

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF MARCH 21, 2019

**PRESENT**

CARL J. RICHKO	)	CHAIR
KURT ALSTED	)	VICE CHAIR
TRACY CARLUCCIO	)	COUNCIL MEMBERS
TIMOTHY P. DOUGHERTY	)	
MICHAEL R. DRESSLER	)	
ROBERT HOLTAWAY	)	
BRUCE JAMES	)	
MICHAEL SEBETICH	)	
JAMES VISIOLI	)	
ROBERT G. WALTON	)	

**VIA TELECONFERENCE**

MICHAEL FRANCIS	)
RICHARD VOHDEN	)

**CALL TO ORDER** 167<sup>TH</sup> meeting of the New Jersey Highlands Water Protection and Planning Council called to order at 4:02pm.

**ROLL CALL**

Roll call was taken. Members Francis and Vohden were present via teleconference. All other Council Members were present. *The following staff members were present: Lisa J. Plevin, John Maher, James Humphries, Christine LaRocca, Annette Tagliareni, Maryjude Haddock-Weiler, Keri Green, Carole Ann Dicton, Christina Petagna, and Tom Tagliareni. Also present via teleconference were Lauren Nathan-LaRusso, Associate Counsel, Governor's Authorities Unit, and Lewin Weyl, Deputy Attorney General.*

**OPEN PUBLIC MEETINGS ACT**

Ms. Tagliareni announced that the meeting was being held in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. The Highlands Council sent written notice of the time, date, and location of this meeting to pertinent newspapers of circulation throughout the State and posted notice on the Highlands Council website.

**PLEDGE OF ALLEGIANCE** was then recited.

**APPROVAL OF HIGHLANDS COUNCIL MINUTES OF JANUARY 17, 2019**

Chair Richko asked for a motion on the Minutes of January 17, 2019.

*Member Holtaway made a motion to approve the Minutes of January 17, 2019. Member Visioli seconded it.*

*A roll call vote was taken. The Minutes of January 17, 2019 were APPROVED 12-0.*

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**CHAIRMAN'S REPORT**

Chairman Richko gave an update on a project in Tewksbury Township, Hunterdon County, in the Protection Zone of the Planning Area.

Council Members may recall that the Bellemead Development Corporation proposes to construct a 700,000 square foot office building that will generate wastewater to be treated by a new on-site sewage treatment plant (STP) discharging to surface water. The New Jersey Department of Environmental Protection (DEP) had issued a NJ Pollutant Discharge Elimination System permit for that surface water discharge, which was appealed to the New Jersey Superior Court, who issued an opinion in 2017, mandating that the DEP had to consult with the Highlands Council (Council).

On May 24, 2017, the Council provided comments on the proposed project. The Council reviewed the draft permit against the Highlands Regional Master Plan (RMP) and determined that the project is inconsistent with the RMP. This is because wastewater treatment facilities are prohibited in the Protection Zone of the Planning Area (RMP Objective 2K3c). In a letter dated February 19, 2019 to the Council, the DEP disagreed with the Council's interpretation of the RMP and found the project consistent with the RMP. Based on the position set forth in the letter, the DEP issued a draft permit modification on that date. Chairman Richko noted that the Council has not changed its position. As next steps, the Council plans to comment on the draft permit modification during the public comment period.

Council Comment

Members Sebetich and Visioli commented that Council needs to take a strong stance.

**EXECUTIVE DIRECTOR'S REPORT**

Ms. Plevin highlighted the following staff activities:

**Plan Conformance Update**

- Independence Township passed a Council resolution authorizing them to apply for an Initial Assessment Grant, which will allow them to assess what might be involved with conforming to the RMP and the benefits of doing so.
- Council of Washington Borough (Warren County) unanimously passed a resolution indicating the town's intent to conform with the RMP.

Outreach Activities

To date, 27 outreach meetings have been held.

Plan Conformance Funding

Council will consider a resolution at this meeting authorizing funding for multiple Plan Conformance tasks for Highlands municipalities and counties. Funding in this resolution includes the first proposed and

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approved project in the Economic and Environmental Sustainability (EES) grant program – for a dam removal study along the Musconetcong River in Washington Township, Morris County.

Municipally Issued Exemptions

Since the prior report, the Highlands Council has been notified of the following municipally issued exemptions.

- Washington Township, Morris County issued 2 Exemption #5s
- Montville Township, Morris County issued 1 Exemption #5

**Project Review Update**

WQMP Amendment Reviews

- 1 project in Jefferson Township, Morris County – staff finding - consistent
- 1 project in Bernards Township, Somerset County – staff is currently reviewing
- 1 project in Mahwah Township, Bergen County – staff finding – consistent subject to specified conditions
- 1 project in Clinton Township, Hunterdon County – staff finding - consistent

**Green Acres Local and Non-Profit Stewardship Grant Application Letters of Support:**

Council staff sent three letters of support for applications to the Green Acres Local and Non-Profit Stewardship Grant program.

- Ballfield improvement project in West Milford
- Project in Mendham Township to transform portions of an existing historic property into a community park
- Several projects at Morris County's Frelinghuysen Arboretum

**Open Space Partnership Funding Program Update**

On Friday, March 1, the Highlands Council opened a new funding round in the Open Space Partnership Funding Program (OSP). A Public Notice was issued; application materials and information were posted to the Highlands Council website, distributed to our email subscriber list, and forwarded to a targeted list of entities that have previously expressed interest. The application deadline is Tuesday, April 30. The Highlands Council staff anticipates securing matching funds for these projects through the 2019 Highlands Conservation Act grant program, which has been identified for \$20 million in funding (for 4 Federal Highlands states) in the Consolidated Appropriations Act.

**TDR/HDC Update**

Since the prior report, one HDC allocation application has been received for Mount Olive, Morris County for 27.98 – 112 HDCs.

**RMP Amendments**

The RMP Amendment Committee held a public meeting prior to today's Council meeting at which time the committee discussed the draft Redevelopment Area Designation procedures and a draft of Plan Conformance procedures. We have agenda items related to both and Committee Chair Alstede will be providing additional details about that meeting in his report later.

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The next Council Meeting is scheduled for April 11, 2019 (earlier due to Easter Holiday).

*Note: After these minutes were recorded, the April 11, 2019 Council meeting was cancelled.*

**Regional Master Plan (RMP) Amendment Committee**

Municipal Averages

Committee Chair Alstede reported that the committee has been busy. Committee Chair Alstede first reported on the status of the committee's discussions regarding municipal averages. The issue is complicated and requires additional evaluation. Staff has been in discussions with SADC and continues to work on it.

Procedures for Highlands Redevelopment Area Designation

Committee Chair Alstede reported that the staff conducted the required six public hearings and accepted comments for a period of 60 days. The Committee has reviewed the proposed changes to the Redevelopment Procedures as a result of public comment and recommends the Council adopt the Procedures as an addendum to the RMP.

At this time, Mr. Piasecki gave a brief presentation outlining the changes to the Redevelopment Procedures as a result of the Public Comment Period. The PowerPoint may be found on Council's website at the link below.

[www.nj.gov/njhighlands/about/calend/2019/mar21/preso\\_20190321.pdf](http://www.nj.gov/njhighlands/about/calend/2019/mar21/preso_20190321.pdf)

**Resolution – Adoption Of The “RMP Addendum 2019-1 Procedure For Highlands Redevelopment Area Designation” As An Addendum To The Highlands Regional Master Plan**

Chairman Richko asked for a motion on the resolution.

*Member Holtaway made a motion. Member Dressler seconded it.*

Council Comment

There was no Council comment.

Public Comment

**Deborah Post, Chester Township** – Ms. Post asked whether these addendums are now part of the six-year revision of the RMP or is Council ducking the process. Chair Richko responded that Council is not attempting to circumvent the review process.

**Wilma Frey, New Jersey Conservation Foundation** – Ms. Frey thanked the Council for increasing the transparency and extending the comment period on the procedures and extending the notice period as well.

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Council Comment

Member Carluccio noted that she will be voting “no” on this resolution. Member Carluccio feels that waivers should not be permitted on redevelopment areas and that Council needs to develop a program that emphasizes restoration of compromised resources (i.e., brownfields sites, over 70% impervious surface areas, riparian buffers, and contiguous forest).

Member Carluccio also had two questions: 1) when a calculation is done for the 70% impervious surface area, if the contiguous property is separated by a roadway, is that still considered contiguous if under one ownership making the application or the municipality. Mr. Humphries responded that the answer is the same for both instances. If that area is contiguous it could be included in the redevelopment area. 2) Regarding discussion on the various conditions for a redevelopment area (7.1 Final Determination), does it include energy infrastructure. Mr. Humphries responded that it could and would be up to the Council to decide.

*A roll call vote was taken. The resolution was APPROVED 11-1.*

Plan Conformance Procedures

Committee Chair Alstede reported that the Plan Conformance Procedures have not been updated since the RMP was adopted in 2008. The Committee had an opportunity to review the Draft Plan Conformance Procedures at its previous committee meeting.

At this time, Mr. Humphries gave a brief presentation on the Plan Conformance procedures and what changes to the procedures are proposed. The PowerPoint may be found on Council’s website at the link noted above.

Committee Chair Alstede noted that the Committee has reviewed the Plan Conformance Procedures and recommends that the Council authorize staff to open a public comment period on the draft procedures for 60 days and hold the six public hearings as required by the RMP Amendment Procedures.

**Resolution – Authorization For Highlands Council Staff To Conduct The ‘Five Plus One’ Public Hearings Before The “Procedures For Plan Conformance” Can Be Adopted As An Amendment To The Highlands Regional Master Plan**

Chairman Richko asked for a motion on the resolution.

*Member Alstede made a motion. Member Holtaway seconded it.*

Public Comment

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers welcomes the fact that Council staff has worked on these procedures. Ms. Somers added that staff should expect extensive comments regarding this document.

**Deborah Post, Chester Township** – Ms. Post commented that what this amendment means, in her opinion, is that municipalities are not implementing the Plan Conformance process due to the onerous

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150-page document. Ms. Post added that with the proposed procedures one town will be treated differently than another. Ms. Post also commented on comment period extensions.

**David Shope, Lebanon Township, NJ** – Mr. Shope asked how the process has affected the world and wellbeing of planners and land use attorneys.

Council Comment

Member Carluccio is concerned that the Council is proposing/codifying the checklist approach based on findings. Member Carluccio feels Council should have a work session.

Chair Richko noted that this is common sense and a good idea.

*A roll call vote was taken. The resolution was APPROVED 11-1.*

**Budget & Finance Committee**

Fiscal Year (FY) 2019 – Highlands Protection Fund Capital Budget

Committee Chair Holtaway noted that there is a request to approve new/specific grant funding (from FY2019 budget) for the towns noted in the resolution in the amount of \$551,500. The Council approved the FY2019 Highlands Protection Fund Capital budget at a prior meeting at which time the Council was informed they would be asked to consider additional funding throughout the fiscal year. Committee Chair Holtaway added that these monies are not disbursed until a project is complete.

Member James stated that he is recusing himself from discussing or acting upon the resolution because one of the grant applicants is Passaic County and he is a member of the Passaic County Board of Chosen Freeholders.

*Member James left the meeting temporarily at 4:36pm.*

**Resolution – Approval of FY2019 Highlands Protection Fund Capital Budget for Plan Conformance Funding and Economic and Environmental Sustainability (EES) Grants**

Chairman Richko asked for a motion on the resolution.

*Member Visioli made a motion. Member Holtaway seconded it.*

There was no Council comment.

There was no Public comment

*A roll call vote was taken. The resolution was APPROVED 10-1.*

*Member James returned to the meeting at 4:38pm.*

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Composite Zoning Map Contract Award

Committee Chair Holtaway reported that the Council's Region-wide Composite GIS layer has not been updated since 2005. Council staff received several bidders with a wide range in pricing. Committee reviewed and voted to award contract to Neglia Engineering which demonstrated the clearest understanding of the proposed project, has sufficient GIS experience, and was the lowest bidder by \$50,000 (highest bidder was over \$170,000). Staff further contacted the references of Neglia Engineering and confirmed that previous clients were satisfied with their work product and ability to complete tasks in a timely fashion.

Resolution – Award of Contract to Develop a Regional Municipal Zoning GIS Layer

Chairman Richko asked for a motion on the resolution.

*Member Visioli made a motion. Member James seconded it.*

Council Comment

Member Visioli commented that the committee and staff feel comfortable that they are choosing the correct consultant for this project.

Member Dougherty asked if the staff vetted the contractor and used a fair bidding process for the contract award. Mr. Humphries responded that staff researched and checked references and followed a fair process.

Public Comment

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp asked if the new mapping will show the Preservation and Planning Areas. Member Holtaway responded that the mapping will be updated regarding zoning for Highlands municipalities to be used with all other resource mapping including Preservation and Planning Areas.

**Deborah Post, Chester Township** – Ms. Post commented that maps are available to the public. Ms. Post asked why staff can't do this. Ms. Post believes Council is wasting taxpayer money.

*A roll call vote was taken. The resolution was APPROVED 12-0.*

Chairman Richko opened the meeting to the public for any other comments.

Public Comment

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers invited Council to the Northwest New Jersey Rivers Conference at Centenary University in Hackettstown. The invitation was handed to each Council member. Ms. Somers also noted other events scheduled this spring. Lastly, Ms. Somers commented on Independence Township's interest to move forward with Plan Conformance.

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Ms. Plevin clarified that Independence Township passed a resolution to do an Initial Assessment Grant with the Council.

**David Shope, Lebanon Township, NJ** – Mr. Shope submitted his comments along with 180 proxies from harmed landowners. These public comments were submitted for the record in the past and submitted again today. Mr. Shope also noted that Member Carluccio gets “two bites of the apple” regarding her comments. Lastly, Mr. Shope noted that landowner value is a valuable resource.

**Deborah Post, Chester Township** – Ms. Post commented that Council needs to appoint a landowner advocate. Ms. Post urged Council to pass a resolution regarding municipal averages similar to the resolution passed at the Agriculture convention.

**Sharon Petzinger, Zoologist, DEP, New Jersey Division of Fish and Wildlife** – Ms. Petzinger introduced herself. She is the manager of the Sparta Mountain project and invited Council (non-quorum) to join her at the site for a tour in May.

*Member Holtaway made a motion to adjourn the meeting. Member James seconded it. All were in favor. The meeting was adjourned at 4:57pm.*

**CERTIFICATION**

I hereby certify that the foregoing is a true copy of the minutes of the meeting of the Highlands Water Protection and Planning Council.

Date: 5-16-19

Name: Annette Tagliareni  
Annette Tagliareni, Executive Assistant

Vote on the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			✓			
Councilmember Carluccio			✓			
Councilmember Dougherty			✓			
Councilmember Dressler						✓
Councilmember Francis			✓			
Councilmember Holtaway		✓	✓			
Councilmember James	✓		✓			
Councilmember Sebetich						✓
Councilmember Visioli						✓
Councilmember Vohden			✓			
Councilmember Walton			✓			
Chairman Richko			✓			