



## 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](http://www.nj.gov/njhighlands)



**PHILIP D. MURPHY**  
Governor

**CARL J. RICHKO**  
Chairperson

**SHEILA Y. OLIVER**  
Lt. Governor

**LISA J. PLEVIN**  
Executive Director

### **MEETING AGENDA** **Thursday, September 17, 2020 at 4pm**

#### **Dial in information**

Phone number: 1 (929) 436-2866

Meeting ID: 99944340818

Participant ID: when prompted for a participant ID, press #

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT STATEMENT
4. PLEDGE OF ALLEGIANCE
5. APPROVAL OF HIGHLANDS COUNCIL MINUTES – July 16, 2020
6. CHAIR'S REPORT
7. EXECUTIVE DIRECTOR'S REPORT
8. PLAN CONFORMANCE COMMITTEE – Michael Dressler
  - CONSIDERATION OF RESOLUTION – Approval of the Petition for Plan Conformance for the Township of Parsippany-Troy Hills, Morris County (*voting matter with public comment*)
9. LANDOWNER EQUITY & LAND PRESERVATION COMMITTEE – Rob Walton
  - CONSIDERATION OF RESOLUTION - Approval of Applications Under the Highlands Open Space Partnership Funding Program Pursuant to Administrative Rule NJAC 7:70-1 et. seq. (*voting matter with public comment*)
10. OLD & NEW BUSINESS
11. 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.*)
12. EXECUTIVE SESSION, *if deemed necessary*
13. ADJOURN

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF SEPTEMBER 17, 2020

**PRESENT**

**VIA TELECONFERENCE:**

CARL J. RICHKO	)	CHAIR
KURT ALSTEDE	)	VICE CHAIR
MICHAEL R. DRESSLER	)	COUNCIL MEMBERS
MICHAEL FRANCIS	)	
ROBERT HOLTAWAY	)	
MICHAEL SEBETICH	)	
DAN VAN ABS	)	
JAMES VISIOLI	)	
RICHARD VOHDEN	)	
ROBERT G. WALTON	)	

**ABSENT:**

TIMOTHY P. DOUGHERTY	)
BRUCE JAMES	)

**CALL TO ORDER** 176<sup>th</sup> meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:00pm by teleconference due to COVID-19.

**ROLL CALL**

Roll call was taken. Members Dougherty, Dressler, James, and Sebetich were absent. All other Council Members were present via teleconference. *The following staff members were present via teleconference: Lisa J. Plevin, Christine LaRocca, James Humphries, Gabrielle Gallagher, Maryjude Haddock-Weiler, Keri Green, Ranji Persaud, Herbert August, Annette Tagliareni, Carole Ann Dicton, and Tom Tagliareni. Also present via teleconference were Lauren Nathan-LaRusso, Senior Counsel, Governor's Authorities Unit; and Jason Kane, Deputy Attorney General (DAG).*

**OPEN PUBLIC MEETINGS ACT** was then recited.

**PLEDGE OF ALLEGIANCE** was then recited.

**APPROVAL OF HIGHLANDS COUNCIL MINUTES OF JULY 16, 2020**

Chairman Richko asked for a motion on the Highlands Council Minutes of July 16, 2020.

*Member Visioli made a motion to approve the Highlands Council Minutes of July 16, 2020. Member Holtaway seconded it.*

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF SEPTEMBER 17, 2020

*Member Sebetich was present via teleconference at 4:07pm.*

*A roll call vote was taken. The Highlands Council Minutes of July 16, 2020 DID NOT PASS 7-0. There were two (2) abstentions by Members Francis and Van Abs.*

*Member Dressler was present via tele-conference at 4:08pm.*

## **CHAIRMAN'S REPORT**

Chairman Richko acknowledged the passing of Kathleen Caren, Passaic County Open Space Coordinator, and recognized her many years of service.

Member Sebetich spoke in recognition of Ms. Caren's extraordinary service and involvement with Passaic County's Open Space Committee.

Chairman Richko welcomed Council Member Van Abs to the Highlands Council. Council members welcomed Dr. Van Abs, former Senior Director of Planning and Science, back to the Highlands as a Council member. Dr. Van Abs thanked the Council for their welcoming comments.

At this time, Ms. Plevin informed Chairman Richko that Member Dressler did not vote on the minutes. Chairman Richko re-introduced the minutes. Member Walton responded that the minutes did not pass and should be brought up at the next meeting. Chairman Richko asked for legal advice. Chief Counsel LaRocca advised that the minutes may be re-introduced at the next meeting.

Lastly, Chairman Richko acknowledged departing Council Member Tracy Carluccio. Chairman Richko introduced a resolution to commend Member Carluccio for her dedication and service to the Highlands Council. Chairman Richko read the resolution into the record:

### **Resolution - Commending Council Member Tracy Carluccio for Her Dedication and Service to the Highlands Water Protection and Planning Council**

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

**WHEREAS**, Tracy Carluccio was duly appointed by the Governor of the State of New Jersey to serve as a member of the Highlands Council in October 2004 and has served without interruption for nearly 16 years; and

**WHEREAS**, Member Carluccio has been instrumental in advancing the goals of the Highlands Act, demonstrating unwavering commitment to the protection of the precious natural resources of the Highlands Region; and

**WHEREAS**, during development and adoption of the Regional Master Plan, Member Carluccio passionately advocated for the protection of the water quality and quantity of the Highlands Region; and

**WHEREAS**, during her tenure on the Council, Member Carluccio served on numerous committees including Audit Evaluation (Chair), Agriculture, Natural Resources, Personnel, Public Participation, and Resource Protection and Review; and

**WHEREAS**, Member Carluccio has demonstrated a deep commitment to protection of the New Jersey Highlands, remaining consistently engaged on all matters brought before the Council for consideration;

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF SEPTEMBER 17, 2020

**NOW THEREFORE BE IT RESOLVED**, that the Highlands Council hereby commends Council Member Carluccio for her dedication to the mission of the Highlands Council and her service to the people of the State of New Jersey in this capacity;

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Highlands Council hereby authorizes its Executive Director to transmit this resolution recognizing Council Member Carluccio's significant contributions to the long-term protection of the New Jersey Highlands Region to Governor Philip D. Murphy and the sponsors of the Highlands Act.

*Member Dressler made a motion. Member Walton seconded it.*

Council Comment

Member Sebetich acknowledged Member Carluccio as a stalwart member of the Council and wishes her the best.

Member Dressler thanked Member Carluccio for all her years of service as a dedicated and passionate member of the Council.

Member Walton commended Member Carluccio on her courage and commitment to her values.

Vice Chair Alstede commended Member Carluccio on her passion, loyalty and dedicated service since 2004.

Member Van Abs commended Member Carluccio for her dedication since the original days leading up to the adoption of the Regional Master Plan (RMP).

Public Comment

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers commented that Member Carluccio has been the “conscience” of the New Jersey Highlands Council, the “godmother” of the New Jersey Highlands, the RMP and all the things that have happened since it was approved. Ms. Somers added that Member Carluccio has defended the Highlands valiantly.

**Elliott Ruga, New Jersey Highlands Coalition** – Mr. Ruga commended Member Carluccio's uncompromising advocacy for the natural resources of the Highlands Council.

**David Shope – Lebanon Township, NJ** – Mr. Shope commented that in his opinion Ms. Carluccio, Ms. Somers, and Mr. Ruga are paid environmentalists and that is their perspective. It is not his perspective.

*A roll call vote was taken. The resolution was APPROVED 10-0.*

At this time, Member Carluccio thanked Chairman Richko and the Council for this recognition. Member Carluccio thanked the Council for their selfless dedication and welcomed Dr. Van Abs. Member Carluccio complimented the talented and committed Highlands Council staff and thanked and acknowledged the public on keeping the Council on its best behavior. Member Carluccio thanked everyone for the privilege of working in this engaging and forever changing assignment.

**EXECUTIVE DIRECTOR'S REPORT**

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF SEPTEMBER 17, 2020

Ms. Plevin echoed Chairman Richko's welcome to Council Member Van Abs and extended a personal thanks to Council Member Carluccio for all her years of dedicated service to the Council and its mission.

### **COVID-19 Response**

#### Chester Office Closure/Remote Work

Ms. Plevin reported that even though the Highlands Council office in Chester continues to remain closed due to COVID-19, the operations of the Council continue at full capacity.

Ms. Plevin highlighted the following updates and staff activities:

### **Warren County Transportation Study**

Ms. Plevin reported that the Warren County Transportation Study is complete and provides a great example of a regional planning partnership that advances local goals and Regional Master Plan goals. Ms. Plevin added that when the County released this report at its freeholder meeting, the County thanked the Council for the partnership and for funding this study.

### **Highlands Economic Sustainability Plan**

Ms. Plevin noted that 48 invitations were recently sent to prospective Technical Advisory Committee (TAC) members and over 20 members have confirmed their participation to date.

### **Climate Change**

Ms. Plevin noted that the 2018 Monitoring Program Recommendations Report included recommendations that have dovetailed well with the governor's Executive Orders related to Climate Change. Highlands Council staff is participating on the Interagency Council for Climate Resiliency and working on the development of the Climate Resilience Strategy.

### **Budget Updates**

Ms. Plevin reported that on August 25th, Governor Murphy presented his proposal for the FY2021 budget. The budget proposal included line items for both the Highlands Operating Budget and the Highlands Protection Fund (Plan Conformance grants). Funding allocations in the proposal for both line items remains consistent with prior years. Ms. Plevin added that this is the Governor's proposed budget and must be approved by the legislature and signed by the Governor prior to becoming law.

Also, Ms. Plevin noted that the Governor extended the 2020 Fiscal Year to September 30, 2020 and therefore, the new budget will not take effect until October 1, 2020. As a result, the Highlands Council will not be finalizing and voting on a budget in October as has been standard practice for the past several years. Staff anticipates it may be possible to bring a budget resolution before the Council at its January meeting.

### **Plan Conformance Updates**

- Council will be considering the Plan Conformance Petition for Parsippany- Troy Hills during today's meeting.
- As Ms. Plevin mentioned earlier, Warren County completed a transportation study. The final draft of the Warren County Light Industrial Site Assessment was released by the county on 9/9/20.

### **Municipally Issued Exemptions**

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF SEPTEMBER 17, 2020

The Highlands Council has been notified of the following exemptions.

- Califon Borough, Hunterdon County issued one (1) Exemption #5.
- Lebanon Township, Hunterdon County issued one (1) Exemption #2.
- Montville Township, Morris County issued one (1) Exemption #5.
- Washington Township, Morris County issued two (2) Exemption #5s.
- West Milford, Passaic County issued twenty-five (25) Exemption #5s.

### **Project Review Updates**

Staff completed two (2) Planning Area Exemption Reviews:

- A proposed mixed-use development in the Town of Clinton, where the applicant is seeking an exemption #4 for the redevelopment of multiple previously developed parcels. Highlands Council staff finding: Exempt
- Hackettstown - an applicant is seeking an exemption #4 for the construction of a cell tower facility within an existing gravel parking lot. Highlands Council staff finding: Exempt

Staff initiated one review and completed another Water Quality Management Plan Amendment review:

- Denville - applicant is seeking a site-specific amendment to the Northeast WQMP related to a proposed residential development. That review is in progress.
- Chester Borough - applicant is seeking a site-specific amendment to the Upper Raritan WQMP to accommodate a combination of residential and commercial development. Highlands Council staff finding: Consistent with the RMP.

### **Preservation Area Highlands Applicability Determination (HAD)**

- Staff is reviewing one (1) Preservation Area HAD in West Milford. Tennessee Gas Pipeline (TGP) Company is seeking an Exemption #11 to construct a new compressor station to support their existing 300 Line. Highlands Council staff review pending.

### **Water Allocation Permit (WAP) Review**

- Staff completed one (1) Water Allocation Permit review in Holland Township related to a residential development. Highlands Council staff finding: Consistent with the RMP with Conditions.

### **Highlands Preservation Area Approval (HPAA) – General Permit #1**

- Staff completed one (1) HPAA General Permit #1 review for a project in Byram Township, Sussex County, where the applicant is proposing to restore agricultural fields to functional black duck habitat, in conjunction with the Natural Resources Conservation Service of the USDA and NJ Audubon. Highlands Council staff finding: Consistent with the goals of the Highlands Act and RMP.

### **OPRA Response**

Staff has responded to three (3) OPRA requests since the last report. Documents were requested relating to the Parsippany-Troy Hills Plan Conformance application, a property in Mt. Olive Township, and the Tennessee Gas Pipeline compressor station project.

Ms. Plevin noted that the next Council Meeting is scheduled for October 15, 2020.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF SEPTEMBER 17, 2020

Lastly, Ms. Plevin recused herself from the next agenda item due to involvement on the Parsippany Environmental Advisory Committee, which has commented on Parsippany's Petition for Plan Conformance.

*Ms. Plevin left the meeting temporarily at 4:51pm.*

Chairman Richko announced the next agenda item:

**Resolution – Approval of the Petition for Plan Conformance for the Township of Parsippany-Troy Hills, Morris County**

**PLAN CONFORMANCE COMMITTEE**

Committee Chair Dressler reported that the Plan Conformance Committee met via tele-conference to review documents for the Parsippany-Troy Hills Petition for Plan Conformance. Committee Chair Dressler added that the vote by the committee to move this resolution to Council was unanimous. Committee Chair Dressler introduced Maryjude Haddock-Weiler to provide an overview for Council.

At this time, Maryjude Haddock-Weiler, Planning Manager, provided Council with a community overview as well as plan conformance background on the Parsippany-Troy Hills Petition for Plan Conformance dating back to 2010. Ms. Haddock-Weiler added that the Township's Petition was deemed complete on July 7, 2020. The Petition materials were posted on the Highlands Council's website for a 30-day public comment period on July 24, 2020, which concluded on August 24, 2020.

Ms. Haddock-Weiler noted that a number of public comments were received. Responses to those comments may be found in Appendix C of the Final Consistency Review and Recommendation Report. Ms. Haddock-Weiler also noted that the Draft Implementation Plan and Schedule (IPS) gives estimates for the Plan Conformance tasks over several years for implementation. Due to budget constraints, the IPS provides estimates and this will come back to the Council for consideration at a later date. Ms. Haddock-Weiler noted that it is Highlands Council Staff recommendation to approve the Petition for Plan Conformation and draft IPS for the Township of Parsippany-Troy Hills with the following conditions:

- Adoption of Highlands Referral Ordinance;
- Adoption of Highlands Environmental Resource Inventory;
- Adoption of Highlands Master Plan Element;
- Adoption of Highlands Land Use Ordinance, including updated Zoning Map;
- Approval of Housing Element & Fair Share Plan;
- Preparation and approval of an updated Stormwater Management Plan; and
- Preparation and approval of a Water Use and Conservation Management Plan.

Chairman Richko asked for a motion on the resolution.

*Member Dressler made a motion. Member Sebetich seconded it.*

**Council Comment**

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF SEPTEMBER 17, 2020

Committee Chair Dressler commended Highlands Council staff on their work on this Petition during the COVID-19 conditions.

Member Vohden spoke in opposition of the Petition before the Council due to the Highlands Act deficiency to compensate landowners.

Vice Chair Alstede asked if the Township has identified any Highlands center designations, transit hubs, and receiving areas for TDR credits.

Ms. Haddock-Weiler responded that the Township has not identified any Highlands center designations, transit hubs would be addressed by NJ Transit, and TDR credits for receiving areas were not discussed with the Township but could be discussed going forward.

Vice Chair Alstede had a concern regarding the funding presented for redevelopment and noted that he voted against Hackettstown's initial submission of their Petition for similar reasons. Vice Chair Alstede feels he would pause on an affirmative vote due to those concerns.

Ms. Haddock-Weiler responded that this is an opportunity to build on our communication with the Township.

Member Dressler added that the Vice Chair's observations are good, but premature at this point. Vice Chair Alstede referred to the proposed funding (\$500K) and his previous concerns with Hackettstown's initial Petition, when he had the same concerns, and noted that the municipality agreed to consider these items.

Member Dressler asked what the procedure would be to table this resolution, since it did not seem there were sufficient votes to pass it.

Chair Richko agreed that he had heard at least two negative votes and asked Chief Counsel LaRocca if a motion to table is permissible at this point.

Chief Counsel responded that it is permissible to table the resolution for the next meeting.

Chair Richko asked for a motion to table the resolution.

*Member Dressler made a motion to table the resolution. Member Walton seconded it.*

Member Van Abs commented that the resolution can be tabled until the next meeting, however, if any changes are made to any documents, those documents would need to go out for public comment again on those changes.

Vice Chair Alstede added that it is important to allow for further discussion by Council now for staff to hear and there may be some value to hear public comment as well.

Chair Richko asked Members Dressler and Walton if they were okay with allowing further discussion by Council and the public.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF SEPTEMBER 17, 2020

Member Walton responded that Council should table the motion and listen to any public comments at the end of this meeting. Member Dressler concurred.

*A roll call vote was taken to TABLE the resolution. The resolution was TABLED 9-1.*

*Member Visioli left the meeting at 5:13pm.*

At this time, Chairman Richko announced that Parsippany-Troy Hills Mayor Michael Soriano would like to comment.

Mayor Soriano thanked the Council for allowing him to speak for the record. Mayor Soriano believes Parsippany-Troy Hills needs to be a leader in furthering the mission of the Highlands Act. He added that it is the one-year anniversary of the passing of Mimi Letts, who was instrumental in the creation of the Highlands and served with distinction. Ms. Letts made him promise to get Parsippany in Plan Conformance and Mayor Soriano intends to make sure that promise is kept. Mayor Soriano thanked the hardworking staff of the Highlands Council and Parsippany's professionals. Mayor Soriano added that he is disappointed the resolution has been tabled but will do what he can to show Council the wisdom of approving their Petition.

## **LANDOWNER EQUITY & LAND PRESERVATION COMMITTEE**

Committee Chair Walton reported that the committee met via tele-conference on August 24, 2020 to discuss several Open Space Partnership Program (OSPP) applications. Committee Chair Walton noted that the Council has provided over \$27M to landowners, leveraging almost \$4.5M in federal Highlands Conservation Act (HCA) funds, and preserving 2,565 acres.

Today Council will consider 13 applications that were approved by USFWS for funding under HCA grant program and one (1) Highlands Development Credit property approved for funding under the HCA. Committee Chair Walton moved the resolution for approval.

*Ms. Plevin was present at 5:20pm.*

Mr. Humphries added to Committee Chair Walton's report that all funding from the Highlands Council side is coming from the Federal grant.

Chairman Richko asked for a motion on the resolution:

### **Resolution – Approval of Applications Under the Highlands Open Space Partnership Funding Program Pursuant to Administrative Rule N.J.A.C. 7:70-1 et seq.**

*Member Walton made a motion. Member Vohden seconded it.*

There was no Council comment.

### **Public Comment**

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF SEPTEMBER 17, 2020

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers commented that there are several properties on this resolution and she suspects that many people have been waiting patiently. Ms. Somers spoke in support of the resolution.

*A roll call vote was taken. The resolution was APPROVED 9-0.*

## **OLD/NEW BUSINESS:**

Member Walton commented on news about a Toms River councilwoman who stated that she wished her town would be a more diverse and inclusive community. The councilwoman received push back that was disturbing. Member Walton brought up a recent letter to Council from a Highlands region community that stated they wished to maintain the “character of our community.” Member Walton added that for some reason that comment resulted in a different reaction. He questioned what is meant in the letter by “character.” With the Mount Laurel decisions of 1975 and 1983, Member Walton stated that he knows the impetus for our environmental ordinances and laws is to preserve open space, but questioned whether it has had an adverse effect on the western part of our state and made it less diverse. He observed that the effect is something we may not have intended.

Chairman Richko responded that the main goals of the Highlands Act are preserving the water resources. He added that what Member Walton brought up is interesting and something that we should all be considering.

Chairman Richko opened the meeting to the public for any other comments.

### **Public Comment**

**Wilma Frey, on leave from New Jersey Conservation Foundation** – Ms. Frey thanked Member Carluccio for her all her hard work, dedication, and passion in the Highlands.

**Elliott Ruga, New Jersey Highlands Coalition** – Mr. Ruga spoke in support of Parsippany-Troy Hill’s Petition for Plan Conformance and added that, in his opinion, the comments made by Member Vohden were inaccurate. Mr. Ruga also appreciated Member Walton’s concerns and supports him on that topic.

**David Shope, property owner, Lebanon Township** – Mr. Shope commented that he is glad Member Van Abs is within reach and would like a copy of the North Jersey District Water Supply Report, which is the basis of property theft, etc. Mr. Shope agreed with Member Walton’s comments but, in his opinion, that was the intent of the plan.

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers reflected on the passing of Kathleen. Ms. Caren served the state and the county extraordinarily. Ms. Somers also commented that the Council is fortunate to have Member Van Abs.

**Nicholas Homyak, Lake Hiawatha** – Mr. Homyak commented that hopefully the Council will come to their senses regarding Parsippany’s Petition to preserve our sense of home and sense of neighborhood character and the science that can help us with senseless development.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF SEPTEMBER 17, 2020

Chair Richko thanked everyone for their patience with this meeting format.

*Member Dressler made a motion to adjourn the meeting. Member Holtaway seconded it. All were in favor. The meeting was adjourned at 5:44pm.*

**CERTIFICATION**

I hereby certify that the foregoing is a true copy of the minutes of the meeting of the Highlands Water Protection and Planning Council.

Date: 10/16/2020

Name: Annette Tagliareni  
Annette Tagliareni, Executive Assistant

Vote on the Approval of Minutes	Motion		Second		Yes		No		Abstain		Absent
Councilmember Alstede					√						
Councilmember Dougherty					√						
Councilmember Dressler			√		√						
Councilmember Francis					√						
Councilmember Holtaway					√						
Councilmember James					√						
Councilmember Sebetich					√						
Councilmember Van Abs					√						
Councilmember Visioli	√				√						
Councilmember Vohden					√						
Councilmember Walton					√						
Chairman Richko					√						

**RESOLUTION 2020-13**  
**COMMENDING COUNCIL MEMBER TRACY CARLUCCIO FOR HER**  
**DEDICATION AND SERVICE TO THE HIGHLANDS WATER PROTECTION**  
**AND PLANNING COUNCIL**

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

**WHEREAS**, Tracy Carluccio was duly appointed by the Governor of the State of New Jersey to serve as a member of the Highlands Council in October 2004 and has served without interruption for nearly 16 years; and

**WHEREAS**, Member Carluccio has been instrumental in advancing the goals of the Highlands Act, demonstrating unwavering commitment to the protection of the precious natural resources of the Highlands Region; and

**WHEREAS**, during development and adoption of the Regional Master Plan, Member Carluccio passionately advocated for the protection of the water quality and quantity of the Highlands Region; and

**WHEREAS**, during her tenure on the Council, Member Carluccio served on numerous committees including Audit Evaluation (Chair), Agriculture, Natural Resources, Personnel, Public Participation, and Resource Protection and Review; and

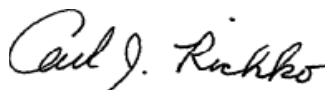
**WHEREAS**, Member Carluccio has demonstrated a deep commitment to protection of the New Jersey Highlands, remaining consistently engaged on all matters brought before the Council for consideration;

**NOW THEREFORE BE IT RESOLVED**, that the Highlands Council hereby commends Council Member Carluccio for her dedication to the mission of the Highlands Council and her service to the people of the State of New Jersey in this capacity;

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Highlands Council hereby authorizes its Executive Director to transmit this resolution recognizing Council Member Carluccio's significant contributions to the long-term protection of the New Jersey Highlands Region to Governor Philip D. Murphy and the sponsors of the Highlands Act.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 17<sup>th</sup> day of September 2020.



\_\_\_\_\_  
Carl Richko, Chairman

**Vote on the Approval of  
The Resolution**

	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Councilmember Alstede	<hr/>	<hr/>	<hr/> ✓	<hr/>	<hr/>	<hr/>
Councilmember Dougherty	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/> ✓
Councilmember Dressler	<hr/> ✓	<hr/>	<hr/> ✓	<hr/>	<hr/>	<hr/>
Councilmember Francis	<hr/>	<hr/>	<hr/> ✓	<hr/>	<hr/>	<hr/>
Councilmember Holtaway	<hr/>	<hr/>	<hr/> ✓	<hr/>	<hr/>	<hr/>
Councilmember James	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/> ✓
Councilmember Sebetich	<hr/>	<hr/>	<hr/> ✓	<hr/>	<hr/>	<hr/>
Councilmember Van Abs	<hr/>	<hr/>	<hr/> ✓	<hr/>	<hr/>	<hr/>
Councilmember Visioli	<hr/>	<hr/>	<hr/> ✓	<hr/>	<hr/>	<hr/>
Councilmember Vohden	<hr/>	<hr/>	<hr/> ✓	<hr/>	<hr/>	<hr/>
Councilmember Walton	<hr/>	<hr/> ✓	<hr/> ✓	<hr/>	<hr/>	<hr/>
Chairman Richko	<hr/>	<hr/>	<hr/> ✓	<hr/>	<hr/>	<hr/>

**RESOLUTION 2020-  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR  
THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY**

**WHEREAS**, the New Jersey Highlands Region (Highlands Region) is an area of over 859,358 acres that consists of 88 municipalities in parts of seven counties – Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren; and

**WHEREAS**, the New Jersey Legislature found that the Highlands Region is an essential source of drinking water, providing clean and plentiful drinking water for one-half of the population of the State of New Jersey, and also contains other exceptional natural resources such as clean air, contiguous forest lands, agricultural lands, wetlands, pristine watersheds, and habitat for fauna and flora, as well as sites of historic significance and recreational opportunities; and

**WHEREAS**, the Legislature found that the Highlands Region also provides a desirable quality of life and place where people live and work, that it is important to ensure the economic viability of Highlands communities and that residential, commercial, and industrial development, redevelopment, and economic growth in certain appropriate areas of the Highlands are also in the best interests of all the citizens of the State, providing innumerable social, cultural, and economic benefits and opportunities; and

**WHEREAS**, the Legislature found that the Highlands Region contains agricultural lands in active production and that these lands are important resources of the State that should be preserved, that the agricultural industry in the Region is a vital component of the economy, welfare, and cultural landscape of the Garden State and that maintenance of agricultural production and a positive agricultural business climate should be encouraged to the maximum extent possible; and

**WHEREAS**, the Legislature found that the pace of development in the Highlands Region has dramatically increased, that the Region, because of its proximity to rapidly expanding suburban areas, is at serious risk of being fragmented and consumed by unplanned development and that the existing land use and environmental regulation system cannot protect the water and natural resources of the Highlands against the environmental impacts of sprawl development; and

**WHEREAS**, deeming protection of the Highlands Region an issue of State level importance, the Legislature enacted the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq. (Highlands Act), to establish a regional approach to land use planning for the Highlands Region; and

**WHEREAS**, the Highlands Act delineates two areas in the Highlands Region: a Preservation Area, containing approximately 415,000 acres, and a Planning Area, containing approximately 445,000 acres; and

**WHEREAS**, the Legislature created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council) to advance a new regional approach to land use planning and to prepare a Regional Master Plan to protect and enhance the significant values of the Highlands resources throughout the entire Highlands Region; and

**RESOLUTION 2020-  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR  
THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY**

**WHEREAS**, the Preservation Area is an area with exceptional natural resource value that should be subject to stringent water and natural resource protection standards, policies, planning and regulation; and

**WHEREAS**, the Planning Area is the area outside of the Preservation Area that should likewise be part of a comprehensive planning approach that serves to protect the water and other significant resources of the entire Highlands Region while also accommodating appropriate patterns of development, redevelopment and economic growth; and

**WHEREAS**, the Highlands Act establishes development goals in the Preservation Area, to prohibit or limit, to the maximum extent possible, construction or development which is incompatible with the Preservation Area; and

**WHEREAS**, the Highlands Act establishes development goals in the Planning Area, to encourage, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and to discourage piecemeal, scattered, and inappropriate development, in order to accommodate local and regional growth and economic development in an orderly way while protecting the Highlands environment from individual and cumulative adverse impacts; and

**WHEREAS**, the Highlands Act creates a bifurcated system for municipal conformance with the Regional Master Plan – mandatory Plan Conformance for any portion of a municipality located wholly or partially in the Preservation Area and voluntary Plan Conformance for the municipalities with lands wholly in the Planning Area or for any portion of a municipality lying within the Planning Area; and

**WHEREAS**, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance where municipalities, located wholly or partially in the Preservation Area, must revise and conform their local master plan and development regulations, as they relate to development and use of land in the Preservation Area, with the goals, requirements and provisions of the Regional Master Plan; and

**WHEREAS**, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may voluntarily revise and conform their local master plans and development regulations, as they relate to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan at any time; and

**WHEREAS**, pursuant to Sections 14 and 15 of the Highlands Act, the Highlands Council shall approve, reject, or approve with conditions the revised plan and development regulations, as it deems appropriate, after public hearing, within 60 days after the date of submission thereof; and

**WHEREAS**, the Highlands Act provides that an approval of a Petition for Plan Conformance entitles the conforming municipality with specific benefits including planning grants, technical

**RESOLUTION 2020-  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR  
THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY**

assistance, state aid, priority for projects, tax stabilization funds, a strong presumption of validity and extraordinary deference in the event of legal challenge, and legal representation; and

**WHEREAS**, the Highlands Council adopted Highlands Plan Conformance Procedures as an update to the Regional Master Plan as Addendum 2019-2 that provide guidelines for the submission, review, and approval of municipal and county Petitions for Plan Conformance; and

**WHEREAS**, the Plan Conformance Procedures contained in Addendum 2019-2 provide a process for Plan Conformance requiring the submission of plans and regulations that are immediately necessary to ensure protection of the Highlands resources and resource areas with more complex tasks to be completed in accordance with an Implementation Plan and Schedule as a condition of Plan Conformance; and

**WHEREAS**, Section 18 of the Highlands Act obligates the Highlands Council to establish a grant funding program to reimburse municipalities for reasonable expenses associated with Plan Conformance; and

**WHEREAS**, on December 18, 2008, the Highlands Council approved Resolution 2008-73 to provide grant funding for Highlands municipalities to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the Regional Master Plan; and

**WHEREAS**, under Resolution 2008-73, the Highlands Council authorized the Executive Director to develop and implement a process for the solicitation and distribution of the Plan Conformance Grants; and

**WHEREAS**, Parsippany-Troy Hills is located in Morris County and the full extent of its 16,223 acres lies within the Highlands Region Planning Area; and

**WHEREAS**, on June 23, 2020, Parsippany-Troy Hills submitted a Petition for Plan Conformance including a resolution for all lands lying in the Planning Area; and

**WHEREAS**, on July 6, 2020, the Highlands Council staff deemed the Petition for Plan Conformance administratively complete, and on the same day, posted the Petition documents on the Highlands Council website and thereafter commenced staff review of the Petition for consistency with the Regional Master Plan; and

**WHEREAS**, on July 6, 2020, the Highlands Council provided Parsippany-Troy Hills with a Draft Consistency Review and Recommendations Report, which provides the staff's assessment of the Petition for Plan Conformance, the level of conformance with the Regional Master Plan, and recommendations for any further actions necessary for Plan Conformance; and

**RESOLUTION 2020-  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR  
THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY**

**WHEREAS**, on July 24, 2020, the Highlands Council staff completed the Draft Consistency Review and Recommendations Report and posted a Public Notice, the Draft Consistency Review and Recommendations Report, and the complete Petition documents on the Highlands Council website for a public review and comment period with written comments due on or before August 24, 2020; and

**WHEREAS**, the Highlands Implementation Plan and Schedule includes a detailed accounting of the existing Plan Conformance Grants and the allocation of additional grant funding in order to address the Highlands Act requirements for Plan Conformance funding; and

**WHEREAS**, on September 11, 2020, the Highlands Council posted the Final Consistency Review and Recommendations Report and Draft Highlands Implementation Plan and Schedule on the Highlands Council website which responded to comments received during the public comment period; and

**WHEREAS**, on September 17, 2020, the Highlands Council held a public hearing on the Township of Parsippany-Troy Hills Petition for Plan Conformance and provided an opportunity for public comment; and

**WHEREAS**, the Highlands Council accepts the staff recommendation as stated in the Final Consistency Review and Recommendations Report; and

**WHEREAS**, according to the Highlands Act and the Plan Conformance Guidelines, Parsippany-Troy Hills' compliance with an approved Final Consistency Review and Recommendations Report, the Highlands Plan Conformance Procedures and the Highlands Act shall maintain Parsippany-Troy Hills' status as conforming to the Regional Master Plan and all statutory benefits associated with Plan Conformance; 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 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** that the Highlands Council hereby approves Parsippany Troy-Hills' Petition for Plan Conformance with conditions, as set forth in the Final Consistency Review and Recommendations Report; and

**BE IT FURTHER RESOLVED**, that the Executive Director or designee is authorized to make any amendments and publicly release the Final Consistency Review and Recommendations Report, draft Highlands Implementation Plan and Schedule, and amend the Plan Conformance Grant Agreement consistent with direction from the Highlands Council and the Department of the

**RESOLUTION 2020-  
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR  
THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY**

Treasury, to properly effectuate the intent of the Council and thereafter execute the Report and Schedule on behalf of the Council; and

**BE IT FURTHER RESOLVED**, that Parsippany-Troy Hills is hereby entitled to the statutory benefits associated with Plan Conformance as detailed in the Highlands Act, the Regional Master Plan and the Plan Conformance Procedures in Addendum 2019-2, so long as Parsippany-Troy Hills remains in conformance with the Regional Master Plan and to the extent such funds are made available by the State; and

**BE IT FURTHER RESOLVED**, the Executive Director or designee is authorized, consistent with direction from the Council, to oversee and monitor Parsippany-Troy Hills' compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 17<sup>th</sup> day of September 2020.

\_\_\_\_\_  
Carl J. Richko, Chair

**Vote on the Approval of  
The Resolution**

	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Councilmember Alstede	_____	_____	_____	_____	_____	_____
Councilmember Dougherty	_____	_____	_____	_____	_____	_____
Councilmember Dressler	_____	_____	_____	_____	_____	_____
Councilmember Francis	_____	_____	_____	_____	_____	_____
Councilmember Holtaway	_____	_____	_____	_____	_____	_____
Councilmember James	_____	_____	_____	_____	_____	_____
Councilmember Sebetich	_____	_____	_____	_____	_____	_____
Councilmember Van Abs	_____	_____	_____	_____	_____	_____
Councilmember Visioli	_____	_____	_____	_____	_____	_____
Councilmember Vohden	_____	_____	_____	_____	_____	_____
Councilmember Walton	_____	_____	_____	_____	_____	_____
Chairman Richko	_____	_____	_____	_____	_____	_____

**RESOLUTION 2020-14**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL OF APPLICATIONS UNDER THE HIGHLANDS OPEN SPACE**  
**PARTNERSHIP FUNDING PROGRAM PURSUANT TO ADMINISTRATIVE RULE**  
**N.J.A.C. 7:70-1 et seq.**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council or Council); and

**WHEREAS**, the Highlands Act at N.J.S.A. 13:20-2 declares that the New Jersey Highlands is an essential source of drinking water, providing clean and plentiful drinking water for one-half of the State's population and contains exceptional natural resources such as clean air, contiguous forest lands, wetlands, pristine watersheds, and habitat for fauna and flora for the citizens of the State; and

**WHEREAS**, the Highlands Act at N.J.S.A. 13:20-2 further declares that “the new regional planning approach and the more stringent environmental regulatory standards should be accompanied, as a matter of wise public policy and fairness to property owners, by a strong and significant commitment by the State to fund the acquisition of exceptional natural resource value lands . . .”; and

**WHEREAS**, on July 17, 2008, the Highlands Council adopted the Highlands Regional Master Plan (RMP) which became effective on September 8, 2008 and which through RMP Goal 1H calls for the protection of critical resources through land preservation and stewardship of open space throughout the Highlands Region; and

**WHEREAS**, on April 18, 2016, the Highlands Council adopted a rule (N.J.A.C. 7:70-1 et seq.) establishing the Highlands Open Space Partnership Funding Program (Open Space Program), which provides for a matching grant partnership with eligible state and local governments and charitable conservancies for the acquisition of land for passive recreation and conservation purposes, and creating the Highlands Development Credit (HDC) Purchase Program that provides for the HDC Bank to purchase HDCs on a priority basis identified in the HDC Purchase Program, from certain landowners; and

**WHEREAS**, in March 2019, the Highlands Council received a Notice of Funding Opportunity for the Highlands Conservation Act (HCA) Grant Program by the United States Fish and Wildlife Service (USFWS), which could provide up to 50% of the cost of the qualifying land preservation projects; and

**WHEREAS**, in May 2019, the Highlands Council solicited applications under the Open Space Program and the HDC Purchase Program for projects that would qualify for funding under the provisions of the HCA Grant Program, with the intent of using qualifying projects as the Highlands Council match for the HCA program; and

**WHEREAS**, the Highlands Council received fourteen (14) applications that qualified for funding under N.J.A.C. 7:70, of which thirteen (13) potentially qualified for funding under the HCA Grant Program; and

**RESOLUTION 2020-14**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL OF APPLICATIONS UNDER THE HIGHLANDS OPEN SPACE**  
**PARTNERSHIP FUNDING PROGRAM PURSUANT TO ADMINISTRATIVE RULE**  
**N.J.A.C. 7:70-1 et seq.**

**WHEREAS**, twelve (12) of the projects request funding under the Open Space Program and one (1) project requests funding under the HDC Purchase Program; and

**WHEREAS**, the Highlands Council submitted its application to the USFWS in July 2019 for funding of the thirteen (13) projects and was subsequently notified that funding in the amount of \$3,491,650 was being made available by USFWS to complete these projects under the HCA Grant Program, subject to meeting all USFWS grant conditions; and

**WHEREAS**, Highlands Council staff proposes completing these projects using a combination of funding from the HCA Grant Program and contributions from Open Space and HDC Program partners, with no impact on Highlands Council budgets; and

**WHEREAS**, on August 24, 2020, pursuant to the provisions of N.J.A.C. 7:70 Subchapter 3, the Highlands Council's Landowner Equity and Land Preservation (LELP) Committee reviewed the eligible applications and recommended that the Highlands Council staff be authorized to take the steps necessary to proceed with the preservation projects; and

**WHEREAS**, the Highlands Council wishes to affirm the recommendation of the LELP Committee to authorize Highlands Council staff to proceed with the preservation projects under the provisions of N.J.A.C. 7:70 and the HCA Grant Program; 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 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**, that the Highlands Council hereby authorizes the Executive Director to take the steps necessary to proceed with the following preservation projects, leveraging funding from the HCA Grant Program and matching grant funds from Open Space Program and HDC Purchase Program partners, subject to those applications satisfying the grant conditions of the HCA Grant Program:

<b>County</b>	<b>Municipality</b>	<b>Block</b>	<b>Lot</b>
Hunterdon	Tewksbury	46.01	7
Passaic	West Milford	16908	3
Warren	White	18	60
Warren	White	16	23
Hunterdon	Tewksbury	30	6
Somerset	Peapack Gladstone Borough	8	2.02, 2.08
Warren	Franklin & Greenwich	42, 20	11, 6

**RESOLUTION 2020-14**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL OF APPLICATIONS UNDER THE HIGHLANDS OPEN SPACE**  
**PARTNERSHIP FUNDING PROGRAM PURSUANT TO ADMINISTRATIVE RULE**  
**N.J.A.C. 7:70-1 et seq.**

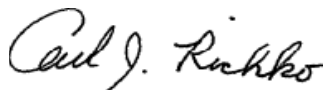
County	Municipality	Block	Lot
Warren	Franklin & Greenwich	41, 42, 18, 19	1, 1, 3, 1
Passaic	Wanaque	249, 249.01, 301	1, 1.02, 1.01
Hunterdon	Lebanon Township	24	8, 8.06, 8.07, 8.08, 8.09
Hunterdon	Tewksbury	42	4, 4.01
Somerset	Peapack Gladstone Borough	8	2.06, 2.11

**BE IT FURTHER RESOLVED**, that the Highlands Council hereby authorizes the Executive Director to submit the following HDC Purchase Program acquisition to the HDC Bank Board for consideration, subject to that application satisfying the grant conditions of the HCA Grant Program:

County	Municipality	Block	Lot
Sussex	Byram	336, 344	40, 24.01, 24.02

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 17<sup>th</sup> day of September, 2020.



\_\_\_\_\_  
Carl Richko, Chairman

**RESOLUTION 2020-14**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL OF APPLICATIONS UNDER THE HIGHLANDS OPEN SPACE**  
**PARTNERSHIP FUNDING PROGRAM PURSUANT TO ADMINISTRATIVE RULE**  
**N.J.A.C. 7:70-1 et seq.**

Vote on the Approval of The Resolution	Motion		Second		Yes		No		Abstain		Absent
Councilmember Alstede					√						
Councilmember Dougherty											√
Councilmember Dressler					√						
Councilmember Francis					√						
Councilmember Holtaway					√						
Councilmember James											√
Councilmember Sebetich					√						
Councilmember Van Abs					√						
Councilmember Visioli											√
Councilmember Vohden			√		√						
Councilmember Walton	√				√						
Chairman Richko					√						