

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF FEBRUARY 15, 2024

PRESENT

CARL J. RICHKO)	CHAIR
KURT ALSTEDE)	VICE CHAIR
DANIEL BUSH)	COUNCIL MEMBERS
TIMOTHY DOUGHERTY)	
BRUCE JAMES)	
MICHAEL SEBETICH, PhD)	
DANIEL J. VAN ABS, PhD)	
JAMES VISIOLI)	
RICHARD VOHDEN)	

VIA TELECONFERENCE:

MICHAEL DRESSLER)
MICHAEL FRANCIS)

CALL TO ORDER 203RD meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:01pm at the Highlands Council Offices in Chester, NJ.

ROLL CALL

Roll call was taken. All Council Members were present. Members Dressler and Francis were present via teleconference. *The following staff members were present: Ben Spinelli, Gabrielle Gallagher, Maryjude Haddock-Weiler, Kelley Curran, Neda Hartman, Allison Bittner, Annette Tagliareni, Carole Ann Dicton, Roberta Burkhart, Tom Tagliareni, and Karen Castanbas. Others present: Via teleconference – Bruce Velzy, Deputy Attorney General’s (DAG’s) office; and Alexis Franklin, Associate Counsel, Governor’s Authorities Unit (GAU).*

OPEN PUBLIC MEETINGS ACT was recited.

PLEDGE OF ALLEGIANCE was recited.

CHAIRMAN’S REPORT

Chair Richko welcomed a new Councilmember, Daniel Bush from Holland Township. Mr. Bush was sworn in as a member of the Highlands Council. Mr. Bush provided his professional and personal background.

Chair Richko acknowledged the passing of former Councilmember, Michael T’fank, who served on the Council for approximately five years.

EXECUTIVE DIRECTOR’S REPORT

Mr. Spinelli provided several updates:

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF FEBRUARY 15, 2024

- Acknowledged the retirement of Judy Thornton, Principal Planner, and noted her contributions to the Highlands Council.
- Principal Planner position remains open.
- Welcomed Mayor Bush.
- Regional Master Plan (RMP) Amendments - Public hearings are being held this coming week and comments may be submitted by COB April 1, 2024. The proposed Amendments are:
 - Standards for Warehousing in the NJ Highlands Region
 - Land Use Capability Zone Map and Technical Report Update
- Watershed Moratorium Aid (WMA) – Council approved a resolution last year requesting funding for Highlands towns who qualify for WMA but are not receiving it. Member Van Abs suggested that 3 members from the Highlands Council be appointed to the WMA board. Mr. Spinelli passed this suggestion to the Governor’s office to consider.
- Lopatcong/Pohatcong Redevelopment Area Designation – comment period ends February 22, 2024.
- Lopatcong/Pohatcong Petition for Amended Highlands Center Designation – comment period ends March 13, 2024.
- Award for Open Space and Recreation Plan for Highlands Region on agenda today.
- Department of Interior/U.S. Fish and Wildlife Service (USFWS) – continue to work with them on a petition to allow an alternative appraisal methodology. Petition is pending.
- The 5-year second extension of Dual Appraisal Methodology expires this June.
- Request for Proposals: Branding and Marketing Plan for Highlands Region – received eight (8) proposals.
- Sparta Mountain – submitting comments for next year’s activities.
- Highlands Operating Budget – the need to increase the Highlands Operating Budget for new positions. It was noted that the Highlands Operating Budget has been the same for ten years.
- Highlands Protection Fund Capital (Grant) Budget – the need to increase the Grant budget to address the MS4 requirements.
- Affordable Housing Legislation – passed through the Assembly. Still pending in the Senate. The Legislation does not appropriately address the Regional Master Plan. It does not address the Highlands Region resources for its residents as well as resources to the residents outside the region.
- Engaging with the City of Newark – largest landowner in the Highlands and largest consumer of Highlands water.
- Outreach discussions – Mount Olive, Harding Township, Mendham Township, and Hope Township.
- State Agriculture Development Committee (SADC) Coordination regarding an Agricultural Ombudsman
- Speaking engagement with Watershed Institute Conference.
- Meetings with:
 - Town of Boonton
 - White Township
 - USFWS
 - NJDEP
- New Jersey State Plan being updated. The Highlands Council will be commenting.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF FEBRUARY 15, 2024

At this time, Chair Richko asked if any Council members had any comments or questions on the Executive Director's report.

Council Comments

Member Sebetich asked what Council's role is regarding Sparta Mountain. Mr. Spinelli responded that the project triggers our review of the activities as it is an environmentally sensitive site. Mr. Spinelli added that the activities should respect the resources of the Highlands region. Mr. Spinelli also added that we do not have sufficient staff resources to be on the ground.

Chair Richko commented that the City of Newark watershed is approximately 35,000 acres and consists of seven large reservoirs. Chair Richko added that he would like to work with the City of Newark to assist them in preserving those resources.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF JANUARY 18, 2024

Chairman Richko asked for a motion on the Council Minutes of January 18, 2024.

Member Dougherty made a motion to approve the Highlands Council Minutes of January 18, 2024. Member Sebetich seconded it.

A roll call vote was taken. The Highlands Council Minutes of January 18, 2024, were APPROVED 10-0, with one abstention by Member Bush.

BUDGET & FINANCE COMMITTEE

Committee Chair Visioli provided his Budget & Finance Committee report:

Resolution – Adoption of Amended Bylaws

Committee Chair Visioli reported that the first resolution for Council's consideration is the amendment to the Council's Bylaws to increase the Executive Director's authority threshold for contracts, purchases, and payments to \$44,000 to be consistent with other state agencies. Other state agencies are set at \$44,000 and the Highlands Council is currently set at \$25,000.

Chairman Richko asked for a motion on the resolution.

Member Visioli moved the resolution. Member James seconded it.

Council Comment

Member Vohden asked why this amendment was not processed through the Bylaws Committee.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF FEBRUARY 15, 2024

Ms. Gallagher responded that since it is a budget matter staff decided to have it go through the Budget & Finance Committee.

There was discussion about the Bylaws Committee and Mr. Vohden added that the Council should have been notified ten (10) days prior to an amendment and it would be helpful to have the committee list on Council's website.

Chair Richko and Mr. Spinelli noted that Member Vohden's comments are well taken.

Ms. Gallagher concluded that the committee list will be emailed to all Council members.

Public Comment

There was no public comment.

A roll call vote was taken. The resolution was APPROVED 11-0.

Resolution – Approval of Fiscal Year 2024 Highlands Protection Fund Capital Budget for Plan Conformance Funding Grants

Committee Chair Visioli reported that the second resolution for Council's consideration is for three (3) grant requests. The Committee is recommending the approval of grants totaling \$99,500. All grants are reimbursement-based.

The Highlands Council has two requests for grant funding to comply with the enhanced regulations of the NJDEP Municipal Separate Storm Sewer System (MS4) Permit.

Bedminster and Liberty Townships are requesting funding for Stormwater Management Planning. Bedminster is requesting \$34,500; and Liberty is requesting \$50,000. Both Townships have applied for NJDEP grants: Bedminster (Tier A) \$25,000, Liberty (Tier B to A) \$75,000.

The last grant request is from Bloomsbury Borough, Hunterdon County - Bloomsbury Borough is a 100% Preservation Area municipality and is requesting funding to prepare a Circulation Plan element as part of their municipal master plan. The Borough is requesting \$15,000 for this work.

Chairman Richko asked for a motion on the resolution.

Member Visioli moved the resolution. Member James seconded it.

Council Comment

Member Sebetich asked what a circulation plan is. Mr. Spinelli responded that it is related to traffic circulation.

Public Comment

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF FEBRUARY 15, 2024

There was no public comment.

A roll call vote was taken. The resolution was APPROVED 11-0.

Resolution – Approval of Contract to Develop an Open Space and Recreation Plan For the New Jersey Highlands Region

At this time Highlands Regional Planner, Allison Bittner, gave a presentation which may be found on the Highlands Council website: www.nj.gov/njhighlands/about/calend/2024_calendar.html#feb15

Committee Chair Visioli reported that the Budget & Finance Committee and Council staff are making a recommendation to award a contract to develop an Open Space and Recreation Plan for the New Jersey Highlands Region. Committee Chair Visioli thanked the Highlands for their professional input and noted it is critical that we all get involved in these decisions.

Chairman Richko asked for a motion on the resolution.

Member Visioli moved the resolution. Member James seconded it.

Council Comment

Member Van Abs recused himself from this resolution.

Public Comment

There was no public comment.

A roll call vote was taken. The resolution was APPROVED 10-0.

OLD/NEW BUSINESS:

There was no Old/New Business.

Chair Richko opened the meeting for any public comment. Chair Richko noted that during this public portion of the meeting, the Council wants to hear your comments/suggestion but is not a question-and-answer period. Chair Richko added that if a public member has any questions, please call the Highlands Council office at any time.

Public Comment

Dylan Medici, NJ Highlands Coalition – Mr. Medici welcomed Councilmember Bush to the Council, and noted that the Coalition looks forward to working with him in the future.

George Cassa, NJ Highlands Coalition - Mr. Cassa commented on Mr. Spinelli's Executive Director's report regarding Sparta Mountain. Mr. Cassa asked what was the trigger for the Highlands Council review

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF FEBRUARY 15, 2024

of the work. He asked if the Council was notified by NJDEP. Mr. Spinelli responded that the Council is acting based upon the plan NJDEP put forward and activities they propose for next year and added that the Highlands Act triggers us to comment on it.

Richard Kelsky, Stillwater, New Jersey – Mr. Kelsky followed up on his comments to the Highlands Council at its meeting of January 18, 2024, regarding the RMP Amendment Committee meetings in November and December and the RMP Amendment process. Mr. Kelsky submitted his comments for the record. Mr. Kelsky also supports Member Vohden’s comments.

Chair Richko asked for a motion to adjourn the meeting.

Member James made a motion to adjourn the meeting. Member Dougherty seconded it. All were in favor. The meeting was adjourned at 4:48pm.

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: 3/21/2024

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

Vote on the Approval of Minutes	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			√			
Councilmember Bush			√			
Councilmember Dougherty	√		√			
Councilmember Dressler						√
Councilmember Francis			√			
Councilmember James						√
Councilmember Sebetich			√			
Councilmember Van Abs		√	√			
Councilmember Visioli			√			
Councilmember Vohden			√			
Chairman Richko			√			

PUBLIC COMMENTS SUBMITTED AT
HIGHLANDS COUNCIL MEETING
FEBRUARY 15, 2024

Transcription:

Comments of Richard Kelsky at Highlands Council Meeting of January 18, 2024 (Public Comments Portion) Regarding RMP Amendment Process and Response of Highlands Council through its Chief Counsel, Gabrielle Gallagher, Esq. (at that meeting).

00:37:59 Rich Kelsky, Stillwater:

I'm concerned about the inconsistent application of the rules governing your proposed RMP amendments. While you've repeatedly stated, by the way, that each amendment will be by separate resolution, your agenda limited public comment to a single session rather than permitting public comment on each separate resolution.

Also, I'm very concerned that you publicly noted that as of today, for today, you publicly noticed a committee meeting and you provided documents regarding that meeting, but I can't figure out why that meeting was necessary.

The published minutes of November's meeting of the committee, prepared by Mr. Spinelli, state that the purpose of the meeting was quote, introduction and release for public comment of the following documents, each for ultimate adoption into the RMP. Highlands Region, Forestry, Wetlands and Wetlands, Best Management Practices. Policy Standards for Warehousing. Updated Land Use Zone Map.

The minutes conclude, following discussion the committee decided to hold off on the forestry best management practices at this time and present only the warehouse guidelines and land use capability zone map to the Council at its December 14th, 2023 meeting.

That November determination by the committee was also specifically referenced, referenced by Mr. Spinelli in the Highlands Council December report.

That record is clear, unequivocal, and repeatedly presented.

If that's not taking action on an amendment to the RMP, I don't know what is.

But that presented a problem.

RMP Addendum 2018-1 which governs amendments, requires that meetings be open to the public and noticed to the public and all documents being considered be provided to the public at any meeting of the committee at which it is anticipated that the committee will take action on a proposed RMP amendment.

So why did you not give public notice of the November meeting? And why did you not make the documents available at the November meeting?

Did you conduct the RMP Amendment Committee meeting today to attempt to correct your failure, [Chairman Richko speaking to Chief Counsel, Gabrielle Gallagher, Esq.; not audible on recording] Chairman Richko, [Chairman Richko: Sorry.] to follow the RMP Addendum 2018-1 regarding the November RMP Amendment Committee meeting?

Pursuant to RMP Addendum 2018-1, I formally request that you make available to the public, the public, the documents reflecting the three proposed amendments to the RMP in the form actually delivered to the RMP Amendment Committee in the month of November, which you should have done at that time, one of which was rejected for presentation and two of which were approved for presentation to the Council at its December 14th meeting.

00:44:00 Highlands Council Chairman Richko:

Just going to ask our Chief Counsel kindly to address the comments that were made before about the RMP.

00:44:07 Highlands Council, Chief Counsel, Gabrielle Gallagher, Esq.:

Sure. Um the RMP process um starts with um a preliminary meeting to discuss what which RMP amendments are going to move forward.

That does not need to be a public meeting. It by nature cannot be a public meeting because it's discussing drafts of various documents um which may or may not move forward, and as you indicated, there was one that did not move forward, so it would have been premature to make those documents public because they were all in draft form um and they would not have been released to the public, unless the RMP committee first authorizes them to be released to the public, um and then the um Council releases them to the public, so at that first meeting the RMP committee says yes, let's have that public meeting um and let's release the documents for the RMP amendments that are going to move forward to the public. Um and then at that public meeting, the RMP committee decides whether or not the public gets to see those documents um, at, you know, at that meeting um and then the RMP committee votes to send it to the Council for release for public comment. So um there is, the public is a part of the process at the point at which the coun, the amendment committee decides to move forward with an RMP amendment, so um that that's the requirements that we are required to meet. We met those requirements. Um we will continue to meet the requirements of public access through our six public hearings.

Um and certainly, everybody's welcome to come to any public meeting that we have to discuss those before or after they're released um and either submit written comments or attend any one of the six public uh hearings.

[Chairman Richko and others follow with statements regarding subsequent public hearings]



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.nj.gov/njhighlands



CARL J. RICHKO
Chairperson

BENJAMIN L. SPINELLI, ESQ.
Executive Director

MEMORANDUM

To: RMP Amendment Committee
From: Benjamin L. Spinelli, Esq., Executive Director
Subject: RMP Amendment Committee Meeting – November 27, 2023
Date: December 6, 2023

An RMP Amendment Committee meeting was held on Monday, November 27, 2023, at 10:00 am via Zoom video conference.

RMP Amendment Committee Members present: Council Chair Richko, Committee Chair Alstede, and Committee Members Sebetich, Holtaway, Vohden and Van Abs.

Staff Members present: Ben Spinelli, Gabrielle Gallagher, James Humphries, Maryjude Haddock-Weiler, Judy Thornton, Corey Piasecki, Carole Ann Diction, Carolyn Klaube, Jocelyn van den Akker, Alex Hascha, Weston Strubert, Karolyn Garcia and Karen Castanhas.

Committee Chair Alstede called the meeting to order at 10:02am.

At this time Committee Chair Alstede introduced Executive Director Ben Spinelli.

Mr. Spinelli presented a summary of the agenda items for the meeting, which centered on three (3) proposed amendments to the Highlands Regional Master Plan (RMP). He reminded members of RMP Addendum 2018-1, adopted by the Highlands Council in 2018, which sets forth procedures for amending the RMP. Accordingly, he indicated that Council staff are recommending the introduction and release for public comment of the following documents, each proposed for ultimate adoption by the Highlands Council as an amendment to the RMP:

- Highlands Region Forestry and Wetlands Best Management Practices
- Policy Standards for Warehousing in the NJ Highlands Region
- Updated Land Use Capability Zone Map and Technical Report

At this time Corey Piasecki, Principal Planner, gave a detailed presentation of the Regional Master Plan Amendment process. Mr. Piasecki suggested the following timeline:

December 6, 2023

Page 2

- Public Comment Open: December (after the December 14th Highlands Council meeting)
- Public Hearings: January/February 2024
- Revision/repost: February/March 2024
- Highlands Council vote: April/May 2024

Mr. Humphries added that each individual amendment is intended to stand on its own. The amendments would be considered together only to streamline the amendment process, thus reducing the required number of public hearings and optimizing staff time and resources.

Committee Chair Alstede questioned the timing of the Forestry RMP amendment proceeding with the others as it is the most controversial.

Council Chair Richko asked for a brief history of who Council staff had met with to discuss the forestry proposal. Mr. Spinelli explained that staff reached out to multiple stakeholders and spent over 80 hours conducting meetings with them.

Member Van Abs noted that he needed to leave the meeting by 11 am.

Highlands Region Forestry and Wetlands Best Management Practices

Carolyn Klaube, Senior Natural Resource Specialist, gave a detailed presentation on the Highlands Region Forestry and Wetlands Best Management Practices.

The best management practices will be used in the following ways:

- Supplement statewide guidance with Highlands specific regulations and requirements.
- Assist property owners (state, local, public/private) and licensed consulting foresters in developing plans to align with existing regulations regarding forest management and stewardship in the Highlands.
- Assist state-level reviewers for all Forest Management/Stewardship plans prepared for the Highlands region forest to ensure alignment.

Ms. Klaube explained that currently approved woodland management plans/forest stewardship plans would not be impacted by the Highlands Region Forestry and Wetland BMPs and that it would not affect private landowners' farmland assessment. Any plans written after the adoption of the Highlands Region Forestry and Wetland BMPs, however, would need to comply with the BMPs.

The updated Highlands Region Forestry and Wetlands Best Management Practices will be sent to the RMP Committee members after the meeting.

Committee discussion followed the presentation concerning the RMP amendment timeline.

Member Vohden recited a section of the Highlands Act which requires that all amendments to the RMP that are presented to the Highlands Council for consideration be accompanied by a detailed analysis and justification.

Member Van Abs stated he had to leave the meeting and was good with the next two (2) amendments.

December 6, 2023

Page 3

Member Van Abs left the meeting at 11:05am.

Standards for Warehousing in the NJ Highlands Region

Judy Thornton, Principal Planner, gave a detailed presentation about the Policy Standards for Warehousing in the NJ Highlands Region.

- Distribution warehousing and goods movement guidelines were released and adopted as policy by the New Jersey State Planning Commission (SPC) in September 2022.
- The Highlands Council authorized release of policy standards for warehousing in the Highlands region in April 2023.
- The document has since been updated with minor edits, but is substantially the same as the April 2023 version.
- The standards address warehouse siting issues with respect to Highlands Preservation v. Planning Area, Land Use Capability Zones, Highlands Resources and Resource Areas, transportation network accessibility, and the availability of other supporting infrastructure. They also include site planning recommendations and provide municipalities with a roadmap for updating local master plans and regulatory provisions to incorporate the standards.

There was discussion of possible TDR monitoring for development land.

Land Use Capability Zone Map and Technical Report Update

Jocelyn van den Akker, GIS Manager, gave a detailed presentation about the Land Use Capability Zone Map and Technical Report update.

- Land Use Capability Zone (LUCZ) is a guiding policy map for region.
- Adopted in 2008, much of the underlying data has since been updated.
- Land Use Capability Map will reflect most current available data.

Council staff also recommend:

1. Addition of FEMA Flood Hazard Data (including the 500-year flood plain).
2. Removal of Public Water EAS (existing data was inaccurate and updated data was unavailable).

Next Steps

Following discussion, the Committee decided to hold off on the forestry best management practices at this time, and present only the warehouse guidelines and land use capability zone map update to the Council at its December 14, 2023.

The meeting adjourned at 11:33am.



State of New Jersey

Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
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(908) 879-4205 (fax)
www.nj.gov/njhighlands



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BENJAMIN L. SPINELLI, ESQ
Executive Director

MEMORANDUM

To: RMP Amendment Committee
From: Benjamin L. Spinelli, Esq., Executive Director
Subject: RMP Amendment Committee Meeting Minutes of January 18, 2024
Date: January 31, 2024

The RMP Amendment Committee met on Thursday, January 18, 2024, at 10am at the Highlands Council office in Chester. This meeting was publicly noticed and open to the public.

RMP Amendment Committee Members present: Council Chair Richko, Committee Chair Alstede, Members Sebetich, Vohden and Van Abs.

Highlands Council Staff Members present: Gabrielle Gallagher, Neda Hartman, James Humphries, Corey Piasecki, Jocelyn van den Akker, Carole Ann Diction, Kelley Curran, Owen Selles, and Karen Castanhas.

Public present: George Cassa, Susan Weber, Linda Lee, Rich Kelsky, and Elmer Platz.

Committee Chair Alstede called the meeting to order at 10:02am.

A roll call was taken.

Committee Chair Alstede presented a summary of the agenda items for the meeting, which centered on two (2) proposed amendments to the Highlands Regional Master Plan (RMP).

- Standards for Warehousing in the New Jersey Highlands Region
- Land Use Capability Zone Map and Technical Report Update

Amendment Process

At this time, Mr. Piasecki, Principal Planner, gave a brief description of the RMP Amendment process.

SAMEAS NOVEMBER MEETING WITHOUT TIMELINE

January 31, 2024

Page 2

Policy Statements on Climate Change and Environmental Justice

At this time, Mr. Humphries, Director of Planning, Science & GIS, gave a background of the policy statements on climate change and environmental justice.

Standards for Warehousing in the New Jersey Highlands Region

During this time, Mr. Humphries gave a detailed presentation of the standards for warehousing in the New Jersey Highlands region.

SAME AS NOVEMBER MEETING WITH SUBS. OF Mr. Humphries

Committee Chair Alstede asked if the committee members had any comments.

AND LESS
DETAIL

Committee Member Sebetich asked why isn't there a reference to surface/ground water.

Mr. Humphries replied that existing RMP policies referred to in the document are in place to protect water resources.

Committee Member Vohden asked about siting of warehouses outside of redevelopment zones.

Mr. Humphries responded that disturbance of Highlands environmental resources needs to be avoided and any appropriate site will need the ability to connect to infrastructure including access to highways.

Committee Chair Alstede asked about the micro warehouse facilities references to electric vehicles.

Ms. Gallagher, Senior Counsel, said that the use of electric vehicles for local deliveries is encouraged, but not required.

At this time there was a discussion about technology and electric vehicles.

Land Use Capability Zone Map and Technical Report Update

At this time, Ms. Van den Akker, GIS Manager, gave a detailed presentation on the land use capability zone map update.

SAME AS
NOVEMBER
MEETING

Committee Member Van Abs asked if the Highlands staff have the actual acreage of changes to the map.

Ms. Van den Akker replied yes. Although the specific parcel changes are not listed in the memo, they will be visible on the Council's interactive map.

Committee Member Van Abs suggested the property owners should be notified of any and all future changes to the map.

At this time there was a discussion on how to notify property owners of changes to the map.

Mr. Humphries stated that the original report relied upon draft 2020 map data that was subsequently finalized by the New Jersey Department of Environmental Protection (NJDEP). He suggested

January 31, 2024

Page 3

removing the 2nd added paragraph from page 1 of the Land Use Capability Zone Map Technical Report: 2024 Update Proposed RMP Amendment.

Committee Member Vohden asked why the metric system is being used for Vernal Pool buffers.

Mr. Humphries responded that the Highlands staff wanted to keep the information consistent with the source data from the NJDEP.

Committee Chair Alstede asked for a motion to forward the Standards for Warehousing in New Jersey Highlands Region as amended to the full Council for consideration to have Council staff release the document for six public hearings and 60-day comment period.

Committee Member Van Abs made a motion to forward the Standards for Warehousing in the New Jersey Highlands Region as amended to the Council for consideration to have Council staff release the document for six public hearings and 60-day comment period. Committee Member Sebetich seconded the motion. All were in favor.

Committee Chair Alstede asked for a motion to forward the Land Use Capability Zone Map and Technical Report Update as amended to the full Council for consideration to have Council staff release the document for six public hearings and 60-day comment period.

Committee Member Van Abs made a motion to forward the Land Use Capability Zone Map and Technical Report Update as amended to the Council for consideration to have Council staff release the document for six public hearings and 60-day comment period. Committee Member Sebetich seconded the motion. All were in favor.

Council Chair Richko asked for an update on the locations for the upcoming public hearings.

Mr. Piasecki responded that the Highlands staff is in the process of securing all the locations for the public hearings.

Committee Chair Alstede and Committee Members Vohden and Sebetich asked for a copy of the draft RMP Forestry BMP document that was sent to NJDEP.

Ms. Gallagher stated the Highlands staff is no longer releasing the RMP Forestry BMP, however she will send Council Members the confidential draft RMP Forestry document.

Next Steps

Highlands staff will present the two (2) proposed amendments to the Highlands Council during the January 18, 2024, Highlands Council meeting.

NOVEMBER MEETING REFERRED TO COUNCIL PRESENTATION

ON
DECEMBER
14, 2023.

The Highlands Council will ask for the release of the public comment and hearings at the Highlands Council meeting on January 18, 2024.

The RMP Amendment Committee adjourned at 10:43am.



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
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CARL J. RICHKO
Chairperson

BENJAMIN L. SPINELLI, ESQ.
Executive Director

Regional Master Plan (RMP) Amendment "Public" Committee January 18, 2024 @ 10:00am

Join Zoom Meeting:

<https://us06web.zoom.us/j/83282252009?pwd=T68mdSxnYMaepbmHmQthSWaVudMIKv.1>

Audio Only:

+1 929 436 2866 US (New York)
Meeting ID: 832 8225 2009
Passcode: 925980

Agenda

1. Introduction
 - Amendment process
 - Policy Statements on Climate Change and Environmental Justice
2. Proposed Regional Master Plan Amendments
 - Standards for Warehousing in the NJ Highlands Region
 - Land Use Capability Zone Map and Technical Report Update
3. Next Steps
 - Highlands Council Presentation (January 18, 2024)
 - Highlands Council vote to release for public comment/hearings (January 18, 2024)



**RMP Addendum 2018-1
Procedure for Considering Proposals
to Amend the Highlands Regional
Master Plan**

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

September
2018

PROCEDURE FOR CONSIDERING PROPOSALS TO AMEND THE HIGHLANDS REGIONAL MASTER PLAN

Executive Summary

The Highlands Regional Master Plan (RMP) outlined a Monitoring Program to meet the statutory requirement of the Highlands Water Protection and Planning Act (Highlands Act) to review the RMP every six years. The RMP proposed development of a Monitoring Program to track and monitor regional indicators, and the preparation of a Monitoring Program Recommendation Report (MPRR or Recommendation Report) to present a summary of the data gathered and evaluated as part of the Monitoring Program and facilitate the Council's consideration of revisions to the RMP.

The MPRR is prepared by the Highlands Council staff based on ongoing monitoring of identified indicators, and may include recommendations to amend the RMP. The Highlands Council will consider amendments to the RMP only after proposed changes to the RMP have been reviewed by the RMP Amendment Committee and ample opportunity for public comment on proposed amendments.

This document summarizes the procedures the Council plans to follow in its review of the RMP and its consideration of amendments thereto.

Introduction

The Highlands Act requires the New Jersey Highlands Water Protection and Planning Council (Highlands Council) to review and update the Highlands Regional Master Plan RMP¹ "at least once every six years, after public hearings".² The Act contemplates that amendments to the RMP will arise principally out of this six-year reexamination. This document sets forth the process the Highlands Council will follow to review and update the RMP in a manner that is consistent with the Highlands Act and ensures robust public participation.

Standards Governing the Review of the RMP

The goals, policies and objectives that comprise the RMP reflect the synthesis of applicable law, policy science, economics and relevant considerations from other disciplines. As such, the RMP and any

¹ The 2008 Regional Master Plan (including Addendum A, January 2011), 15 Technical Reports, and guidance documents that can be found at www.nj.gov/nihighlands/master/.

² N.J.S.A. 13:20-8(a). Even though it would not be the norm, a RMP amendment could be considered and adopted outside of the six-year reexamination process, utilizing the procedure provided herein. In that case, the Highlands Council, by a vote of at least 8 members, would refer the recommendation to the RMP Amendment Committee for its review; Council staff would send the RMP Amendment Committee a report, setting forth staff's response to the recommendation; after evaluating the proposal, the Committee would send its report and recommendation to the Council; and the Highlands Council would take action on the recommendation as it deemed appropriate. If the Council decided to move the proposal forward, it would proceed with the public hearings required before final adoption. Alternatively, the RMP Amendment Committee could recommend that the Highlands Council defer the proposal until the next six-year reexamination process.

amendments proposed to the RMP will be reviewed by the Highlands Council with these considerations in mind. Specifically, the RMP must conform to the Highlands Act. Further, the RMP was developed with the benefit of data drawn from multiple sources and disciplines to inform the judgements made by the Council in its adoption of the RMP in 2008. Accordingly, the Highlands Council's review of the RMP at this six-year interval will take into consideration changes observed since 2008 in water resource conditions, land use patterns, demographics and other benchmarks, as indicated by relevant data, as well as data that was not available when the RMP was adopted in 2008. The Highlands Council will also take into consideration public comment received through the procedure described further below.

Accordingly, all amendments to the RMP that are presented to the Highlands Council for consideration will be accompanied by a detailed analysis and justification that, among other things and to the extent applicable, sets forth: (1) the purpose/intent of the proposed amendment; (2) the text of the proposed amendment; (3) an explanation of how the proposed amendment is consistent with the Highlands Act and other applicable law; (4) any data that supports the proposed amendment, including the data considered by the Council in its adoption of the RMP in 2008, and any changes observed in the data or new data developed since 2008; (5) a summary of public comment received related to the proposed amendment.

Monitoring Program and Recommendation Report

The RMP calls for the development of a Monitoring Program to track and evaluate regional conditions, and to identify emerging issues and discern changes and trends, as observed in relevant data, which will "inform the development of future iterations"³ and "guide potential amendments."⁴

The RMP contemplates the compilation of this information in a Monitoring Program Recommendation Report (Recommendation Report), together with any recommendations for potential changes to the RMP. To this end, the Highlands Council staff, under the direction of the Highlands Council, will gather and evaluate relevant data, which will be summarized and presented to the Highlands Council in the Recommendation Report for its review and consideration as part of the 6-year review of the RMP, in accordance with the process outlined below. A draft Recommendation Report will be available for public review and comment, and any proposed amendments to the RMP will be subject to public hearings, as further described below.

³ See, Chapter 6, Part 3, Subpart B. Specifically, Chapter 6 "Implementation" provides, at page 366: "[T]he RMP Monitoring Program will allow the Highlands Council to identify significant successes and continuing issues related to RMP policies, objectives, and programs, so that periodically the RMP may be improved through amendments, including the required six-year updates." Further, Part 3 "Improvement of the Master Plan," Subpart B "Regional Master Plan Monitoring" provides, at page 416: "Monitoring and research are vital to understanding the impact and effectiveness of the RMP over time. Monitoring will ensure that the RMP continues to provide effective polices and programmatic approaches in an ever changing landscape. In order to evaluate regional conditions, identify new or emerging issues, and develop future RMP priorities, indicators will be identified and tracked by the Highlands Council.... Conclusions drawn from the findings of the monitoring program may result in updates or amendments to policies and programs of the RMP. The monitoring program is necessary to ensure the RMP's goal of long-term sustainability in the Highlands Region."

⁴ RMP at 418

Review of the Recommendation Report by the RMP Amendment Committee

Action by the RMP Amendment Committee

The Highlands Council staff will prepare a draft Recommendation Report for review and approval by the RMP Amendment Committee (Committee). The draft Recommendation Report may include suggested changes to the RMP. Upon the Committee's review and recommendation and the Council's approval, the draft Recommendation Report will be published on the Highlands Council website for public review and comment for a minimum period of 30 days, unless extended by the Council up to 90 days, as further outlined below.

Public Participation

The Highlands Council will accept written comments on all aspects of the draft Recommendation Report, including any changes to the RMP suggested therein, as well as suggestions for additional or different changes to the RMP than those proposed in the Recommendation Report. Anyone wishing to suggest additional or different changes to the RMP than those proposed in the draft Recommendation Report will be asked to provide the information outlined below to support such changes to the best of their ability. Changes will not be rejected or discarded due to a lack of information; rather supporting information will be used by Council staff to provide context for any such amendment to the Committee:

1. The proponent's name and contact information;
2. The purpose/intent of the proposed amendment;
3. The suggested text of the proposed amendment;
4. A summary of how the proposed amendment is consistent with the Highlands Act and other applicable law; and
5. A summary of any data supporting the suggested amendment, together with a reference to the actual data so it may be reviewed by staff.

Following the conclusion of the public comment period, the Highlands Council staff will provide to the Committee for its consideration a summary and evaluation of the public comments received. Thereafter and subject to any changes approved by the Committee, the Committee shall send the final Recommendation Report to the Council, together with its recommendation that the Council authorize release of the final Report to the public. The Recommendation Report will include the summary and evaluation of public comments received on the draft Recommendation Report.

Review of RMP amendments by the Committee and adoption by the Highlands Council

Action by the RMP Amendment Committee

The Committee shall review and discuss the merits of the suggested changes to the RMP in the Recommendation Report, request additional information from Highlands Council staff as may be necessary to develop a proposed RMP amendment and determine the merits of the proposal, or take any other step(s) it determines necessary to evaluate the proposal. Any meeting of the Committee at which it is anticipated the Committee will take action on a proposed RMP amendment shall be open

to the public, but the public shall not be entitled to participate or make comments at the Committee meeting. The public will have an opportunity to make public comments at Highlands Council meetings and at the public hearings held before any amendment to the RMP may be adopted.

A copy of the proposed RMP amendment(s) that the Committee is expected to take action on will be available to the public at the time that the Council provides public notice of the RMP Amendment Committee meeting.

The Committee may recommend that the Council take any of the following actions on each proposed amendment under consideration:

- Take no action
- Refer proposal to Council staff and RMP Amendment Committee for additional information on the proposal
- Refer proposal to the Science & Research Agenda for further review
- Conduct the public hearings required by the Highlands Act prior to adoption of the amendment

Public Participation

The Council will hold five public hearings in various locations in the Highlands Region, and at least one public hearing in Trenton. Testimony offered during public hearings will be limited to the proposed amendment(s). The public hearings may be conducted as part of a regular Highlands Council meeting, or they may be conducted by staff in which case the hearings will be chaired by the Executive Director. At least one of the public hearings will be conducted in the evening hours for the convenience of the public. At the discretion of the Council, an additional public hearing outside of the Highlands Region, may be held, based on potential impacts on stakeholders outside of the Region. The Council will provide not less than a 10-day public notice of the dates, times and locations of the public hearings, and shall also invite the submission of written comments within not less than 60 days of the date of the public notice. The Council will determine, on a case-by-case basis, the length of the public comment period at the time it authorizes public hearings on the proposed amendment(s).

The Council will also consult with the State and local government entities, as required N.J.S.A. 13:20-9, by: (1) transmitting copies of the proposed RMP amendment(s) to the clerk for each municipality and clerk for each county located entirely or partially in the Highlands Region, (2) inviting the submission of written comments within 60 days, and (3) scheduling one or more meetings with such officials.

The Highlands Council may, in its discretion, schedule one or more public meetings with stakeholders to discuss the RMP and any amendments proposed thereto.

Action by the Highlands Council

At the conclusion of the public hearings, Highlands Council staff will provide to the Committee for its consideration a summary of the testimony received during the public hearing. The Committee will

provide the Highlands Council with its final recommendation of the proposed amendment(s), including any proposed changes thereto based upon public comments.

The Highlands Council may act upon the proposal by adopting the proposed amendment(s) to the RMP. Alternatively, the Highlands Council may choose to take no action, refer the proposed amendment(s) back to the Committee for additional information, or place it on Science and Research Agenda for further review.

Upon adoption of any amendment to the RMP, a copy of the RMP amendment will be sent to the Governor, the Legislature, the governing body of every municipality and county located in the Highlands Region, and the State Planning Commission pursuant to N.J.S.A. 13:20-9 (d).

RESOLUTION 2018-11

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL ADOPTION OF THE “RMP ADDENDUM 2018-1 PROCEDURE FOR CONSIDERING PROPOSALS TO AMEND THE HIGHLANDS REGIONAL MASTER PLAN” AS AN AMENDMENT OF, AND ADDENDUM TO, THE HIGHLANDS REGIONAL MASTER PLAN

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act or Act), N.J.S.A. 13:20-1 et seq., created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council or Council); and

WHEREAS, Section 8(a) of the Highlands Act mandates that the Council prepare and adopt a Regional Master Plan (RMP) for the Highlands Region; and also states that the RMP “shall be periodically revised and updated at least once every six years, after public hearings”; and

WHEREAS, the Highlands Council is completing the six-year review of the RMP required by the Highlands Act and has released a draft Monitoring Program Recommendation Report (MPRR) for public comment, which includes one or more recommendations to amend the RMP; and

WHEREAS, the Council prepared a document entitled “RMP Addendum 2018-1 Procedure for Considering Proposals to Amend the Highlands Regional Master Plan” (Procedure); and

WHEREAS, on January 19, 2017 the Council approved a Resolution stipulating that the Highlands Council shall utilize the Procedure going forward to finalize the MPRR and to consider any proposals to amend the RMP arising out of the MPRR, and that the Highlands Council shall adopt a final version of the Procedure as an amendment to the RMP; and

WHEREAS, the Highlands Council must adopt the Procedure as an addendum to the RMP before the Council can consider and adopt any other amendments to the RMP arising out of the MPRR; and

WHEREAS, the Highlands Act provides that the RMP may be periodically revised and updated after “public hearings”; and

WHEREAS, the Highlands Council staff conducted five (5) public hearings in various locations in the Highlands Region and one (1) public hearing in Trenton during the month of September 2017 to solicit public comment on the draft Procedure; and

WHEREAS, the Highlands Council staff has provided the Highlands Council with its responses to all comments and other input received from interested parties during the public comment period, including any proposed changes to the draft Procedure based upon the public comments received; and

WHEREAS, the RMP Amendment Committee has considered all proposed changes to the draft Procedure and has forwarded its recommendation to Council that it adopt the final Procedure as an amendment of, and addendum to, the RMP; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council to amend the RMP shall have force or effect until thirty (30) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to the expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

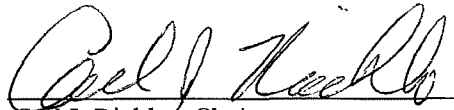
RESOLUTION 2018-11

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL ADOPTION OF THE “RMP ADDENDUM 2018-1 PROCEDURE FOR CONSIDERING PROPOSALS TO AMEND THE HIGHLANDS REGIONAL MASTER PLAN” AS AN AMENDMENT OF, AND ADDENDUM TO, THE HIGHLANDS REGIONAL MASTER PLAN

NOW, THEREFORE, BE IT RESOLVED, that the Highlands Council hereby adopts the final “RMP Addendum 2018-1 Procedure for Considering Proposals to Amend the Highlands Regional Master Plan” as an amendment of, and addendum to, the RMP.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 27TH day of September 2018.


 Carl J. Richko, Chairman

**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	_____	_____	✓	_____	_____	_____