

RESOLUTION 2013-22
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE MINUTES OF THE CHECKLIST ORDINANCE COMMITTEE

WHEREAS, at the meeting of May 16, 2013, the Council passed Resolution number 2013-14; and

WHEREAS, among other things, the Resolution 2013-14 resolved that: "*...the Highlands Council will not approve other further resolutions for Plan Conformance that include a Checklist Ordinance until Council has reviewed and approved, or decided to take no action on, the applicability of the Checklist Ordinance to future Plan Conformance Petitions.*" and

WHEREAS, at the meeting of June 20, 2013, the Council passed Resolution 2013-16; and

WHEREAS, among other things, the Resolution 2013-16 resolved that: "*...the Council approves of the continuation of the use of the Checklist Ordinance Approach in connection with the Plan Conformance Petitions, provided that a subcommittee of the Council be created to review and comment upon the use of the Checklist approach*"; and

WHEREAS, at the meeting of July 18, 2013, the Chairman announced the composition of the Checklist Ordinance Committee, and directed the Committee to meet; and

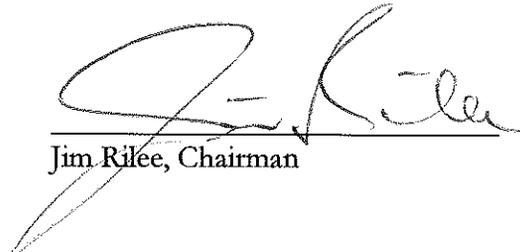
WHEREAS, a Checklist Ordinance Committee meeting was held on August 15, 2013 at the Highlands Council office; and

WHEREAS, the Committee meeting minutes have been presented to the Council for acceptance and approval;

NOW, THEREFORE, BE IT RESOLVED, that the Council accepts and approves the minutes of the Checklist Ordinance Committee and the recommendations contained therein.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 19th day of September, 2013.



Jim Rilee, Chairman

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| 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 Richko | _____ | _____ | ✓ | _____ | _____ | _____ |
| Councilmember Sebetich | _____ | _____ | ✓ | _____ | _____ | _____ |
| Councilmember Tfank | _____ | _____ | _____ | _____ | _____ | ✓ |
| Councilmember Visioli | _____ | _____ | ✓ | _____ | _____ | _____ |
| Councilmember Vohden | ✓ | _____ | ✓ | _____ | _____ | _____ |
| Councilmember Walton | _____ | _____ | _____ | _____ | _____ | ✓ |
| Chairman Rilee | _____ | _____ | ✓ | _____ | _____ | _____ |



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.highlands.state.nj.us



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

JIM RILEE
Chairman

GENE F. FEYL
Executive Director

MEMORANDUM

To: Checklist Ordinance Committee

From: Gene Feyl, Executive Director

Subject: Committee Meeting Minutes– August 15, 2013

Date: 9/5/2013

A Checklist Ordinance Committee meeting was held on Thursday, August 15, 2013 at 5:16pm at the Highlands office in Chester. Committee Members present: Members Rilee (Chair), Dressler, Richko, T'fank, and Vohden. Staff Members present: Gene Feyl, Margaret Nordstrom, Andy Davis, Kim Ball Kaiser, Chris Danis, Judy Thornton, and Annette Tagliareni. Also present: Peter Simon, Assistant Counsel, Governor's Authorities Unit.

Mr. Feyl announced that the purpose of this Committee meeting is to review the Checklist Ordinance approach as a result of the direction given by the Council at the June 20, 2013 Council meeting.

Mr. Davis went over the process regarding the use of the Checklist Ordinance approach for municipalities with limited development potential, and Ms. Thornton addressed the purposes of a Municipal Land Use Ordinance as defined by MLUL and how that type of ordinance works with a Highlands Land Use Ordinance which addresses Highlands resources.

Ms. Nordstrom emphasized to the Committee that three municipalities, Denville Township, Green Township and Mt. Arlington Borough had already been deemed appropriate for a Checklist Ordinance approach and approved by the Council in 2011.

At this point in time the Council staff has identified nine (9) municipalities currently in the Plan Conformance process where it believes a Checklist Ordinance approach is warranted. The basis for this recommendation is the extremely limited development potential of these towns, applying the same approach that was consistent with the evaluations of Denville and Green Townships, and Mount Arlington Borough. Mr. Richko asked if there are any municipalities that would not be good

for the Checklist Ordinance approach. Ms. Danis responded that towns with significant development potential and center planning would not be appropriate for this approach.

Ms. Danis then discussed the criteria used to evaluate where the Checklist Ordinance approach would be appropriate. Ms. Danis emphasized that both ordinances (Checklist and Land Use) establish the minimum threshold for review for Non-Exempt development to include only: site plans, subdivisions, or changes in use where approval of the application would:

- Result in the ultimate disturbance of one (1) acre or more of land;
- Produce a cumulative impervious surface area of one-quarter ($\frac{1}{4}$) acre, or more;
- Introduce or expand a use not permitted by this Ordinance; or
- In the case of residential development, create three or more dwelling units.

Ms. Danis added that the analysis includes an evaluation and update of the 2009 Municipal Build-Out Report data for developable land by parcel with Council staff verifying the status of those lots against:

- Updated Preserved Lands data,
- Currently available aerials, and
- Confirmation of the findings with lead municipal planner

Ms. Danis presented an analysis of all the nine towns being considered for the Checklist Ordinance approach and the factors of developable land potential (# of parcels/acres). The municipalities consisted of: Allamuchy, Bedminster, Bloomsbury, Chester Township, Glen Gardner, Lebanon Borough, Ringwood and West Milford.

The staff indicated that the criteria used to evaluate whether a Checklist Ordinance approach is appropriate will be set forth in all future Consistency Review and Recommendations reports to the Council both in text, and in an analysis “box” or chart, which is intended to facilitate a more full and complete understanding of how and why the Checklist Ordinance approach is being used.

The pending Plan Conformance Petition for Liberty Township, which is currently also being considered under the Checklist Ordinance approach was also discussed, and the staff has recommended that this approach be used in this petition as well as in the previous nine (9) discussed.

After the presentations, the Committee discussed the criteria and standards and agreed with the staff's approach and application of the Checklist Ordinance to the nine (9) municipalities discussed, as well as to the petition of Liberty Township. The Committee intends to report on this discussion at the next Council meeting and seek the Council's concurrence with the findings in these minutes.

The Checklist Ordinance Committee adjourned at 6:41pm.