



State of New Jersey

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MEMORANDUM

TO: Plan Conformance Committee

FROM: Benjamin L. Spinelli, Esq., Executive Director

SUBJECT: Committee Meeting Minutes – January 4, 2023

DATE: January 12, 2023

A Plan Conformance Committee meeting was held on Wednesday, January 4, 2023, at 2:00pm via Zoom teleconference.

Committee Members present: Council Chair Richko, Committee Chair Dressler, and Committee Member Vohden.

Staff Members present: Ben Spinelli, Gabrielle Gallagher, James Humphries, Maryjude Haddock-Weiler, Allison Bittner, and Karen Castanhas.

The meeting began at 2:00pm.

Mr. Spinelli opened the meeting by stating the two items on today's agenda are:

1. Corporate Business Tax (CBT)
2. Alpha Borough (Warren County) Amended Petition for Plan Conformance: Highlands Center Designation

Resolution Requesting A Portion Of The New Jersey State Agriculture Development Committee (SADC) and New Jersey Department of Environmental Protection Green Acres' Corporate Business Tax Funding

Mr. Spinelli gave a summary for the need to provide open space funding to the Highlands Council, likely from the Corporate Business Tax (CBT) proceeds that currently fund the Green Acres, Farmland Preservation and Historic Preservation programs at the state level. An allocation of the CBT funds to the Highlands Council would revive the Open Space and Highlands Development Credit (HDC) purchase programs. A solution would be to have the currently well-funded programs at New Jersey State Agriculture Development Committee (SADC) and Green Acres each distribute a modest amount annually to the Highlands Council. An allocation of \$2.5 million from each agency for the Open Space

and Highlands Development Credit (HDC) programs for a total of \$5 million would then be matched by Federal funding or other matching grant sources. SADC has already signaled its intention to commit this amount, while Green Acres has not offered a commitment. The Highlands Council has Highlands Development Credit (HDC) Allocations that have not been purchased totaling \$32 million at this time.

Amended Petition for Plan Conformance with Center Designation – Alpha Borough (Warren County)

At this time, Maryjude Haddock-Weiler, Planner Manager, provided a detailed background regarding the Borough of Alpha's amended petition with center designation request. Alpha Borough is a small (1.7 square miles) municipality in Warren County that is located entirely within the Highlands Council Planning area. In August of 2011, the Highlands Council approved Alpha Borough's Petition for Plan Conformance with Center Designation. Since that time, the Borough has adopted a Planning Area Petition ordinance, an Environmental Resource Inventory, a Reexamination Report, a Land Use and Circulation Plan element, a Redevelopment Plan for the quarry owned by the Borough, a Zoning map update, and most recently a Highlands Center Designation Plan.

Over the 11 years the Borough has been working with the Highlands Council, they discovered that the Center boundaries do not meet their needs to accommodate the town growth they envisioned. The Borough reached out to their citizens for input and they found a desire for improvements to walkability and bikeability

Initially, the Borough considered petitioning the Council to designate the entire Borough as a Center and they did a feasibility study to determine adequate sewer and water availability. The Borough did find they had sufficient water and sewer capacity, however, they also wanted to protect the majority of their agricultural lands.

The Highlands Council staff review of the Borough's Petition includes an evaluation against the Plan Conformance Procedures which outline four key points of center approval:

1. The Borough has sufficient water and sewer capacity, and they made transportation improvements to accommodate their industrial zone.
2. The Borough is underlain by Carbonate Rock, which is commonly found in Warren County. The Borough is within the Agricultural Resources Area (ARA). There is limited critical habitat within the Borough and most occur on the farmland in the southwestern corner of the Borough. The Borough is mostly flat with some steep slopes associated with the two quarries.
3. Concentration of development within a center and related planning and land management strategies is consistent with the goals, policies, and objectives of the Regional Master Plan (RMP). The Designation of the Center will facilitate infill development and redevelopment.
4. Based on the Borough's planning studies and their community outreach, the proposed Center will meet local socio-economic needs. In order to satisfy the regional component of this requirement, the Highlands Council staff has developed a condition which will incorporate the use of Highlands Development Credits (HDC's). Any development of agricultural lands within the Center which is designated an Agricultural Resource Area (ARA), must provide for mitigation or an offset through the purchase of Highlands Development Credits (HDC's) or preservation of comparable farmland.

The Highlands Council staff forwarded the Draft Consistency Review and Recommendations Report to both the Borough of Alpha and the Office of Planning Advocacy. Upon receipt of input/comments, the Highlands Council staff will finalize the Draft Consistency Review and Recommendations Report and post it for the required 30-day public comment period.

Committee Chair Dressler asked Ms. Haddock-Weiler from her own experience, if she agreed with the Borough having enough water for their municipality and Ms. Haddock-Weiler acknowledged that the Borough has shown that they have sufficient infrastructure capacity.

Ms. Haddock-Weiler added that since Council member Van Abs could not be at the meeting, he forwarded his below comments:

“The conditions and most of the designation make sense from the perspective of a compact urban form, AH agreements (though no implementation to date) and reuse of the quarry properties. However, the inclusion of farmlands to the east of I-78 is a major problem from my perspective. It would allow industrial development (likely warehouse space) to intrude on a larger agricultural area in Pohatcong and create conflicts on Edge and Still Valley Roads in Pohatcong. While the report talks about improvements to Industrial Road (and from there to the Route 22/173 intersection with I-78, I would expect any truck traffic to go up Still Valley to Voorhees to 173, placing the stresses on a neighboring municipality while Alpha benefits financially. From a regional perspective, inclusion of this area in the Center seems inappropriate.”

At this time Mr. Humphries shared his screen to show the map of Alpha industrial zone.

Committee Chair Dressler asked what Ms. Haddock-Weiler and Mr. Humphries think of the area that Council Member Van Abs referenced?

Ms. Haddock-Weiler explained that the area has been considered to be part of Alpha’s industrial area for many years and has been zoned for industrial development. The requirement for protection of other important farmland soils similarly situated is a good opportunity for protection of farmland within the Planning Area. Mr. Humphries added that although the area has important farmland soils, the Borough has very limited areas for growth, has zoned the area for industrial development for a long period of time and has made improvements to the roadway infrastructure to facilitate industrial development.

Committee Member Comments

Chair Richko mentioned Alpha Borough is a small town and acknowledged the potential benefits of a trade-off of Highland Council Credits (HDC’s). Although he agrees with Council member Van Abs’ concerns, he views this mitigation to be similar to the mitigation NJDEP requires when they allow filling of certain wetlands.

Council member Vohden requested additional information about the inactive railroad that is showing on the map; could it be used in the future for freight?

Mr. Spinelli added that the railroad was accessed from the West in the Allentown, PA area for freight, however, it was used by NJ Transit before it was disconnected during the construction of Route 78.

Council member Vohden asked if the mitigation with Highland Council Credits (HDC's) would it be new procedure or allowable under our existing legislation? Ms. Haddock-Weiler explained it would be allowable under the Council's existing authority.

Council member Vohden made a comment as a reminder to use the goals and policies of section 7, landowner equity as it relates to TDR and not just refer to the agricultural uses from section 5 of the Regional Master Plan.

Committee Chair Dressler asked for a motion to present the CBT Funding for Highlands Council resolution to the full Council at its next meeting.

Chair Richko made a motion and Member Vohden seconded it. All were in favor.

Committee Chair Dressler asked for a motion to release Borough of Alpha's Amended Petition to the public for public comment.

Member Vohden made a motion and Chair Richko seconded it. All were in favor.

Committee Chair Dressler asked for a motion to adjourn the meeting.

Chair Richko made a motion and Member Vohden seconded it. All were in favor.

The meeting adjourned at 2:36pm.