Lakes, preserved by the Borough of Mountain Lakes

Block	Lot	Zone	Acres	Address/Location
6	1	C-1	.83 AC	90 Crane Ave
6	12	C-1	23.25 AC	40 Pocono Rd
6	15	C-1	4.05 AC	410 Blvd
9	1	R-1	.07 AC	Bloomfield Ave
9	13	R-1	0.12 AC	Lakewood Dr
9	14	R-1	.31 AC	14 Lakewood Dr
9	22	R-1	.51 AC	8 Fernwood Trl
15	5	R-1	.61 AC	25 Laurelwood Dr
17	16	R-1	.25 AC	32 Laurelwood Dr
21	33	R-A	.37 AC	8 Crane Rd
21	37	R-A	.26 AC	2 Crane Rd
21	40	R-A	.43 AC	Dorian Rd
21	41	R-A	.38 AC	55 Pocono Rd
21	42	R-A	.20 AC	57 Pocono Rd
22	10.01	R-A	2.67 AC	160 East Shore Rd
22	20	R-A	1.96 AC	401 East Shore Rd
23	39	C-1	3.76 AC	2 East Shore Rd
23	56	C-1	.55 AC	49 North Pocono Rd
23	71	R-A	.16 AC	25 North Pocono Rd
24	1	C-2	8.69 AC	79 North Pocono Rd
26	1	C-1	83.46 AC	Rattlesnake Meadow
27	4	C-1	2.41 AC	33 Crestview Rd
27	26	C-1	9.94 AC	Crestview Rd
28	9	C-1	28.18 AC	Crestview Rd
29	1	C-1	15.57 AC	49 West Shore Rd
29	2	C-2	2.32 AC	45 West Shore Rd
30	1	C-2	8.95 AC	West Shore Rd
30	66	C-1	.70 AC	West Shore Rd
30	70	C-2	2.00 AC	Birch Ln
31	29	C-2	7.11 AC	56 West Shore Rd
32	1	C-1	22.29 AC	30 Crystal Rd
33	8.01	R-A	.02 AC	Boulevard & No. Crane
34	5	C-1	3.05 AC	311 Blvd
35	1	C-1	5.08 AC	21 Overlook Rd
36	1	C-1	3.45 AC	27 Overlook Rd
37	1	C-1	5.00 AC	Longview, Locust, Ivy
38	12	C-1	2.29 AC	Woodcliff Rd
39	1	C-1	2.48 AC	Longview Rd
39	22	C-1	1.78 AC	Longview Rd
40	1	C-1	.42 AC	56 Tower Hill Rd

Block	Lot	Zone	Acres	Address/Location
40	19	C-1	6.43 AC	Tower Hill Rd
41	1	C-1	6.67 AC	East Shore Rd North
42	29	C-1	.63 AC	Crestview Rd
45	10	C-1	1.27 AC	Crestview Rd
46	15	R-A	.26 AC	1 Lookout Rd
47	8	R-A	.74 AC	27 Laurel Hill Rd
48	28	R-AA	.58 AC	60 Lookout Rd
50	23	R-AA	.58 AC	128 Lookout Rd
52	13	C-1	.47 AC	73 Tower Hill Rd
52	19.02	C-1	.80 AC	50 Condit Rd
52	45	C-1	1.76 AC	Ogden Rd
52	53	C-1	0.42 AC	Ogden Rd
52	54	C-1	.83 AC	Ogden Rd
53	1	R-AA	2.18 AC	33 Tower Hill Rd
53	15	C-1	1.20 AC	175 Laurel Hill Rd
53	52	C-1	6.06 AC	Ogden Rd @ Twr Hill
54	12	C-1	.52 AC	200 Laurel Hill Rd
56	14	R-AA	.63 AC	187 Blvd
56	34	R-AA	.63 AC	120 Laurel Hill Rd
56	39	R-AA	.93 AC	110 Laurel Hill Rd
56	52.02	R-AA	.30 AC	Laurel Hill Rd
56	58.01	R-AA	.41 AC	30 North Briarcliff Road
57	1	R-AA	.57 AC	97 Cobb Rd
58	10	R-AA	.87 AC	129 Blvd
58	24	R-AA	.39 AC	78B Cobb Rd
58	30	R-AA	.85 AC	82 Cobb Rd
59	39	R-A	1.07 AC	50 Cobb Rd
59	46	R-A	.43 AC	60 Cobb Rd
60	5	R-A	.42 AC	061 Cobb Rd
60	9	R-A	.42 AC	51 Cobb Rd
60	13	R-A	.80 AC	41 Cobb Rd
60	27	R-A	.64 AC	24 Laurel Hill Rd
61	25	R-A	.72 AC	9 Lowell Ave
61	31	R-A	.77 AC	21 Lowell Ave
61	38	R-A	.58 AC	35 Lowell Ave
61	45	R-A	.50 AC	49 Lowell Ave
62	20.01	R-A	.24 AC	2 Blvd
62	25	R-A	.93 AC	20 Blvd
62	33	R-A	.83 AC	30 Blvd
62	38	R-A	.55 AC	40 Blvd
63	11	R-A	.46 AC	041 Hanover Rd
63	17	R-A	.72 AC	060 Blvd

Block	Lot	Zone	Acres	Address/Location
64	8	R-A	.23 AC	059 Melrose Rd
64	11	R-A	.57 AC	053 Melrose Rd
64	19	R-A	.65 AC	040 Hanover Rd
65	13	R-A	.71 AC	001 Melrose Rd
66	16	R-A	3.16 AC	024 Melrose Rd
68	4	R-A	.73 AC	075 Kenilworth Rd
68	10	C-A	2.77 AC	061 Kenilworth Rd
69	11	C-2	2.58 AC	064 Kenilworth Rd
70	6	R-A	.92 AC	100 Kenilworth Rd
74	4	R-A	.52 AC	117 Hanover Rd
74	21	R-A	.46 AC	106 Blvd
75	7	R-A	1.29 AC	121 Melrose Rd
75	27	R-A	1.10 AC	124 Hanover Rd
76	28	R-A	2.11 AC	120 Melrose Rd
78	33	R-A	.27 AC	055 Briarcliff Rd
78	42	R-A	.80 AC	058 Glen Rd
78	67	R-A	.55 AC	136 Blvd
80	1	R-A	.69 AC	160 Blvd
80	28	R-A	.64 AC	210 Blvd
81	15.02	R-A	.21 AC	027 Lake Dr
86.01	1	R-A	.28 AC	149 Morris Ave
86.01	24	C-2	4.09 AC	Bellvale Rd
86.01	32	R-A	.34 AC	022 Wilcox Dr
86.01	33	R-A	.40 AC	026 Wilcox Dr
86	9	R-A	.41 AC	131 Morris Ave
86	13	R-A	.41 AC	121 Morris Ave
86	18	R-A	.38 AC	115 Morris Ave
86	22	R-A	.26 AC	103 Morris Ave
86	40	R-A	.62 AC	035 Wilcox Dr
86	41	R-A	.86 AC	027 Wilcox Dr
88	1	R-A	.56 AC	101 Morris Ave
88	6	R-A	.21 AC	Morris Ave
88	9	R-A	.41 AC	85 Morris Ave
88	14	C-1	.41 AC	79 Morris Ave
88	17	C-2	52.00 AC	75 Morris Ave
88	21	C-2	2.75 AC	101 Powerville Rd
88	27	C-1	2.03 AC	101 Powerville Rd
91	1	R-A	.46 AC	12 Elm Rd
91	14	R-A	.21 AC	200 Morris Ave
91	35	R-A	.67 AC	158 Morris Ave
91	39	R-A	.69 AC	148 Morris Ave
91	43	R-A	.58 AC	138 Morris Ave

Block	Lot	Zone	Acres	Address/Location
91	50.02	R-A	.47 AC	128 Morris Ave
91	55	R-A	.42 AC	118 Morris Ave
94	9.01	R-A	.21 AC	10 Ball Rd
94	16	R-A	.38 AC	58 Bellvale Rd
100	29	R-A	1.24 AC	276 Boulevard & Beach
101	30.02	R-A	.43 AC	85 Lake Dr Beach
101	71	R-A	.95 AC	163 Lake Dr
101	79	R-A	1.61 AC	175 Fernwood Pl
104	44	R-A	.28 AC	79 Pollard Rd
104	71	R-A	.43 AC	25 Pollard Rd
104	78	R-A	.36 AC	11 Pollard Rd
105	15	R-A	.51 AC	260 Morris Ave
105	27	R-A	.14 AC	3 Pollard Rd
107	10	R-A	.60 AC	10 Pollard Rd
108	10	R-A	1.71 AC	20 Romaine Rd
110	33	R-A	.50 AC	92 Pollard Rd
110	40	R-A	.13 AC	Pollard Rd
110	46	R-A	.17 AC	120 Pollard Rd
110	57	R-A	.72 AC	140 Pollard Rd
110	61	R-A	.62 AC	150 Pollard Rd
111	10.02	R-A	.35 AC	6 Rockaway Ter
111	19	R-A	.36 AC	178 Lake Dr
112	6	R-A	.63 AC	366 Morris Ave
112	45	R-A	.34 AC	107 Pollard Rd
114	1	R-A	.17 AC	33 Raynold Rd
114	20	R-A	.41 AC	59 Crane Rd
116	3.06	OL-2	.38 AC	12 Fox Hill Ln
118.01	35	RC-3	4.72 AC	Lockley Ct
118.02	6	RC-3	.98 AC	Lockley Ct
118.03	9	RC-3	1.99 AC	Lockley Ct
124	1	R-A	.56 AC	Scarborough Rd
127.04	13.01	C-1	.79 AC	Maple Way
127.05	6	R-2	.22 AC	9B Grove Pl
127.05	16	C-1	.289 AC	5 Crescent Dr
127.06	1	C-1	38.58 AC	3 Crescent Dr
129.01	18.02	C-1	2.43 AC	44 Woodland Ave
129.01	25	C-2	.69 AC	Intervale Rd
129.02	1	C-2	8.27 AC	Intervale Rd
129.03	13	C-2	3.86 AC	119 Midvale Rd
129	1	C-1	6.95 AC	56 Woodland Ave
131	2	R-A	.26 AC	Morris Ave
131	3	R-A	.31 AC	Public Beach

Block	Lot	Zone	Acres	Address/Location
138	1	R-A	.59 AC	Boulevard & Rock Lane
		Total Acres	**478.98 AC**	

Lakes and Water Features Preserved by the Borough of Mountain Lakes

Block	Lot	Zone	Acres	Location
79	1	R-A	26.13 AC	Wildwood Lake
81	28	R-A	.18 AC	Stream Between Wildwood Lake and Mountain Lake
82	36	R-A	.545 AC	Stream Btw Wildwood Lake and Mountain Lake
131	1	R-A	79.26 AC	Mountain Lake
132	1	R-A	2.46 AC	Grunden's Pond
133	1	R-A	.97 AC	Cove Lake
134	1	R-A, R-AA	3.25 AC	Olive and Shadow Lakes
135	1	R-A, R-AA	15.67 AC	Sunset Lake
136	1	R-AA	20.43 AC	Crystal Lake
137	1	R-AA	14.27 AC	Birchwood Lake
		Total Acres	**162.12 AC**	

County-Owned Open Space Preserved by the Morris County Parks Commission

Block	Lot	Zone	Acres	Location
27	16	C-1	15.29 AC	Tourne County Park
129.01	18.02	C-1	3.97 AC	Tourne County Park
		Total Acres	**19.26 AC**	

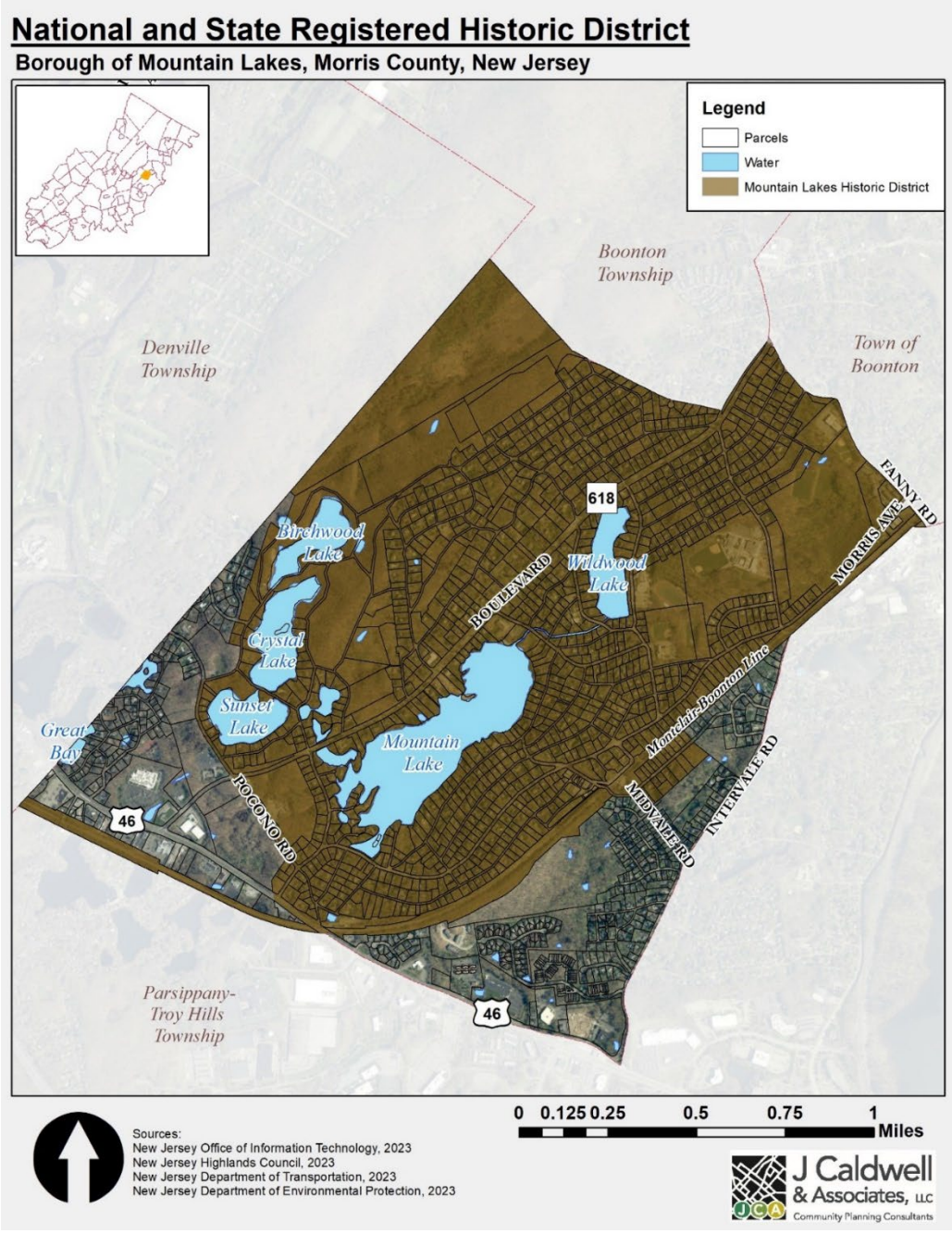
Properties Preserved by Private Entities

Block	Lot	Zone	Acres	Location
117.01	53	RC-3	10.67 AC	Spruce Edge Townhouse Preserved Open Space
129.01	18.02	RC-3	3.97 AC	Spruce Edge Townhouse Preserved Open Space
12	1	R-1	1.92 AC	Great Bay
12.01	1	R-1	2.54 AC	Bay of Deep Waters
		Total Acres	**16.59 AC**	

C. Cultural Resources

The Borough of Mountain Lakes, as a planned community, along with its program to protect the open space of the municipality has also taken great care in preserving the historical integrity of the homes and other significant structures which comprise the community. In order to protect its cultural resources, the majority of the Borough of Mountain Lakes became a historic district listed on the State Register in July of 2005 and the National Register of Historic Places in September 2005. **Exhibit 7** identifies the registered historic buildings in the Borough. Historic sites within the Borough include the Community Church (1914), St. Peter's Episcopal Church (1926), the Boulevard Trees (1930's), Lake Drive School (1914), and the Mountain Lakes Club (1914).

Exhibit 6. National and State Registered Historic District



The National Register of Historic Places is the nation's official list of cultural resources worthy of preservation. The National Register was authorized under the National Historic Preservation Act of 1966 to coordinate and support public and private efforts to identify, evaluate and protect our historic and archeological resources. The register, administered by the National Parks Service (part of the U.S. Department of the Interior), is meant to protect properties that are significant in American history, architecture, archeology, engineering or culture. The State Register of Historic Places is a similar program to the National Register and is operated out of the State Historic Preservation Office in Trenton.

The application for Mountain Lakes to be included into the National Historic Registry included the following number of resources which were listed to be a part of the historic district and the following number of buildings were listed to be part of the historic district:

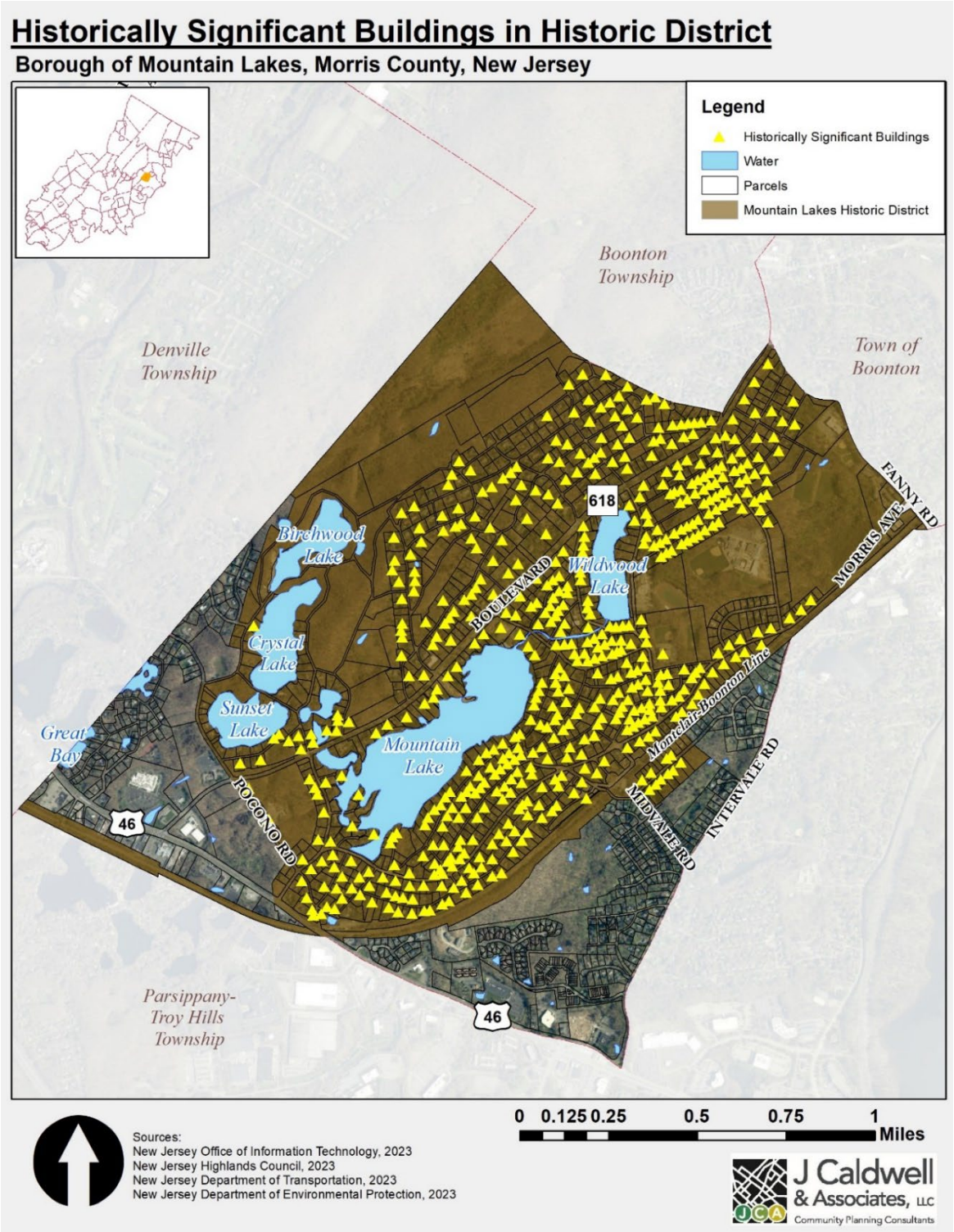
Resource	Contributing	Not Contributing	Total
Buildings	738	444	1,182
Sites	43	0	43
Structures	306	100	406
Total	**1,087**	**544**	**1,631**

Of the buildings listed, that there are a total of 504 buildings which contribute to the historic district. There are also another 22 dwellings that are contributing which were added as part of the ordinance update of 2017. Those buildings are designated as Hapgoods, Belhalls and other buildings which were misidentifed as part of the original historic registration form for the contributing dwellings. Characteristics of each of these style buildings are discussed in greater detail starting on page 37 of this report. The following table shows the distribution of these buildings which contribute to the district.

Building Type	Contributing Dwellings
Hapgoods	417
Belhalls	61
Other	26
Total	**504**

Below (**Exhibit 8**) is a general representation of the location of the contributing buildings within Mountain Lakes.

Exhibit 7. Historically Significant Buildings in the Historic District



Mountain Lakes qualifies as a historic district under two levels of significance, the first being its significance to community planning and development as a planned residential park suburb. The secondary criteria include the Borough's architectural significance for the concentration of Craftsman Style homes present in the municipality. The Borough is also home to several important community and publicly-owned historic structures including: the Community Church (1914), St. Peter's Episcopal Church (1926), Lake Drive School (1914), the Mountain Lakes Train Station (1912) and the Mountain Lakes Club (1914).

An Ideal Planned Community

The planned residential park suburb was designed in the early 1900's by the developer Herbert J. Hapgood and landscape designer Arthur Holton, and the Borough's unique identify has remained to this day. This is visible in the Borough's retention of narrow, meandering streets flanked by houses with large setbacks from the roads even despite continuing residential development that may not be historic. Shortly after the first residents moved into the Borough, the Mountain Lakes Railroad Station was completed and provided direct access to New York City. In addition to that commute, the presence of this station drew in prospective residents and seasonal visitors. The Mountain Lakes Train Station is currently a Borough-owned property occupied by the Station at Mountain Lakes Restaurant.

Architectural Significance

Mountain Lakes residential development combines a number of practical features from several architectural styles but still remains unique with regards to the time of construction. While the residences have a homogeneity and architectural significance, there is a greater significance based on how they interrelate with each other. It is the collection of craftsman homes located within a small planned community which makes Mountain Lakes an important historically significant area.

There are two specific styles of homes that are of importance and significance within the Borough. The first are Hapgood Homes, which were constructed by Herbert J. Hapgood between 1910 and 1923. The second are Belhall Homes, which were constructed between 1923 and 1930. The Belhall Homes are smaller residences that incorporate eclectic ornamentation including Tudor Revival, Colonial Revival and Craftsman styles.

Hapgood Homes

Herbert Hapgood incorporated eclectic architectural stylings consistent with the Craftsman architectural style with Colonial Revival influences. The Craftsman style, born out of the English Arts and Crafts movements of the 19th century, emphasized a simple approach to design with an honest expression of the materials used. Hapgood houses fall into two primary style designations: Craftsman and Craftsman Tudor Revival. The Craftsman style was used for the majority of Hapgood houses. Tthe largest number of houses built during Hapgood's years are large, predominately stucco dwellings. The houses have Craftsman features such as deep, overhanging eaves, boulder stone foundations and chimneys, open porches on the first floor and sleeping porches on the second, and a horizontal emphasis delineated by string courses between the first and second floor. Typically, a Craftsman home would be just 1 ½ stories, but the Mountain Lakes version is more often 2 ½ stories high.

Craftsman Tudor Revival refers to a particular variant of Hapgood Craftsman style. In addition to the elements in common with the Craftsman style houses, these houses have a representation of half-timbering, typically only on the second floor. When there is any division of the facade into sections with vertical, horizontal or diagonal sections, this house is termed Craftsman Tudor Revival.

Belhall Houses

The Belhall houses are small in plan, about 750 square feet on the first floor. Normally, they are 1 ½-stories high, with some 2-stories. There are no 2 ½-story Belhall homes. A common plan includes an entry leading directly into a living room, with a dining room and a kitchen at the rear of the house. The side of a Belhall house typically contains a secondary entry porch with a breezeway connecting to a single car garage. This breezeway is one story and enclosed. The second floor normally has three small bedrooms and one bath. If there is an entry porch it is usually quite small.

The Belhall homes differ from Hapgood homes in several ways. First, they are smaller than all Hapgoods in plan and volume with the exception of Hapgood's Foursquare one plans. Secondly, their detailing is closer to the styles they represent—Craftsman, Colonial Revival, and Tudor Revival. Lastly, the garage is integrated into the house plan and attached to the house at the level of the first floor. Belhall dwellings were designed for the owners to own a car and to enter the home from the garage as often as the front door.

Protections

The Borough of Mountain Lakes values the unique aspects of the community that provide both historic and cultural assets. As a result, the Borough went beyond registering historic and cultural resources on the National and State Registers of Historic Places. In order to ensure the preservation of these structures and maintain the character of the community, in 2012, the Borough Council approved an ordinance designed to encourage preservation and discourage the demolition of the Mountain Lakes original historic buildings aimed primarily at residential homeowners.

Typically, historic preservation ordinances in New Jersey grant broad power to a historic commission to regulate alterations and demolitions within a historic district; however, the Borough's ordinance operates based on incentives. This allows historic homeowners to increase the size of their homes significantly under the existing zoning ordinance without the need for zoning variances, as long as they maintain the character of the historic home. New limitations on how an owner can ultimately utilize their property are bypassed as a trade-off for not altering the historic character of the home. There are limitations on the types of alterations permitted, which are intended as a the minimum necessary to maintain the historic "streetscape" of the community. The permitted alterations are left to the property owner's architect to evaluate and confirm.

The historic preservation ordinance was developed in response to an increase in demolitions of historic Hapgood and Belhall homes. The number of losses by demolition and fire over the 20 years prior to the adoption of the ordinance were significant. Lost historic homes doubled from those that occurred over the 80 years prior. The ordinance proposes incentives that the Borough hopes will sufficiently enhance

the value of the Borough's original homes so that current and future owners will be discouraged from demolishing these homes and losing the benefits provided by the ordinance.

While there may be instances where an owner wishes to demolish an existing historic home, the ordinance does provide a 90-day notice period to provide an opportunity for the owner to learn about the benefits which will be lost if the home were demolished, allowing for the home to be documented in the historic record before the demolition in order to preserve the record and heritage of the site and lost asset.

In 2017, the Borough Council adopted changes to the historic preservation incentives ordinance in order to encourage owners of historic homes to preserve and invest in maintaining their homes. The changes were as a result of input from Borough officials, architects, builders. and others who have worked with the ordinance since its original adoption in 2012.

5. Consistencies and Inconsistencies

A. Consistencies

The policies of Mountain Lakes and those of the Regional Master Plan (RMP) are generally consistent with one another. Mountain Lakes primary goals to preserve the traditional character of the Borough along with its commitment to preserving open space and natural resources are consistent with the RMP. This is evidenced by the fact that almost all the land within the Borough which is located in the Highlands Protection Zone is municipally zoned for conservation and preserved open space. These lands primarily consist of the Richard Wilcox Municipal Park and Birchwood Lake.

The rest of the Borough is located in the Existing Community Zone and its Environmentally Constrained and Lake Community Subzones. Many of the Environmentally Constrained Subzone areas are also in Conservation Zones within the Borough and/or are publicly owned open spaces, parks, or public-school properties. Of the remaining areas that fall in these zones, specifically the Environmentally Constrained Zone, are parcels which have reached their development capacity, resulting in very few vacant parcels within the municipality that are large enough and otherwise appropriate to support development. Integrating the goals of the RMP could help preserve said parcels further to protect the general character of the Borough and the quality of the groundwater resources.

While goals and objectives vary between the Highlands RMP and the Borough, the overall objectives of Mountain Lakes to manage growth and preserve open space, specifically, environmentally constrained open space and open water resources, are consistent with the RMP.

B. Inconsistencies

The primary difference between the Mountain Lakes Master Plan and the RMP is that the RMP focuses exclusively on environmental protection of the Highlands Region while the Borough's plan has a much smaller and more specific scope, as a municipal master plan. While both plans encourage appropriate redevelopment within existing communities, the RMP's environmental protection goals cannot account for specific properties within the Borough. Potential inconsistencies between the Borough's plan and the RMP are minor in nature, considering that any limitations the RMP may impose generally would apply only to large undeveloped areas and properties. Alternatively, when properties are already developed,

one or more Highlands Exemptions typically apply (see Appendix B for the Highlands Model Exemption Ordinance).

Most of the Borough's existing developed properties are designated Existing Community Zone, but a few are designated as being within the Environmentally Constrained Sub-Zone. Issues may potentially arise if property owners wish to expand or extend the public water supply to accommodate any additional development. Some Environmentally Constrained Sub-Zone areas may be further refined if areas have been developed since the time of the initial mapping. Specifically, sites where this has occurred include the Enclave at Mountain Lakes and the Sunrise of Mountain Lakes Assisted Living Facility, both of which are situated in the southeastern corner of the Borough near Route 46. This can be accomplished through RMP updates, where mapping of environmentally constrained areas is updated with new information. The potential for conflicts appears to be insignificant.

6. Highlands Center Designation

A Highlands Center is an area delineated through a cooperative process with the Highlands Council in coordination with a Petition for Planning Area Conformance. Development and redevelopment are supported and encouraged within a Highlands Center in order to promote economic development and balance growth within the Highlands Region. The Land Use Capability Zones do not apply within the boundaries of a Highlands Center. The designation of the center boundary is developed through a comprehensive planning process that allows flexibility in creating a tailored development plan for the Center. Highlands Center Designation is incorporated into the Plan Conformance petition process and results in the development of specific regulations for the center to promote appropriate development in the context of community goals and the RMP. The Borough's commercial corridor along Route 46 and the Borough's historic neighborhood commercial area around the train station are two areas where a Highlands Center Designation could be considered with a Planning Area Petition in order to minimize concerns over conflicts with development and redevelopment goals in the Borough's non-residential areas.

7. Benefits of Plan Conformance

The Highlands Council provides for voluntary Plan Conformance in the Highlands Planning Area with the goal of achieving a regional approach to land use planning and to promote coordinated efforts to protect valuable environmental and cultural resources in the Highlands Region. The Highlands Act provides benefits to municipalities that go through Plan Conformance with the RMP. Conforming municipalities are eligible for the following benefits:

(a) Planning Grants and Technical Assistance:

1. The Highlands Council shall make grant funds and other financial and technical assistance available to Highlands municipalities and counties for the reasonable costs of any revision of their master plans, development regulations, or other regulations or plans which are designed to further

the Goals, Policies and Objectives of the RMP or for the implementation of a Transfer of Development Rights program pursuant to the Highlands Act.

2. Plan Conformance grants shall be awarded to municipalities and counties through the approval of a resolution by the Highlands Council. The Council shall provide grant funds for all mandatory aspects of Plan Conformance and may also provide grant funds for discretionary aspects of Plan Conformance as determined by the Council.

(b) State Aid and Assistance for Smart Growth:

1. Highlands municipalities and counties approved by the Highlands Council as being in conformance with the RMP shall qualify for all State aid, planning assistance, technical assistance, and other State-provided benefits and incentives that may be awarded or provided to municipalities and counties which have received Plan Endorsement from the State Planning Commission or have otherwise been acknowledged by the State as practicing or implementing smart growth strategies and principles. These benefits apply to any conforming municipality in the Preservation Area, and the State Planning Commission has endorsed the RMP so that municipalities that conform in the Planning Area receive all of the benefits of Plan Endorsement. Any such municipality or county shall also qualify for any State aid that may be provided for smart growth projects.
2. Any municipality or county may include in its Petition for Plan Conformance a listing of priority projects or other matters that are fundamental to the provision, improvement, enhancement, or restoration of infrastructure, public facilities, or other matters that may require the funding, implementation, or active participation of a State agency. The Highlands Council may act to coordinate such matters with the appropriate State agency, where such action is consistent with the RMP, to gain agreements with the appropriate State agency to facilitate, approve, fund, or take other actions necessary to implement the matter of local priority.

(c) Strong Presumption of Validity, Extraordinary Deference, and Burden of Proof. The master plan and development regulations of any municipality and the county master plan and associated regulations of any county which have been approved by the Highlands Council as in conformance with the RMP shall be entitled to a strong presumption of validity. In any cause of action filed against such a local government unit and contesting an action or decision of the local government unit taken or made under authority granted pursuant to the Municipal Land Use Law, the State Uniform Construction Code Act, or the Highlands Act, the Highlands Act requires that the court shall give extraordinary deference to the local government unit, provided that the municipal or county master plan and associated regulations have been approved by the Highlands Council as being in conformance with the RMP. The plaintiff shall have the burden of proof to demonstrate by clear and convincing evidence that the act or decision of any such local government unit was arbitrary, capricious, or unreasonable or in patent abuse of discretion.

(d) Legal Representation. The Highlands Council shall provide legal representation to any requesting local government unit located in the Highlands Region in any cause of action filed against the local government unit and contesting an action or decision of the local government unit taken or made under

authority granted pursuant to the Municipal Land Use Law, the State Uniform Construction Code Act, or the Highlands Act, provided that:

1. The municipal or county master plan and associated regulations that have been adopted by the municipality or county, approved by the Highlands Council as being in conformance with the RMP and the master plan or associated regulations are the subject of the cause of action filed against the local government unit;
2. The Highlands Council determines that the act or decision of the local government unit which is the subject of the cause of action is consistent with the RMP;
3. The act or decision of the local government unit that is the subject of the cause of action involves an Application for Development that provides for the ultimate disturbance of two acres or more of land or a cumulative increase in impervious surface by one acre or more; and
4. In the case of a Planning Area municipality, the municipality shall have adopted a Planning Area Petition Ordinance.

(e) Plan Conformance deemed equivalent to State Plan Endorsement. Any municipality or county or portion thereof located in the Preservation Area shall be exempt from the plan endorsement process established in the rules and regulations adopted by the State Planning Commission. The State Planning Commission has endorsed the RMP adopted by the Highlands Council, so that Highlands Council approval of any municipal master plan and development regulations or county master plan and associated regulations through the Plan Conformance process, for lands in the Planning Area, shall be deemed the equivalent of having those plans endorsed by the State Planning Commission and such entities shall be entitled to any applicable plan endorsement benefits.

8. Summary

Mountain Lakes is a unique community in that it is a small, fully developed community with a rich history that is defined by its lakes and Borough-owned open space land. The Borough has also made an effort in recent years to address the constitutional obligation to provide its "fair share" of affordable housing to the extent feasible which has been a driver in recent development efforts. Most of the development efforts which have occurred have been completed in the RMP's Existing Community Zone Constrained Areas as there were few other available pieces of land.

Working with the Highlands Council through Plan Conformance would help the Borough continue to protect and preserve valuable resources within the community, which would be consistent with both the Borough's and the RMP's goals and objectives. Plan Conformance could also help the Borough achieve its objectives of protecting and enhancing its environmental resources including the lakes, aquifers and parkland into the future by providing for Highlands grants, technical assistance and state aid. Designating a Highlands Center within the Borough offers a method for selecting an area to promote development and redevelopment while preserving and protecting the Borough's residential neighborhoods. Consideration of a Highlands Center Designation may assist Mountain Lakes in continuing to promote development and redevelopment in select areas of the Borough. Overall, Plan Conformance is likely to assist Mountain Lakes maintains its community character and natural and historic resources.

Appendix A: Lake Management Area Standards

Lake Management Areas

Issue Overview:

The RMP provides for the protection and enhancement of Highlands Lakes and their environs, including Highlands lake communities. Overbuilt, damaged and poorly managed shoreland areas can result in the degradation of water quality, harm to the lake ecosystem, the decrease of natural aesthetic values, and the overall loss of property values for lake communities. Lakes can be harmed by pollutant sources in the watershed area draining to them. Most existing lake communities were built out prior to modern environmental requirements. Some have sewer systems, but many rely on septic systems (or even cesspools) on inadequately sized lots. Studies indicate that nearly every public lake (privately owned lakes were not evaluated) in the Highlands is experiencing contamination, often including excessive bacteria and nutrients. Many lake communities have been experiencing intensifying land uses as the original buildings are torn down and replaced by larger structures. The Council seeks to identify redevelopment opportunities to improve community character and value, to both protect natural resources and to enhance and restore the quality of lake environments in the Region.

As discussed in Chapter 3 under the Land Use Capability Zone Map section, the Council has developed a Lake Community Sub-Zone. This sub-zone consists of patterns of community development that are within the ECZ within 1,000 feet of lakes. By definition, lakes within this sub-zone are developed or heavily developed lakes. Developed lakes face particular challenges as compared with undeveloped lake areas. They tend to be shallower in locations that receive sediment loadings, they often feature extensively hardscaped shorelines with limited natural vegetation, and they are frequently more eutrophic than undeveloped lakes. Developed lakes tend to receive higher phosphorous loads due to the fact that urban watersheds produce higher unit area phosphorous loads from stormwater, compared to lesser developed watersheds. In addition, most urban watersheds produce significant secondary phosphorous loads from a diverse range of sources including municipal wastewater discharges, failing septic systems, and sewage overflows.

Program Summary:

This program seeks to protect, restore and enhance the water quality of Highlands lakes and to protect the unique character of Highlands lake communities. It facilitates land use and water resource planning on the basis of lake management tiers:

- A *Shoreland Protection Tier* consisting of an area measured 300 feet or the first public road perpendicular to the shoreline of the lake
- A *Water Quality Management Tier* consisting of an area measured 1,000 feet perpendicular from the shoreline of the lake, including the shoreland protection tier;
- A *Scenic Resources Tier* consisting of an area measured 300 to 1,000 feet perpendicular from the shoreline of the lake, scaled based upon the view distance from the opposite shoreline, and determined through the size and layout of the lake and the topography of the land area, with wider portions of lakes and greater topographic relief having longer view distances
- A *Lake Watershed Tier* consisting of the entire land area draining to the lake.

In this Lakes Management program, the Council seeks to stringently protect lakes in the Protection and Conservation Zone from future development and to maintain those lakes in their natural condition. In the already developed lake areas of the Lake Community Sub-Zone, the underlying goal is to protect lake water quality and habitat from impacts resulting from the built environment and to ensure that any redevelopment maintains the character of existing Highlands lake communities. Thus, while the majority of the standards presented herein are stringent standards geared to new development in undeveloped lake areas, there are also standards that are common to both undeveloped and developed lakes (primarily in the Water Quality Management tier), and there

are standards that are unique to the Lake Community Sub-Zone that solely address developed lake areas. With respect to these standards and ongoing management issues related to lakes in the Lake Community Sub-Zone, the Highlands Council will coordinate with individual lake commissions and with lake associations where they exist.

The program also includes a lake and dam protection and enhancement component and a homeowner's educational brochure and awards program component.

GOAL 1L: protection of highlands region lakes from the impacts of present and future development.

The management of lands surrounding lakes is an important issue for the Highlands Region. Overdeveloped, damaged, and poorly managed shoreland areas can result in the degradation of water quality, harm the lake ecosystem, decrease natural aesthetic values, and cause an overall loss of property values for lake communities. Lakes can be harmed by pollutant sources in the watershed area draining to them. Polluted lakes can, in turn, damage downstream streams and rivers. Most existing lake communities are fully built out, predate modern environmental protection requirements, and have limited potential for major land use changes. Some have sewer systems, but many rely on septic systems (or even cesspools) on inadequately sized lots, where direct contamination of the lakes is possible. Past NJDEP studies indicate that nearly every public lake (privately-owned lakes were not evaluated) is experiencing unacceptable contamination, often including excessive bacteria and nutrients. In addition, many lake communities have been evolving from summer communities to year-round communities, and many are experiencing greatly intensified land uses as the original buildings are torn down and replaced by much larger structures. Addressing land uses within lake communities allows for potential opportunities to improve community value, to protect the cultural and historic resources often associated with lake communities, to protect natural resources and enhance and restore the quality of lake environments in the Region, and in some cases, to allow for in-fill development where appropriate.

Policy 1L1: To establish a Lake Management Area around all Highlands Region lakes of greater than ten acres in size.

Policy 1L2: To establish tiers of lake management appropriate to management strategies that help protect lake water quality and community value from the impacts of present and future development.

Objective 1L2a: Lake management programs shall use the following management tiers around all Highlands Region lakes of greater than ten acres in size:

- A Shoreland Protection Tier consisting of an area measured 300 foot or the first property line perpendicular from the shoreline of the lake;
- A Water Quality Management Tier consisting of an area measured 1,000 foot perpendicular from the shoreline of the lake, including the Shoreland Protection Tier;
- A Scenic Resources Tier consisting of an area measured 300 to 1,000 foot perpendicular from the shoreline of the lake, scaled based upon the view distance from the opposite shoreline, and determined through the size and layout of the lake, with wider portions of lakes having longer view distances; and
- A Lake Watershed Tier consisting of the entire land area draining to the lake, through the evaluation of drainage areas using LiDAR topographic analyses or other topographic data where LiDAR data are not available.

Policy 1L3: To establish unique standards (as compared to lakes within the Protection and Conservation Zones) for the Lake Community Sub-Zone within the ECZ within 1,000 feet of lakes, particularly with respect to the Shoreline Protection Tier, to prevent degradation of water quality, harm to lake ecosystems, and promote aesthetic values within the ECZ.

Policy 1L4: To establish and implement management strategies to help protect lake water quality and ecosystem values from the impacts of present and future development for all lakes.

Objective 1L4a: Implementation of standards through Plan Conformance regarding lake ecosystem and water quality in the Shoreland Protection Tier to address direct and proximate impacts upon the lake, including but not limited to shoreline modification and development (including limits to the hardscaping of shorelines using bulkheads, rip-rap, and walls), docks, piers, boathouses, dredging, vegetation removal, and increased impervious cover. Pollutant discharges shall also be addressed, including the potential for contamination from septic systems, cesspools and other wastewater management systems within the tier that are failing or are inadequately designed and constructed. As such systems fail, landowners should be required to provide upgraded treatment (whether on-site or through public or community systems) to minimize pollutant movement to the lake. Standards for the Lake Community Sub-Zone and for the Protection and Conservation Zones may be distinct to the extent necessary to recognize the existence of significant development within the Lake Community Sub-Zone.

Objective 1L4b: Implementation of standards through Plan Conformance regarding land use compatibility and water quality in the Water Quality Management Tier, to prevent or minimize continuous pollutant sources that can contribute pollutants overland or through ground water to the lake from greater distances than the Shoreland Protection Tier.

Objective 1L4c: Implementation of standards through Plan Conformance regarding the protection of visual and scenic resources in the Scenic Resources Tier, including but not limited to requirements for vegetative screening of buildings, building height limitations, and limits on tree and understory removal for reasons other than public health and safety or as the minimum necessary to make reasonable use of the designated building envelope for the parcel proposed for development. Standards for the Lake Community Sub-Zone and for the Protection and Conservation Zones may be distinct to the extent necessary to recognize the existence of significant development within the Lake Community Sub-Zone.

Objective 1L4d: Implementation of lake restoration plans to restore, protect and, where possible, enhance lake water quality through management of pollutant sources in the Lake Watershed Tier, including but not limited to the development, adoption and implementation of TMDLs by the NJDEP pursuant to the Water Quality Management Planning Rules, N.J.A.C. 7:15. Ongoing coordination will be undertaken with the Greenwood Lake and Lake Hopatcong Commissions as well as individual lake associations, as appropriate, regarding lake management issues.

Policy 1L5: To require that conforming municipalities adopt and implement for all lakes the standards applicable to the Shoreland Protection and Water Quality Management Tiers; the standards applicable to the scenic resources tier shall be adopted and implemented for all public lakes (e.g., with shorelines that are not entirely privately-held and managed through a lake association), and for privately-held lakes to the extent feasible under law, recognizing the existence of previously approved lake community development plans.

Objective 1L5a: Shoreland Protection and Water Quality Management Tier requirements shall apply to all new development, regardless of lake ownership.

Objective 1L5b: Scenic Resource Tier requirements shall apply to all lakes with public access and to lakes with no public access that are not entirely managed by a single homeowner or lake

community association. For lakes that are privately-held and managed by a single homeowner or lake community association, the scenic resource tier requirements shall be voluntary.

Policy 1L6: To require that conforming municipalities develop and adopt lake restoration plans, with sufficient input from lake community residents and landowners, for each of the municipality's developed lakes that has been identified as water quality impaired, to include watershed delineation, description of point and nonpoint sources of pollution in the watershed, lake monitoring schedules, existing and proposed in-lake management techniques, and recommended watershed best management practices. TMDLs adopted by the NJDEP to address known pollution problems may be used as lake restoration plans. For lakes that are privately held and managed by a single homeowners or lake community association, the municipality may require that the association share in or assume the costs of developing such plans.

Objective **1L6a:** Provide Lake Management Plan guidance to municipalities that includes watershed delineation mapping methodology, point and nonpoint source pollution references, example lake monitoring schedule with monitoring goals and methods, existing successful in-lake management techniques, and best management practices.

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.

GOAL 1M: Protect the unique character of highlands lake communities.

Policy 1M1: To provide guidance regarding evaluation of and standards for lake character and aesthetics that shall be adopted by municipal ordinance for application to public lakes, or that may be voluntarily adopted by privately-owned lake communities within their by-laws and regulations.

Policy 1M2: To encourage increased public access to publicly-owned lakes, within the lake's carrying capacity and while maintaining the lake character.

Policy 1M3: To discourage or control teardowns that result in altered lake community character, and the potential loss of historic and cultural values, and to encourage community-supported limitations in lot coverage and building height for new construction.

Policy 1M4: To establish and implement performance and development standards through local development review and Highlands Project Review for shoreline uses which achieve compatibility among shoreline activities and nearby neighborhoods.

Policy 1M5: To encourage municipalities to utilize recreational sites as opportunities to educate the public regarding the ecological value of lake environs.

Policy 1M6: To encourage municipalities to explore appropriate means to provide public recreation at the shoreline and on the water while ensuring retention of opportunities for passive recreation (e.g., natural areas, open space).

GOAL 1N: Maintain public and private lakes, or restore lake beds and down-stream areas when lakes are drained.

Policy 1N1: To develop innovative financing and administrative mechanisms for the maintenance and operation of public and private dams and lakes, where those dams and lakes provide a continuing public or private purpose.

Policy 1N2: To restore appropriate habitats in the lake beds and to prevent, mitigate, or restore downstream habitats from damages due to lake drainage, when dams are allowed to fail or are deliberately breached or removed.

Standards for Lake Management Tiers

Shoreland Protection Tier

The Highlands Council will establish standards regarding lake ecosystem and water quality in the shoreland protection tier to address direct and proximate impacts upon the lake. Such standards include, but are not limited to, the following:

1. Alteration of the shorelines shall be limited to the minimum disturbance necessary to provide for water dependent recreational uses such as beaches, docks and boat houses, generally limited to 10% or 25 feet of the shoreline of any parcel proposed for development, but subject to modification in the Lake Community Sub-Zone, to limitations more appropriate to specific lakes.
2. Where shorelines have already been hardscaped with bulkheads, rip-rap, or walls in the Lake Community Sub-Zone, encourage the creation of a vegetated filter strip along the shoreline to attenuate stormwater flow and minimize the potential for shoreline erosion.

3. Where there is little or no wave action, reeds and other wetland species that are below the high water mark shall be preserved or restored. In the Lake Community Sub-Zone, permit and encourage the control and where necessary removal of algae and non-native invasive aquatic weeds that cause nuisance conditions for lake users.
4. Existing shoreland vegetation within 50 feet of the shoreline shall be protected and preserved except for a minimum area permitted, established through municipal development regulations, for water dependent recreational facilities. Limitations should be more stringent for the first 25 feet. Restoration of native vegetation shall be required where development is proposed on property with existing disturbed areas within 25 feet of the shoreline.
5. No new structure other than water dependent recreational facilities shall be constructed within fifty (50) feet of the shoreline.
6. In all zones, the width and length of piers and docks shall be controlled in municipal development regulations to achieve the minimum disturbance of shoreline, shoreline vegetation and wetlands vegetation possible with due consideration to safety, including provisions for piers and docks held in common to reduce the total number of new docks and piers.
7. Boat lifts, where used in any zone, shall be encouraged as a means of providing more light to the waters below and shall elevate boats a minimum of one foot above high water.

Development adjacent to Highlands lakes, which are Highlands Open Waters, shall include a protection buffer of 300 feet from the edge of Highlands Open Waters feature, or a lesser buffer if allowed based on RMP policies (see GOAL 1D), and all development shall comply with buffer standards which provide for the protection of Highlands Open Waters. Structures or other land improvements existing within a protection buffer before August 10, 2004 may remain, provided that the area of disturbance is not increased other than through Highlands Act exemptions or waivers.

Water Quality Management Tier

The Highlands Council will establish standards regarding land use compatibility and water quality in the water quality management tier to prevent or reduce continuous pollutant sources that can contribute pollutants overland or through ground water to the lake from greater distances than the shoreland protection tier. Such standards include, but are not limited to, the following:

1. All parcels of land proposed for development shall be improved with landscape or garden elements which retain stormwater.
2. Require for all new development (and encourage for existing development in the Lake Community Sub-Zone), that runoff from roofs, driveways and patios shall be directed into landscape or garden elements which retain and filter stormwater, or to infiltration practices.
3. Green roofs are strongly encouraged in all zones to clean and slow the release of stormwater.
4. To the extent possible, impervious surfaces in all zones should drain away from the shoreline.
5. Stormwater should be directed to a stormwater management train that cleans and reduces the rate of runoff to the maximum extent possible in all zones.
6. To the maximum extent practicable in all zones the stormwater management train should maximize the use of swales with natural vegetation or constructed wetlands and discharge through a constructed wetland or other channel that maximizes aeration and cleaning of the water.
7. Stormwater improvements shall be designed in accordance with the NJDEP regulations at N.J.A.C. 7:8 or the municipal stormwater management ordinance or regional stormwater management plan adopted as part of an Areawide Water Quality Management Plan (WQMP) where more stringent.
8. Where sufficient land is available in all zones, natural swales, constructed wetlands, and other stormwater facilities shall be used.

9. To the extent possible in all zones, landscape or garden elements which retain stormwater shall be designed so that during larger storms, the water is released primarily through overland sheet flow across a vegetated, naturally landscaped area.
10. The discharge of stormwater shall, wherever feasible in all zones, be through sheet flow which may require the construction of an outlet that disperses the water over a substantial distance at a constant elevation so that water sheet flows over the top.
11. Septic systems for new development within the Lake Management Area must comply with the septic system density requirements, for the particular Land Use Capability Zone, with septic systems no closer to the lake than the Highlands Open Waters Buffer or 150 feet, whichever is greater; clustering shall be permitted where it results in a greater buffer between the lake and the septic systems than would be feasible without clustering.
12. In the Lake Community Sub-Zone, require that septic systems and cesspools on small lots in close proximity to lakes, 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 environmental impacts, maximum environmental benefit, and financial viability.
13. Where the existing density of septic systems within a Lake Community Sub-Zone is known or strongly suspected to be a significant contributor of lake pollutants, community wastewater treatments shall service parcels of lands within the Lake Community Sub-Zone wherever feasible in order to eliminate pollution of lakes by discharges from septic systems. 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. The systems must be designed to minimize secondary environmental impacts, including potential reductions in net water availability.

Scenic Resources Tier

The Highlands Council will establish standards regarding the protection of visual and scenic resources in the Scenic Resources Tier from development or redevelopment (including redevelopment within the Lake Community Sub-Zone) that include, but are not limited to, the following:

1. Building heights should be limited so that the top of a building does not exceed thirty-five (35) feet except in Designated Centers where a greater height is in keeping with existing community design.
2. All buildings shall be screened from view from a lake by trees and other natural plant material, to the extent practicable.
3. The exteriors of all new or redeveloped buildings shall be finished with materials which are compatible with a natural or historical character of the Highlands Region.
4. New buildings shall be prohibited within areas which are Severely Constrained Slopes and Moderately Constrained Slopes.
5. Clearing of trees should be limited to the minimum area needed for the development of a site.
6. Outdoor lighting should be provided by cut-off fixtures directed away from the shoreline.

Appendix B: Highlands Model Exemption Ordinance

MODEL HIGHLANDS AREA EXEMPTION ORDINANCE

A Supplement to the Land Use Ordinances of

BOROUGH/TOWNSHIP/TOWN OF _____

_____ COUNTY, NEW JERSEY

DRAFT for submission to the New Jersey Highlands Water Protection and Planning Council

DATE:_____, 2013

This document is based on a model Highlands Area Exemption Ordinance prepared and provided to Highlands municipalities by the New Jersey Highlands Water Protection and Planning Council.

Table of Contents

Article 1. Title, Purpose, Scope 1
§ 1.1 Title 1
§ 1.2 Purpose 1
§ 1.3 Scope/Applicability 1
§ 1.4 Statutory Authority 1
§ 1.5 Severability 2
§ 1.6 Effective Date 2
Article 2. Definitions 3
§ 2.1 Word Usage 3
§ 2.2 Definitions 3
Article 3. Geographic Area of Applicability 7
§ 3.1 Highlands Planning Area and Preservation Area 7
§ 3.1.1 Highlands Area 7
§ 3.1.2 Applicability Specified 7
Article 4. Highlands Act Exemption Determinations 8
§ 4.1 Highlands Act Exemptions 8
§ 4.1.1 State Agency Exemption Determination 8
§ 4.1.2 Municipal Exemption Determination 8
§ 4.2 Highlands Act Exemptions Eligible for Municipal Determination 8
§ 4.3 Exemption Designee(s) 10
§ 4.3.1 Updates to Training Certification 10
§ 4.3.2 Interim Determinations 10
§ 4.4 Application Procedures 10
§ 4.4.1 Municipal Exemption Applications 10
§ 4.4.2 Completeness Determination 10
§ 4.4.3 Time for Determination 11
§ 4.4.4 Determinations 11
§ 4.4.5 Notice of Determination Required 11
§ 4.4.6 Deed Notice for Exemption #2 11
§ 4.5 Appeal of Municipal Exemption Determination 12
§ 4.6 Effect of Certified Exemption 12
§ 4.7 Application Fees (Optional) 12
§ 4.8 Submission Requirements 12

ARTICLE 1. TITLE, PURPOSE, SCOPE

§ 1.1 TITLE

This Ordinance shall be known and cited as the "Borough/Township/Town of Highlands Area Exemption Ordinance."

§ 1.2 PURPOSE

The purpose of this Ordinance is to set forth the procedural and substantive requirements by which the municipality will issue Highlands Act Exemption Determinations. Such determinations pertain only to Highlands Act Exemptions 1, 2, 4, 5, 6, 7, and 8. Highlands Act Exemption Determinations indicate whether proposed activities, improvements or development projects affecting lands located within the Borough/Township/Town Highlands Area are exempt from the Highlands Water Protection and Planning Act ("Highlands Act," N.J.S.A. 13:20-1 et seq.), and are therefore exempt from the Highlands Water Protection and Planning Council's ("Highlands Council") Regional Master Plan, the New Jersey Department of Environmental Protection's (NJDEP) Highlands Water Protection and Planning Act Rules ("Preservation Area Rules," N.J.A.C. 7:38-1 et seq.), and from any amendments to the Borough/Township/Town's master plan, development regulations, or other regulations adopted pursuant to the approval of the Borough/Township/Town's Petition for Plan Conformance by the Highlands Council.

§ 1.3 SCOPE/APPLICABILITY

The provisions of this Ordinance pertain to activities, improvements and development projects involving lands located within the Borough/Township/Town Highlands Area. The Highlands Area comprises that portion of the municipality for which the applicable provisions of the Borough/Township/Town Master Plan, land use ordinances and other pertinent regulations have been deemed by the Highlands Council to be in conformance with the Highlands Regional Master Plan (RMP) (see § 3.1.1). The provisions of this Ordinance shall not be construed to alleviate any person or entity from the provisions and requirements of any other applicable ordinances, rules, or regulations of the municipality, or from any other applicable law, regulation, or requirement of any county, state, or federal authority having jurisdiction. Nor shall the provisions of this Ordinance deprive any person or entity from seeking a Highlands exemption determination from the NJDEP or the Highlands Council.

§ 1.4 STATUTORY AUTHORITY

This Ordinance is adopted under the authority of the Highlands Act and the New Jersey Municipal Land Use Law ("MLUL", N.J.S.A. 40:55D-1 et seq.). In the Highlands Act, the Legislature identified numerous categories of activities that are exempt from the Act, the RMP, the Preservation Area Rules, and any amendments to a master plan, development regulations, or other regulations adopted by a local government to conform them with the RMP. See N.J.S.A. 13:20-28. The Legislature granted the Highlands Council the authority to administer the plan conformance process and to approve, reject, or approve with conditions municipal plan conformance petitions. See N.J.S.A. 13:20-14, -15. The Legislature, through the MLUL, granted authority to New Jersey municipalities to govern land use and development within their borders and, through the Highlands Act, established requirements for Highlands municipalities to conform their land use and development regulations with the RMP. In a July 19, 2012 Memorandum of Understanding (MOU) between the Highlands Council and the NJDEP, the Council and the NJDEP recognized the circumstances in which it would be appropriate for conforming, Highlands Council-certified municipalities to make determinations regarding specified Highlands Act exemptions.

§ 1.5 SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall in no way affect the validity of the ordinance as a whole, or of any other portion thereof.

§ 1.6 EFFECTIVE DATE

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

ARTICLE 2. DEFINITIONS

§ 2.1 WORD USAGE

Terms used in the body of this Ordinance which are defined by the Highlands Act (N.J.S.A. 13:20-3) are intended to have the same definitions as provided in the Highlands Act. Unless expressly stated to the contrary or alternately defined herein, terms which are defined by the MLUL are intended to have the same meaning as set forth in the MLUL. For purposes of this Ordinance, the terms "shall" and "must" are indicative of a mandatory action or requirement while the word "may" is permissive.

§ 2.2 DEFINITIONS

For purposes of this Ordinance the following definitions shall apply:

Agricultural or Horticultural Development – 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. (N.J.S.A. 13:20-3.)

Agricultural or Horticultural Use – 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. (N.J.S.A. 13:20-3.)

Agricultural Impervious Cover – Agricultural or horticultural buildings, structures or facilities with or without flooring, residential buildings and paved areas, but not meaning temporary coverings. (N.J.S.A. 13:20-3.)

Applicant – Any entity applying to the Board of Health, Planning Board, Zoning Board of Adjustment, Zoning Officer, Construction Official or other applicable authority of the municipality for permission or approval to engage in an activity that is regulated by the provisions of this Ordinance.

Application for Development – 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 a permit pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).

Building Permit – Used interchangeably with the term "Construction Permit;" see definition below.

Construction Permit – A permit issued pursuant to the New Jersey Uniform Construction Code, Chapter 23 of Title 5 of the New Jersey Administrative Code (N.J.A.C. 5:23-1 et seq.), providing authorization to begin work subject to the conditions and requirements established under the provisions therein.

Development – The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the MLUL. (N.J.S.A. 13:20-3; N.J.S.A. 40:55D-4.)

Disturbance – The placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation. (N.J.S.A. 13:20-3.)

Disturbance, Ultimate – 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.

Environmental Land Use or Water Permit – A permit, approval, or other authorization issued by the Department of Environmental Protection pursuant to the "Freshwater Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et seq.), the "Water Supply Management Act," P.L.1981, c.262 (C.58:1A-1 et seq.), the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), "The Realty Improvement Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23 et seq.), the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.), the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), or the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.). (N.J.S.A. 13:20-3.)

Farm Management Unit – 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. (N.J.S.A. 13:20-3.)

Forest Management Plan – A written guidance document describing the forest resources present on a property, the landowner's management goals and objectives, and the recommended practices or activities to be carried out over time on the land. This tool is used to evaluate a forest land's current state and provide a management process which, over time, meets the landowner's objectives, while maintaining health and vigor of the resource. Forest Management Plans are typically written for a ten year period. (RMP, Glossary.)

Farmsite – A Farm Management Unit as defined above.

Highlands Applicability Determination – A determination made by the NJDEP (pursuant to N.J.A.C. 7:38-2.4) indicating 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 – 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 RMP.

Highlands Preservation Area Approval (HPAA) – An approval issued by the NJDEP pursuant to 7:38-6 pertinent to a regulated activity in the Highlands Preservation Area, and including an HPAA that contains a waiver pursuant to N.J.S.A. 13:20-33b.

Immediate Family Member – A spouse, child, parent, sibling, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half brother, or half sister, whether the individual is related by blood, marriage, or adoption. (N.J.S.A. 13:20-3.)

Impervious Surface – 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. **(**N.J.S.A. 13:20-3.)

Impervious Surfaces, Cumulative – 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 Highlands Development – Except as otherwise provided pursuant to subsection a. of section 30 of the Highlands Act ("Exemptions"): (1) any non-residential development in the Preservation Area; (2) any residential development in the Preservation Area that requires an environmental land use or water permit [from the NJDEP, *see definition above*], or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more; (3) any activity undertaken or engaged in the Preservation Area that is not a development but results in the ultimate disturbance of one-quarter acre or more of forested area or that results in a cumulative increase in impervious surface by one-quarter acre or more on a lot; or (4) any capital or other project of a State entity or local government unit in the Preservation Area that requires an environmental land use or water permit [from the NJDEP, *see definition above*],or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more. Major Highlands Development shall not include any agricultural or horticultural development or agricultural or horticultural use. Solar panels shall not be included in any calculation of impervious surface. (As defined by the Highlands Act, N.J.S.A. 13:20-1 et seq., as amended.)

Master Plan – For purposes of this Ordinance, all references to the "Borough/Township/Town Master Plan," "master plan," or "Master Plan," refer to the municipal master plan, as defined in the MLUL (N.J.S.A. 40:55D-5), as adopted by the Borough/Township/Town Planning Board.

Master Plan, Highlands Regional (RMP) – For purposes of this Ordinance, all references to the Highlands Regional Master Plan (RMP), shall be by use of the words "Highlands Regional Master Plan," "Highlands RMP," "Regional Master Plan," or "RMP."

Municipal Land Use Law (MLUL) – 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 – 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 – Lands within the Highlands Region that are not located in that portion designated by the Highlands Act as the "Preservation Area" (see metes and bounds description at N.J.S.A. 13:20-7b).

Preservation Area – Lands within the Highlands Region that are located in that portion designated by the Highlands Act as the "Preservation Area" (see metes and bounds description at N.J.S.A. 13:20-7b).

Solar Panel – 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. (N.J.S.A. 13:20-3.)

Structure – 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.

ARTICLE 3. GEOGRAPHIC AREA OF APPLICABILITY

§ 3.1 HIGHLANDS PLANNING AREA AND PRESERVATION AREA

The Highlands Act establishes the Preservation Area and Planning Area of the Highlands Region. It describes the varied attributes of each and sets forth the major land use planning goals that pertain to the lands located within each. The Act defines the geographic extent of the Highlands Region to include the aggregated land area making up its constituent municipalities (N.J.S.A. 13:20-7a). It provides a physical delineation of the Preservation Area by use of a specific metes and bounds description (N.J.S.A. 13:20-7b), designating all remaining lands within the Highlands Region as the Planning Area.

§ 3.1.1 Highlands Area

The Borough/Township/Town Master Plan incorporates the Highlands Preservation Area and/or Planning Area, inclusive of the goals applicable to each/it, as an integral component of the planning and land use policies of the municipality. For purposes of this Ordinance, this/these Area/s is/are designated as the Borough/Township/Town Highlands Area. A map of the Borough/Township/Town Highlands Area appears in Exhibit 1.

§ 3.1.2 Applicability Specified

This Ordinance applies specifically and solely to lands designated as the Borough/Township/Town Highlands Area, as delineated in Exhibit 1.

ARTICLE 4. HIGHLANDS ACT EXEMPTION DETERMINATIONS

§ 4.1 HIGHLANDS ACT EXEMPTIONS

Section 30 of the Highlands Act identifies as exempt, specific activities, improvements and development projects affecting lands within the Highlands Region. Such activities, improvements and projects may be proposed as a component of any type of land use application submitted to the municipality for approval, including but not limited to zoning permit applications, building permit applications, and Applications for Development (as defined at § 2.2). Any such qualifying activity, improvement or development project is exempt, with regard specifically to that activity, improvement or development project, from the requirements of the Highlands Act, the Highlands RMP, the NJDEP Preservation Area Rules, and any amendments to the Borough/Township/Town's master plan, development regulations, or other regulations adopted pursuant to the approval of Borough/Township/Town's Petition for Plan Conformance by the Highlands Council. Such an exemption specifically applies to any Highlands Area land use ordinance adopted by the Borough/Township/Town pursuant to the Highlands Council's approval of Borough/Township/Town's Petition for Plan Conformance.

Where any application submitted to the municipality for approval proposes to rely upon a Highlands Act

Exemption, the applicant must, as a condition of application completeness, and prior to review or approval of the application by the applicable municipal authority, provide sufficient evidence that the proposed activity, improvement, or development project in fact qualifies as a Highlands Act Exemption. Such evidence shall consist of either a State Agency Exemption Determination or a Municipal Exemption Determination (see § 4.1.1 or § 4.1.2 below) indicating that the proposed activity, improvement, or development project qualifies for a Highlands Act Exemption.

§ 4.1.1 State Agency Exemption Determination

State Agency Exemption Determinations shall consist of either, a Highlands Applicability Determination issued by the NJDEP for a Preservation Area proposal, or a Highlands Exemption Determination issued by the Highlands Council for a Planning Area proposal. State Agency Determinations may be requested with regard to any Highlands Act Exemption, however for applications involving any exemption not identified at § 4.2 below, a State Agency Exemption Determination is required. Any applicant seeking a formal exemption determination for a capital or other project of any State entity or local government unit, or for any other publicly-owned or controlled land or facility, also must request a State Agency Exemption Determination.

§ 4.1.2 Municipal Exemption Determination

For an application involving any of the specific exemptions listed in Section 4.2 below, the applicant may request a Municipal Exemption Determination. The applicant may rely upon the findings of a Municipal Exemption Determination to the same extent as would apply to an exemption determination issued by the Highlands Council or the NJDEP.

§ 4.2 HIGHLANDS ACT EXEMPTIONS ELIGIBLE FOR MUNICIPAL DETERMINATION

Effective as of the date on which the municipality receives written authorization from the Highlands Council to proceed, an applicant may seek a Municipal Exemption Determination for the Highlands Act Exemptions listed hereunder. [*This listing will be finalized in consultation with the municipality. The Highlands Council encourages municipalities to incorporate all exemptions authorized for municipal determination, as listed below. While municipalities may consider shortening this list, the Council encourages municipalities to assume responsibility for exemption determinations to the maximum extent feasible, to provide ease and efficiency in processing of municipal applications and to reduce costs to applicants. Training will be provided for municipal officials prior to adoption and effectuation of these provisions and on-going assistance will be available to all officials designated with review authority.*]

1. *Exemption 1.* The construction of a single family dwelling, for an individual's own use or the use of an immediate family member, on a lot owned by the individual on the date of enactment of the Highlands Act (August 10, 2004) or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.

2. *Exemption 2.* The construction of a single family dwelling on a lot in existence on the date of enactment of the Highlands Act (August 10, 2004), provided that the construction does not result in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more.

    a) A Municipal Exemption Determination indicating that an applicant qualifies under Highlands Act Exemption 2 shall require approval and filing of a Deed Notice along with a site plan delineating the total exempt area and the extent of the disturbance recognized in the Municipal Exemption Determination (see 4.4 below). Municipal Exemption Determinations in such instances shall not take effect until the applicant has provided proof of filing of the approved Deed Notice.

3. *Exemption 4*. The reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more. This exemption shall not apply to the reconstruction of any agricultural or horticultural building or structure for a non-agricultural or non-horticultural use.

    a) For purposes of this Ordinance, this exemption shall not be construed to permit multiple 125% footprint expansions, but rather, to permit one or more reconstruction activities cumulatively resulting in a maximum 125% increase in the footprint of the impervious surfaces lawfully existing on the site, provided they do not cumulatively exceed the one-quarter acre limitation. Any determination of whether the expansion of impervious cover meets the statutory criteria for the exemption must account for the preexisting impervious cover, and such expansion must be contiguous to the location of the existing impervious cover. See In re August 16, 2007 Determination of NJDEP ex rel. Christ Church, 414 N.J. Super. 592 (App. Div. 2010), certif. denied, 205 N.J. 16 (2010).

    b) For Preservation Area determinations, the applicable date of lawful existence shall be August 10, 2004, the date of enactment of the Highlands Act. For Planning Area determinations, the date of lawful existence shall coincide with the effective date of the municipally-adopted Highlands Area Checklist Ordinance or Highlands Area Land Use Ordinance, whichever is earlier.

4. *Exemption 5*. Any improvement to a single family dwelling in existence on the date of enactment of the Highlands Act (August 10, 2004), including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool or septic system.

5. *Exemption 6*. Any improvement, for non-residential purposes, 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 on the date of enactment of the Highlands Act (August 10, 2004), including but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility.

6. *Exemption 7*. An activity conducted in accordance with an approved woodland management plan pursuant to section 3 of the "Farmland Assessment Act," P.L.1964, c.48 (C.54:4-23.3) or a forest stewardship plan approved pursuant to section 3 of P.L.2009, c. 256 (C.13:1L-31), or the normal harvesting of forest products in accordance with a forest management plan or forest stewardship plan approved by the State Forester.

7. *Exemption 8*. The construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.

§ 4.3 EXEMPTION DESIGNEE(S)

Municipal Exemption Determinations regarding Highlands Act Exemptions shall be issued by the Borough/Township/Town [*insert as applicable:* e.g., Planner, Engineer, and/or Zoning Officer]. The Exemption Designee(s) shall be authorized to issue Municipal Exemption Determinations on behalf of the municipality, and shall only begin to do so, after satisfactory completion of a Highlands Council training class for which the individual(s) has/have received formal certification from the Highlands Council.

§ 4.3.1 Updates to Training Certification

In the event of programmatic changes, updated information, or modifications to procedures, updated training certification may be required of Exemption Designees in order to maintain qualifications for providing Municipal Exemption Determinations. The Highlands Council will provide training modules on an as-needed basis, to provide base training to new employees, and/or to further the expertise of already-certified individuals. Exemption Designees and the municipalities they serve will be advised of any need for upgraded training, which will be provided and funded by the Highlands Council.

§ 4.3.2 Interim Determinations

For the duration of any period during which the municipality is without a qualified Exemption Designee(s) due to changes in personnel or other extenuating circumstances, applicants seeking Highlands Act Exemption Determinations shall be referred to the NJDEP or the Highlands Council, for a State Agency Determination pursuant to § 4.1.1, above.

§ 4.4 APPLICATION PROCEDURES

§ 4.4.1 Municipal Exemption Applications

Requests for Municipal Exemption Determination shall be submitted on forms provided by the [*insert as appropriate:* e.g., Planning/Engineering/Community Development Department – *note, model forms will be provided by the Highlands Council for this purpose, which the municipality may modify as necessary to incorporate municipal headings, contact information, application fee requirements, and submission details*] and shall be accompanied by sufficient information and documentary evidence to demonstrate whether the proposed activity, improvement or development project qualifies for the applicable exemption. Required submission materials applicable to each exemption, appear at § 4.7, below.

§ 4.4.2 Completeness Determination

The Exemption Designee shall review the application and all accompanying materials to determine whether sufficient information has been submitted to make a determination on the application. In the event of a finding that the application is incomplete, the Exemption Designee shall, within calendar days of receipt [*municipality to insert timing as appropriate*], issue such findings in writing to the applicant, indicating what information is required to properly consider the application.

§ 4.4.3 Time for Determination

The Exemption Designee shall issue Municipal Exemption Determinations within ___ calendar days of receipt [*municipality to insert timing as appropriate*] of a complete application. The Exemption Designee may consult with the Executive Director (or applicable designee) of the Highlands Council as needed in making any exemption determination, however. In such circumstance, the Exemption Designee shall seek such assistance within the _-period [*same timing as previous*] and shall issue the determination within at least ten (10) calendar days of receiving the requested guidance. In no case shall failure to meet this date constitute approval of the exemption.

§ 4.4.4 Determinations

All Municipal Exemption Determinations shall be provided in writing, shall certify to the applicability or inapplicability of the exemption, and shall include a statement of the rationale for the decision. Any Municipal Exemption Determination certifying to the applicability of Highlands Act Exemptions #2 shall be contingent upon submission of proof of filing of the required Deed Notice, as set forth at § 4.4.5, below.

§ 4.4.5 Notice of Determination Required

The Exemption Designee shall provide copies of all Municipal Exemption Determinations including a copy of the full application, to the Highlands Council and for decisions regarding lands in the Highlands Preservation Area, to the NJDEP, in either case, within ten (10) business days of issuance.

§ 4.4.6 Deed Notice for Exemption #2

Any Municipal Exemption Determination that certifies to the applicability of Highlands Act Exemption #2 (§ 4.2 above), shall be issued conditionally, pending fulfillment of the requirement that a deed notice be recorded in the office of the County Clerk or Register, as applicable, indicating the extent of the exemption that has been consumed. The deed notice shall incorporate each of the components listed below and the applicant shall provide a copy of the filed Deed Notice to the Highlands Council within five (5) business days of filing.

A. Clear identification of the name(s) and address(es) of the owner(s) in fee of the property;

B. Designated tax block and lot number(s), street address(es), municipality and county of location of the property;

C. Reference to the Municipal Exemption Determination (by date, numbering if applicable) issued and under which the deed notice is being filed;

D. Description of the approved area of ultimate disturbance and the impervious surface area, with verification that these remain below the statutory limits;

E. For properties of one acre or more in area, metes and bounds delineation indicating the portion of the property for which the ultimate disturbance has been authorized;

F. Agreement to abide by the ultimate disturbance and impervious surface limits imposed, any furtherance thereof rendering the Municipal Exemption Determination null and void; and

G. Notice that the owner(s) and subsequent owner(s) and lessees shall cause all leases, grants, and other written transfers of interest in the property to contain provisions expressly requiring all holders thereof to take the property subject to the limitations therein set forth.

§ 4.5 APPEAL OF MUNICIPAL EXEMPTION DETERMINATION

A Municipal Exemption Determination may be appealed by any affected person/entity by filing a notice of appeal within twenty (20) calendar days of issuance or receipt of said determination, whichever is later, specifying the grounds therefor. Appeals must be filed with the NJDEP in the case of any Preservation Area Exemption, and with the Highlands Council, in the case of any Planning Area Exemption. All appeals shall be copied to the Exemption Designee, who shall immediately transmit to the NJDEP or the Highlands Council, as applicable, copies of the notice of appeal, the Municipal Exemption Determination Application, and all supplemental materials constituting the record that the Exemption Designee relied upon in issuing the Municipal Exemption Determination. Where the Municipal Exemption Determination deems an activity, improvement or development project exempt, the filing of an appeal to the NJDEP or the Highlands Council shall stay all proceedings in furtherance of its approval by the municipality.

§ 4.6 EFFECT OF CERTIFIED EXEMPTION

Issuance of a Municipal Exemption Determination that certifies to the applicability of a Highlands Act exemption shall recognize the applicant's exemption from the provisions of the RMP, NJDEP Preservation Area Rules, and any municipal ordinances and requirements adopted under the authority of the Highlands Act to achieve Highlands Plan Conformance. The exemption is restricted solely to the extent of the specified activity, improvement, or development project as described in the language of the Highlands Act exemption, or to any lesser activity, improvement, or development project as proposed and certified through a Municipal Exemption Determination Application. Any activity, improvement, or development project, or any part thereof, that is not specifically listed as an exemption or exceeds the limits of an exemption, remains subject to all of the above regulatory programs to the full extent of the respective applicability of each. Issuance of a Highlands Exemption Determination shall not relieve the applicant from securing all other required federal, state, or local approvals.

§ 4.7 APPLICATION FEES (OPTIONAL)

[*Municipalities may in their discretion determine whether to charge application fees for Municipal Exemption Determinations, consistent with applicable State and local requirements.*]

§ 4.8 SUBMISSION REQUIREMENTS

All applications shall be accompanied by the Municipal Exemption Determination Application Form, the applicable fees, and the information listed below, as applicable to the particular exemption or exemption(s) being sought by the applicant. All references to professional preparers indicated herein shall be construed to include any and all qualified individuals licensed, certified, or otherwise eligible and authorized to complete such work, in accordance with the applicable laws and legal requirements of the State of New Jersey including but not limited to the MLUL (N.J.S.A. 40:55D-1 et seq.) and Title 13 of the New Jersey Administrative Code, Law and Public Safety. Where the Exemption Designee finds that any submission item is not necessary to address the evidentiary requirements that must be satisfied for issuance of an Exemption Determination, either because alternate items have been provided by the applicant, or the relevant information is readily available through records, maps, or any other documents on file in the offices of the municipality, the Exemption Designee may waive the applicant's obligation to submit such information..

A. Exemption 1.

1. A copy of a deed, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was legally owned by the applicant on or before August 10, 2004 and indicating the lot and block as designated by the municipal tax mapping, the municipality and county in which the lot is located, and the street address;

2. If the applicant did not own the lot, a copy of the binding contract of sale executed by the seller and the applicant on or before May 17, 2004 for the lot on which the house is to be constructed; and

3. A certification by the applicant stating that the single family dwelling proposed for construction on the lot specified and described therein by tax lot and block, municipality and county of location, and street address, is intended for the applicant's own use or the use of an immediate family member as identified therein by name and relationship to the applicant.

B. *Exemption 2.*

1. A copy of the recorded deed or plat showing that the lot was created on or before August 10, 2004 or proof of subdivision approval on or before August 10, 2004;

2. A property survey certified by a licensed New Jersey Professional Land Surveyor indicating the property boundary lines and overall lot size, and showing what structures currently exist on the lot, if any;

3. A parcel plan certified by a licensed New Jersey Professional Engineer showing all existing and proposed development, including all structures, grading, clearing, impervious surface and disturbance, and including the calculations supporting the claim that impervious surfaces and areas of disturbance are within the limits necessary for Exemption 2; and

4. A metes and bounds description of the area of the lot to be disturbed, limited to less than one acre and a draft conservation restriction or deed notice (pursuant to § 4.4.5, above) to cover the balance of the lot.

C. *Exemption 4.*

1. A parcel plan certified by a licensed New Jersey Professional Engineer depicting:

   a) All existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, lawfully existing on the site as of August 10, 2004 for Preservation Area projects and as of the effective date of the municipal Highlands Area Checklist Ordinance or Highlands Area Land Use Ordinance, whichever is earlier; and

   b) All proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading; and

2. A copy of any official documentation of the original date of construction of the building or otherwise establishing the lawfulness of existing impervious surfaces.

D. *Exemption 5.*

1. A copy of any official documentation proving the single family dwelling was in existence on August 10, 2004;

2. A description of the proposed improvement; and

3. A certification from the applicant that the property and all improvements will continue to be used for single family dwelling purposes.

E. *Exemption 6.*

1. A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004;

2. For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non-profit status;

3. A site plan certified by a licensed New Jersey Professional Engineer depicting:

a) All existing property improvements including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site on August 10, 2004; and

b) All proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.

F. Exemption 7.

1. For a private landowner with an approved woodland management plan or forest stewardship plan:

   a) A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq., if applicable;

   b) A brief description of the total area of woodlands that is the subject of the approved woodland management plan or forest stewardship plan;

   c) A brief description of the length of time that the area to be managed has been in use for woodland management or forest stewardship plan; and

   d) A copy of the approved woodland management plan or forest stewardship plan.

2. For the normal harvesting of forest products in accordance with a forest management plan or forest stewardship plan approved by the State Forester:

   a) A brief description of the total area where the normal harvesting of forest products occurs;

   b) A brief description of the length of time that the area to be managed has been in use for normal harvesting of forest products; and

   c) A copy of a forest management plan or forest stewardship plan approved by the State Forester.

G. Exemption 8.

1. A site plan certified by a licensed New Jersey Professional Engineer showing the proposed trail construction with details including the location, and width of existing and proposed trails and those off-site trails to which they connect, if any;

2. A written description of the non-impervious materials to be used; and

3. For privately owned property, a copy of a deed for the property and the conservation or recreational use easement on the property.

Appendix C: Plan Conformance Process

Petition for Plan Conformance – Planning Area

Submittal documents required for Petitions for Plan Conformance will vary depending upon the results of the Highlands Council review of this Initial Assessment. Mountain Lakes will receive an information packet following the submission of this Initial Assessment containing specific requirements. Generally, the following is the process of Plan Conformance.

1. **Planning Area Ordinance (or Resolution adopted in lieu).** For municipal Petitions involving Planning Area lands, the Highlands Council will accept a resolution adopted by the Governing Body in lieu of an adopted Planning Area Ordinance for purposes of review and consideration of Petition materials. Adoption of the Planning Area Petition Ordinance is required for conformance by Planning Area municipalities pursuant to the Highlands Act.

2. **Planning Program Documents.** Proposed revisions, updates and/or supplements to the master plan, land use regulations, management plans, redevelopment plans, and various other planning documents required to achieve Plan Conformance will be submitted as part of the Plan Conformance agreements over time and will be determined through the process of Plan Conformance with Highlands Staff. Municipal planning documents and ordinances that may be required to be revised overt time may include:
    a. Environmental Resource Inventory
    b. Environmental/Infrastructure Capacity Analysis
    c. Municipal Master Plan and associated Elements
    d. Master Plan Reexamination Report
    e. Zoning/Land Use Ordinances & Development Regulations
        i. Highlands Referral Ordinance
        ii. Implementation of Land Use Capability Zones
        iii. Water Use & Wastewater Treatment Regulations
        iv. Cluster Development Ordinance Provisions
        v. Open Water Protection Areas
        vi. Critical Habitat Protection
        vii. Steep Slopes
        viii. Carbonate Rock
        ix. Water Use
        x. Prime Groundwater Recharge Areas
        xi. Lake Management Areas
        xii. Agricultural Resources
        xiii. Forest Resources
        xiv. Wellhead Protection
        xv. Historic, Cultural, Archaeological and Scenic Resource Protection
        xvi. Zoning Map Amendments
    f. Resource Management Plans (groundwater recharge, wastewater management, stormwater management, etc.)
    g. Resource Protection & Supporting Regulations/Plans

h. Regional Master Plan Coordination

Where municipal planning documents and ordinances are consistent with the RMP, new documents will not need to be adopted. The timeline of adoption is flexible and the Highlands Council pays for any required changes to municipal planning documents, studies or ordinances.

3. **Map Adjustments and RMP Updates, if applicable.** An RMP Update is a factual update to Highlands Council data. This may result in changes to the configuration and boundary lines of Highlands Land Use Capability Zones. These can be submitted to the Highlands Council for review during the Plan Conformance process.

4. **Review of Plan Conformance Petitions by Executive Director.**

5. **Public Meeting for Review of Plan Conformance Petitions.**

Appendix D: Model Planning Area Referral Ordinance

BOROUGH/TOWNSHIP/TOWN OF _____

_____ COUNTY, NEW JERSEY

Pending Ordinance No. _____

AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE BOROUGH/TOWNSHIP/TOWN OF _____ TO UPDATE SUBMISSION REQUIREMENTS FOR APPLICATIONS FOR DEVELOPMENT

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 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may at any time voluntarily revise and conform its local master plan and development regulations, as related to the development and use of

land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan; 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 Referral 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/Township/Town of _____ is located in the Highlands Region with lands lying within the Planning Area only, as defined by section 7 of the Highlands Act; and

WHEREAS, the Governing Body of the Borough/Township/Town of _____ has, on behalf of the municipality, petitioned the Highlands Council for Plan Conformance with respect to Borough/Township/Town lands located within the Planning Area portion of the Highlands Region; and

WHEREAS, the Petition filed with the Highlands Council contains proposed amendments to the municipal planning program, 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 located within the Borough/Township/Town; and

WHEREAS, the Governing Body finds that the proposed changes to the municipal planning program are of broad and significant effect, are vital to the protection of the Highlands resources of the municipal Highlands Area, and are compelling to the interests and general welfare of the community; and

WHEREAS, the Governing Body recognizes that the formal municipal adoption of each component of the revised planning program must take place, in sequential order in accordance with all statutory requirements, involving public hearings and deliberation by the Environmental Commission (if applicable), Planning/Land Use Board, and Governing Body; a process that will require an additional undetermined period of time; and

WHEREAS, the Governing Body is aware that lands within the Planning Area are not regulated by the New Jersey Department of Environmental Protection's Preservation Area Rules

(N.J.A.C. 7:38-1 et seq.) and, with the exception of Wastewater Management Plans and Water Allocation Permits, would remain without the full suite of Highlands Regional Master Plan protections during the interim period between the date of filing of the Petition for Plan Conformance and the adoption of ordinances and regulations that will provide such protections; 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 adoption of revised submission requirements pertinent to Applications for Development therein is essential to ensuring that Applicants achieve compliance with the standards and protections required under the Highland Regional Master Plan despite the interim status of the municipal Plan Conformance ordinances and regulations, this interim period not constituting an appropriate instance in which municipal approvals based upon existing municipal regulatory requirements, can appropriately be issued conditioned upon subsequent approval by the Highlands Council, as may occur under usual circumstances; and

WHEREAS, the Governing Body finds that the adoption of such submission requirements are important not only to provide such immediate resource protections, but to ensure the proper management of Applications for Development involving lands within the municipality; and

WHEREAS, the Highland Council deems the immediate protections ascribed by this Ordinance to lands in the Planning Area, which include the whole 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/Township/Town of _____ that the Land Use Ordinance of the Borough/Township/Town of _____ 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/Township/Town Highlands Area (as illustrated in Exhibit 1, "Borough/Township/Town of _____ Highlands 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 (¼) 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. For residential development, create three (3) or more dwelling units;

B. For non-residential development:

   1. Result in the ultimate disturbance of one (1) acre or more of land;

2. Produce a cumulative impervious surface area of one-quarter (¼) acre, or more; or

3. 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 4 below.

All thresholds in A. and B., above, shall be interpreted to apply cumulatively over time, beginning as of the effective date of this Ordinance. If or when any one of the thresholds is reached, the Ordinance shall apply to any and all development in excess of that threshold. Where an application proposes a mixed use, the thresholds in B., for non-residential development shall apply to the whole of the project, while that in A., shall apply to the residential component. 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 4 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/Township/Town land use 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 since review by the Highlands Council revised 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/Township/Town land use 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. REFERRAL WAIVER. The Borough/Township/Town 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/Township/Town 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 3.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 specifically 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 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 application completeness to be as of the date of first issuance by the municipality.

SECTION 3. 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 to otherwise provide accessibility to the disabled.

3. Any Agricultural or Horticultural Use or 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 cumulatively, 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 4, 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 Exemption Determination issued by the Highlands Council indicating that the proposal qualifies as a Highlands Act Exemption.

2. *Municipal Determination.* Pursuant to Borough/Township/Town Ordinance #_____, entitled "Borough/Township/Town of _____ 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 Highlands Exemption Determination issued by the Highlands Council.

SECTION 4. DEFINITIONS

For the purpose of this 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 a permits pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).t

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 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.

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.

Impervious Surfaces, Cumulative – 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

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.

SECTION 5

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 6

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

SECTION 7

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

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.

APPENDIX B

IMPLEMENTATION PLAN AND SCHEDULE

Borough of Mountain Lakes, Morris County

DRAFT

Borough of Mountain Lakes, Morris County, New Jersey

Highlands Implementation Plan and Schedule

Amended Grant Agreement Task #	PLAN CONFORMANCE TASK	Proposed Cost Fiscal Year 2025	Future Projects (requires future HC Approval)	Status and Comments
1	**Housing Element and Fair Share Plan**	**$ 25,000.00**		Affordable Housing Round IV Tasks (inclusive of Housing Element and Fair Share Plan)
1a	**Adoption of Implementing Ordinances**	**$ 5,000.00**		Adoption of ordinances required as per the Fair Share Plan
2	**Highlands Interactive Environmental Resource Inventory**	**$ 3,000.00**		Review Highlands Interactive ERI, propose amendments as necessary, and adopt.
3	**Highlands Element of Municipal Master Plan**	**$ 6,000.00**		Adoption of Highlands element and reexamination report.
4	**Municipal Master Plan Elements** (as applicable)			
	a. Land Use Plan Element		**TBD**	Municipal Priority - To include a climate change related hazard vulnerability assessment.
	b. Land Preservation and Land Stewardship Plan Element		**TBD**	Municipal Priority - Creation of a long term management plan to preserve and steward local resources.
	c. Sustainable Economic Development Plan Element		**TBD**	Municipal Priority - Economic development plan for local redevelopment opportunties along Route 46 and the Midvale section of the Borough.
	d. Historic Preservation Plan Element		**TBD**	Municipal Priority - Inventories of historically and culturally significant sites and buildings within the Borough would lay the foundation for the long term preservation of the Borough's historic resources.
	e. Trails Planning		**TBD**	Municipal Priority - Inventory and evaluation of existing trails and recommendations for maintenance and long term sustainability.
5	**Adoption of Highlands Land Use Ordinance**	**$ 5,000.00**		Adoption of Highlands Land Use Ordinance serves to protect municipal resources; future land use ordinance amendments may follow to update existing municipal ordinances.
6	**Update Municipal Land Use Ordinances**	**$ 10,000.00**		Conduct a full review of municipal ordinances to gauge effectiveness of protections/management for stream corridors, tree removal, conservation easements, ridgeline and steep slope protection and other environmental resources.
7	**Zoning Map Update**			Update municipal zoning map as necessary
	Resource Management Plans and Programs			
	a. Water Use and Conservation Management Plan		**TBD**	Funding available upon signed tri-party agreement & municipal scope of work
	b. Habitat Conservation and Management Plan			
	c. Stream Corridor Protection/Restoration Plan		**TBD**	Municipal Priority - Analyze stream corridors for impacts from non-point sources and assess potential for riparian buffer zones along streams to improve water quality.
	d. Wastewater Management Plan			
8	e. Lake Restoration Management Plan		**$ 181,000.00**	Conduct watershed assessment of lakes greater than 10 acres for the causes of eutrophication and other water quality impairments and develop recommendations for watershed management measures to be implemented.
	g. Scenic Resource Management Plan			
	h. Municipal Stormwater Management Plan		**TBD**	Preparation of Stormwater Management Plan including MS4 Requirements
	i. Regional Stormwater Management Plan (if applicable)			
	j. Land Preservation and Land Stewardship Program		**TBD**	Municipal Priority - build on the Land Preservation and Land Stewardship Plan element.
	k. Forest Stewardship Plan			
	Board of Health Ordinances			
	a. Septic System Maintenance			
	b. Potential Contaminant Source Management			
	Implementing Ordinances for Management Plans and Programs			
	a. Water Use and Conservation Management Plan Ordinance		**TBD**	Municipal Priority
	b. Habitat Conservation and Management Plan Ordinance			3000
	c. Stream Corridor Ordinance		**TBD**	Municipal Priority
	d. Lake Restoration Management Plan Ordinance		**TBD**	Municipal Priority
	e. Tree Clearing Ordinance		**TBD**	Municipal Priority
	f. Right to Farm Ordinance (if applicable)			
	g. Scenic Resource Mgmt Ordinance (if applicable)			
	h. Stormwater Mangement Ordinance		**TBD**	Municipal Priority
	i. Other Ordinance Provisions (specify)			
	Redevelopment and Brownfields Opportunities			
	a. Highlands Redevelopment Area Planning			
	Highlands Center Planning		**TBD**	Municipal Priority - Potential for Route 46 and Midvale
	Public Outreach/Education		**TBD**	Municipal Priority -Undertake public outreach to share information and encourage conversations related to Highlands issues including alternative energy, invasive plant species, use of fertilizers, and recycling efforts
	RMP Updates			
9	**Attendance at Highlands Council Training Sessions**			
	a. Municipal Exemption Determinations		**$ 500.00**	Adopt Municipal Exemption Determination Ordinance
	b. Ordinance Administration: Application Procedures, Implementation, Enforcement			
	Estimated Subtotal	**$ 54,000.00**		

APPENDIX C

HIGHLANDS RESOURCE MAPS

Borough of Mountain Lakes, Morris County

Exhibit 1: Highlands Area and Highlands Land Use Capability Zones Mountain Lakes Borough

Land Use Capability Zones
- Protection Zone
- Existing Community Zone

Land Use Capability Sub-Zones
- Existing Community Environmentally Constrained Sub-Zone
- Lake Community Sub-Zone

Parcel Boundaries

Lakes Greater Than 10 Acres

Municipal Boundary

N

0 0.25 0.5 Miles

Map Created: 9/30/2024

Highlands Council
New Jersey

Exhibit 2: Forest Resources
Mountain Lakes Borough

- Total Forest Area
- Parcel Boundaries
- Lakes Greater Than 10 Acres
- Municipal Boundary

N

0 0.25 0.5 Miles

Map Created: 9/30/2024

Highlands Council
New Jersey

Exhibit 3: Highlands Open Water Buffers and Riparian Areas
Mountain Lakes Borough

- Riparian Area
- Highlands Open Water Protection Area
- Parcel Boundaries
- Lakes Greater Than 10 Acres
- Municipal Boundary

N

0 0.25 0.5 Miles

Map Created: 9/30/2024

Highlands Council
New Jersey

Exhibit 4: Net Water Availability
Mountain Lakes Borough

Net Water Availability by HUC14 Subwatershed (MGD)

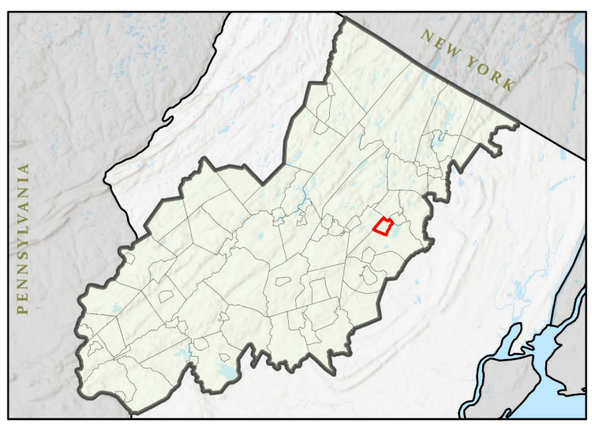
- 0.09 - 0.39
- 0.04 - 0.09
- 0.00 - 0.04
- -0.09 - 0.00
- -0.99 - (-0.10)
- -7.11 - (-1.00)
- Parcel Boundaries
- Lakes Greater Than 10 Acres
- Municipal Boundary

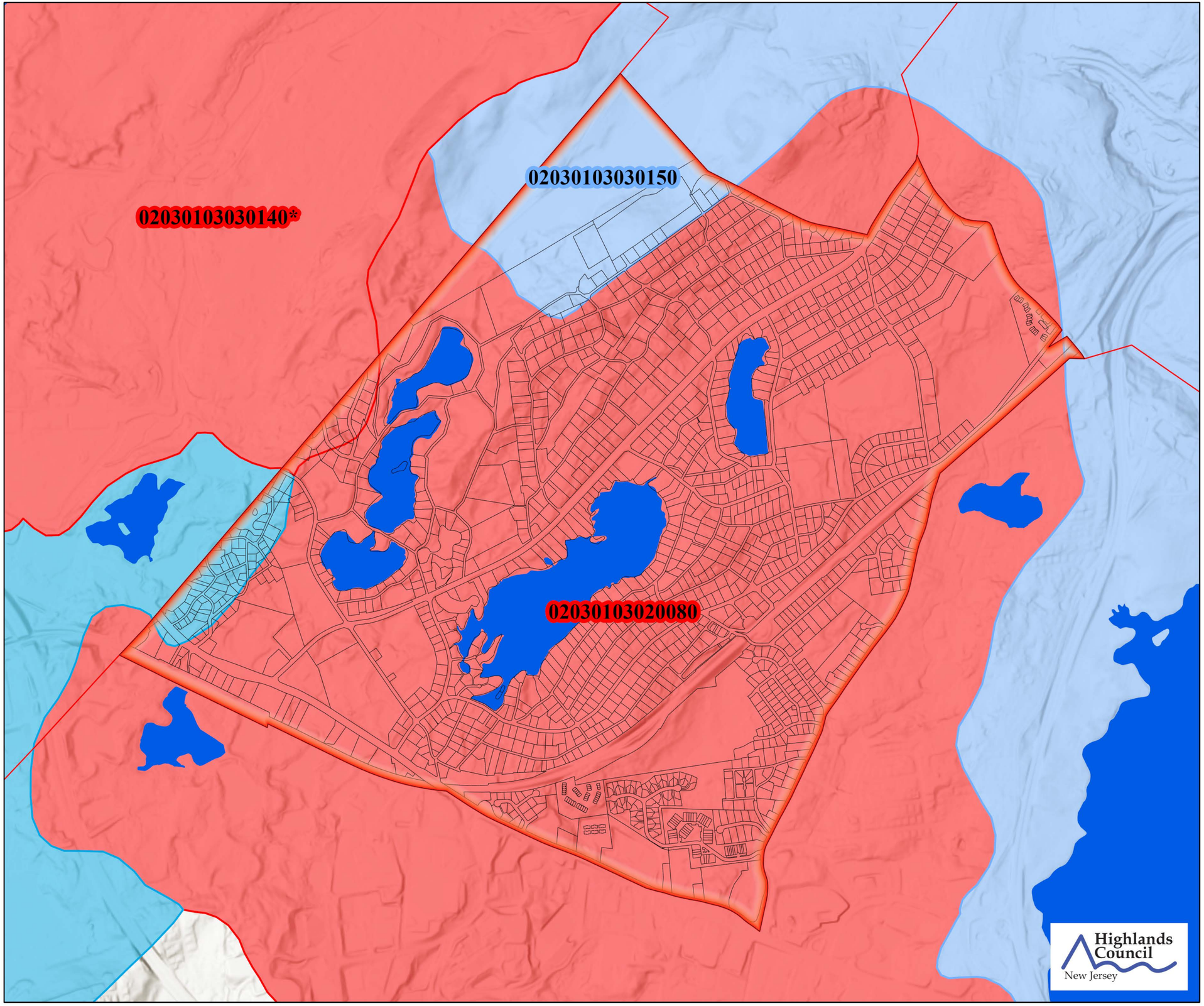
* Indicates updated data was used in for this HUC

N

0 0.25 0.5 Miles

Map Created: 9/30/2024





Highlands Council
New Jersey

Exhibit 5: Wellhead Protection Areas Mountain Lakes Borough

Wellhead Protection Areas
- Tier 1 (2 - Year)
- Tier 2 (5 - Year)
- Tier 3 (12 - Year)

Parcel Boundaries

Lakes Greater Than 10 Acres

Municipal Boundary

N

0 0.25 0.5 Miles

Map Created: 9/30/2024

Highlands Council
New Jersey

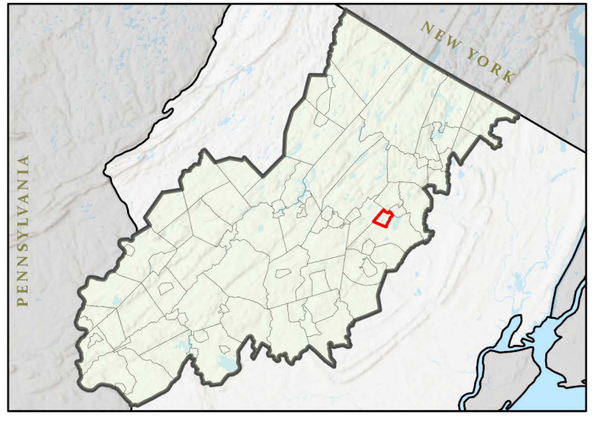
Exhibit 6: Prime Groundwater Recharge Areas
Mountain Lakes Borough

- Prime Ground Water Recharge Areas
- Parcel Boundaries
- Lakes Greater Than 10 Acres
- Municipal Boundary

N

0 0.25 0.5 Miles

Map Created: 9/30/2024



Highlands Council
New Jersey

RESOLUTION AND ORDINANCE REVIEW FOR THE APRIL 28, 2025 MEETING

TO: MAYOR AND COUNCIL

FROM: MITCHELL STERN, MANAGER

RESOLUTIONS

R110-25, AUTHORIZING THE BOROUGH MANAGER TO CONTRACT WITH BEDNAR LANDSCAPE SERVICES FOR THE ABATEMENT OF PROPERTY MAINTENANCE VIOLATIONS AT 190 LAUREL HILL ROAD AND PLACE A LIEN ON BLOCK 55, LOT 5 FOR COSTS INCURRED IN THE REMEDIATION OF PROPERTY MAINTENANCE VIOLATIONS ON THIS VACANT PROPERTY – this resolution authorizes the Borough Manager to hire Bednar Landscape Services to abate the vacant property maintenance violations at 190 Laurel Hill Road and authorizes the Borough to place a lien for the remediation costs, which shall not to exceed $20,000.

ORDINANCES TO INTRODUCE

None.

ORDINANCES TO ADOPT

None.

If you have any questions prior to the meeting, please feel free to contact me.

BOROUGH OF MOUNTAIN LAKES
COUNTY OF MORRIS, NJ

RESOLUTION 109-25

RESOLUTION AUTHORIZING THE PAYMENT OF BILLS

WHEREAS, the Borough Manager has reviewed and approved purchase orders requested by the Department Heads; and

WHEREAS, the Finance Office has certified that funds are available in the proper account; and

WHEREAS, the Borough Treasurer has approved payment, upon certification from the Borough Department Heads that the goods and/or services have been rendered to the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mountain Lakes, County of Morris, State of New Jersey, that the current bills, dated **April 28, 2025** and on file and available for public inspection in the Office of the Treasurer and approved by him for payment, be paid.

XXXX

List of Bills - CLAIMS/CLEARING CHECKING ACCOUNT

Meeting Date: 04/28/2025 For bills from 04/11/2025 to 04/24/2025

Check#	Vendor		Description	Payment	Check Total
25483	124 - AC DAUGHTRY, INC.	PO 30718	DPW - CENTRAL STATION MONITORING - BLANK	327.99	327.99
25484	456 - ACRISURE NJ PARTNERS INSURANCE SERVICES,	PO 30777	2025 VOL FIREARMS INS. ACCIDENT & SICKNE	1,896.00	1,896.00
25485	2237 - ACUITY SPECIALITY PRODUCTS, INC.	PO 30660	DPW - DEPARTMENT SUPPLIES	184.85	184.85
25486	3861 - AMAZON CAPITAL SERVICES	PO 30626	DPW: 111-7946981-2584233 111-6698517-2	34.98	
		PO 30696	FIRE DEPT: ORDER# 111-8480306-6338607	117.60	
		PO 30705	DPW: ORDER# 111-2769194-4309010	13.28	
		PO 30720	TRACK: ORDER# 111-7841601-6706656	16.99	182.85
25487	191 - ASSOC OF NJ ENVIRONMENTAL COMM	PO 30773	2025 MEMBERSHIP DUES	450.00	450.00
25488	3957 - ATLANTIC COAST RECYLING, LLC	PO 30794	SOLID WASTE - RECYCLING - DEC 2024	1,113.93	1,113.93
25489	3828 - BOROUGH OF MADISON	PO 30811	IT BILLING FOR MARCH2025	800.33	800.33
25490	4368 - BUY WISE AUTO PARTS, INC.	PO 30315	DPW - VEHICLE REPAIR & MAINTENANCE - BLA	71.39	
		PO 30639	DPW - VEHICLE REPAIR & MAINTENANCE - BLA	115.44	
		PO 30741	POLICE: VEHICLE REPAIRS - 2021 FORD EXP	99.18	286.01
25491	3619 - CAMELBACK RESORT	PO 30691	TEEN ADVENTURE - CAMELBACK RESORT	7,595.00	7,595.00
25492	440 - CDW GOVERNMENT	PO 30507	POLICE: COMPUTER MISC. - PD PRINTER	336.86	336.86
25493	3411 - CENTRAL POLY-BAG CORP	PO 30638	DPW - CUSTODIAL SUPPLIES	2,804.40	2,804.40
25494	4135 - CGP&H, LLC	PO 30787	MARCH 2025 PROFESSIONAL SERVICES	364.00	364.00
25495	1481 - CORE & MAIN, LP	PO 30572	WATER OPERATING - WATER SYSTEM REPAIRS -	147.44	
		PO 30685	WATER OPERATING - DEPARTMENTAL SUPPLIES	111.00	
		PO 30685	WATER OPERATING - DEPARTMENTAL SUPPLIES	723.00	981.44
25496	506 - DAN COMO & SONS, INC	PO 30629	SOLID WASTE: LEAF/BRUSH REMOVAL- BLANKET	560.00	560.00
25497	576 - DAVE'S TIRE, LLC	PO 30782	POLICE: VEHICLE REPAIR - STATE BID 73200	508.00	508.00
25498	652 - DOVER BRAKE AND CLUTCH CO. INC	PO 30641	DPW - VEHICLE REPAIR & MAINTENANCE - BLA	350.58	350.58
25499	876 - GARDEN STATE LABORATORIES, INC	PO 30797	WATER OPERATING - TREATMENT OF WELLS	2,309.00	2,309.00
25500	4605 - GEESE CHASERS NORTH JERSEY, LLC	PO 28849	PARKS: GOOSE MANAGEMENT ANNUAL MAINTENAN	1,150.00	1,150.00
25501	196 - GRIFFITH-ALLIED TRUCKING, LLC	PO 30719	DPW - UNLEADED GASOLINE - MCCPC CONTRACT	6,073.17	6,073.17
25502	911 - HOME DEPOT CREDIT SERVICES	PO 30561	WATER OPERATING - DEPARTMENTAL SUPPLIES	165.61	
		PO 30663	DPW - BUILDING MAINTENANCE - BLANKET - 1	303.46	469.07
25503	935 - HUB LAKES TREASURER	PO 30760	HUB LAKES 2025 LEAGUE FEES	1,242.00	1,242.00
25504	3306 - IBS OF NORTHERN JERSEY	PO 30803	SEWER OPERATING- PUMPING STATION - BLANK	186.55	186.55
25505	3817 - IL TORRENTE PIZZA	PO 30562	WATER OPERATING - MEALS - BLANKET	221.82	221.82
25506	859 - JCP&L	PO 30756	ACCT#100 151 758 974 - BILL PRD: 2/22 -	902.55	
		PO 30757	ACCT#100 075 505 725 - BILL PRD: 2/20 -	9.14	
		PO 30775	M/A #200 000 054 011/ BILL DATE: MAR 26,	293.66	
		PO 30776	ACCT#100 076 421 971/ BILL PRD: MAR 6 to	267.85	1,473.20
25507	859 - JCP&L	PO 30789	MASTER ACCT#200 000 574 000/ BILL DATE:	42.65	
		PO 30790	MAST ACCT#200 000 054 011 BILL DATE: APR	4.73	
		PO 30807	ACCT#100 154 666 612/ BILL PRD: 2/21 -4/	9.85	
		PO 30808	STREET LIGHTING - ASSORTED ACCOUNTS - MA	4,575.34	
		PO 30809	MAST ACCT# 200 000 021 275 / BILL DATE:	3,126.06	7,758.63
25508	859 - JCP&L	PO 30810	M/A #200 000 020 764: BILL DATE: APRIL 1	86.56	86.56
25509	1338 - MGL PRINTING SOLUTIONS, LLC	PO 30622	WATER/SEWER: BILLS WITH PRESORT LABEL	519.00	
		PO 30622	WATER/SEWER: BILLS WITH PRESORT LABEL	600.00	1,119.00
25510	3167 - MORRIS COUNTY MUNICIPAL JOINT INSUR. FUN	PO 30699	FY2025 2ND INSTALLMENT	59,596.05	
		PO 30699	FY2025 2ND INSTALLMENT	5,609.04	
		PO 30699	FY2025 2ND INSTALLMENT	4,907.91	70,113.00
25511	1295 - MORRIS COUNTY MUNICIPAL UTILITIES	PO 30740	SOLID WASTE DISPOSAL - MARCH 2025	11,324.05	11,324.05
25512	1394 - MTN. LAKES PUBLIC LIBRARY	PO 30659	2025 APR - DEC MTN LAKES PUBLIC LIBRARY	33,460.41	33,460.41
25513	4235 - NET2PHONE, INC.	PO 30295	2025 DEDICATED EFAX LINE - ACCT# 954962	32.67	32.67
25514	1553 - NEW JERSEY NATURAL GAS	PO 30806	MAR - APR 2025 SERVICE	2,032.41	2,032.41
25515	1522 - NISIVOCCIA & COMPANY LLP	PO 30778	FINANCE: PERFORMANCE OF ANNUAL AUDIT - 2	9,000.00	
		PO 30778	FINANCE: PERFORMANCE OF ANNUAL AUDIT - 2	4,500.00	
		PO 30778	FINANCE: PERFORMANCE OF ANNUAL AUDIT - 2	4,500.00	18,000.00
25516	3683 - NJMMA	PO 30804	MINI-CONFERENCE REGISTRATION - MITCHELL	20.00	20.00
25517	2595 - NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS	PO 30772	2025 DENTAL PREMIUMS - GROUP 1624 - MAY-	2,923.00	2,923.00
25518	2968 - OPTIMUM	PO 30758	DPW: 2025 INTERNET SERVICES ACCT# 07876-	12.94	12.94
25519	2968 - OPTIMUM	PO 30759	DPW: 2025 INTERNET SERVICES ACCT# 07876-	161.44	161.44
25520	1713 - POLICE PIPES & DRUMS OF MORRIS COUNTY, N	PO 30751	2025 MOUNTAIN LAKES MEMORIAL DAY PARADE	2,000.00	2,000.00
25521	1714 - POWER PLACE, INC.	PO 30680	DPW - EQUIPMENT REPAIR - BLANKET	215.24	215.24
25522	4600 - PROSHRED NORTHERN NEW JERSEY	PO 30788	ADMIN: SHREDDING SERVICES ACCT# 30-00000	120.00	120.00
25523	4025 - RUTGERS UNIVERSITY-NEWARK	PO 30795	EMPA REGISTRATION - CARA FOX	2,817.00	2,817.00
25524	285 - SHAWN BENNETT	PO 30791	POLICE: REIMBURSEMENT	150.20	150.20
25525	2774 - STAPLES CONTRACT & COMMERCIAL, LLC	PO 30681	POLICE: ORDER# 7910285545	222.15	222.15
25526	1981 - SUBURBAN DISPOSAL, INC	PO 30764	SOLID WASTE / RECYCLING COLLECTION MARCH	71,249.99	71,249.99
25527	434 - THE COMMUNITY CHURCH OF ML	PO 30700	RENTAL SPACE FOR HPC - MAY 2025	500.00	500.00
25528	4591 - TIGRIS	PO 30765	LAKES MANAGEMENT: 2025 MARCH-DECEMBER SE	15,870.00	15,870.00
25529	603 - TOWNSHIP OF DENVILLE	PO 30698	TAX BILL: 2Q25 PROPERTY TAXES - TOWPATH	1,218.15	1,218.15
25530	1536 - TREAS, STATE OF NJ - D.O.H.	PO 30812	MARCH 2025 DOG LICENSE FEES	46.80	46.80
25531	2801 - TREE KING, INC	PO 30125	S & R - TREE REMOVAL - MCCPC CONTRACT #1	4,395.00	4,395.00

List of Bills - CLAIMS/CLEARING CHECKING ACCOUNT

Meeting Date: 04/28/2025 For bills from 04/11/2025 to 04/24/2025

Check#	Vendor		Description	Payment	Check Total
25532	1736 - **TWP OF PARSIPPANY - TROY HILLS**	PO 30656	2025 SEWER MAINTENANCE CHARGES - APR - D	42,992.00	**42,992.00**
25533	2977 - **UGI ENERGY SERVICES, INC.**	PO 30805	CUST# J0001077, 1078, 1079 - MOUNTAIN LA	2,558.20	**2,558.20**
25534	2115 - **USDA APHIS, GENERAL**	PO 30766	APHIS - CUST# 6001777 GOOSE MANAGEMENT T	982.13	**982.13**
25535	4481 - **VERIZON**	PO 30293	DPW: 2025 INTERNET SERVICES ACCT# 457-15	41.58	
		PO 30293	DPW: 2025 INTERNET SERVICES ACCT# 457-15	28.71	
		PO 30293	DPW: 2025 INTERNET SERVICES ACCT# 457-15	28.71	
		PO 30768	DPW: 2025 INTERNET SERVICES ACCT# 457-15	31.61	
		PO 30768	DPW: 2025 INTERNET SERVICES ACCT# 457-15	31.61	
		PO 30768	DPW: 2025 INTERNET SERVICES ACCT# 457-15	45.78	**208.00**
25536	4480 - **VERIZON**	PO 30767	BOROWIDE: 2025 INTERNET SERVICES: ACCT 3	192.97	**192.97**
25537	2135 - **VERIZON WIRELESS**	PO 30786	POLICE: PHONE/WIFI ETC. ACCT# 882388054-	684.89	**684.89**
25538	4177 - **WEINER LAW GROUP, LLP**	PO 30771	MARCH 2025 PROFESSIONAL SERVICES - PB	600.00	**600.00**
	TOTAL				**325,933.88**

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-201-20-100-020	GENERAL ADMIN - OTHER EXPENSE	2,957.00			
01-201-20-135-020	ANNUAL AUDIT	9,000.00			
01-201-20-140-020	COMPUTER SERVICES	593.13			
01-201-21-180-020	PLANNING BOARD - OTHER EXPENSE	600.00			
01-201-21-181-020	HISTORIC PRESERVAT'N COMMITTEE	500.00			
01-201-23-210-020	INSURANCE - LIABILITY	35,830.55			
01-201-23-215-020	WORKERS COMPENSATION	25,661.50			
01-201-23-220-020	GROUP INSURANCE PLANS-EMPLOYEE	2,923.00			
01-201-25-240-020	POLICE DEPT - OTHER EXPENSES	1,109.38			
01-201-25-255-020	FIRE DEPT - OTHER EXPENSES	117.60			
01-201-26-290-020	STREETS & ROADS - OTHER EXP.	4,110.96			
01-201-26-305-020	SOLID WASTE - OTHER EXPENSES	82,838.63			
01-201-26-306-020	Recycling Tax	295.41			
01-201-26-315-020	VEHICLE REPAIRS & MAINTENANCE	1,179.57			
01-201-27-335-020	ENVIRONMENTAL COMM - OTHER EXP	450.00			
01-201-28-370-020	PARKS & PLAYGROUNDS OTHER EXP.	1,242.00			
01-201-28-375-020	MAINT OF PARKS (BEACHES/LAKES)	16,852.13			
01-201-29-390-020	AID TO PUBLIC LIBRARY	33,460.41			
01-201-30-420-020	CELEBRATION OF PUBLIC EVENTS - O/E	2,000.00			
01-201-31-435-020	ELECTRICITY - ALL DEPARTMENTS	1,564.49			
01-201-31-436-020	ELECTRICITY - STREET LIGHTING	4,575.34			
01-201-31-437-020	NATURAL GAS	4,590.61			
01-201-31-440-020	TELECOMMUNICATIONS	717.56			
01-201-31-447-020	PETROLEUM PRODUCTS	6,073.17			
01-203-26-290-020	(2024) STREETS & ROADS - OTHER EXP.		4,395.00		
01-203-26-305-020	(2024) SOLID WASTE - OTHER EXPENSES		1,113.93		
01-203-28-375-020	(2024) MAINT OF PARKS (BEACHES/LAKES)		1,150.00		
01-260-05-100	DUE TO CLEARING			0.00	245,901.37
TOTALS FOR	**Current Fund**	**239,242.44**	**6,658.93**	**0.00**	**245,901.37**
04-215-55-991-000	2021 CAPTIAL ORDINANCE 10-21			147.44	
04-260-05-100	DUE TO CLEARING			0.00	147.44
TOTALS FOR	**General Capital**	**0.00**	**0.00**	**147.44**	**147.44**
05-201-55-520-520	Water Operating - Other Expenses	18,572.85			
05-260-05-100	DUE TO CLEARING			0.00	18,572.85
TOTALS FOR	**Water Operating**	**18,572.85**	**0.00**	**0.00**	**18,572.85**
07-201-55-520-520	Sewer Operating - Other Expenses	53,289.43			
07-260-05-100	DUE TO CLEARING			0.00	53,289.43
TOTALS FOR	**Sewer Operating**	**53,289.43**	**0.00**	**0.00**	**53,289.43**

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
13-260-05-100	DUE TO CLEARING			0.00	46.80
13-295-56-000-000	DOG LICENSE FEES-DUE STATE NJ			46.80	
TOTALS FOR	**Animal Trust**	**0.00**	**0.00**	**46.80**	**46.80**
20-260-05-100	Due to Clearing			0.00	364.00
20-300-60-000-000	RESERVE FOR AFFORDABLE HOUSING			364.00	
TOTALS FOR	**AFFORDABLE HOUSING**	**0.00**	**0.00**	**364.00**	**364.00**
33-260-05-100	DUE TO CLEARING			0.00	7,611.99
33-600-00-090-000	Recreation Trust Reserves			7,611.99	
TOTALS FOR	**Recreation Trust**	**0.00**	**0.00**	**7,611.99**	**7,611.99**

Total to be paid from Fund 01 Current Fund	245,901.37
Total to be paid from Fund 04 General Capital	147.44
Total to be paid from Fund 05 Water Operating	18,572.85
Total to be paid from Fund 07 Sewer Operating	53,289.43
Total to be paid from Fund 13 Animal Trust	46.80
Total to be paid from Fund 20 AFFORDABLE HOUSING	364.00
Total to be paid from Fund 33 Recreation Trust	7,611.99
	325,933.88

List of Bills - (1710101001002) Escrow - Developers - Checking
Developer's Escrow

Meeting Date: 04/28/2025 For bills from 04/11/2025 to 04/24/2025

Check#	Vendor	Description	Payment	Check Total
5453	102 - **ANDERSON & DENZLER ASSOC., INC**	PO 30770 MARCH 2025 PROFESSIONAL SERVICES - ESCRO	1,792.73	1,792.73
	TOTAL			1,792.73

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
17-101-01-001-002	Escrow - Developers - Checking			0.00	1,792.73
17-500-00-091-412	TFJ MOUNTAIN LAKES, LLC			657.53	
17-500-00-091-420	PRIME REAL ESTATE MANAGEMENT LLC ILLYAS SARWARI			1,135.20	
TOTALS FOR	**Developer's Escrow**	**0.00**	**0.00**	**1,792.73**	**1,792.73**

Total to be paid from Fund 17 Developer's Escrow 1,792.73

1,792.73

BOROUGH OF MOUNTAIN LAKES
COUNTY OF MORRIS, NJ

RESOLUTION 110-25

RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO CONTRACT WITH BEDNAR LANDSCAPE SERVICES FOR THE ABATEMENT OF PROPERTY MAINTENANCE VIOLATIONS AT 190 LAUREL HILL ROAD AND PLACE A LIEN ON BLOCK 55, LOT 5 FOR COSTS INCURRED IN THE REMEDIATION OF PROPERTY MAINTENANCE VIOLATIONS ON THIS VACANT PROPERTY

WHEREAS, the Borough Property Maintenance Ordinance and the Vacant Property Ordinance require that natural vegetation, landscaping, lawns, hedges and bushes, and debris shall not be allowed to become overgrown and unsightly where exposed to public view or create a nuisance or unsafe condition; and

WHEREAS, the property located at Block 55 Lot 5 (190 Laurel Hill Road) in the Borough of Mountain Lakes is presently a vacant parcel that has not been maintained in accordance with the Borough Ordinances; and

WHEREAS, the owner of these premises has failed to address the property maintenance violation after repeated notice to do so; and

WHEREAS, Chapter 189 of the Borough Code provides that if there is a finding that the condition of vacant property is posing a serious threat to the public health, safety, and welfare, then the Borough Council may direct the Borough Administrator to abate the violations and charge the owner with the cost of the abatement; and

WHEREAS, the Borough Council finds that the failure to have abated the extensive property maintenance violations on the property constitutes a serious threat to the public health, safety, and welfare; and
WHEREAS, the Borough received quotes to perform necessary maintenance to the property and the lowest quote was from Bednar Landscaping Services.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey, that the Borough Manager is hereby authorized to retain the services of an outside vendor to abate the property maintenance violations at 190 Laurel Hill Road; and be it further

RESOLVED that a contract be awarded to Bednar Landscape Service in an amount not to exceed $20,000.00 to complete the property maintenance abatement; and be it further

RESOLVED that the invoice for the property maintenance shall be forwarded to the property owner and if unpaid within 30 days thereafter a lien in the amount of the costs for abatement not to exceed $20,000.00 is hereby placed upon Block 55, Lot 5 (190 Laurel Hill Road, Mountain Lakes, New Jersey), to reimburse the Borough for the remediation of property maintenance violations; and be it finally

RESOLVED that the Borough Clerk shall present this Resolution to the Tax Collector who shall proceed to collect the foregoing as provided by law.

XXXX

MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES
APRIL 14, 2025
HELD AT BOROUGH HALL, 400 BOULEVARD, MOUNTAIN LAKES, NJ

CALL TO ORDER AND OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is being held in compliance with Public Law 1975, Chapter 231, Sections 4 and 13, as notice of this meeting has been reported to The Citizen, the Morris County Daily Record, and The Star Ledger on January 9, 2025 and posted in the municipal building.

Deputy Mayor Muilenburg called the meeting to order at 7:01p.m.

ROLL CALL ATTENDANCE

Roll Call	Present	Absent		Present	Absent
Cannon	☒	☐	Tsai	☒	☐
Howley	☐	☒	Muilenburg	☒	☐
Menard	☒	☐	Barnett	☐	☒
Sheikh	☒	☐			

FLAG SALUTE

Deputy Mayor Muilenburg led the salute to the flag.

EXECUTIVE SESSION

There was no executive session.

COMMUNITY ANNOUNCEMENTS

Councilmember Sheikh recognized the Mountain Lakes Library for hosting a successful Eid Mubarak celebration and also thanked Councilmember Tsai for organizing a Mountain Lakes Boy Scout civic event.

Councilmember Tsai noted that the Boy Scouts participated in a mock debate on e-bike usage.

SPECIAL PRESENTATIONS

There were no presentations.

REPORTS OF BOROUGH ESTABLISHED BOARDS, COMMISSIONS AND COMMITTEES

There were no reports.

BOROUGH COUNCIL DISCUSSION ITEMS

There were no discussion items.

PUBLIC COMMENT

Deputy Mayor Muilenburg opened the meeting to the public.

There was no one from the public wishing to speak.

ATTORNEY'S REPORT

Mr. Oostdyk had nothing to report.

MANAGER'S REPORT

Borough Manager Stern provided his report (attached). The Council asked Mr. Stern questions, and he answered them.

RESOLUTIONS

There were no resolutions.

ORDINANCES TO INTRODUCE

There were no ordinances to introduce.

ORDINANCES TO ADOPT

8-25, Bond Ordinance Appropriating $1,614,467, and Authorizing the Issuance of $1,288,124 Bonds or Notes of the Borough, tor Various Improvements or Purposes Authorized to be Undertaken by the Borough of Mountain Lakes, in the County of Morris, New Jersey

Introduced: 3/24/25

Council member	M	2nd	Yes	No	Abstain	Absent
Cannon	☐	☒	☒	☐	☐	☐
Howley	☐	☐	☒	☐	☐	☐
Menard	☐	☐	☒	☐	☐	☐
Sheikh	☐	☐	☒	☐	☐	☐
Tsai	☒	☐	☒	☐	☐	☐
Muilenburg	☐	☐	☐	☐	☐	☒
Barnett	☐	☐	☒	☐	☐	☐

PUBLIC COMMENT/HEARING
Deputy Mayor Muilenburg opened the meeting to the public.

There was no one from the public wishing to speak.

Adopted: 4/14/25

Council member	M	2nd	Yes	No	Abstain	Absent
Cannon	☒	☐	☒	☐	☐	☐
Howley	☐	☐	☐	☐	☐	☒
Menard	☐	☒	☒	☐	☐	☐
Sheikh	☐	☐	☒	☐	☐	☐
Tsai	☐	☐	☒	☐	☐	☐
Muilenburg	☐	☐	☒	☐	☐	☐
Barnett	☐	☐	☐	☐	☐	☒

9-25, Ordinance Authorizing the Salary and/or Wages of the Officers and Employees of the Borough of Mountain Lakes, County of Morris, New Jersey

Introduced: 3/24/25

Council member	M	2nd	Yes	No	Abstain	Absent
Cannon	☐	☐	☒	☐	☐	☐
Howley	☒	☐	☒	☐	☐	☐
Menard	☐	☒	☒	☐	☐	☐
Sheikh	☐	☐	☒	☐	☐	☐
Tsai	☐	☐	☒	☐	☐	☐
Muilenburg	☐	☐	☐	☐	☐	☒
Barnett	☐	☐	☒	☐	☐	☐

PUBLIC COMMENT/HEARING
Deputy Mayor Muilenburg opened the meeting to the public.

There was no one from the public wishing to speak.

Adopted: 4/14/25

Council member	M	2nd	Yes	No	Abstain	Absent
Cannon	☐	☐	☒	☐	☐	☐
Howley	☐	☐	☐	☐	☐	☒
Menard	☒	☐	☒	☐	☐	☐
Sheikh	☐	☐	☒	☐	☐	☐
Tsai	☐	☒	☒	☐	☐	☐
Muilenburg	☐	☐	☒	☐	☐	☐
Barnett	☐	☐	☐	☐	☐	☒

10-25, Ordinance Authorizing the Conveyance of Property Owned by the Borough of Mountain Lakes, Known As Block 86.01, Lot24, to the Mountain Lakes Board of Education

Introduced: 3/24/25

Council member	M	2nd	Yes	No	Abstain	Absent
Cannon	☐	☐	☒	☐	☐	☐
Howley	☐	☒	☒	☐	☐	☐
Menard	☒	☐	☒	☐	☐	☐
Sheikh	☐	☐	☒	☐	☐	☐
Tsai	☐	☐	☒	☐	☐	☐
Muilenburg	☐	☐	☐	☐	☐	☒
Barnett	☐	☐	☒	☐	☐	☐

PUBLIC COMMENT/HEARING
Deputy Mayor Muilenburg opened the meeting to the public.

There was no one from the public wishing to speak.

Adopted: 4/14/25

Council member	M	2nd	Yes	No	Abstain	Absent
Cannon	☐	☒	☒	☐	☐	☐
Howley	☐	☐	☐	☐	☐	☒
Menard	☒	☐	☒	☐	☐	☐
Sheikh	☐	☐	☒	☐	☐	☐
Tsai	☐	☐	☐	☐	☒	☐
Muilenburg	☐	☐	☒	☐	☐	☐
Barnett	☐	☐	☐	☐	☐	☒

***CONSENT AGENDA ITEMS**
Matters listed as Consent Agenda Items are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item be removed for consideration.

***RESOLUTIONS**

a. *R101-25, Authorizing the Payment of Bills*
b. *R102-25, Authorizing Membership in the Mountain Lakes Volunteer Fire Department*
c. *R103-25, Requesting Approval of Item of Revenue and Appropriation Under N.J.S.A. 40A: 4-87 for the Drunk Driving Enforcement Fund Grant*
d. *R104-25, Authorizing a Professional Services Agreement Between the Borough of Mountain Lakes and Appraisal Systems Inc. for Reassessment Services*

e. *R105-25, Authorizing the Execution of a Shared Services Agreement Between the Borough of Mountain Lakes and the Township of Boonton to Provide Mechanic Services*
f. *R106-25, Authorizing the Ratification and Execution of a Collective Negotiations Agreement Between the Borough of Mountain Lakes and Teamsters Local 125 - 2025 to 2028*
g. *R107-25, Requesting Approval of Item of Revenue and Appropriation Under N.J.S.A. 40A: 4-87 for the Local Recreation Improvement Grant*
h. *R108-25, Authorizing the Sale of Surplus Personal Property No Longer Needed for Public Use on an Online Auction Website*

***APPROVAL OF MINUTES**
3/24/25 (Regular)

***BOARD, COMMITTEE AND COMMISSION APPOINTMENTS**
a. *Mark Toppel (previously appointed) to the Health Commission as Member with a term running through 12/31/25*
b. *Jennifer Amato (previously appointed) to the Health Commission as Alternate #1 with a term running through 12/31/26*
c. *Sean Riley to the Health Commission as Alternate #2 with a term running through 12/31/26*

***Approval of the Consent Agenda**

Council member	M	2nd	Yes	No	Abstain	Absent
Cannon	☐	☒	☒	☐	☐	☐
Howley	☐	☐	☐	☐	☐	☒
Menard	☐	☐	☒	☐	☐	☐
Sheikh	☐	☐	☒	☐	☐	☐
Tsai	☒	☐	☒	☐	☐	☐
Muilenburg	☐	☐	☒	☐	☐	☐
Barnett	☐	☐	☐	☐	☐	☒

Deputy Mayor Muilenburg was absent at the 3/24/25 Council meeting and abstained from voting on the minutes.

DEPARTMENT REPORTS SUBMITTED FOR FILING (reports are included only if checked)

☐ Construction Department
☐ Department of Public Works
☐ Fire Department
☐ Health Department
☐ Police Department
☐ Recreation Department
☐ Code Enforcement/Property maintenance report
☐ Tax Collector

COUNCIL REPORTS
Green Team - Councilmember Menard reported that the committee did not set up an information table at the Trout Derby due to the weather.

Shade Tree Commission – Councilmember Menard reported the following: The commission held a tree planting and tree maintenance discussion with an expert from Rutgers University on April 2nd. The commission is preparing for Arbor Day. The commission discussed tree removal for the School District's turf field project.

Affordable Housing Advisory Committee – Councilmember Cannon reported that the committee discussed the Borough's obligation for the fourth round of affordable housing and creating a new residential zone on Morris Avenue.

Recreation Commission – Councilmember Tsai reported the following: 60 people participated in the Trout Derby. The Easter Egg Hunt was a success and approximately 300 people attended.

PUBLIC COMMENT
Deputy Mayor Muilenburg opened the meeting to the public.

There was no one from the public wishing to speak.

NEXT STEPS AND PRIORITIES
There was no one from the public wishing to speak.

ADJOURNMENT at 6:16P.M.
Motion made by Councilmember Cannon, second by Councilmember Menard to adjourn the meeting at 7:16p.m., with all members in favor signifying by "Aye".

Respectfully Submitted,

_____
Cara Fox, Borough Clerk

DRAFT

BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

CONSTRUCTION OFFICE

MONTHLY ACTIVITY REPORT

MARCH 2025

ADMINISTRATIVE SUMMARY

Another mostly quiet month predominated the end of Spring. Again, the majority of work occurring is for replacement of mechanical equipment.

Additional questions of code compliance and Board resolution requirements were discussed with the design professional for the proposed self-storage facility. We expect this project to be submitted for permits before the end of the Spring.

No additional information on the proposed Starbucks facility has been recieved. Here too, we expect the application for permits to be submitted before the summer.

The modified fee schedule for certain services provided by the Construction Office will be effective April 1, 2025. The additional revenue collected will allow the enforcing agency to maintain compliance with the requirements of the NJ Uniform Construction Code.

Mountain Lakes Borough
400 BOULEVARD
MOUNTAIN LAKES, NJ 07046

Construction Permit Activity Report

3/1/2025 -> 3/31/2025

Summary

	Cost:	Count:				
New:	$0.00	0	Cubic Footage:	7,170 Cu.ft	Permits Issued:	28
Addition:	$210,600.00	2	Square Footage:	696 Sq.ft	Updates Issued:	3
Alteration:	$277,994.00	26				
Demolition:	$6,700.00	3				
Total:	$495,294.00	31				

Permits	Count	Permit Fees	Admin Fees	Total
Building:	8	$5,008.00	$0.00	$5,008.00
Plumbing:	6	$705.00	$0.00	$705.00
Electrical:	21	$2,675.00	$0.00	$2,675.00
Fire:	5	$720.00	$0.00	$720.00
Elevator:	0	$0.00	$0.00	$0.00
Mechanical:	13	$1,825.00	$0.00	$1,825.00
	53	$10,933.00	$0.00	$10,933.00

			Other Fees
DCA Training:	2	27	
DCA State:	27	676	$25.00
DCA Minimum:	2	2	
	31	$705	

Inspections		Passed		Failed		Other	
B	21	18	%85.7	2	%9.5	1	%4.8
P	19	14	%73.7	3	%15.8	2	%10.5
E	54	38	%70.4	13	%24.1	3	%5.6
F	7	5	%71.4	0	%0	2	%28.6
V	0	0	%	0	%	0	%
M	30	26	%86.7	4	%13.3	0	%0
	131	101		22		8	

(Note: Does not include result of none)

Variations		Total	Paid
Building	0	0	0
Plumbing	0	0	0
Electrical	0	0	0
Fire	0	0	0
Mechanical	0	0	0
Elevator	0	0	0
Total:		$0.00	$0.00

Certificates		Issued Total	Paid Total
CA	1	$0.00	$0.00
CCO	1	$0.00	$0.00
CO	2	$200.00	$75.00
CC	0	$0.00	$0.00
TCO	0	$0.00	$0.00
TCC	0	$0.00	$0.00
Total:	4	$200.00	$75.00

NOTE:
Information gathered is based on the Issue date for that item, ie permit issue date, certificate issue date.

This will cause discrepancies between the payments section which uses Payment date. Example you took in money for a CO but the CO has not been issued yet.

Permit Subcode Exempted (State) Fees

	Record Count	Total Exempted
Building	0	$0
Plumbing	0	$0
Electrical	0	$0
Fire	0	$0
Mechanical	0	$0
Elevator	0	$0
Total:		$0

Permit Subcode Waived (Local) Fees

	Record Count	Total Waived
Building	0	$0
Plumbing	0	$0
Electrical	0	$0
Fire	0	$0
Mechanical	0	$0
Elevator	0	$0
Total:		$0

	Record Count	Total Exempted
DCA Fees	0	$0

Violations		Fines	Paid
Issued	2	$2,000.00	$0.00

Payments (Based on Payment Date)	
Permit (71)	$12,913.00
NON-UCC (0)	$0.00
Variation Payments	$0.00
Penalty (0)	$0.00
Inspection Payments	$0.00
Ongoing Invoice	$0.00
Test Payments	$0.00
Other Payments	$0.00
Grand Total	$12,913.00

Mountain Lakes Borough
400 BOULEVARD
MOUNTAIN LAKES, NJ 07046

Building Summary Report Comparison

Building Summary between the dates of 3/1/2025 and 3/31/2025.

Permit Summary	3/1/2025-3/31/2025	3/1/2024-3/31/2024	Month Diff %	YTD	YTD last Year	YTD Diff %
Permits Issued:	28	19	47.4%	76	61	24.6%
Updates Issued:	3	1	200%	12	5	140%
Inspections Scheduled:	131	114	14.9%	283	308	-8.1%
Inspections Passed:	101	95	6.3%	226	242	-6.6%
Inspections Failed	22	16	37.5%	45	42	7.1%
Certificates Of Occupancy Issued:	1	2	-50%	2	4	-50%
Certificates of Approval Issued:	9	0	NA	99	61	62.3%
Cert Continuing Occupancy Issued:	1	0	NA	1	0	NA
Permit Payments Count:	71	38	86.8%	182	129	41.1%
Fee Collected:	$11,948	$21,782	-45.1%	$30,016	$53,629	-44%
Fee Collected (Subcodes Only):	$10,933	$19,323	-38.5%	$27,757	$48,442	-38.6%
Violations	2	0	NA	2	2	0%
Violation Payments	$0.00	$0.00	NA	$0.00	$0.00	NA
Ongoing Location Payments	$0.00	$0.00	NA	$0.00	$0.00	NA
Ongoing Test Payments	$0.00	$0.00	NA	$0.00	$0.00	NA

BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

CONSTRUCTION OFFICE
SUMMARY OF FEES COLLECTED

PERIOD	2023 COLLECTED	YEAR TO DATE	COMMENTS	AMOUNT
JANUARY	6,040.00	6,040.00		
FEBRUARY	18,631.00	24,671.00		
MARCH	17,114.00	41,785.00		
APRIL	7,334.00	49,119.00		
MAY	11,092.00	60,211.00		
JUNE	12,920.00	73,131.00		
JULY	21,403.00	94,534.00		
AUGUST	7,709.00	102,243.00		
SEPTEMBER	5,562.00	107,805.00		
OCTOBER	5,309.00	113,114.00		
NOVEMBER	19,533.00	132,647.00		
DECEMBER	14,543.00	147,190.00		

PERIOD	2024 COLLECTED	YEAR TO DATE	COMMENTS	AMOUNT
JANUARY	23,174.00	23,174.00		
FEBRUARY	8,673.00	31,847.00		
MARCH	21,867.00	53,714.00	The Craig School	17,900.00
APRIL	12,212.00	65,926.00		
MAY	14,457.00	80,383.00		
JUNE	53,134.00	133,517.00	The Craig School	41,809.00
JULY	11,296.00	144,813.00		
AUGUST	10,115.00	154,928.00		
SEPTEMBER	10,716.00	165,644.00		
OCTOBER	12,041.00	177,685.00		
NOVEMBER	9,134.00	186,819.00		
DECEMBER	3,174.00	189,993.00		

PERIOD	2025 COLLECTED	YEAR TO DATE	COMMENTS	AMOUNT
JANUARY	6,635.00	6,635.00		
FEBRUARY	11,433.00	18,068.00		
MARCH	12,913.00	30,981.00		
APRIL				
MAY				
JUNE				
JULY				
AUGUST				
SEPTEMBER				
OCTOBER				
NOVEMBER				
DECEMBER				

BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

Department of Public Works
Department Activity Report
March 2025

IN HOUSE:
All regular work details include building maintenance, vehicle maintenance and repair, trash and recycling, trash bag delivery, street sweeping, lawn maintenance, leaf and brush disposal, daily maintenance.

DPW:

- Ongoing interior painting of DPW building
- Spring cleanup at fields and pocket parks
- Maintenance of winter equipment

WATER DEPARTMENT:

- Meter/reader repair/replacement
- Required monthly water testing
- Well house maintenance
- Pump maintenance

STORM WATER:

- Basin repairs

RECREATION:

- Wind screens installed at tennis courts
- Rack & Ring repairs at Island Beach & Midvale

BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

Derrick Webb
Director of Health/Health Officer
dwebb@mtolivetwp.org

204 Flanders-Drakestown Rd.
Budd Lake, NJ 07828

P - (973) 691-0700 EXT. 7330

PUBLIC HEALTH SERVICES
REPORT OF ACTIVITIES
March 2025

Administration:

- Attended NJACCHO's NJ Costing Assessment Meeting.
- Attended Zoom Meeting with The College of New Jersey (TCNJ) regarding the Morris County Community Health Assessment (CHA) and Community Health Improvement Plan (CHIP).
- Attended NJACCHO Board of Director Meeting.
- Held 2nd Quarter Meeting with DLPH Liaison, Sarah Perramant
- Attended Emergency NJACCHO Board of Director Meetings regarding the March 24, 2025 federal stop order to federal grants, Enhancing Local Public Health Infrastructure (OLPH23PHI001; CFDA number 93.323) and Sustaining Local Public Health Infrastructure (OLPH25PHI001; CFDA number 93.323).

Environmental Health:

Major Activities/Updates

- None

March 2025 Statistics

INSPECTIONS & OTHER ACTIVITIES

Inspection Type	Number	March Results			YTD	2024
		Sat.	Cond.	Unsat.		
Retail Food Establishment (RFE) Inspections	1	1	0	0	2	14
Food Re-Inspections	0	0	0	0	0	1
Mobile Food Vendors	1	1	0	0	1	0
Temp. Food Vendors	0	0	0	0	0	0
RFE - Plan Reviews	0	0	0	0	2	0
RTF - Pre-Operation Insp.	0	0	0	0	0	0

Derrick Webb
Director of Health/Health Officer
dwebb@mtolivetwp.org

204 Flanders-Drakestown Rd.
Budd Lake, NJ 07828

P - (973) 691-0700 EXT. 7330

Public Recreational Bathing Inspections	0	0	0	0	0	5
Public Recreational Bathing Sample Results Reviewed	0	0	0	0	22	56
Youth Camp Inspections	0	0	0	0	0	0
Meetings/Consultations	2	N/A	N/A	N/A	7	5
Violation Notices Issued	0	N/A	N/A	N/A	0	0
Nuisance Complaints						
Residential	0	N/A	N/A	N/A	0	0
Commercial	0	N/A	N/A	N/A	0	0
Chapter 24 (Food)	0	N/A	N/A	N/A	0	0
Other	0	N/A	N/A	N/A	0	0
Summonses Issued						
Residential	0	N/A	N/A	N/A	0	0
Commercial	0	N/A	N/A	N/A	0	0
Chapter 24 (Food)	0	N/A	N/A	N/A	0	0
Other	0	N/A	N/A	N/A	0	0
Court Appearances	0	N/A	N/A	N/A	0	0
Total	**3**	**0**	**0**	**0**	**34**	**76**

***Retail Food Establishment Inspections:**

1. 03/27 - Wawa – 370 Route 46 – Satisfactory
2. 03/27 – Billy's Ice Cream - Mobile – Satisfactory (**Mobile Food Vendor**)

***Health Education*:**

Major Activities/Updates

- Shared Traumatic Brain Injury awareness information and links to schools and community members to share with parents about wearing helmets.
- Created and disseminated awareness materials:
  - Colorectal Cancer Prevention & Education
  - Traumatic Brain Injury Poster

BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

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- Created and disseminated Spring Newsletter- March Nutrition tips, Bird Flu, Measles education and vaccine reminders, upcoming April awareness topics of Autism Awareness month, Allergies, Public Health Week, and Stress Awareness.
- Shared flyers from NJCEED March events & presentation
- Social Media/Website Updates and Postings:
  - Nutrition Action Month- Nutrient-rich foods included items such as broccoli, bananas, and kale
  - RSV Awareness Tips
  - 211- resource link shared by NJHEALTH
  - Measles Awareness

Public Health Nursing:

Major Activities/Updates- March

- NJDOH vaccination calls, OLPH calls, NJDOH CDS calls, outbreak surveillance, public health guidance
- 3/27/25- Regional epidemiology meeting
- Notification of community engagement/ health programs
  - NJCEED screenings/programs through Atlantic Health
  - Colon Cancer screening & prevention program
  - Colorectal cancer calendar of programs through the chronic disease & cancer coalition

March Statistics

INVESTIGATIONS & OTHER ACTIVITES

Activity	March 2025	YTD	2024
School audits	1	6	0
Childcare/Pre-school audits	0	9	0

BOROUGH OF MOUNTAIN LAKES
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School/Childcare charts audited	8	750	0
Child Immunizations/NJIIS Registration	0	0	0
Adult Office Visits	0	0	0
Home Visits	0	0	0
Record Request	0	0	0
Blood Chemistry Screenings	0	0	0
Blood Pressure Screenings	0	0	0
Influenza Vaccinations	0	0	12
COVID-19 Vaccinations (Adult)	0	0	0
COVID-19 Vaccinations (Pediatric)	0	0	0
Phone Consultations	0	1	6
Female Cancer Screenings	0	0	0
Skin Cancer Screening	0	0	0
Foot Screenings	0	0	0
Hearing Screenings	0	0	0

Communicable Disease Investigations

March	Communicable Diseases	YTD	2024
0	Amoebiasis	0	0
0	Alpha-Gal	0	1
0	Anaplasmosis	0	0
0	Babesiosis	0	0
0	Brucellosis	0	1
0	Campylobacteriosis	0	2
0	Chikungunya	0	0
0	Creutzfeldt-Jakob Disease	0	0
0	Cryptosporidiosis	0	0
0	COVID - 19 (Confirmed)	6	24
0	COVID - 19 (Probable)	8	15
0	Cyclosporiasis	0	1
0	Cryptosporidiosis	0	0
0	Dengue Fever	0	0
0	Diphtheria	0	0

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0	Ehrlichiosis	0	0
0	Giardiasis	0	0
0	Haemophilus Influenza	0	0
0	Hepatitis A	0	0
0	Hepatitis B	0	0
0	Hepatitis B (Chronic)	1	0
0	Hepatitis B (Perinatal)	0	0
0	Hepatitis C (Acute)	0	0
0	Hepatitis C (Chronic)	0	0
4	Influenza A	49	9
5	Influenza B	6	0
0	Influenza Outbreak	0	0
0	Other respiratory outbreak	1	2
0	Legionellosis	0	0
0	Lyme	1	1
0	Measles	0	0
0	Monkeypox Virus	0	0
0	Multisystem Inflammatory Syndrome	0	0
0	Mumps	0	0
0	Pertussis	0	1
0	Rocky Mountain Spotted Fever	0	0
0	Salmonellosis	0	0
0	Shiga-Toxin E. Coli (STEC)	0	0
0	Shigellosis	0	0
0	Strep (GBS and GAS)	0	0
0	Strep Pneumoniae	0	0
0	*Rabies Post Exposure Prophylaxis*	1	10
0	Tuberculosis	0	0
0	Varicella	0	0
0	Yersiniosis	0	0
0	*Zika Testing Approvals/Denials*	0	0

Note: *Italicized diseases are 'non-reportable.*

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Quality Management Activities:

Major Activities/Updates

- VMSG Updates:
  - Staff training (certificates).
  - Workforce Development training (certificates).
  - PHAB Documentation collection.
    - Staff meeting minutes.
    - MOHIC Meeting agenda, minutes, sign in sheets.

Workforce Development:

Professional Development			
Date	**Name of Event**	**Attendee**	**# of CEU's**
3/2-3/4/25	NJEHA Annual Educational Conference	Angie Deiling	15.5
3/2-3/4/25	NJEHA Annual Educational Conference	Susan Downer	15.5
3/2-3/4/25	NJEHA Annual Educational Conference	Lismary Espinal	15.5
3/2-3/4/25	NJEHA Annual Educational Conference	Alexis Shilley	0.00
3/2-3/4/25	NJEHA Annual Educational Conference	Derrick Webb	15.5
3/11/25	CDC- Immunization: You call the shots- Module 10, Storage and handling	Angie Deiling	1.00
3/12/25	NJDOH CDS- H5N1 Specimen Collection & Submission Webinar	Alexis Shilley	0.00
3/12/25	CDC- Immunization: You call the shots- Module 16, Vaccines for Children Program	Angie Deiling	1.00
3/12/25	NJDOH CDS- H5N1 Specimen Collection & Submission Webinar	Angie Deiling	0.00

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3/13/25	NJDEP Aerobic treatment system annual refresher course- AquaKlear	Susan Downer	0.00
3/13/25	NJDEP Aerobic treatment system annual refresher course- AquaKlear	Lismary Espinal	0.00
3/13/25	NJDEP Aerobic treatment system annual refresher course- AquaKlear	Alexis Shilley	0.00
3/13/25	NJDEP Aerobic treatment system annual refresher course- AquaKlear	Angie Deiling	0.00
3/13/25	VFC training- Vaccine ordering and management webinar	Angie Deiling	0.00
3/13/25	VFC training- NJIIS Fundamentals training webinar	Angie Deiling	0.00
3/18/25	Rutgers PH: Rules for Robots- The effects of AI on the Public Health Landscape	Angie Deiling	1.00
3/18-3/19/25	NJACCHO: Creative Leadership Training	Susan Downer	13.00
3/19/25	NJDOH: Wastewater Surveillance in the NJDOH: Current review and future actions	Angie Deiling	0.00
3/19/25	NJDOH: Wastewater Surveillance in the NJDOH: Current review and future actions	Alexis Shilley	0.00
3/20/25	NJDOH CDS- Communicable Disease Forum- Marching into Spring	Angie Deiling	2.00
3/20/25	IS-200.C: Basic Incident Command System for Initial Response, ICS-200	Lismary Espinal	0.00
3/26/25	AETC: Re Emerging and Emerging Infectious Diseases Measles Tuberculosis and Bird Flu	Angie Deiling	0.00

Respectfully submitted,

Derrick Webb

Derrick Webb, Health Officer

Police Department

Borough of Mountain Lakes
400 Boulevard
Mountain Lakes, NJ 07046
Phone (973) 334-1413 • Fax (973) 263-9112
sbennett@mtnlakespd.org

Shawn M. Bennett
CHIEF OF POLICE

Mountain Lakes Police
Borough Council Monthly Report
March 2025

- On March 22, 2025, at approximately 10:33 PM, Patrolman Stewart conducted a motor vehicle stop along Route 46 West that led to the arrest of the driver, 36-year-old Joshua Ramos of Dover, for an active criminal warrant as well as two active traffic warrants out of Mountain Lakes. Joshua Ramos was released pending a mandatory court hearing.

- On March 15th, Mountain Lakes Officers assisted Morristown Police in providing security for the Saint Patrick's Day Parade and associated festivities in Morristown.

- Sgt. David Brown was sworn in at the March 10th Council Meeting.

A criminal complaint is merely an accusation. Despite this accusation, defendants are presumed innocent unless and until proven guilty beyond a reasonable doubt in a court of law.

Sincerely,

Chief Shawn Bennett

MOUNTAIN LAKES BORO POLICE DEPARTMENT

Agency Activity Report

By CFS Classification

From Date: 3/1/2025 To Date: 3/31/2025

Report Date: 4/23/2025 9:42:18 AM

Classification code	*Description*	*Total Events*	*0000-0800*	*0801-1600*	*1601-2359*
0500	Burglary	1	0	0	1
0600	Theft	1	0	0	1
1100	Fraud	3	0	2	1
1700	Sex Offense	1	0	1	0
2000	Family Offense	1	0	1	0
2400	Disorderly Conduct	6	1	2	3
2600	All Other Offenses	3	0	3	0
4000	Non Criminal Investigations	29	9	8	12
4100	Fire Related	15	5	6	4
5500	Animal Complaints	16	1	12	3
6000	Traffic Accidents	4	0	2	2
6300	Traffic Enforcement	405	46	157	202
6500	Parking Enforcement	2	0	1	1
6600	Traffic Services	22	1	19	2
7000	Public Services	345	214	54	77
7500	Assist other Agency	21	4	9	8
8000	Warrants	1	0	0	1
9000	Administrative	462	174	109	179
	Total:	1338	455	386	497

MOUNTAIN LAKES BORO POLICE DEPARTMENT

Officer Citation Report

From Date : 3/1/2025 To Date : 3/31/2025

Report Date : 4/23/2025 9:38 AM

Officers Name	Badge Number	Traffic Stops	Equipment	Moving	Radar	Parking	Ordinance	Warnings	Total
XX	XX	50	8	9	0	0	0	0	17
XX	XX	0	0	0	0	0	0	0	0
XX	XX	17	0	0	0	0	0	0	0
XX	XX	37	1	2	0	0	0	2	5
XX	XX	23	0	0	0	0	0	0	0
XX	XX	0	0	0	0	0	0	0	0
XX	XX	64	3	3	0	0	0	0	6
XX	XX	98	0	14	0	0	0	15	29
XX	XX	15	0	0	0	0	0	2	2
XX	XX	74	1	10	0	0	0	0	11
XX	XX	0	0	0	0	0	0	0	0
XX	XX	0	0	0	0	0	0	0	0
		Traffic Stops	**Equipment**	**Moving**	**Radar**	**Parking**	**Ordinance**	**Warnings**	**Total**
	Total:	378	13	38	0	0	0	19	70

Time Used/Overtime by Month

	Sick Time Hours							Vacation/Comp Hours/Pers Day/Bereave							Court Overtime							Department Overtime						
	2019	2020	2021	2022	2023	2024	2025	2019	2020	2021	2022	2023	2024	2025	2019	2020	2021	2022	2023	2024	2025	2019	2020	2021	2022	2023	2024	2025
Jan	79	588	324	36	264	10	60	14	0	42	48	224.5	165.5	120	$0	$154	$0	$0	$0	$0	$0	$4,348	$9,570	$7,154	$6,557	$14,494	$6,937	$26,163
Feb	86	444	266	68	48	56	24	220	111	189.5	252	171.5	163.75	121.5	$210	$258	$0	$0	$0	$0	$339	$2,138	$4,789	$21,810	$4,939	$15,797	$12,240	$13,041
March	110	332	180	36	118	84	24	168	74.5	81	289	257.75	123	147.75	$0	$0	$0	$447	$0	$0	$512	$6,254	$4,081	$7,510	$4,771	$29,020	$14,777	$13,803
April	106	456	240	94	222	120.5		265.5	0	226	333	215	249.5		$422	$0	$263	$0	$0	$164		$27,385	$3,930	$12,820	$10,392	$18,838	$31,124	
May	96	564	204	46	48	126		169	36	681	482	260.5	146.75		$993	$0	$0	$0	$0	$0		$29,828	$5,202	$18,415	$16,682	$22,341	$18,924	
June	106	540	312	140	69	190		254	194	727.5	385	198.5	261.5		$0	$0	$0	$161	$0	$0		$32,632	$21,692	$25,194	$12,050	$37,501	$19,497	
July	47	442	420	44	70	214		84.5	551	877	482	669.5	543.25		$0	$0	$0	$0	$0	$0		$27,180	$26,802	$32,344	$25,516	$41,289	$37,455	
August	246	312	168	104	90	104		748	708	792	541	459	681		$0	$0	$263	$0	$0	$0		$34,709	$22,125	$30,577	$28,933	$30,293	$36,963	
Sept	180	256	70	22	100	140		222.5	389	280	549.5	301	307		$0	$0	$250	$161	$0	$328		$22,108	$20,166	$23,313	$23,754	$28,316	$28,544	
Oct	154	314	48	120	68	86.5		216	292	204	502.5	251.5	353		$0	$0	$0	$161	$0	$176		$15,865	$17,041	$34,942	$25,878	$27,517	$33,279	
Nov	426	302	44	80	156	60		176	287	370	550.5	337.25	396.5		$0	$0	$363	$0	$0	$0		$17,554	$10,442	$30,691	$15,320	$26,166	$39,137	
Dec	600	424	206	104	168	118		144.5	376	265	642.5	366.5	316.5		$0	$0	$0	$0	$0	$0		$21,126	$25,206	$22,102	$15,766	$26,057	$32,632	
Total	**2236**	**4974**	**2482**	**894**	**1421**	**1309**	**108**	**2682**	**3018.5**	**4735**	**5057**	**3712.5**	**3702.3**	**389.25**	**$1,625**	**$412**	**$1,139**	**$929**	**$0**	**$668**	**$851**	**$241,128**	**$171,046**	**$266,872**	**$190,558**	**$317,628**	**$306,508**	**$53,006**

March

Total Overtime Hours Paid
161.00

Total Vaca/Comp Hrs	Total Vaca/Comp/Personal/Bereave Hrs Creating OT	% of Hrs Equating to OT
147.75	100.5	

Total Sick Time Hrs	Total Sick Time Hrs Creating OT	% of Hrs Equating to OT
24	12	50.00%

** Operating with 11 Officers

35.5 hours training
4.5 hours Court
8.5 hours Mutual Aid

BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

Recreation Department
March 2025

Recreation Commission

- March meeting met via Zoom; discussed outdoors group, introduced new member, and upcoming HUB Lakes events.

Recreation Director

- Continue attending various online and in-person Municipal Excess Liability trainings as part of the MEL Safety Institute Leadership Academy program – Leadership Skills for Supervisors; Accident Investigation.
- Started interviewing Summer Recreation applicants at the end of March.
- Registration opened on March 3 for Summer Recreation, Teen Adventure, and Sailing Programs. Several sessions filled within a few minutes. Extended day option in partnership with USA Sports Group, which adds programming from 12-2:30pm, Mon-Thurs, has been well received with over 20 kids per week registered.
- A third bus has been added to Teen Adventure Week 2 to increase capacity from 60 to 100 participants, to accommodate the lengthy waitlist. Currently, there are 4 kids on the waitlist.
- Rack and Ring Renewal opened on March 3. For the month of March 344 renewals were confirmed for the 460+ rack and ring spots we have total.
- Continue to finalize logistics and programming for summer programs, including purchase supplies.
- Met with ML Swim and Dive Association to discuss 2025 details. Future meetings will be scheduled to plan for HUB Lakes Swim AND Dive Championships, as we are the host site for both events this summer.
- Coordinating details for Trout Derby and Egg Hunt, including recruiting high school volunteers.
- Booking bands for the summer concert series.

Upcoming Events

- Mar 12, 26, Apr 4, 23, May 7, 21 – Chair Yoga in partnership with Lakeland Hills Family YMCA at Borough Hall, 12:30-1:15pm
- Fri, Apr 11 at 4pm – Trout Derby stocking at Birchwood Lake
- Sat, Apr 12 at 8-10am – 62nd Trout Derby
- Sun, Apr 13 at 1pm – Egg Hunt at Midvale Park
- Wed, Apr 30 – Laker 55+ Club - Fly Fishing for Beginners in partnership with Hacklebarney Trout Unlimited at Birchwood Lake, 9am-12pm (rain date May 14).
- Wed, June 4, 10am-2pm – Senior and Veteran ID Event
- Thurs, June 26 at 7pm – This Old Engine Band

- Thurs, July 3 – Fireworks (rain date July 5)
- Thurs, July 19 – Alex Laurenzi and Quartet
- Wed, July 16 – Pythagoras Band
- Thurs, July 31 – The Tourne
- Thurs, August 14 – Long Hill String Band
- Wed, Aug 20 – Movie Night at Island Beach

Monthly Meetings

- Recreation Commission
- HUB Lakes
- DPW Subcommittee
- NJRPA District 7
- Safety Committee – quarterly – March 13

Ongoing tasks

- Manage facility requests from residents and organizations.
- Oversee and support sports programs with school facility requests and supply purchases, if needed.
- Weekly eblast.
- Social Media posts.
- Update the Borough website.
- Borough Hall electronic sign.
- Manage Borough Hall room reservation calendar for conference rooms and Chambers.
- Submit payroll 2x per month.
- Bi-weekly facility report
- Distribute New Resident Welcome kits
- Manage Rack and Ring requests
- Monthly finance report

BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

OFFICE OF THE TAX COLLECTOR

To: Mayor & Borough Council
From: Monika Strama, Tax clerk
Date: March 18th, 2025

Re: Report of Receipts for the Month ending February 28th, 2025

TAXES YEAR 2024	$ 33,974.07
TAXES YEAR 2025	$ 6,369,404.09
INTEREST - TAXES	$ 3,923.22
WATER YEAR 2024	$ 7,303.44
WATER YEAR 2025	$ 113,165.29
WATER PENALTIES	$ 913.51
SEWER YEAR 2024	$ 6,692.38
SEWER YEAR 2025	$ 159,244.76
SEWER PENALTIES	$ 1,064.16
TOTAL CASH RECEIPTS AS OF 02/28/2025	$ 6,695,684.92

Respectfully submitted,

Monika Strama

Monika Strama
Tax clerk

BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

OFFICE OF THE TAX COLLECTOR

To: Mayor & Borough Council
From: Monika Strama, Tax Clerk
Date: April 8th, 2025

Re: Report of Receipts for the Month ending March 31st, 2025

TAXES YEAR 2024	$	6,500.94
TAXES YEAR 2025	$	411,178.23
INTEREST - TAXES	$	3,923.88
WATER YEAR 2024	$	6,535.47
WATER YEAR 2025	$	18,548.64
WATER PENALTIES	$	2,050.96
SEWER YEAR 2024	$	2,110.33
SEWER YEAR 2025	$	26,283.59
SEWER PENALTIES	$	2,771.77
TOTAL CASH RECEIPTS AS OF 03/31/2025	$	479,903.81

Respectfully submitted,

Monika Strama
Tax Clerk