

Highlands Council Monthly Report

December 2023

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Pileated woodpecker spotted at Highlands Council office.

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Highlands Council Monthly Report

Summary of Activities | December 1-31, 2023

Executive Director Priority Spotlight

- **Affordable Housing.** The Highlands Council is currently developing guidance to assist the region's 88 municipalities with planning to meet their constitutional obligation to provide affordable housing opportunities as outlined in New Jersey's Fair Housing Act and the Mount Laurel series of court decisions. Because of the importance of Highlands resources to the entire state, the number, location and manner of creating all housing units, including affordable units, must be carefully considered. The methodologies employed in the remainder of the state to establish municipal obligations need to be modified when applied to Highlands municipalities to ensure that they do not compromise the region's ability to provide adequate clean drinking water to 70% of the state's population.

There is clearly a need to create low- and moderate-income housing opportunities in the Highlands, just as there is in the remainder of the state. That need must however be balanced with the other planning imperatives set forth in the Highlands Act and detailed in the Highlands Regional Master Plan (RMP.) The Highlands Council has an obligation to provide appropriate guidance and support for Highlands municipalities to assist them with navigating these difficult issues and the Highlands Act and RMP must guide all development, including the creation of affordable units, in the region. The Highlands Council may eventually consider including this guidance, once it is completed, as an update to the RMP.

The Highlands Council looks forward to collaborating with our municipal partners, the Department of Community Affairs, New Jersey Housing and Mortgage Finance Agency, and if necessary, the New Jersey Courts, to establish appropriate target obligations and provide affordable housing opportunities throughout the region while also ensuring continued protection of the Highlands through sound planning as was originally envisioned by the Fair Housing Act.

- **Amending the RMP.** As reported in the December Highlands Council public meeting materials, the Highlands RMP committee met in late November and decided to advance two of three proposed amendments to the RMP recommended by staff. The Highlands RMP is a significant and important document and changes to it are not made lightly. The [RMP Amendment Procedures](#) adopted by the Council in 2018 require a comprehensive public input process involving six public hearings and a 60-day public comment period.

The two amendments that are currently being considered for adoption are the incorporation of the previously released guidance document [Standards for Warehousing in the NJ Highlands Region](#) into the RMP and an update to the [Highlands Land Use Capability Zone \(LUCZ\) Map and Technical Report](#). It is anticipated that the proposed amendments will be released for public comment following the January 18 public meeting of the Highlands Council. All announcements related to public participation will be made via public notice and posted to the Highlands Council website. Following are some details about each of the amendments.

The **Warehousing Standards** were created in response to the proliferation of large warehouse projects, both built and proposed, throughout the Highlands region. Just as with all development in the Highlands, the need to protect the region's resources and avoid the adverse impacts that come with large-scale land use changes must inform the location, number, and design of warehouses. The continued threats to the region posed by inappropriately located and inappropriately designed warehouse developments led to a staff recommendation to adopt the standards as part of the RMP.

Much of the underlying data that supports **the Highlands LUCZ** has been updated and new data sets have become available since the original map was developed in 2008. Changes to LUCZ mapping will be minimal as a result of this update to the LUCZ technical report, but it is important that the land use designations be as accurate as possible because the LUCZ informs much of the Council's work and is the primary guidance tool for implementation of the RMP. Among other changes, the revised LUCZ will incorporate the adoption of inland flood hazard rules, the update of mapping of anticipated flood hazard areas in the region, and new land use/land cover data from the NJDEP.

A third proposed amendment regarding Highlands-specific forestry best management practices would have gone through this same process, once a final draft was completed. However, it was determined in December, after consultation with the NJDEP (which is responsible for oversight of all forest stewardship and forest management plans in the state), that these standards will not be advancing as an amendment to the Highlands RMP. All research, outreach notes, and draft materials were forwarded to the NJDEP for future consideration by that agency.

- **20th Anniversary.** 2024 is the year when New Jersey will mark the 20th anniversary of the Highlands Water Protection and Planning Act. The actual anniversary of the signing will not take place until August, but throughout the year the Highlands Council will be marking other key milestones that led up to this event. When reflecting on this landmark legislation, it's important to keep in mind all that went into creating the Highlands Act.

National attention first turned to the Highlands region in 1992 with a study of the New York and New Jersey Highlands region that was later [updated in 2002](#). These reports caught the attention of New Jersey legislators and led to the creation of the Highlands Task Force in September of 2003. In January 2004, the task force launched www.savethehighlands.org (now defunct), to provide members of the public with information about the work of the task force and solicit individual input about how best to manage the region. Support at the time was overwhelmingly in favor of legislation to protect the Highlands.

The need to protect the Highlands and the work of the Highlands Council is just as critical today, if not more so, as it was 20 years ago. Population continues to grow, and the added threat of climate change make it vital to current and future generations of New Jersey residents that we care for the Highlands. We acknowledge the efforts of everyone who advocated for the creation of the

Highlands Act and in particular, the Act's sponsors, Senator Bob Smith and Assemblyman (now Senator) John McKeon, for having the foresight to safeguard the resources of the Highlands. Our obligation to protect the region continues, and will continue, so that we can ensure New Jersey has a sustainable future and always remains a great place to live, work, and play.

Municipal and County RMP Implementation

Updates related to Highlands Council-funded projects that help implement the RMP.

- **Allamuchy Township, Warren County.** Completed a Master Plan Reexamination Report. Project deliverables were reviewed by staff and found to be consistent with the approved scope of work (SOW). Submitted invoices were within the budgeted amounts and found eligible for reimbursement.
- **Chester Borough, Morris County.** Received an initial analysis related to the development of the township's Water Use and Conservation Management Plan, which is being funded by the Highlands Council. Highlands science staff is reviewing the information to support the municipality in this work.
- **Harding Township, Morris County.** Completed and submitted an Initial Assessment Report (IAR) for review and approval by staff. An IAR is an analysis of local planning and zoning to help a municipality better understand what's involved in aligning those documents with the Highlands RMP (conformance). Staff review is in progress.
- **Harmony, Oxford, Liberty, Pohatcong, and Franklin Townships, Warren County; Bedminster Township, Somerset County; and Mendham Township, Morris County.** All requested funding and submitted SOWs to support MS4 Compliance work. Associated scopes of work are being reviewed by staff.
- **Hope Township, Warren County.** Completed a municipal zoning analysis. The project deliverables were reviewed by staff and found to be in alignment with the approved SOW. Submitted invoices aligned with the approved budget and found eligible for reimbursement.
- **Jefferson Township, Morris County.** Submitted a SOW to complete a comprehensive Sustainable Economic Development Plan with activities including public outreach, a demographic analysis, a commercial area/center study, and a market analysis. Staff reviewed and approved the SOW and authorized work to begin.
- **Lopatcong and Pohatcong Townships, Warren County.** Submitted requests for Highlands Center designations and Highlands Redevelopment Area designations to accommodate a warehouse proposal that spans both municipalities. The designations will allow for proper planning to address protection of natural and historic resources present on the site, consideration of adjacent residential community, and loss of farmland soils.
- **Mount Arlington Borough, Morris County.** Completed a Beach Restoration Plan. The project deliverables were reviewed by staff and found to be consistent with the approved SOW. Submitted invoices aligned with the approved budget and found eligible for reimbursement.
- **Oxford Township, Warren County.** Completed portions of a Feasibility Study related to the development of the Northwest Food Processing and Innovation Center in the township. Materials

related to the project were reviewed by staff and found to be consistent with the approved SOW. Submitted invoices were also reviewed and found eligible for reimbursement.

- **Wharton Borough, Morris County.** Completed a Drainage Study and submitted project deliverables. Staff are currently reviewing for consistency with the approved SOW.
- **Watershed Restoration and Protection Plan Updates**
 - *Pohatcong Township Watersheds.* The consultant began its desktop investigation and review along with the nutrient load and reduction modeling portion of this contract.
 - *North Branch Raritan River, South Branch Raritan River, and Lamington River.* The consultant held a kickoff meeting with project partners.
 - *Warren County and Morris County Watersheds.* Consultant completed field survey work for the Mountain Lake Community Association in Liberty Township, one of several focus areas within this project.

Project Reviews

The Highlands Council does not issue permits but is statutorily required to review certain proposed projects in the region for consistency with the Highlands RMP. In some cases, the Highlands Council shares jurisdiction with the New Jersey Department of Environmental Protection (NJDEP).

- **Planning Area Consistency Review**
1700 MacArthur Boulevard, Mahwah Township, Bergen County.
Applicant is seeking to construct a two-story, 142,250 square-foot data center, with associated parking and driveway. Project is located adjacent to an existing building and in the Existing Community Zone of the Highlands Land Use Capability Zone map. Highlands Council staff found the project consistent with the Highlands RMP subject to conditions related to the landscaping plan, invasive species management, and modifications to on-site stormwater management.
Highlands Council staff finding: Consistent subject to specified conditions.
- **Highlands Preservation Area Approval (HPAA)**
Paradox Properties, LLC Restoration and Habitat Enhancement, Washington Township, Morris County.
Applicant is requesting authorization under Highlands Preservation Area General Permit 1 (GP1), Flood Hazard GP4, and Freshwater Wetlands GP16 from NJDEP for activities associated with stream habitat improvement of approximately 2,248 feet of the South Branch Raritan River. The project includes instream channel alteration and invasive brush management.
Highlands Council staff is currently reviewing the application for consistency with the Highlands Act and RMP.

Land Preservation Program Updates

- **Modification to a Highlands Development Credit (HDC) easement.** The Highlands Council received a request for a modification to an HDC easement to permit an impervious surface increase on the subject property in Bethlehem Township, Hunterdon County. The modification permits a maximum increase of 3% impervious as specified in the Highlands Act for lands in the Preservation Area of the region.

- **HDC Site Inspections.** HDC easement compliance monitoring continued in December. Staff are currently following up with a property owner to resolve possible compliance issues.
- **Open Space & Recreation Plan for the New Jersey Highlands Region.** Highlands Council staff interviewed five consulting teams that submitted proposals to develop an Open Space and Recreation Plan for the Highlands Region. A recommendation for award of a contract is pending.

Outreach & Education

- **Constituent Assistance.** The Highlands Council received and responded to 28 inquiries from constituents in December.

Agency & Organization Collaboration

Highlands Council staff often meet with sister state agencies to ensure effective coordination; professional and non-governmental organizations to learn and collaborate; and other entities that have a stake in protecting the New Jersey Highlands.

- In December, Highlands Council staff met with the US Department of Agriculture (Stormwater management); NJDEP (Forest Management), NJ Department of Agriculture (cultivation project in Sussex County); and the State Agricultural Development Committee (farmland valuation in the Highlands).

Council Committee Meetings

- The Budget and Finance Committee met in December.

Looking Ahead

- **Public Council Meetings.** The next Highlands Council public meeting is scheduled for Thursday, January 18, 2024. The February public meeting is scheduled for Thursday, February 15. All meetings are held at 4 p.m. at the Highlands Council office in Chester, NJ. Complete details are available on the [calendar page](#) of the Highlands Council website.



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