



State of New Jersey

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MEMORANDUM

To: Plan Conformance Committee
From: Lisa J. Plevin, Executive Director
Subject: Committee Meeting Minutes– February 10, 2021
Date: February 17, 2021

A Plan Conformance Committee meeting was held on Wednesday, February 10, 2021 at 2:30pm via Zoom teleconference.

Committee Members present were: Council Chair Richko, Committee Chair Dressler, and Committee Members Van Abs and Vohden

Staff Members present: Lisa J. Plevin, James Humphries, Maryjude Haddock-Weiler, Keri Green, Corey Piasecki, Gabrielle Gallagher, Herb August, Carole Ann Diction, Annette Tagliareni, Karen Castanhas, and Tom Tagliareni.

Also, present was: Lauren Nathan-LaRusso, Senior Counsel, Governor's Authorities Unit

Committee Chair Dressler opened the meeting at 2:32pm.

Committee Chair Dressler announced that there are four (4) items on today's agenda and Ms. Plevin would give an overview.

Ms. Plevin noted that of the 4 items on today's agenda, two (2) items Council staff is requesting the Committee to decide to present these items to the full Council for consideration. The other 2 items Council staff is requesting feedback on next steps. The items on the agenda are:

- Washington Borough's Petition for Plan Conformance
- Highlands Redevelopment Designation – Rockaway Township (Morris County) – Preservation Area
- Union Township – Initial Assessment Grant

- Pre-application review of Highlands Redevelopment Area Designation – Mahwah Township (Bergen County) – Planning Area

Washington Borough Petition for Plan Conformance

Corey Piasecki, Principal Planner, gave a presentation on Washington Borough's Petition for Plan Conformance providing some history, background on staff's relationship with the Borough, resource maps, implementation funding, and staff recommendations.

Mr. Piasecki noted that a public comment period was held from November 23, 2020 to December 23, 2020 and no comments were received. After the presentation, Mr. Piasecki invited questions from the Committee.

Committee Chair Dressler asked if there was a downside to the Borough seeking Plan Conformance and Center Designation. Mr. Piasecki responded that he did not see any downside to the Borough's Conformance.

Committee Member Vohden asked for clarification regarding the Phase I TDR Assessment. Mr. Piasecki responded that the items noted in the Implementation Plan & Schedule (IPS) are fluid and may be adapted to the needs of the municipality over time.

Committee Member Van Abs asked about the care of Shabbecong Creek and if there are ways to improve the water quality of the creek with riparian management. Mr. Piasecki noted that there was no discussion with the Borough regarding the creek. Member Van Abs also asked about the Protection Zone in the southwest corner of the project and asked if development of the property would require a review by the Highlands Council of the Wastewater Management Amendment. Mr. Piasecki noted that Council staff would review any such project for net water availability. Mr. Humphries added that New Jersey Department of Environmental Protection (NJDEP) rules have changed regarding WQMP Amendments in Planning Areas of non-conforming Highlands municipalities. Mr. Piasecki added that sewer service area cannot be extended into the Highlands Environmental Resource Zone (HERZ).

Committee Chair Dressler asked for a roll call vote to move Washington Borough's Petition for Plan Conformance to the full Council for consideration. A roll call vote was taken. All members voted to move Washington Borough's Petition for Plan Conformance for Council consideration.

Union Township – Initial Assessment Grant

Corey Piasecki, Principal Planner, provided background regarding a request from Union Township, Hunterdon County, for \$10,000 to complete an assessment for Plan Conformance in the Preservation Area of the municipality. This funding will be used to assess the impacts conforming with the Highlands Regional Master Plan will have on the municipality's master plan, land use ordinances, and other plans and regulations. Should the Township wish to proceed with Plan Conformance after the assessment is completed, the assessment documents will serve as a complete Petition for Plan Conformance consistent with the revised Plan Conformance Procedures adopted in 2019.

Mr. Piasecki then reviewed the history of Union Township's past work with the Highlands Council. In 2009, the Township completed an initial assessment report and all seven modules of Plan Conformance

to form a complete Petition. During this time, the Township spent \$18,864.84 on an Initial Assessment Grant and \$97,838 on Plan Conformance documents. Approximately \$2,000 remains in the Township's account, which will be used to supplement the \$10,000 requested for a project total of \$12,000. Each of the seven modules originally completed by the Township during the 2009-2010 period is considered outdated and would require a significant investment of resources in order to bring them in line with the current model documents. Instead, Highlands Council staff recommends that the Township begin with a new Municipal Assessment in order to come into compliance with the new Plan Conformance Procedures.

Councilmember Vohden asked if this was a new process or is it a new grant?

Mr. Piasecki replied that Union Township is requesting the \$10,000 in addition to the \$2,000 remaining from their previous grant.

Committee Chair Dressler asked if anyone had any additional questions.

Ms. Plevin advised that the Highlands Council staff recommends proceeding with the \$10,000 request to complete the necessary updates and next steps for Union Township conformance.

Councilmember Van Abs asked staff if they had a sense of how serious Union Township is about this process since it was started and stopped in the past. Mr. Piasecki indicated he felt the Township is very serious and understands that Highlands Plan Conformance will benefit them. Mr. Piasecki added that he frequently receives inquiry calls from the Township's Zoning Officer about the Highlands Preservation Area development and exemptions. Should the Township choose to conform, they would be able to issue many of those exemptions locally if they so choose.

Councilmember Van Abs asked if the Township was considering conformance for only the Preservation Area. Mr. Piasecki answered yes, and the Highlands Council is taking its time with the Township on the conformance as the Preservation Area lands are already subject to NJDEP 7:38 Rules.

Committee Chair Dressler asked if anyone had any additional questions.

Mr. August, Manager of Grants Administration, added this is a low-cost solution for the Township's desire to participate in the program.

Committee Chair Dressler asked for a roll call vote to move forward with Union Township's Initial Assessment Grant under the Executive Director's authority. A roll call vote was taken. All members voted to move forward with Union Township's Initial Assessment Grant under the Executive Directors' authority.

Highlands Redevelopment Area Designation – Rockaway Township (Morris County) – Preservation Area

Ms. Green, Science Manager, gave a presentation on the proposed Highlands Redevelopment Area Designation in Rockaway Township, Morris County, Preservation Area. Ms. Green noted that in accordance with the Highlands Act, RMP, NJDEP Highlands Rules (NJAC 7:38) and the Council's adopted Procedures RMP Addendum 2019-1, the project meets the 70% pre-existing impervious cover threshold to qualify for the Redevelopment Area Designation. The applicant will apply to NJDEP for a

Highlands Preservation Area Approval (HPAA) with redevelopment waiver should the Council approve the Redevelopment Area Designation.

Ms. Green continued the presentation on the project overview, proposed redevelopment area, site photographs, Highlands resource assessment, additional considerations, and administrative process. Ms. Green noted that a public comment period was held from January 6, 2021 to February 4, 2021. One comment was received and was addressed in the Final Draft staff report. Ms. Green added that staff's recommendation is to bring this project to the full Council for its consideration with specific conditions.

Committee Chair Dressler asked if there were any questions.

Committee Member Vohden commented that this is a good project and sees no reason why the Committee should not support it. Committee Chair Dressler agreed. Committee Member Van Abs commented that this project is what redevelopment area designation should accomplish. Member Van Abs applauded staff's comprehensive work on the proposed designation.

Committee Chair Dressler asked for a roll call vote to move the Highlands Redevelopment Area Designation in Rockaway Township (Morris County) to the full Council for consideration. A roll call vote was taken. All members voted to move Highlands Redevelopment Area Designation in Rockaway Township (Morris County) for Council consideration.

Pre-application review of a Highlands Redevelopment Area Designation - Mahwah Township (Bergen County) – Planning Area

Ms. Green, Science Manager, gave a detailed presentation regarding a potential application for the expansion of an existing development in Mahwah Township, a fully conforming municipality. The site is in the Planning Area. For projects which propose resource impacts which cannot be found consistent, waivers are required from RMP standards. The only avenue for the Highlands Council to approve these waivers would be through the designation of the site as a Highlands Redevelopment Area. Because the proposed project would affect resources and require waivers, staff recommended that the applicant appear before the Plan Conformance Committee for their pre-application meeting to receive feedback prior to submitting the application.

Prior History: In May 2019, Highlands Council staff conducted a Consistency Determination (CD) review for a project in Mahwah Township on Block 135 Lot 62.02, known as 555 MacArthur Boulevard. The application was found to be Consistent with Conditions and all conditions were met by the applicant by January 2020. The project included reconfiguration of the existing development on the site, expansion of the parking areas, and green infrastructure stormwater facilities. The facility is currently operating as a distribution point for Amazon deliveries.

In October 2020, the applicant approached Highlands staff regarding the need to expand the parking area. A concept plan was provided for review which depicted the expansion of the facility into adjacent Lot 59, currently owned by Ramapo University. The applicant proposes to develop two (2) acres of the 18-acre parcel. The parcel is in the Planning Area in the Protection Zone and lies between the original project and Interstate 287. The entire parcel is forested and contains Highlands Open Waters Protection Area and Riparian Area, critical wildlife habitat, and Prime Groundwater Recharge Area. Accordingly, the applicant was advised that waivers of the RMP standards would have to be sought, in accordance with RMP Policy 7G2 (2): a Highlands Redevelopment Area in the Planning Area, as is described in the adopted Highlands Redevelopment Area Designation Procedures.

The applicant subsequently provided a concept plan of a potential Highlands Redevelopment Area. The proposed redevelopment area is 16.20 acres in size and includes the previously described development on Lot 62.02. The new development is 1.94 acres. The existing impervious coverage is 11.35 acres. The ultimate impervious coverage will be 13.29 acres. The 70% existing impervious coverage standard has been demonstrated, in accordance with the Procedures.

Staff advised the applicant that waivers of RMP standards require public hearing, preceded by a 30-day public comment period and approval by the Highlands Council. The applicant submitted the requisite documentation for the required pre-application meeting, as laid out in the Procedures. Staff advised the applicant that a discussion with the Plan Conformance Committee would serve as the pre-application Meeting.

Waivers potentially to be requested in a forthcoming application include: Total Forest Area, Policy 1B2; Prime Groundwater Recharge Area, Policy 2D4d; Highlands Open Waters Protection Area, Policy 1D4; Riparian Area, Objective 1D5c. The applicant would have to demonstrate how the project is consistent with the RMP for the avoidance, minimization, and mitigation of these resources.

No application has yet been submitted for review. Upon submittal of an application, Highlands staff will determine if the application is complete in accordance with the Procedures. Staff will prepare a Draft Consistency Determination and Staff Recommendations Report and post these for a public comment period of no less than 30 days. Following the public comment period, staff will address public comments and prepare a final Consistency Determination (CD) and Staff Recommendations Report in advance of a Highlands Council hearing. Members will be asked to designate the site as a Highlands Redevelopment Area in the Planning Area and to grant any waivers as requested in accordance with Policy 7G2.

Upon receipt of waivers, Highlands staff will forward the CD to Mahwah Township's Planning Board, enabling the applicant's site plan application to be found complete in accordance with the Mahwah Township municipal referral ordinance.

Committee Chair Dressler asked if there were any questions.

Mr. Humphries asked about the land use capability zone of the area. Ms. Green advised that the site lies in the Existing Community Zone, the Existing Community-Environmentally Constrained Subzone and the Protection Zone. Lot 59 lies fully in the Protection Zone.

Councilmember Van Abs raised a question about a stormwater basin from the initial site improvement being excluded from the proposed Redevelopment Area. Mr. Humphries stated it may have a bearing on the designation of the Redevelopment Area. Councilmember Van Abs expressed concern that if the stormwater basin remains outside of the Highlands Redevelopment Area and future modification of the basin is required - that this could be an issue.

Councilmember Vohden brought up a point about the two (2) different block and lots and wanted to know if that could be a potential problem. Ms. Green stated the undeveloped parcel is under contract for purchase. The property is currently owned by Ramapo University, but this should not affect the project.

Ms. Plevin added that the Highlands Council staff is looking for the Committee's feedback on how to proceed with this applicant, but this is not a project ready to go in front of the Council.

Mr. Humphries reiterated that the staff has been straight-forward with the applicant and wanted to bring this project to the Plan Conformance Committee looking to get feedback on how to proceed with this applicant.

At this time, the Plan Conformance Committee welcomed to the meeting Mr. Richard Burrow, PE, Managing Principal, Langan Engineering and Mr. John Bancroft, SVP, Customer Lead Development, Prologis.

Mr. Burrow introduced himself as well as Mr. Bancroft and thanked the Committee for making time for them to present their project.

Mr. Burrow gave a detailed presentation about Block 135, L 61.02 & 62, a project in Mahwah Township, in the designated Highlands Center. The project is a proposed parking expansion for 161 vehicle parking spaces. The applicant will be requesting a variety of waivers. The preservation of the remainder of the target lot is proposed as mitigation for forest removal needed for the project. The remainder of Lot 62 (59) is 15.1 acres and the permanent preservation would prevent future deforestation along MacArthur Blvd. Regarding Policy 2D4 prime groundwater recharge, geotechnical investigations demonstrated that the entirety of the site consists of glacial till soils which currently do not recharge at all, and they are refuting the mapping of Prime Groundwater Recharge in this area. Regardless, they plan to add three (3) new rain gardens to the existing ten (10) rain gardens located on the property. Also existing on the property is the basin area with plantings and added trees.

Regarding Policy 1D4, the 300-foot Highlands Open Waters Protection Area, Mr. Burrow stated that the wetlands area is small, as is the open water protection area. The NJDEP has established a 50-foot buffer for the wetlands and the stream and they will be applying for a wetland General Permit 11 for the stormwater outfalls and wetlands transition area averaging for the wetlands. They have proposed a compensation area to offset wetlands mitigation requirements. They also propose to plant 181, 2-2 1/2 inch balled and burlapped trees in areas around the property to mitigate for forest removal and the permanent preservation of the remainder of the parcel also serves as mitigation.

Committee Chair Dressler asked if there were any questions.

Councilmember Van Abs indicated the existing stormwater basin on the west side of the parking lot which was not included with the proposed Redevelopment Area boundary and questioned how will that basin be handled with the application?

Mr. Burrow explained that the basin is protected by a maintenance plan approved by Mahwah Township. Mr. Bancroft also explained that as the first phase of the renovation of the site was completed last fall, the need for added van vehicle parking became apparent and this new project became necessary. Mr. Bancroft appreciates the assistance from the Highlands Council staff.

Committee Chair Dressler thanked Mr. Burrow for his presentation asked if there were any additional questions.

Messrs. Burrow and Bancroft left the meeting.

Council Chair Richko asked about the size of the vehicles for these parking spaces, as they look small. Ms. Green explained they are delivery vans, a little bigger than a car. The parking spaces are standard size. Council Chair Richko had concerns regarding vehicle parking lots which can add gas, oil, and runoff to surrounding resources. Chair Richko also had concern with the number of trees proposed for removal.

Committee Chair Dressler agreed with Council Chair Richko's concerns and commented that the project needs a lot of waivers to proceed.

Councilmember Vohden added they are replanting 181 trees for the forested area.

Councilmember Van Abs noted that the applicant plans to remove 800 existing trees.

Committee Chair Dressler and Council Chair Richko indicated they felt the project should not proceed any further, as proposed.

Councilmember Van Abs stated that for this applicant to move forward with this project, they have significant items to add in terms of mitigation for resource impacts.

Mr. Humphries suggested that the applicant can work with Mahwah Township, for mitigation planning, as part of enhanced Highlands Center planning.

Committee Chair Dressler said the applicant has a lot of additional work to do.

Council Chair Richko agreed with Mr. Humphries's suggestion of having the applicant work with the Township.

Councilmember Vohden suggested the applicant move forward.

Committee Chair Dressler stated the Highlands Council staff has the direction to advise the applicant to move forward with the project, but that much additional work will be needed for the Council to determine consistency and to be able to consider issuing waivers.

Ms. Plevin thanked Ms. Green and Mr. Piasecki for their presentations.

The meeting was adjourned at 3:44pm.