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Executive Director

MEMORANDUM

TO: Plan Conformance Committee

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

DATE: September 10, 2025

SUBJECT: Plan Conformance Committee Minutes – September 8, 2025

A Plan Conformance Committee meeting was held on Mon., September 8, 2025 at 12:00pm via Zoom. The following participants were present:

Committee Members present: Council Chair Richko, and Committee Members Van Abs, Bush (arrived late) and Kibler.

Staff Members present: Ben Spinelli, Carole Ann Dicton, Kyli Engle, Gabrielle Gallagher, James Humphries, Corey Piasecki, Neda Hartman, Allison Bitter, Maryjude Haddock Weiler, and Elizabeth Ward.

GAU Member present: Michael Eleneski, Associate Counsel, Governor's Authorities Unit (GAU).

The meeting was opened at 12:04 pm.

Petition for Plan Conformance, Mendham Township (Morris County)
Corey Piasecki, Principal Planner, gave a presentation/summary on Mendham Township's Revised Petition for Plan Conformance in the Planning Area. This same presentation will be provided to the full Council at its September 18th meeting.

Committee Member Van Abs asked Mr. Piasecki to add an additional bullet point to the staff recommendations slide of the presentation.

Committee Member Kibler commented regarding the July council meeting and Mendham's additional Plan Conformance conditions.

Chief Counsel Gallagher asked for a motion to move the Petition for Plan Conformance for Mendham Township, Morris County to the full Council for consideration. Member Van Abs made the motion and Chair Richko seconded it. All were in favor.

Petition for Plan Conformance, Mount Arlington (Morris County)
Elizabeth Ward, Regional Planner, gave a presentation/summary on Mount Arlington Borough's Petition for Plan Conformance in the Planning Area. This same presentation will be provided to the full Council at its September 18th meeting.

Executive Director Spinelli asked that information regarding the sewer service area be added to the presentation and Ms. Ward agreed.

There were no further comments/questions.

Chief Counsel Gallagher asked for a motion to move the Petition for Plan Conformance for Mount Arlington Borough, Morris County to the full Council for consideration. Member Kibler made the motion and Member Van Abs seconded it. All were in favor.

Highlands Redevelopment Area Designation – Mount Olive Township (Morris County) Sand Shore Road
Allison Bittner, Principal Planner, gave a presentation/summary on Mount Olive Township's Redevelopment Area Designation on Sand Shore Road. This same presentation will be provided to the full Council at its September 18th meeting.

Executive Director Spinelli asked for additional details regarding the site plan and Ms. Bittner explained.

Staff members Gallagher, Bittner and Humphries provided councilmembers with additional background regarding Mount Olive's Application for Redevelopment Area Designation including details on impervious coverage and surrounding parcels. The history of the project was discussed including the rejection of inclusion of Lot 5.01 by the Mt. Olive Township council.

Member Kibler asked for elaboration, which Mr. Humphries provided.

Member Van Abs asked a question about a surrounding property owner and impervious coverage.

Chief Counsel Gallagher provided information about the attempts to ensure that the redevelopment area met the 70 percent imperious coverage even if the additional parcel had been added.

Mr. Humphries added that staff has met with the developer and suggested additional alternatives to help the project move forward.

Ms. Bitter provided details about the progression at the Township level.

Members Van Abs and Kibler made a comment about litigation.

Member Van Abs asked that a condition be added regarding the location of the wellhead protection area.

Member Van Abs commented regarding the water mitigation target and advised that the target can't be met solely by reducing the amount of water in a new development; it should be reduced through additional means. Mr. Humphries and Executive Director Spinelli discussed the expected outcomes of various scenarios. Member Kibler asked what has changed since this item was tabled.

Ms. Bittner stated that litigation is ongoing; as such, we are reviewing the original application which was submitted in 2024.

Ms. Gallagher agreed that we have done our best to mediate the situation, and now we are moving forward with the original application as requested.

Member Kibler asked if the HUC 14 is in deficit.

Member Van Abs and Mr. Humphries answered that, yes, it is.

Member Kibler asked if this is viewed as warehouse / flex space and if this could be a data center. He mentioned his concerns regarding water use if the use were to change to a data center.

Executive Director Spinelli addressed those concerns.

Mr. Humphries stated that we can add language to the resolution stating that if the project proposed an increased water use it would need to return to the Highlands Council for approval.

Members Kibler and Van Abs had discussion with Mr. Humphries and Executive Director Spinelli regarding consumptive water use and how it is helpful to be flexible within reason.

At 12:39 p.m. Member Dan Bush joined by phone.

Member Kibler asked a question about the parcel and impervious coverage. Executive Director Spinelli, Ms. Bitter and Mr. Humphries provided a response.

Chief Counsel Gabrielle Gallagher asked for a motion to move the Highlands Redevelopment Area Designation for Mount Olive Township, Morris County (Sand Shore Road) to the full Council for consideration. Council Chair Richko made the motion and Member Van Abs seconded it. All were in favor.

Highlands Redevelopment Area Designation – Lopatcong Township (Warren County) Phillipsburg Mall – Release for Public Comment

James Humphries, Director of Planning Science & GIS gave a presentation/summary on Lopatcong Township's Redevelopment Area Designation (Phillipsburg Mall) and the prospect of releasing the staff review of this project for public comment.

Mr. Humphries explained the site map in detail. The project as presented is the same as previously reviewed by the Highlands Council in 2024, which did not receive enough votes to be approved.

Chief Counsel Gallagher explained the voting process for the resolution: the Council needs 8 affirmative votes for the resolution to pass. Ms. Gallagher also provided background on the litigation.

Member Van Abs asked about reaching out to the county Ag board to confirm that the property in question does not qualify for farmland preservation.

Chief Counsel Gallagher commented on prior attempts to have the property preserved. Mr. Humphries clarified.

Member Kibler asked for more background on how this matter has returned to the Council.

Chief Counsel Gallagher and Executive Director Spinelli discussed the process of moving the matter forward and various scenarios regarding voting.

Member Bush commented that the Council should take action on this matter and move it forward.

Chair Richko, Members Van Abs and Kibler further discussed the process of moving the matter forward with Chief Counsel Gallagher and Executive Director Spinelli.

Chief Counsel Gallagher asked for a motion to publish the Highlands Redevelopment Area Designation for Lopatcong Township, Warren County (Phillipsburg Mall) for a 30-day public comment period. Member Bush made the motion and Council Chair Richko seconded it. All were in favor.

The meeting adjourned at 12:57pm.