

Lisa



Proof of Publication Affidavit

I, Diane Pflugfelder, RMC/CMC as the duly appointed Municipal Clerk for the Township of Bethlehem, do hereby certify that a Public Notice, of which the annexed is a true copy, was published in the Hunterdon Democrat, a newspaper published and circulated in Bethlehem Township, County and State aforesaid, in the 8th day of October 2009 issue of said newspaper.

Certified this 8th day of October 2009.



 Diane Pflugfelder, RMC/CMC,
 Municipal Clerk

**BETHLEHEM TOWNSHIP
PUBLIC NOTICE**

PLEASE TAKE NOTICE that the Bethlehem Township Committee and Planning Board, Hunterdon County, New Jersey, shall hold a Joint Meeting on Monday, October 26, 2009, 7:30 pm at the Bethlehem Township Municipal Building, located at 405 Mine Road, Asbury, New Jersey. This Joint Meeting shall be informational only and shall include a discussion about the conformance process under the Highlands Master Plan Element. No action shall be taken at this meeting; however, the public shall be permitted to offer verbal and written public comment on the subject matter described above. A copy of the draft Highlands Master Plan Element is available for public viewing at the Township's Municipal Building during normal business hours of 8:30 am to 3:30 pm.

Mary Knapp
 Planning Board Recording Secretary
 (P's fee \$15.87) 10/08/09



Lisa

**BETHLEHEM TOWNSHIP JOINT MEETING
PLANNING BOARD AND TOWNSHIP COMMITTEE
MEETING AGENDA
October 26, 2009, 7:30 PM
Bethlehem Township Municipal Building**



CALL TO ORDER

ROLL CALL: PLANNING BOARD

_____ John Graefe, (I, Mayor, 2009)
_____ Lola Burd, (Mayor Designee, 2009)
_____ Christine Yates, (II, 2009)
_____ Greg Glazar, (III, 2009)
_____ Philip Bellon, (IV, 2009)
_____ José Reyes, (IV/EC, 2009)
_____ George Pflugfelder, (IV, 2010)
_____ Russell Thatcher, (IV, 2010)
_____ Grace Ann Kelly, (IV, 2012)
_____ Open, (IV, 2012)
_____ Tom Koven, (Alt #1, 2009)
_____ Jose Medeiros, (Alt # 2, 2010)

_____ Michael Selvaggi, Esquire
_____ Lisa Specca, Planner

TOWNSHIP COMMITTEE

_____ Steven Kucinski
_____ John Jimenez
_____ John Meehan

PLEDGE OF ALLEGIANCE

OLD BUSINESS

Discussion: Highlands Module 5 - Master Plan Element

PUBLIC COMMENT

OLD BUSINESS - CONTINUED

Tentative Discussion: Ordinance 383.2009 (Soil and Soil Removal)

NEW BUSINESS

REPORTS TO THE BOARD

Major Subdivision Committee
Minor Subdivision Committee
Site Plan Committee
Ordinance Review Committee
Mayor
Chairperson
Vice- Chairperson
Individual Board Members
Planner
Attorney
Recording Secretary

ADJOURNMENT

The special joint meeting of the Township of Bethlehem Governing Body and Municipal Planning Board was held in the Municipal Building, 405 Mine Road, West Portal on 26 October 2009. The meeting was opened by Municipal Planning Chairperson Russell Thatcher with Adequate Notice of Meeting and the Pledge of Allegiance at 7:34 p.m.

Present: Mayor John Graefe; Deputy Mayor Gregory Glazar; John Jimenez, and John Meehan

Absent: Steve Kucinski

Also, Present: Anthony Iacocca, Municipal Attorney; and, Lisa Specca, Municipal Planner

The meeting began with introduction from Lisa Specca, Municipal Planner, explaining this special joint meeting as a Highlands Presentation that had been advertised and was being conducted in response to the performance process for public comment.

Eileen Swan, Executive Director of State of New Jersey Highlands Council and Tom Borden, Esq., Deputy Executive Director of State of New Jersey Highlands Council began the regional perspective presentation.

Ms. Swan, Executive Director of State of New Jersey Highlands Council, reviewed the following data in her presentation;

- ✓ an explanation of the Highlands Conservation Act history
- ✓ New Jersey geographic location within 7 counties and 88 municipalities
- ✓ 7 components of mandated Resource Assessment
- ✓ multiple maps
- ✓ award of grant monies
- ✓ pilot programs
- ✓ mandatory and voluntary conformance with applicable deadlines
- ✓ status of Plan conformance modules
- ✓ projected COAH obligations vs. Highlands projected obligations
- ✓ Regional Affordable Housing and percentage of permissible participation
- ✓ Resolution for Plan Conformance with adoption deadline of 8 December 2009
- ✓ Review of timeline for Highlands completeness determination
- ✓ Explanation of Highlands Act Equity Provisions (exemptions vs. waivers)

Lisa Specca, Municipal Planner, followed with her presentation providing the following data;

- ✓ Copies of the Master Plan element were made available to members of the public, governing body and municipal planning board members
- ✓ Review of the voluntary nature of conformance in planning area and mandatory conformance in preservation area
- ✓ Review of Build out Module exhibiting developable parcels with consideration of environmental constraints
- ✓ COAH implications with a deadline extension to June 2010
- ✓ Environmental Resource Inventory with septic system yields based upon nitrate dilution
- ✓ Review of multiple resource maps
- ✓ Highlands Master Plan element to be adopted Spring/Summer 2010 by governing body
- ✓ Municipal LandUse Ordinances and authority of Highlands Council on applications
- ✓ Review of permitted land disturbance and change of residential use

- ✓ Review of Highlands Council Legal Shield for the municipality
- ✓ Highlands conformance cost, grant funding and build out grants funds

This informational session was followed by a lengthy questions and answer period as follows;

Question from John Jimenez: How does this Highlands Legal Shield apply to the municipality when the municipality has opted in?

Response from Tom Borden: The Highlands Act permits any municipality to adopt more stringent regulations than those of the Highlands Act. The Legal Shield protects every aspect of conformance via enhanced presumption of validity. The elements and Municipal Planning Board action receive validity. If the Municipal Ordinance is more stringent than the Highlands Act, related to conformance, the legal shield would attach as well. Highlands has the obligations to provide for legal conformance.

Question from Jose Medeiros: Why did Bethlehem Township get a Planning Area?

Response from Eileen Swan: The Preservation and Planning Lines were drawn by Legislature based upon NJDEP and US Forest Service area maps as well as scientific analysis. Highlands Council has no authority to change the maps.

Question from Jose Medeiros: What is the water availability in the Highlands areas?

Response from Tom Borden: It has been determined that there is adequate water available for ecological and human use as per the proposed water deficit plan with conservation measures and water withdrawals

Question from John Graefe: What is the term of occupancy required in a new single family unit to comply for an exemption?

Response from Tom Borden: There is no requirement that says how long a family has to live in a new house to conform with the single family unit exemption. There is no time factor on pre-existing lots. Exemption #1 may be a consideration.

Question from John Jimenez: At the current the municipality has an obligation for 33 COAH units. Based upon the build out analysis presented this evening are the additional 11 COAH units in addition to the preexisting 33 or are they 11 less COAH units? The municipality has not meet the Round 1 or Round 2 obligations? What do we do?

Response from Tom Borden: The 33 COAH units are based on NJDEP regulations and are not set in stone. This number does not include all exempt properties and future growth does not trigger obligations. Yes the "11" can be offset with conformance. With the RAH/RCA program the municipality can transfer 50% of the housing obligations. There is flexibility in the program.

Question from Jose Medeiros: Where did the "33" come from?

Response from Tom Borden: The "33" is the new projections based upon septic capacity. "11" is the affordable units and the "33" is the total units.

Questions from Russell Thatcher: What are the exemptions for commercial property?

Response from Lisa Specca: The Highlands exclusion cannot change residential to non-residential use.

Questions from Russell Thatcher: What is the commercial residence is pre-existing?

Response from Tom Borden: There are 17 exemptions. Discussion of impervious coverage, Highlands re-development areas requiring a separate approval process as well as the exemption or waiver process followed.

Question from Jose Medeiros: Can a residence and home occupation exist together?

Response from Tom Borden: A new unit cannot be built to serve both a residence and home occupation. If the situation is pre-existing it is okay. It all depends upon the pre-existing structure.

Question from Phillip Bellon: Can we change the use of a large single family home for a multi-family home?

Response from Tom Borden: Yes. You currently have the proposal for a group home construction and that is considered a single family unit.

Questions from Jose Medeiros: What about a day care?

Response from Tom Borden: I do not think this is treated as a single family dwelling but it is something I would need to research.

Question from Russell Thatcher: What about the ECHO units?

Response from Tom Borden: You can expand the home use. Discussion on the definition of an ECHO followed. In conclusion Tom Borden suggested that an ECHO should apply for approval that it may not be an exemption.

Question from John Jimenez: Are exemption subject to the Water Plan?

Response from Tom Borden: Exemptions are not subject to pre-existing Highlands Water regulations

Question from John Jimenez: Please identify the exemptions

Response from Lisa Specca: When preparing the maps the vacant lots were identified as developable as the worst case scenario.

Response from Eileen Swan: The Highlands Council went over the town's maps on a Block/Lot basis in which the vacant lots may or may not have counted. The only projection for potential development where considered with the septic system yield application.

Response from Lisa Specca: The data is within the data base and may be pulled up for John Jimenez to review.

Question from John Meehan: What about the 125 acres not preserved in the planning area?

Response from Lisa Specca: 125 acres of that area are mostly developable

Response from Phil Bellon, Municipal Planning Board Member: The potential is for development of 7 lots from the railroad to the river based upon the nitrate dilution factor

Question from John Graefe: Would the preservation of farm land in the planning area have any change on the restriction of water use?

Response from Tom Borden: The Highlands Act reserves water for farm and agricultural use

Question from Jose Medeiros: Willa farm in the water deficit area impact on the development in the preservation area?

Response from: Tom Borden: The resource policies in the plan may impact on that issue. Water could impact from the farm.

Response from Eileen Swan: The water management plan would offer relief for development.

Question from John Jimenez: Would the preservation of the planning area expand the developability of the remaining 125 non-deed restricted planning area acres?

Response from: Tom Borden: The Planning Area build out show 11 new septic systems are permitted.

Response from Eileen Swan: There is flexibility to transfer/build out for that 900 acres that are preserved in the planning area.

Question from George Pflugfelder: How has the Highlands Act considered the property loss value?

Response from Tom Borden: Highlands has a property tax stabilizations program to impact upon vacant land for municipal tax relief which would be effective in 2010

Response from Lisa Specca: There are locking Resolutions/TDRs and exemptions.

Question from George Pflugfelder: What are the RCA costs?

Response from Tom Borden: COAH has reinstated RCAs at a cost within the range of \$67,000.00 to \$85,000.00. A RCA in this region is \$67,000.00 here.

Question from Philip Bellon: Could we convert large commercial structure to condos?

Response from Tom Borden: Yes. The Highlands Council encourages you to look for solutions

ADJOURNMENT - There being no further business, a motion by Gregory Glazar to adjourn the governing body portion of the meeting carried with 4/5 majority.

Meeting adjourned at 9:02 p.m.