

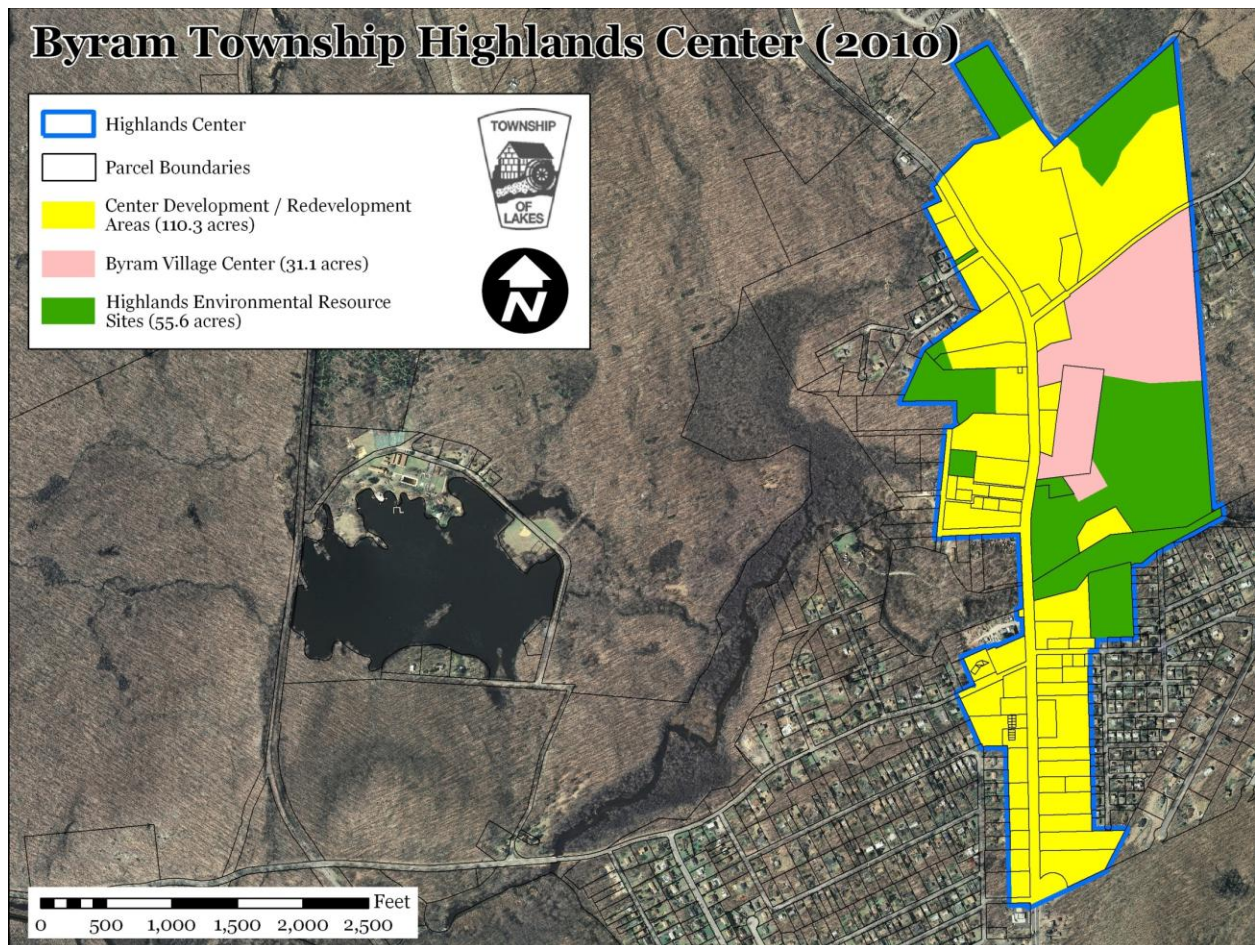
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
Petition for Plan Conformance - Final Consistency Review and Recommendations Report

APPENDIX D

HIGHLANDS COUNCIL REVIEW

REQUEST FOR HIGHLANDS CENTER DESIGNATION

Byram Township, Sussex County



Highlands Council Staff Draft Recommendation Report

Proposed Highlands Center Designation

Byram Township, Sussex County

Re:	Application Type:	<i>Proposed Highlands Center Designation</i>
	Name:	<i>Byram Center</i>
	Municipality:	Byram Township
	County:	Sussex County
	Highlands Act Area:	<i>Planning Area</i>
	Proposed:	<i>Highlands Village Center Designation for Byram Planning Area</i>

EXECUTIVE SUMMARY

Byram Township until May 19, 2010 retained Center Designation as approved by the State Planning Commission under the requirements of the State Development and Redevelopment Plan (SDRP). Byram's Highlands Center proposal represents the bulk of the Planning Area portion of the municipality, which constitutes less than 1.6% of its total land mass, while the remainder of the community lies within the Highlands Preservation Area. (Note: Byram Township also has Planning Area lands consisting of a 39-acre area (including five parcels) which is detached from the rest of the municipality, located to the southeast of the main Township boundary lines, between Stanhope and Hopatcong Boroughs. Known as "Byram Island," these lands are fully under the jurisdiction of agencies of the State of New Jersey (NJDOT, NJDEP) and are not a part of the Center discussion herein.) The Byram Center has been a primary focus of the municipality's planning efforts for the last ten years. As part of the Center Designation process, the municipality completed numerous planning studies, which resulted in reduced zoning densities throughout the Township, the adoption of ordinances protective of environmental features in the environs, and the development of a Smart Growth Plan. The Smart Growth Plan led to new zoning and design requirements and a design handbook to guide development and redevelopment of the Center.

The proposed Byram Highlands Center is recognized as the only portion of the municipality suitable for increased growth. It is situated with extensive frontage on State Route 206 and consists of approximately 197 acres of Planning Area land, representing 124 acres of land that is developed and/or not able to be developed due to environmental constraints or preservation, 26 acres of developable land associated with existing developed lots and 31 acres of developable vacant land (see Figure 1). This figure includes a minor proposed revision from the originally submitted delineation, provided by Byram, which appears in Figure 2. The revision would only slightly alter the area summations indicated, and does not affect the findings of the remainder of this review. Most of the vacant developable land in the proposed Center is associated with the "Village Center Zone" (Block 365 Lot 2 and Lot 5) component of the Center.

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The proposed Center has access to wastewater utility services via a contract agreement with the Musconetcong Sewer Authority, to provide capacity of approximately 40,000 gallons per day. The Wastewater Management Plan being developed for Byram Township will need to include this information, along with all details and additional data, as required to meet NJDEP requirements. The ability to develop and redevelop in the Highlands Center will be limited by sewer capacity conditions. The public water utility for the Center is anticipated to be with NJ American Water via an extension of the existing water line at the Route 206 Stanhope border. Project developers may explore alternate options, however, with final proposed plans to be incorporated into development applications. The RMP Municipal Build-out Report for Byram Township indicates that at full-build out the multi-municipal HUC 14 subwatershed for the Center Area would be in deficit status for Net Water Availability. In accordance with Plan Conformance requirements, a Water Use and Conservation Management Plan (WUCMP) is required for the Center and further evaluation of the anticipated NJ American Water extension, or any alternate proposal, will be necessary as a part of development review. The purpose of the WUCMP is to avoid creation of a deficit in Net Water Availability. While most of the Highlands Center consists of developed areas, which are slated for infill and redevelopment, the Smart Growth Plan also envisions a “Village Center Zone” (see Figure 3 and 4) component of mixed-use development occupying approximately 60 acres, to be centered upon a village green (Block 365 Lot 2 and Lot 5). The Village Center includes civic uses, public parks, commercial space, and residential units that include apartments over retail spaces in the Village Core, townhomes, 2- to 4- family units, and single family homes. The Village Center Zone Plan requires both active and passive open space set-asides and integrates the municipality’s Prior Round affordable housing obligation throughout the project area. The Highlands Center also identifies Highlands Environmental Resources that are to be protected from future disturbance (such as the Lubbers Run Greenway area), Low Impact Development guidelines, and requirements pertaining to related aspects of development and redevelopment.

Having reviewed all aspects of the municipality’s proposal, the Highlands Council staff concludes that designation of Byram’s proposed Highlands Village Center would advance the intents and purposes of both the Highlands Act and the Highlands Regional Master Plan (RMP). Highlands Center Designation would have no negative impact upon the public good nor be detrimental to the RMP or the local master plan. Designation would confer substantial benefits upon each, the municipality, the sub-region in which the municipality is located, and the Highlands Region, as a whole. The Highlands Council staff recommends approval of this Highlands Center by the Highlands Council as a component of Plan Conformance for Byram Township.

Rationale for Approval of Highlands Center Designation

1. Highlands Center designation directly addresses the goals of the Highlands Act Planning Area and RMP Future Land Use Programs associated with the identification of suitable locations within the Planning Area of the Highlands Region in which to permit and encourage appropriate, sustainable growth and development.
2. The Byram Center addresses the center designation requirements of the State Development and Redevelopment Plan, which are supported by RMP Policy 6F6 and Objective 6C1a. The plans incorporate the results of an extensive community visioning process that engaged residents in the process, ensured on-going citizen involvement in development/redevelopment projects, and garnered the support of residents and public officials. The plans provide for concentrated development of a community core that does not otherwise exist in Byram; ensure protection of

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the surrounding environs, including the lake districts of the community; call for infill and redevelopment in appropriate locations that optimize the use of existing infrastructure; provide for streetscape enhancements and pedestrian-friendly development initiatives; protect and enhance environmental and historic features within the area; and importantly, focus development outside of the Highlands Preservation Area, which occupies over 98% of the community.

3. The proposed Highlands Village Center would protect significant areas of high integrity forest and critical habitat; areas which may not otherwise remain as contiguous. In total, the Highlands Village Center provides for preservation of approximately 49 acres of land containing Highlands Environmental Resources.
4. The Highlands Center incorporates a “Village Center Zone” area that provides protection of approximately 25 acres as Open Space (in addition to the Village Green area and Highlands Open Waters and associated buffers) representing high integrity forest, Prime Ground Water Recharge Area and Critical Habitat in the Planning Area. While portions of these areas would have been reserved under prior plans, the contiguous nature of the protected areas and resources in the current proposal would not have been achieved without the collaboration undertaken between Byram elected officials and the Highlands Council, the end result of which ensures greater protection through Planning Area Plan Conformance.
5. The delineation of the Lubbers Run Greenway Area in the Village Center maps, the protections to be added into the Highlands Area Land Use Ordinance, and the future municipal-wide Stream Corridor Protection and Restoration Plan, will serve to restore and enhance the overall condition of the Highlands Open Waters and Riparian Area of the subwatershed. Implementation of these resource protection measures will ensure that resources are protected at the subwatershed level, resulting in a significant overall improvement in the protection of Highlands Region Planning Area resources.
6. Incorporation of a Water Use and Conservation Management Plan (WUCMP) provides opportunity for enhanced water resource protections in a key location of the Highlands Region. The purpose of the WUCMP is to avoid creation of a deficit in Net Water Availability for the source HUC14 subwatershed through measures for conservation and recharge protection and augmentation.
7. The modified Village Center Zone component of the Highlands Center allows for approximately 20 acres of additional development and protects 25 acres as open space and a village green area as well as 7 acres of Highlands Open Water buffer areas. The modified arrangement allows for the municipally-proposed development plan to proceed in a more compact form. These changes ensure that protected lands constitute contiguous forest resource lands, eliminating what would otherwise have been fragmented areas of open space, likely requiring significant areas of forest disturbance.
8. The Highlands Center incorporates a Village Center Zone Area that embodies the Smart Growth principles espoused by the RMP Future Land Use Programs and incorporates the Fair Share Plan affordable housing obligations for the municipality in accordance with the RMP. To support these goals, Byram is using form-based code, which will be integrated into the Village Center provisions of the Highlands Area Land Use Ordinance.

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9. The Highlands Center is appropriately situated with ready access to infrastructure and multi-modal transportation opportunities. The plan incorporates pedestrian and bicycle access and trails, and provides connections to community facilities, stream corridor greenway areas, and historic sites.
10. The Highlands Center aligns with the Department of Transportation (DOT) Route 206 Corridor enhancement project and increases pedestrian access and safety using context sensitive design measures.
11. The proposed plans for the Highlands Center incorporate the Low Impact Development principles espoused by the RMP Low Impact Development Program. The plans foresee LEED-certified construction and LEED-based site planning.
12. The Highlands Center offers opportunity for sustainable economic development and eco-tourism, providing needed retail goods and services to the community and surrounding areas, taking advantage of existing transportation links and infrastructure services, and answering to local shopping, social, and recreational needs at an appropriate scale, within proximate distances.
13. The Highlands Center aligns with the Board of Education Long Range Facilities Plan student and facility capacity conditions and supports local educational development plans.

Conditions of Highlands Center Designation

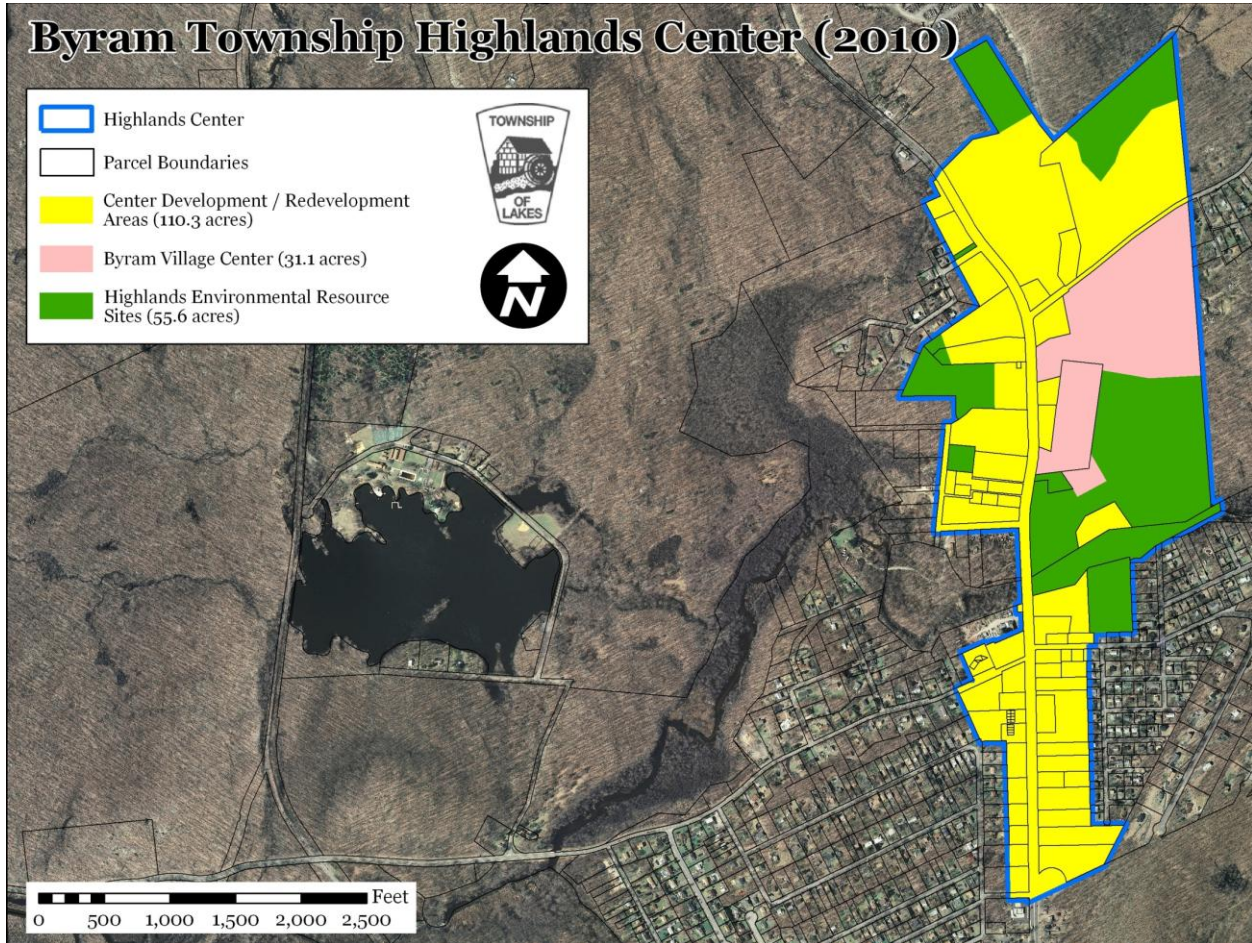
1. The provisions of the Highlands Area Land Use Ordinance governing Byram's Highlands Village Center shall: identify certain environmentally sensitive lands (such as the Lubbers Run Greenway Area) as Highlands Environmental Resources and restrict future disturbance activities; incorporate already-developed areas having potential for infill development and redevelopment; and achieve compact development of the mixed-use Village Center area.
2. The ordinance provisions governing the Village Center shall align development plans with available water supply and wastewater treatment capacities.
3. Pending both funding and technical assistance from the Highlands Council, the Township will, over the long term, develop: a) a municipal-wide Forest Stewardship Plan; and b) a municipal-wide Stream Corridor Protection and Restoration Plan.
4. All Plan Conformance municipalities are required to adopt a Water Use and Conservation Management Plan (WUCMP), however in support of Highlands Center designation the municipality shall expedite the adoption of a WUCMP for the HUC14 subwatershed relied upon for water supply in the Village Center, and ultimately, for the municipality as a whole. This is particularly relevant in Byram Township as the Highlands Municipal Build-Out Report indicates that the HUC 14 subwatershed associated with the Village Center would shift from a positive Net Water Availability to deficit status based on full build-out conditions. The WUCMP will assess the potential for this to occur, and identify means to avoid creation of a deficit in Net Water

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Availability for the source HUC14 subwatershed through measures for conservation and recharge protection and augmentation.

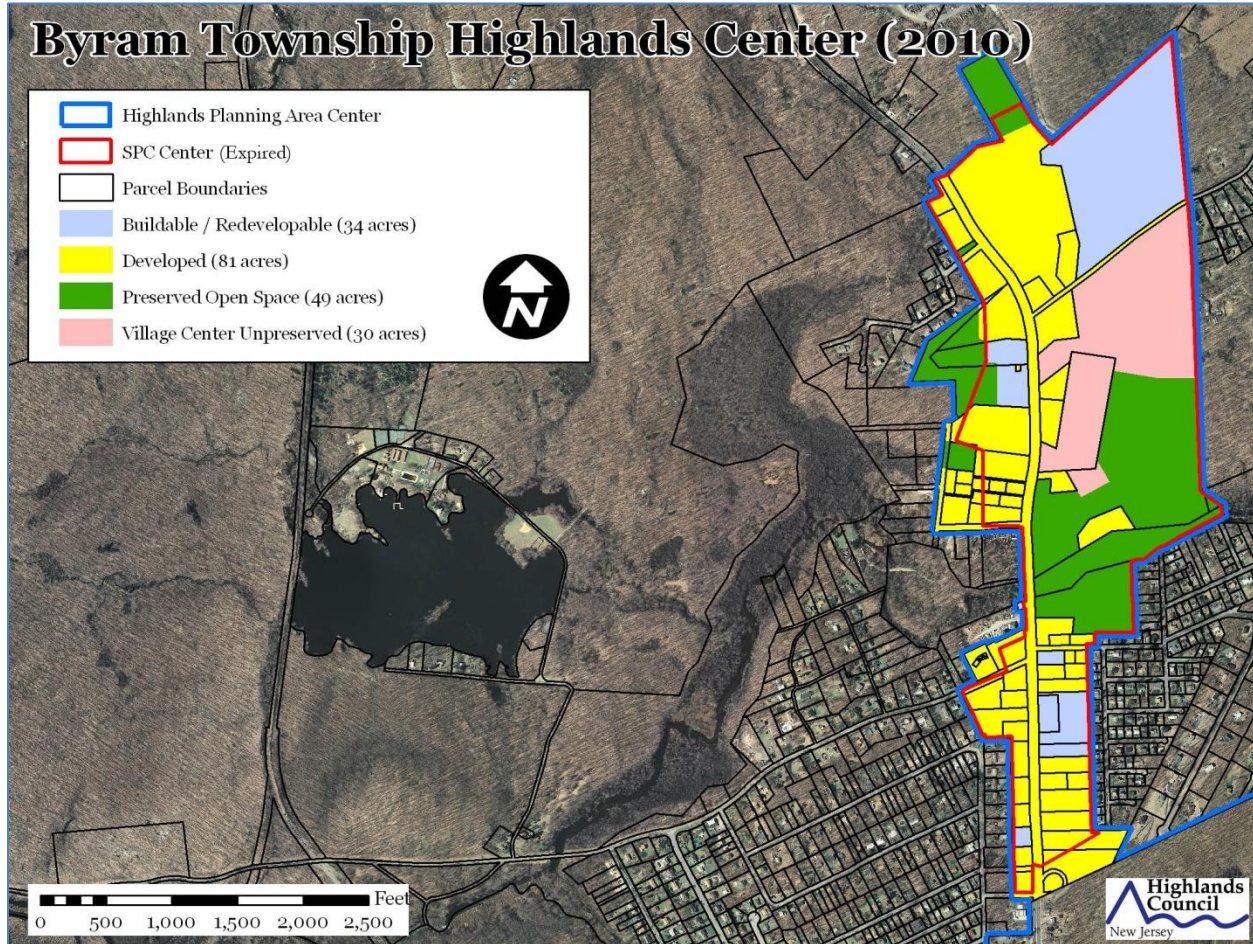
5. Adoption of ordinance provisions governing the Village Center that include the relevant development and redevelopment conditions required by the RMP Water Resources and Water Utilities Program, and the Future Land Use Program - Low Impact Development, Redevelopment and Housing and Community Facilities components.
6. The Highlands Center designation and associated ordinance provisions shall incorporate existing developed areas and areas that are appropriate for redevelopment in the Planning Area. Highlands Center designation allows for redevelopment to occur within the Center area without further Highlands Planning Area Redevelopment Designation requirements.
7. Adoption of an ordinance petitioning for Plan Conformance with respect to all Planning Area lands.
8. Byram shall comply with the conditions and requirements identified by the Highlands Council as necessary to achieve Highlands Plan Conformance, as specifically set forth within the final Consistency Review and Recommendations Report, Highlands Implementation Plan and Schedule, and final, adopted Highlands Council Resolution granting such approval.

Figure 1. Proposed Byram Highlands Center



BYRAM VILLAGE CENTER
Two-Family Residential: 8 units
One-Family Residential: 30 units
Townhouse Residential: 24 units
Apartments: 68 units
Commercial/Retail: 90,550 sq. ft.
Civic Uses: 39,640 sq. ft.
Park: 2.67 acres

Figure 2. Byram Village Center Delineation as Initially Proposed



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Figure 3. Byram Highlands Village Center – Acreage and Tract Details (Approximate)

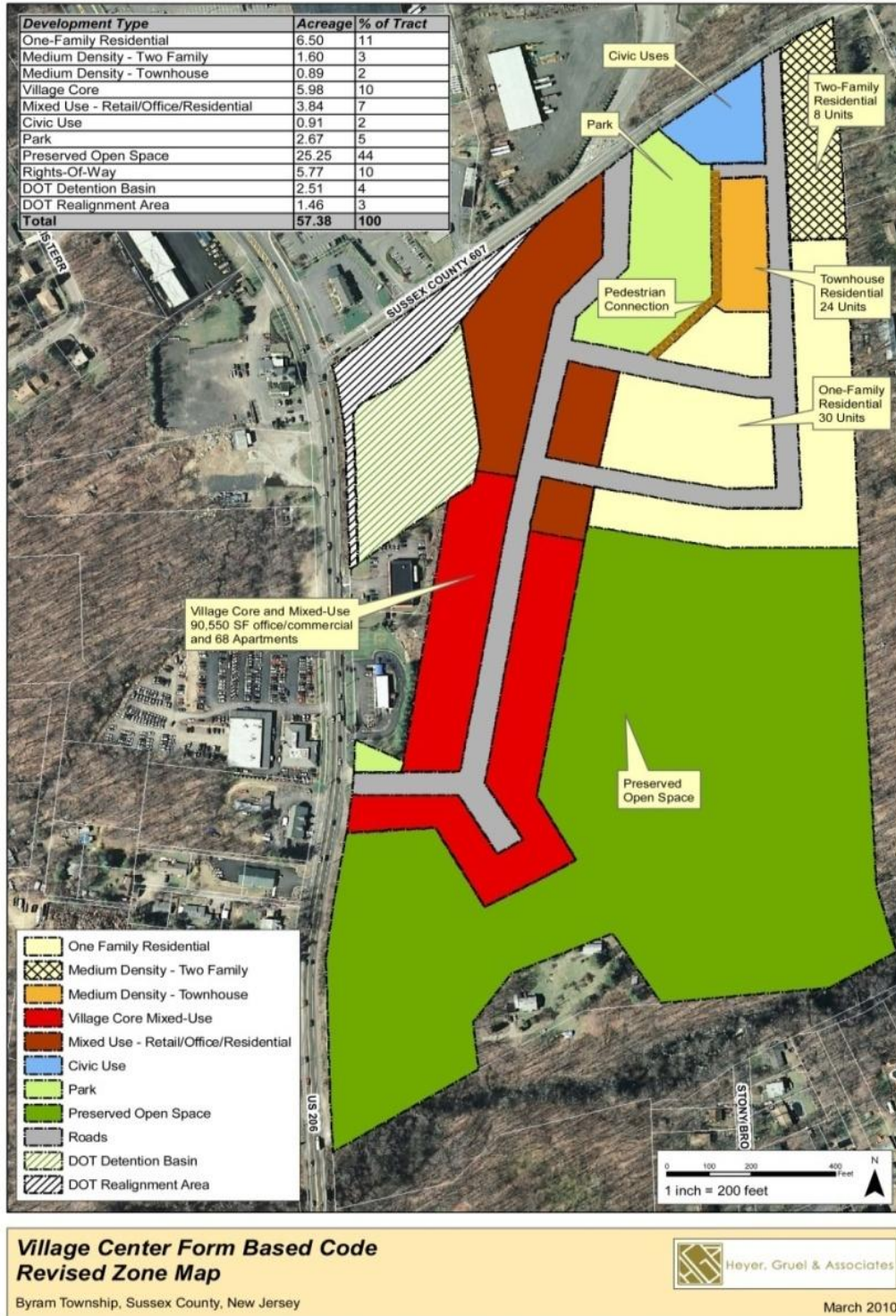
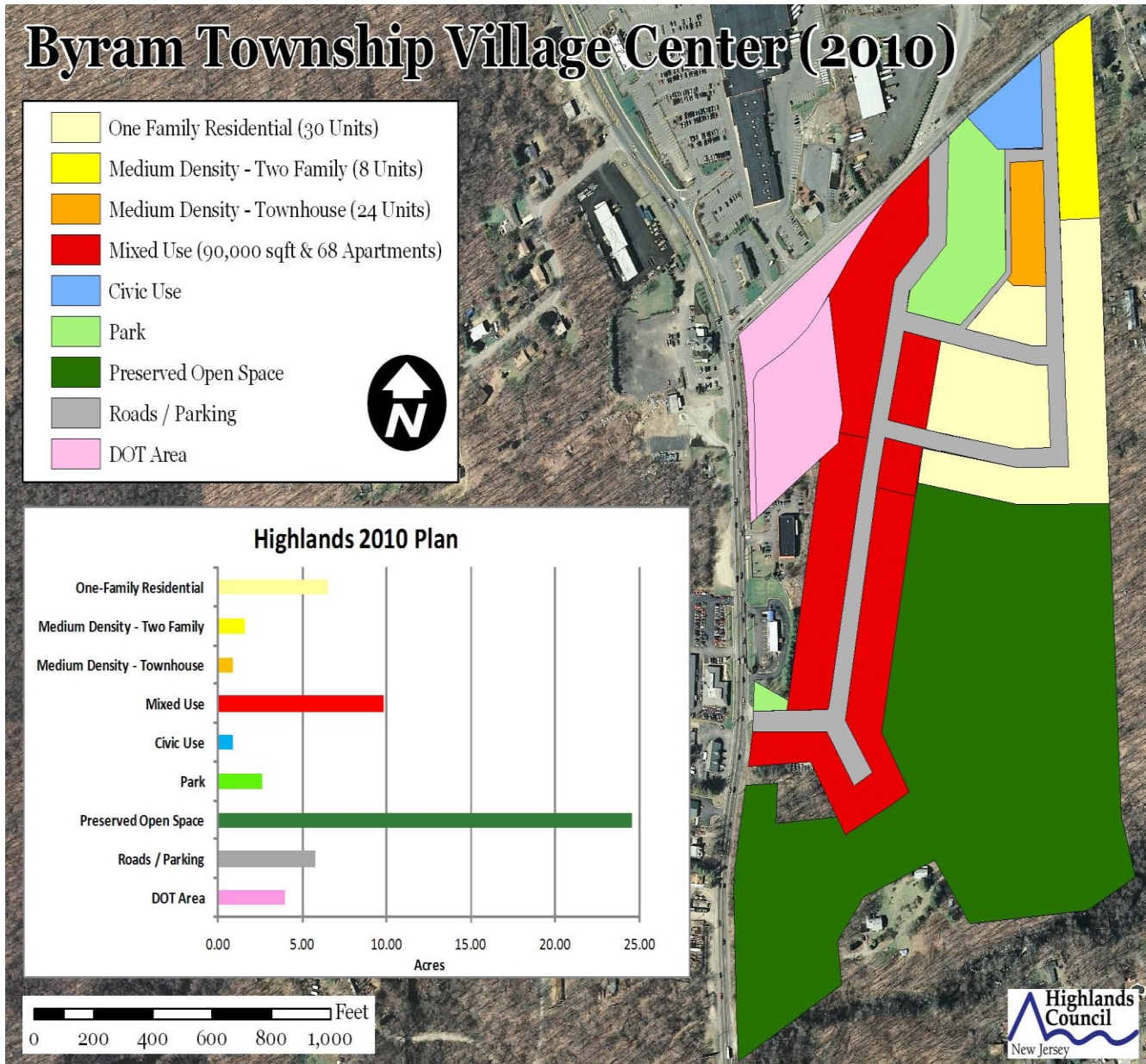


Figure 4. Byram Highlands Center – Village Center Land Use Details

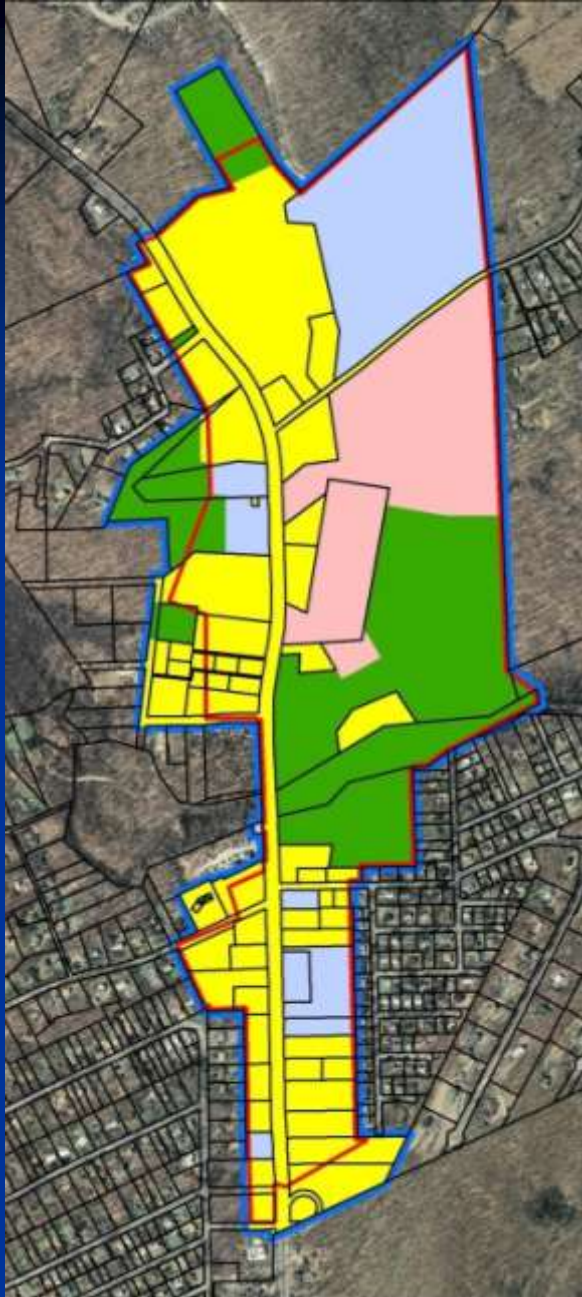


Highlands Village Center Designation

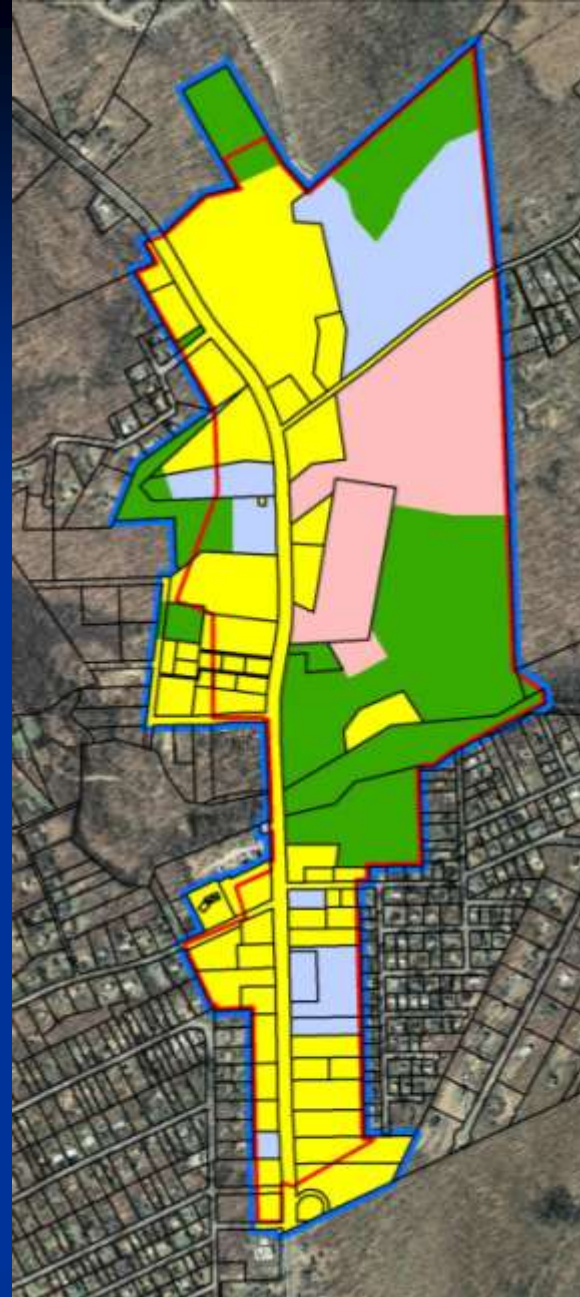
Byram Township Supplemental Petition Request

The Township of Byram proposes designation of its Planning Area lands (1.4% of the municipality) as a Highlands Center. As discussed in detail during the Highlands Council's April 2010 meeting, the 197-acre Byram Township Highlands Center would consist of the following (acreages, approximate):

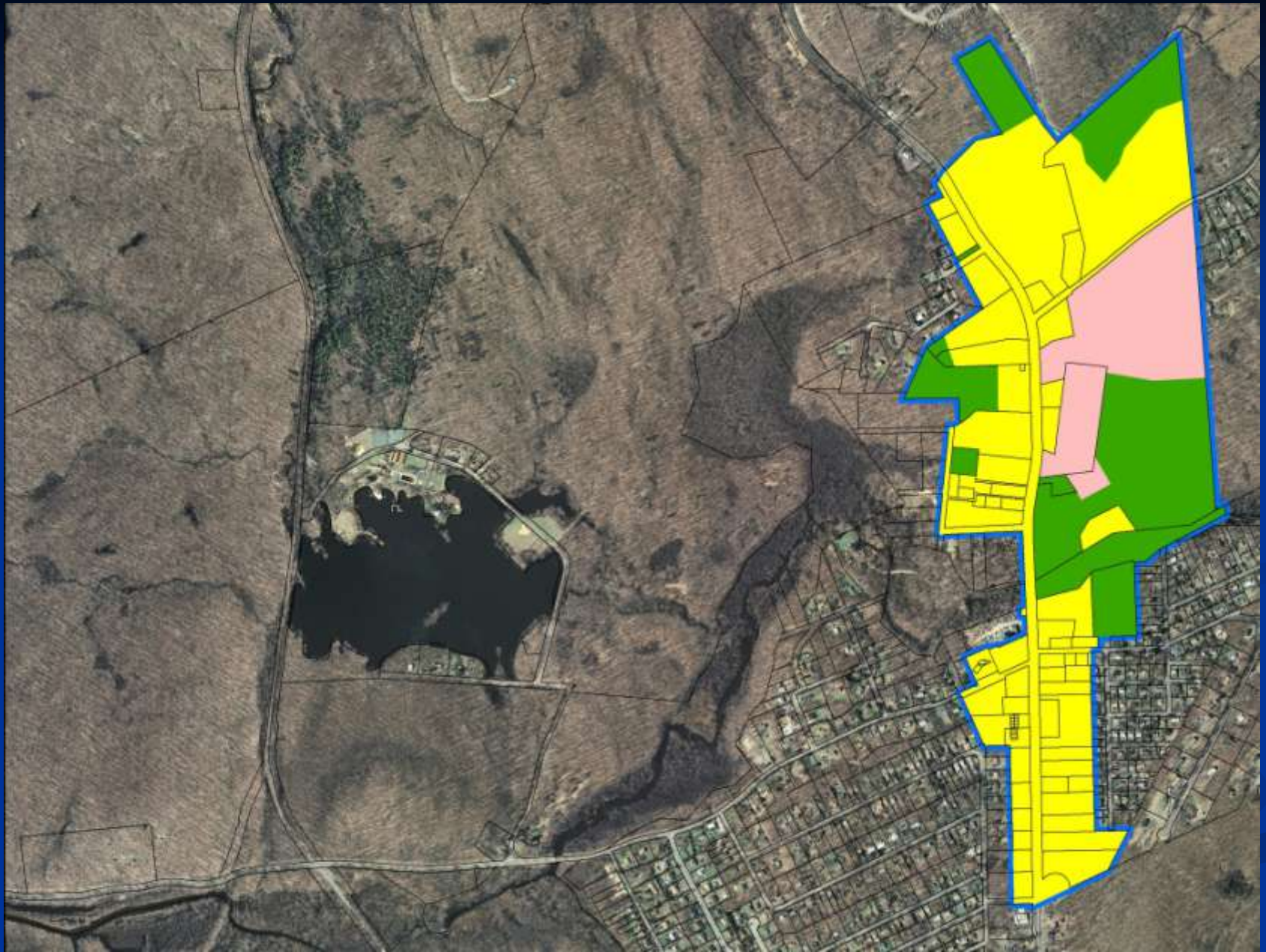
- Center Development/Redevelopment: 141.4 acres
 - Includes the Village Center : 31.1 acres
- Highlands Environmental Resource Sites: 55.6 acres



Original Proposal



Draft Proposal



Current Proposal

Byram Village Center

Major Proposed Features

Route 206 Streetscape Improvement Program – Street lighting, street tree plantings, sidewalks, pedestrian crosswalks



Byram Village Center

Major Proposed Features

Architectural Design Standards – Applicable to all Development & Redevelopment Projects; Architectural Review Board

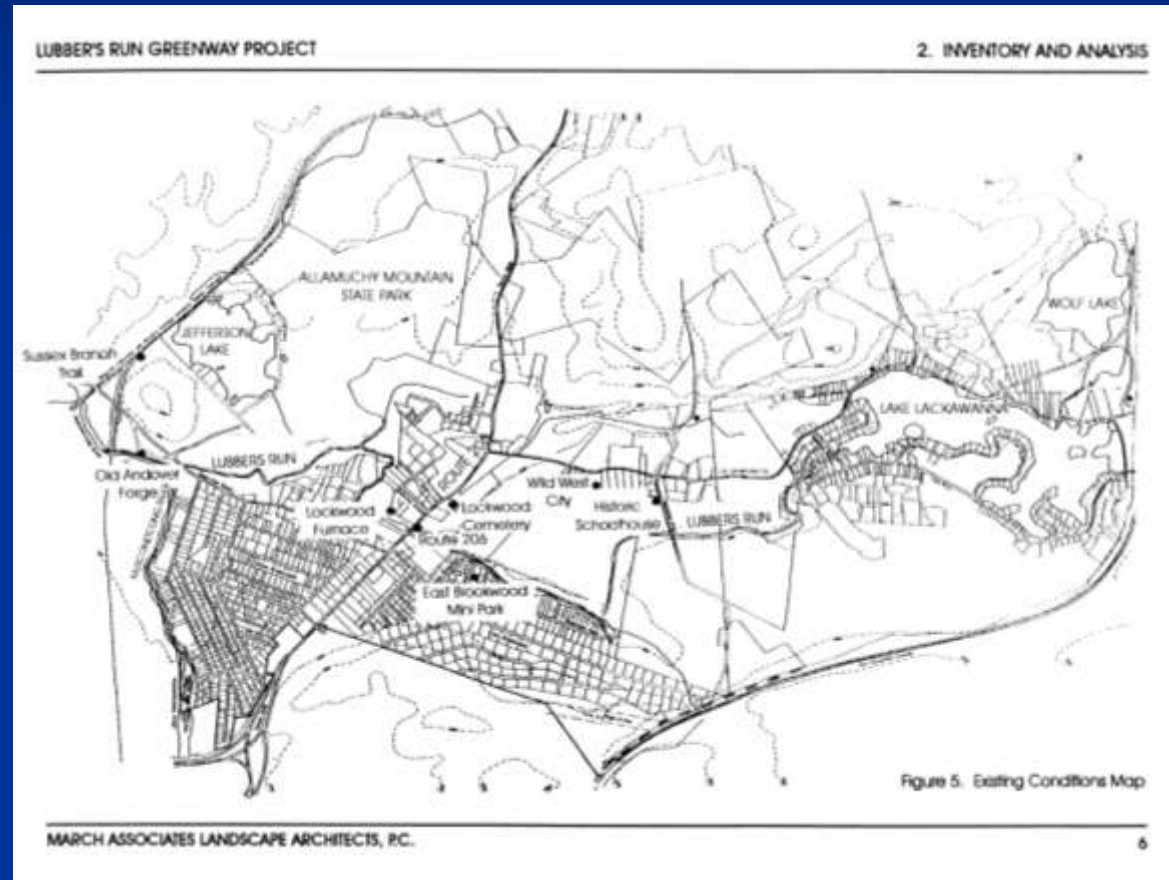


Byram Village Center

Major Proposed Features

**Lubbers Run
Greenway Project** –
Protection & Stream
Corridor Restoration

**Walking/Bicycle
Trail Component** –
Linking Historic
Sites/Districts, Lubbers
Run Greenway,
Community Facilities,
and Village Center Retail
& Residential Areas



Byram Village Center

Major Proposed Features

Village Center Mixed-Use Core Development Area



Byram Village Center

Major Proposed Features

Village Center Mixed-Use Core Development Area

- Village Green & Civic Spaces, Commercial Space, Apartments over Retail, Townhomes, 2- to 4-Family Homes, 1-Family Homes
- 26 Low/Moderate-Income Units (Mix of Rental and For Sale) Deed-Restricted to Address Affordable Housing Obligation
- Sewer Service by Musconetcong Sewerage Authority (Contractual Agreement for 40,000 gallons per day)
- Development to Comply with Form-Based Code, Architectural Design Standards, and Low Impact Development Guidelines (Goal: LEED Certification)

Byram Village Center

Major Proposed Features



The compact design of the Core Development Area allows for preservation of 25-27 contiguous acres of: **High Integrity Forest, Prime Ground Water Recharge Area, and Critical Habitat.**

All immediately adjacent to:

- Lubbers Run (on the south) and surrounding **Highlands Open Water Buffers**; and
- **Special Environmental Zone** lands bordering on the east.

Byram Village Center

Highlands Council/Byram Township Collaboration

- In recognition of the May 2010 expiration of Byram's State Plan Center designation, 10 years of sound local planning and community support, sewer contracts and COAH needs, the Highlands Center designation request was evaluated in support of full Plan Conformance for the municipality
- A review of Highlands resources, surrounding land uses, supporting documents and discussions with the municipal officials and its professionals resulted in a consensus based plan that supports resource protection, is within sewer allocations and meets local housing, civic and economic development needs
- The process resulted in a conceptual Form Based Code Zone map for the Village entire Planning Area land was studied and shown as developable/redevelopable and resource protection areas

Byram Village Center


Highlands Council/Byram Township Collaboration


- Site concepts included the recognition of the surrounding developed areas, accessibility to supporting transportation infrastructure, the approved DOT project area, steep slope areas, Highlands Open Water buffers, Lubbers Run, prime ground water recharge areas, and critical habitat.
- The conceptual site layouts were designed to maximize contiguous areas of Highlands resources and ground water recharge, protect Lubbers Run and Highlands Open Water buffers and minimize disturbance of severe slope areas.


Byram Township Highlands Center (2010)

 Highlands Center

 Parcel Boundaries

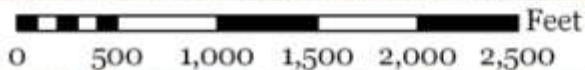
 Center Development / Redevelopment Areas (110.3 acres)

 Byram Village Center (31.1 acres)

 Highlands Environmental Resource Sites (55.6 acres)



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 Feet
0 500 1,000 1,500 2,000 2,500