



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey

Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.nj.gov/njhighlands



JIM RILEE
Chairman

MARGARET NORDSTROM
Executive Director

MEETING AGENDA **Thursday, June 15, 2017 at 4pm**

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT STATEMENT
4. PLEDGE OF ALLEGIANCE
5. APPROVAL OF HIGHLANDS COUNCIL MINUTES – May 18 2017
6. CHAIRMAN'S REPORT (and Council Member Reports)
7. EXECUTIVE DIRECTOR'S REPORT
8. REGIONAL MASTER PLAN AMENDMENT COMMITTEE:
 - Release of the Draft Monitoring Program Recommendation Report (roll call vote)
9. PLAN CONFORMANCE COMMITTEE:
 - CONSIDERATION OF RESOLUTION – Proposed Highlands Redevelopment Area Designation, Borough of Bloomsbury, Hunterdon County (*voting matter with public comment*)
 - Discussion on Bellemead Development Corp.
10. PUBLIC COMMENTS (*to ensure ample time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised in this period may not be responded to at this time but, where feasible, will be followed up by the Council and its staff.*)
11. EXECUTIVE SESSION, *if deemed necessary*
12. ADJOURN

2017-7

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING
COUNCIL DETERMINATION ON APPLICATION FOR HIGHLANDS
REDEVELOPMENT AREA DESIGNATION FOR BOROUGH OF
BLOOMSBURY, HUNTERDON COUNTY, BLOCK 32, LOT 1.01**

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, Section 9 and 11 of the Highlands Act, N.J.S.A. 13:20-9.b. and N.J.S.A. 13:20-11.a.(6)(h), specifies that in preparing the Highlands Regional Master Plan (RMP), the Highlands Council may, in conjunction with municipalities in the Preservation Area, identify areas in which redevelopment shall be encouraged and shall identify areas appropriate for redevelopment in order to promote the economic well-being of the municipality, provided that the redevelopment conforms with the goals of the Preservation Area and the Highlands Act, with the rules and regulations adopted by the New Jersey Department of Environmental Protection (NJDEP), and further, that any area so identified for possible redevelopment shall be either a brownfield site designated by the NJDEP or a site at which at least 70% of the area thereof is covered with impervious surface; and

WHEREAS, Section 35 of the Highlands Act, N.J.S.A. 13:20-33.b.(2), authorizes the NJDEP to grant a waiver of any provision of a Highlands permitting review on a case-by-case basis for redevelopment in certain previously developed areas in the Preservation Areas identified by the Highlands Council pursuant to Section 9.b. or Section 11.a.(6)(h); and

WHEREAS, the NJDEP has adopted rules at N.J.A.C. 7:38-1.1 et seq. (Highlands Rules) governing the NJDEP's review of projects in the Highlands Region; and

WHEREAS, the Highlands Rules, at N.J.A.C. 7:38-6.4, specifies that as provided for in Highlands Act, the NJDEP may waive any provision of the rules for redevelopment in certain previously developed areas in the Preservation Area identified by the Highlands Council pursuant to the Highlands Act; and

WHEREAS, the Highlands Council prepared and adopted Procedures for Highlands Redevelopment Areas Designation (Procedures) by Resolution 2008-43 dated October 30, 2008; and

WHEREAS, the Applicant, Stem Brothers, Inc., submitted a Petition for Block 32 Lot 1.01 Borough of Bloomsbury, Hunterdon County, for a Highlands Development Area Designation; and

WHEREAS, the Highlands Council deemed the application administratively complete on January 10, 2017; and

WHEREAS, the Highlands Council released the Highlands Council Staff Draft Recommendation Report dated January 25, 2017 for public comment, and

WHEREAS, the Highlands Council held a public comment period concerning the proposed Highlands Redevelopment Area Designation commencing January 26, 2017 and ending February 3, 2017; and

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NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL DETERMINATION ON APPLICATION FOR HIGHLANDS REDEVELOPMENT AREA DESIGNATION FOR BOROUGH OF BLOOMSBURY, HUNTERDON COUNTY, BLOCK 32, LOT 1.01

WHEREAS, the Highlands Council duly considered the Draft Recommendation Report and all public comments on the proposed Highlands Redevelopment Area Designation; and

WHEREAS, after Highlands Council staff review, staff recommended that the Highlands Council approve the proposed Highlands Redevelopment Area Designation with the following conditions set forth in the Highlands Council Staff Final Recommendation Report, dated February 13, 2017 which is incorporated by reference into this resolution:

1. Phased geotechnical investigation;
2. Highlands Redevelopment Area Designation waiver with mitigation for the Prime Ground Water Recharge Area provisions of the RMP;
3. Applicant commits to ensuring on-site enhanced ground water recharge;
4. Compliance with NJDEP stormwater regulations;
5. NJDEP waiver for greater than 3% impervious surface;
6. Conservation restriction on remainder of undeveloped property; and
7. Adopted Highlands Referral Ordinance will require Highlands Council consistency review of permitted project; and

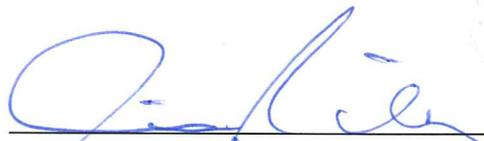
WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to the expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED, the Highlands Council hereby

- (1) Adopts the findings of fact and conclusions based thereon set forth in the Final Recommendation Report, dated February 13, 2017, as supplemented on May 19, 2017; and
- (2) Based on said findings of fact and conclusions, approves the Block 32, Lot 1.01 Borough of Bloomsbury, Hunterdon County, Highlands Redevelopment Area Designation with conditions as set forth in the Final Recommendation Report and recited above; and
- (3) Authorizes the Executive Director to prepare a document informing the NJDEP of the Highlands Redevelopment Area Designation.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on 15th day of June, 2017.



Jim Rilee, Chairman

2017-7

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING
COUNCIL DETERMINATION ON APPLICATION FOR HIGHLANDS
REDEVELOPMENT AREA DESIGNATION FOR BOROUGH OF
BLOOMSBURY, HUNTERDON COUNTY, BLOCK 32, LOT 1.01**

Vote on the Approval of The Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	_____	✓	_____	_____
Councilmember Dougherty	_____	_____	✓	_____	_____	_____
Councilmember Dressler	_____	_____	✓	_____	_____	_____
Councilmember Francis	_____	_____	✓	_____	_____	_____
Councilmember Holtaway	_____	_____	✓	_____	_____	_____
Councilmember James	_____	_____	_____	_____	_____	✓
Councilmember Richko	_____	_____	_____	✓	_____	_____
Councilmember Sebetich	_____	_____	_____	✓	_____	_____
Councilmember T'fank	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	_____	_____	✓	_____	_____
Councilmember Vohden	_____	✓	✓	_____	_____	_____
Councilmember Walton	✓	_____	✓	_____	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____

PUBLIC COMMENTS SUBMITTED AT HIGHLANDS
COUNCIL MEETING ON JUNE 15, 2017

Date: June 15, 2017

To: New Jersey Highlands Water Protection and Planning Council

From: Wilma Frey, Senior Policy Manager, NJ Conservation Foundation

Re: **Borough of Bloomsbury, Proposed Highlands Redevelopment Area Designation**

It is unfortunate that the public was not advised of ~~the~~^e revised material on the Bloomsbury Redevelopment Area in a more timely fashion. The documents, dated May 19, were prepared over a month ago, the day after last month's Highlands Council meeting.

The Supplemental Highlands RMP Consistency Review, Part 2 - Water Resources, Subpart B - Protection of Water Resources Quantity, determines that the proposed project is ***inconsistent with RMP Policy 2D4***: Restrict development and uses of and within a Prime Ground Water Recharge Area that reduce natural ground water recharge volumes ***or may directly or indirectly contribute to or result in water quality degradation***. The project is found to be ***inconsistent with the four following policy objectives***: Objectives 2D4a, 2D4b, 2D4c and 2D4d.

The project is located in a Net Water Deficit Area, HUC 14(s), Musconetcong River Warren Glen to I-78. The January 25, 2017 Highlands RMP Consistency Determination Review Part 2, Water Resources, Subpart A, Water Resources Availability, ***found the project inconsistent with Objectives 2B8a and 2B8b***: "Prevent net increases in consumptive or depletive water uses in current Water Deficit Areas to prevent exacerbation of and help reduce or eliminate the deficit to ensure sustainable water supply, water resource and ecological values, emphasizing techniques including, but not limited to water reuse, recycling and conservation."

Objective 2B8b: "Proposed new consumptive or depletive water uses within a Current Deficit Area shall only occur under the auspices of a Water Use and Conservation Management Plan approved under Objective 2B8c or through mitigation of the proposed consumptive or depletive use within the same HUC 14 subwatershed: a permanent reduction of existing consumptive and depletive water uses; ground water recharge in access of the requirements of NJAC 7:8 (Stormwater Mgmt. rules), or other permanent means."

The January 2017 consistency determination review found that two policies were not applicable (N/A). ***However, had these policies been implemented through more complete water resources planning at the HUC 14 level***

and above, the project would have been found inconsistent. The two policies are:

Policy 2B4: "To strictly limit consumptive and depletive water uses to the water availability in each HUC 14 subwatershed and to establish priorities for water uses that implement the policies and objectives of the RMP." .

Policy 2B5: "Require the use of water conservation, recycling and reuse methods (where appropriate) and devices for any redevelopment or development activity to minimize consumptive water use tailored to meet the resource protection and other goals for each Zone and considering subwatershed-specific conditions and net Water Availability status."

"Where a Water Use and Conservation Management Plan has not been approved:

1. Each project shall achieve mitigation ranging from 125% to 200%, based on the severity of the Current Deficit and the amount of consumptive or depletive water use proposed." (There are four additional criteria as well.)

In view of these multiple inconsistencies of the project in important matters of water supply, existing water deficit, and water quality protection, we do not believe that the project should be permitted to move forward without fully addressing all of these important water resource issues.

I'm Hank Klumpp - I own 150 acres in the Highlands Preservation Area.

①

In 2004, many people had their lives changed when McGreevy, in his last ditch effort to save his reputation, signed the poorly written, seldom read Highlands Act. My 150 acre farm, along with many others, contributed to the huge land grab like sacrificial lambs in what was then said to be in the name of "SAVE THE WATER." Politicians came close to showing babies suffering from dehydration. Of course, almost thirteen years later, property owners still have not been compensated for what was a political - not scientific - property value grab. I have asked

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since day one to see the scientific study that put my farm in the Highlands preservation area, and believe me — no one can find it. However, in the meantime, the New Jersey Water Supply Authority gets its water supply for free — while I no longer have any equity in my property.

I, along with others, am paying the price for the ten golf courses in the Raritan Basin System to water their lush grass. The ten golf courses use over one million gallons of water daily. Each golf course only pays peanuts a day for this water. Who is taking

③

advantage of who? If the Highlands Act was designed to conserve water, how can this waste of water be justified when it is also being reported that New Jersey uses tens of millions of gallons more water a day than their watersheds can safely supply?

I, along with others, am being punished by having my farmland value taken along with its equity not to hydrate babies but to water golf courses. Don't you think something is wrong with these actions?

24 Longview Road
Lebanon, NJ 08833

Hank Klumpp



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MARGARET NORDSTROM
Executive Director

MEMORANDUM

To: Plan Conformance Committee
From: Margaret Nordstrom, Executive Director
Subject: Committee Meeting Minutes– May 23, 2017
Date: June 2, 2017

A Plan Conformance Committee meeting was held on Tuesday, May 23, 2017 at the Highlands Council office in Chester. Council Chairman Rilee (via phone) and Committee Members Dressler, Vohden; and Members Richko and Tfanck (via phone) were in attendance.

Staff Members present: Margaret Nordstrom, John Maher, James Humphries, Maryjude Haddock-Weiler, Kelley Curran, and Annette Tagliareni.

Also present: Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit; and Daren Eppley, Deputy Attorney General

Highlands Redevelopment Area Designation – Bloomsbury

Ms. Nordstrom reported that additional information has been provided by the applicant in support of its petition for the Bloomsbury Redevelopment Area Designation which Council considered at its February 16, 2017 meeting. Guliet D. Hirsch, Esq., attorney for the applicant, and Gregory Ploussas, P.E., P.P., C.M.E., engineer for the project, will appear before the Committee to present the additional information in support of the petition. Committee members received this new information in their packets.

Mr. Humphries gave an overview of the process leading to a Redevelopment Area Designation:

- Council approves Highlands Redevelopment Area Designation
- Applicant applies to NJDEP for a Highlands Preservation Area Approval with Redevelopment Waiver (HPAA)
- Highlands staff comments on HPAA

- Applicant applies at the local level
- Highlands staff has additional opportunity to comment on local application
- If deemed necessary, Highlands Council has a 15-day call-up for additional review after local approval.

Mr. Humphries also gave an overview regarding the three Highlands Resource concerns brought up by Council at its February 16, 2017 meeting:

1. Carbonate rock area
2. Existing on-site septic system
3. Prime Ground Water Recharge Area

Mr. Vohden asked if the property is farmland assessed. Mr. Humphries responded “no,” as it has a gas station on it.

At this time, Guliet D. Hirsch, Esq. and Gregory Ploussas were invited to join the meeting.

Mr. Humphries reiterated the three outstanding issues as noted above and Ms. Hirsch agreed that these were the three issues identified by Council members at the February Council meeting.

Ms. Hirsch gave an overview of the additional information gathered since February:

- Applicant hired Geo-Technology Associates, Inc. for a preliminary geotechnical report – consistent with Hunterdon County Soil Survey and no signs of karst conditions
- Applicant hired Gregory Ploussas, P.E., P.P., C.M.E. for a preliminary septic system evaluation – working satisfactorily and is regularly pumped and maintained
- The applicant, Stem Brothers, Inc., provided a letter stating its long ownership and use of the site and no observable issues with the carbonate rock area – no evidence of any type of land subsidence or sinkholes on the gas station/convenience store site, as well as the undeveloped farming properties (Lot 1.01 and Lot 1).

Mr. Humphries noted that the Council had concerns with granting a waiver from the prime groundwater recharge policy, as 1) have never done a waiver before; and 2) this is the reason Staff recommended a condition requiring mitigation for enhanced recharge.

Committee Member Dressler commented that mitigation should take place and he now has information he needs to make a decision.

Ms. Hirsch noted that her client would be doing additional Phase 2 and site plan work as the proposed development progresses through permitting with the New Jersey Department of Environmental Protection (NJDEP) and local zoning. Ms. Hirsch requested that staff provide to Council her correspondence dated March 8, 2017. Mr. Humphries responded that all materials will be provided to Council, including her March 8th letter.

At this time, Ms. Hirsch and Mr. Ploussas left the meeting.

Bellemead Development Corp.

Ms. Nordstrom reported that the Appellate Division in a May 1, 2017 decision directed the NJDEP to consult with the Highlands Council regarding the discharge permit issued to Bellemead Development Corp. Highlands staff prepared a Consistency Determination (CD) which states that the permit is inconsistent with the RMP. Committee members received a copy of the CD letter in their packets. After today's committee meeting, the CD letter will be sent to NJDEP. This matter will be brought to Council's attention at its next meeting. It was also noted that regardless of what action is taken on the discharge permit, if the project moves forward it will likely be subject to denial under the Tewksbury Township Highlands Ordinance since they are a conforming municipality.

Denville Township – Water Use & Conservation Management Plan (WUCMP) & Wastewater Management Plan (WMP)

Mr. Humphries updated the committee on a request from Denville Township regarding their Water Use and Conservation Management Plan and how the Council can assist their needs. Highlands staff would like to recommend to the Budget & Finance Committee to fund Denville Township, as well as some other Highlands municipalities for their WUCMP amounting to \$725,000. The funding would vary for each town (approx. \$65,000-\$70,000/municipality). This funding would be part of the 2018 budget.

Regarding Wasterwater Management Plans (WMPs), Highlands staff would like to recommend to the Budget & Finance Committee to fund approximately \$120,000 for 24 municipalities in the Highlands (\$5,000/municipality).

Member Dressler asked if it is unusual to do this funding now. Mr. Humphries responded that the same was done for the Stormwater Management Program.

A Budget & Finance Committee will be scheduled prior to the July meeting.

The meeting was adjourned at 2:45pm.



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Executive Director

MEMORANDUM

To: RMP Amendment Committee

From: Margaret Nordstrom, Executive Director

Subject: Record of RMP Amendment Committee Meeting of May 17, 2017

Date: June 2, 2017

The RMP Amendment Committee met on Wednesday, May 17, 2017 at the Highlands Council office in Chester.

Committee Members present: Committee Chair Alstede, Committee Members Holtaway, Sebetich, and Vohden.

Committee Members present via phone: Council Chairman Rilee

Highlands Council Staff Members present: Margaret Nordstrom, John A. Maher, James Humphries, Kim Ball Kaiser, Corey Piasecki, and Carole Ann Dicton

Also present: Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit

Committee Chair Alstede called the meeting to order at 12:06pm.

Ms. Nordstrom provided a brief overview of the work session to be held during the Council's May 18th meeting. Ms. Nordstrom noted that the Monitoring Program Recommendation Report (MPRR) is a baseline document setting the stage not only for potential improvement to the RMP, but also future iterations. It is a supplement to the original RMP in that:

- it presents the first indicators and milestones;
- it is a summary of RMP implementation issues; and
- it is an analysis of possible solutions to these implementation issues and resulting recommendations.

Ms. Nordstrom also noted that the MPRR is not and does not, in itself, propose amendments. It contains recommendations, some of which, if implemented would require changes to the language of the RMP and would therefore be amendments. These are not the bulk of the recommendations. Others are possible solutions to implementation issues and identify topics for the Science and Research agenda.

Council staff will review the structure of the draft MPRR and provide a closer look at one of the topic areas, Future Land Use. There will be discussion on the flow of information in the topic areas, and to illustrate how recommendations were developed.

Ms. Nordstrom also reported that there will be no further revisions to the MPRR at this time. Final revisions will take place after the close of the public comment period in consultation with the Council, and following a sequence of steps spelled out in the draft Amendment Procedures adopted by Council in January for use during this process.

Council's next step is to release the draft MPRR for a 60-day public comment period. Staff will make themselves available to meet with members of the public, either individually or as a group, to discuss the MPRR. This comment period also gives the Council another opportunity to submit their comments and recommendations. At the end of the comment period, a public response document will be prepared and Highlands Council staff will go over any possible changes to the MPRR with Council. When the final MPRR is ready, Council will vote to release it to the public and use it as its work plan for the next six (6) years.

Corey Piasecki then provided the presentation that Council will receive on May 18th. The presentation will be posted to the Highlands Council website after the meeting.

Member Sebetich reported that he is unable to attend the Council meeting on May 18th.

Committee Chair Alstede asked if there will be a resolution to release the draft MPRR for public comment. Ms. Nordstrom responded that a roll call vote will be taken.

Ms. Nordstrom noted that the Council should be comfortable enough to release the draft MPRR. Ms. Nordstrom added that the MPRR will not be edited at this time, but will presumably after the public comment period.

It was noted that Council members received via email the unformatted version of the MPRR on May 5, 2017; and the formatted version of the MPRR on May 12, 2017.

Mr. Piasecki emphasized that the Council is only being asked to release the draft MPRR, and not to adopt any of the recommendations set forth in the draft. After the veto date for the Council Minutes of May 18, 2017, the draft MPRR would be released for public comment.

Committee Chair Alstede thanked Highlands staff for getting the committee to this point.

Mr. Piasecki noted that Highlands Staff Technical Leads plan to attend the Council meeting for any comments/questions Council may have.

At this time, the committee discussed anticipated comments from Council.

The committee also discussed next steps once the draft MPRR is released to the public for public comment:

- Highlands staff prepares Comment Response Document
- MPRR is revised and finalized
- The final MPRR is presented to Council, which authorizes its release to the public

Member Holtaway made a motion to recommend to Council to release the MPRR for public comment. Member Sebetich seconded the motion. All were in favor.

The committee scheduled their next meeting in July.

The meeting adjourned at 1:21pm.