



**CHRIS CHRISTIE**  
*Governor*

**KIM GUADAGNO**  
*Lt. Governor*

**State of New Jersey**  
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**JACK J. SCHRIER**  
*Acting Chairman*

**EILEEN SWAN**  
*Executive Director*

**MEETING AGENDA**  
*Thursday, October 21, 2010 10:00 am*

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT
4. PLEDGE OF ALLEGIANCE
5. APPROVAL OF MINUTES – September 23, 2010
6. ACTING-CHAIRMAN’S REPORT (and Council Member Reports)
7. EXECUTIVE DIRECTOR’S REPORT
  - a. Highlands TDR Program
  - b. Highlands Plan Conformance
  - c. RMP Updates
  - d. Highlands Project Review
8. PUBLIC HEARING AND CONSIDERATION OF RESOLUTION –  
Petition for Plan Conformance submitted by Chester Township, Morris County  
(voting matter with public comment)
9. CONSIDERATION OF RESOLUTION – Approval of the Highlands Council  
FY2011 General Operating Budget (voting matter with public comment)
10. PUBLIC COMMENTS (*please note – the Council requests that public comments be  
limited to three (3) minutes per person. Questions raised in this period will 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

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MINUTES OF THE MEETING OF OCTOBER 21, 2010

**PRESENT**

JACK SCHRIER	)	ACTING CHAIRMAN
KURT ALSTEDDE	)	COUNCIL MEMBERS
BILL COGGER	)	
TRACY CARLUCCIO	)	
MICHAEL FRANCIS	)	
JANICE KOVACH	)	
MIMI LETTS	)	
CARL RICHKO	)	
ROBERT HOLTAWAY	)	

**VIA TELECONFERENCE**

JAMES VISIOLI	)
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**ABSENT**

GLEN VETRANO	)
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**CALL TO ORDER**

The Acting Chairman of the Council, Jack Schrier, called the 98<sup>th</sup> meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:18am.

**ROLL CALL**

Roll call was taken. Messrs. Vetrano and Visioli were absent. All other members were present.

**OPEN PUBLIC MEETINGS ACT**

Acting Chairman Schrier announced that the meeting was called in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 and that the Highlands Council had sent written notice of the time, date, and location of this meeting to pertinent newspapers or circulation throughout the State and posted on the Highlands Council website.

**PLEDGE OF ALLEGIANCE** was then recited.

**APPROVAL OF MINUTES OF SEPTEMBER 23, 2010**

*Ms. Kovach introduced a motion to approve the minutes. Ms. Letts seconded it. Messrs. Vetrano and Visioli were absent. All other members voted to approve. The minutes were APPROVED 9-0.*

**ACTING CHAIRMAN'S REPORT**

Acting Chairman Schrier reported that he was very pleased with the last meeting and Council's approval of Byram's Township Petition for Plan Conformation. Mr. Schrier further stated that at today's meeting Council will have an opportunity to vote on Chester Township's Petition for Plan Conformance. Mr. Schrier reported that Chester Township is one of 39 municipalities in Morris County, 32 of which are located in the Highlands Region.

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**EXECUTIVE DIRECTOR’S REPORT**

**Plan Conformance Update**

Ms. Swan gave a brief update to the Council on Plan Conformance Petition reviews. To date, 64 Petitions for Plan Conformance have been submitted to the Highlands Council (59 Petitions from municipalities and 5 from counties). Ms. Swan noted that the latest submissions are from Phillipsburg and Alpha who have shown interest in Highlands Center designation. 47 Petitions (including 2 counties) have been deemed administratively complete and posted to the Highlands Council website. Council staff has reviewed 36 full Petitions and prepared Draft Consistency Review and Recommendations Reports for each. Of these, 12 have been completed and sent to the petitioning municipality or county (as listed below):

Tewksbury Twp.	Bethlehem Twp.	Califon Borough
Clinton Town	Glen Gardner Borough	Lebanon Borough
Mount Olive Twp.	Rockaway Twp.	Passaic County
Mahwah Twp.	Chester Twp.	Franklin Twp.

Ms. Swan further stated that Byram Township’s Petition for Plan Conformance has been approved by Highlands Council, that Chester Township is being considered today, and that Hampton Borough’s Petition is in the public comment period. The Hampton municipal response period was waived by the municipality. The public can follow the Plan Conformance process on the website. A map was then showed of the Highlands Region noting that approved Plan Conformance municipalities are noted in blue which will track the Council’s progress.

Plan Conformance Grant Program

Ms. Swan then provided an update on the Highlands grants programs as requested by the Council. The average amounts requested for reimbursement by municipalities that are participating in Plan Conformance grant activities were shown. On average, reimbursement requests to date are within the base amounts established by the Highlands Council. Ms. Swan further noted that Council staff anticipates that some towns will need additional grants due to unique circumstances.

<u>Towns</u>	<u>Base Amount</u>	<u>Average</u>	<u>Number</u>
Module 1	\$15,000	\$13,177	67
Module 2	\$10,000	\$ 6,323	62
Module 3	\$ 7,500	\$ 10,548	47
Module 4	\$ 2,000	\$ 3,178	52
Module 5	\$ 2,500	\$ 5,590	43
Module 6	\$ 5,000	\$ 3,829	41
Module 7	\$ 8,000	\$ 6,156	37
Total	\$50,000	\$49,801	

*Mr. Visioli teleconferenced into the meeting at 10:25am.*

Ms. Swan then advised Acting Chairman Schrier that her report was complete. Mr. Schrier then advised that the next matter was Chester Township’s Petition for Plan Conformance. *Council Member*

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*Cogger recused himself from the Public Hearing portion of the meeting on Chester Township's Petition for Plan Conformance at 10:26am.*

Mr. Borden summarized the State Ethics Commission's advice regarding recusal of members. He stated that elected officials must recuse themselves from Plan Conformance Petitions that are submitted to the Council for their municipality or county; however, those Council Members that live in the municipality need not recuse themselves from voting unless the application poses a specific conflict. Accordingly, the Mayor of Chester Township has the right to appear before the Highlands Council in support of the Petition for Plan Conformance on behalf of his municipality and must recuse himself from Council action on the Petition. For the record Mr. Alstede stated that he resides in Chester Township but will vote on the Petition.

**Public Hearing and Consideration of Resolution– Petition for Plan Conformance by Chester Township, Morris County**

The Council then commenced the Public Hearing on the Plan Conformance Petition of Chester Township. Ms. Swan expressed thanks to Joan Case for submitting some photographs of Chester Township to be used in today's presentation and also recognized resident staff photographer Nathan McLean who has also taken photographs of Chester Township for the presentation and will be taking photos today to commemorate the meeting. Ms. Swan thanked the Highlands staff for all their team efforts and, in particular, James Humphries who is Chester Township's liaison.

Ms. Swan then proceeded with the PowerPoint presentation of the Petition of Chester Township for Plan Conformance and presented photographs of Chester Township so the Council could focus on the character of the community and the past planning and protection initiatives of Chester Township. Ms. Swan quoted from the Chester Township Master Plan that "In the years leading to the revolution and on into the early 1800's, Chester Township was an important stagecoach stop on the trip from New York, New Brunswick, and Morristown to Phillipsburg."

Ms. Swan presented background statistics and information for Chester Township.

- Established: 1799
- Population (2009): 7,771
- Land Area: 29.2 sq. mi./ 18,694 Acres
- Agricultural Lands: 3.3 sq. mi. / 2,110 Acres (809 acres Preserved Farmland) – 11%
- Preserved Lands: 11.3 sq. mi./ 7,258 Acres – 39%
- Wetlands, Lakes & Ponds: 3.4 sq.mi. / 2,152 Acres – 11%
- Significant Parks: Hacklebarney State Park, Black River Wildlife Management Area (state); Black River Greenway and Black River Park (county); Bamboo Brook Outdoor Education Center (county); Tiger Brook Park (municipal); Chubb Park (municipal)
- Sites on the Highlands Scenic Resource Inventory: Hacklebarney State Park, Black River Wildlife Management Area, Bamboo Brook. Ms. Swan drew the attention of the Council and the public to a photo that included the invasive species 'Purple Loosestrife' she indicated that the Mayor had asked that she acknowledge the ongoing efforts of Chester Township to eradicate this species.

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Ms. Swan presented significant Highlands statistics as they pertain to Chester Township:

- Preservation Area Lands: 24.7 sq. mi./ 15,790 Acres – 84%
- Planning Area Lands: 4.5 sq. mi./ 2,904 Acres – 16%
- Highlands Open Water Protection : 12.4 sq. mi./7,933 Acres – 42%
- Severe Steep Slope Areas: 6.9 sq. mi./ 4,448 Acres – 24%
- Forest Areas: 15.2 sq. mi./ 9,745 Acres – 52%
- Agricultural Priority Areas: 9.2 sq. mi. / 5,874 acres – 31%
- Conservation Priority Areas: 6.2 sq. mi./ 3,956 Acres – 21%

<b>Chester Township Background Statistics – Land Use</b>		
<b>NJDEP Land Use/Land cover (2005/2007)</b>	<b>Acres</b>	<b>Percent</b>
Residential(Single & Multi Family)	3,870	21%
Commercial (Retail)	157	1%
Industrial & Transportation & Utilities	244	1%
Agriculture (Crops & Plantations)	2,131	11%
Recreational lands (Public and Private)	132	1%
Other	306	2%
<b>Subtotal Developed Lands</b>	<b>6,840 (10.7 sq. mi.)</b>	<b>37%</b>
Mixed Forest	8,694	47%
Shrub & Scrub	917	3%
Mixed Wetlands	2,027	11%
Barren Lands	84	1%
Surface Waters (lakes, Ponds & Tributaries)	132	1%
<b>Subtotal Natural Lands (incl. Open Space)</b>	<b>11,854 (18.5 sq. mi.)</b>	<b>63%</b>

Ms. Swan then showed a movie representing a ‘fly over’ of Chester Township and made note that Willowood Arboretum was misspelled in the presentation. Ms. Swan explained that the error had been caught but when the Highlands staff tried to correct this typo, the system crashed. Because of this system failure the error could not be corrected in time for the meeting. The ongoing issue related to the size of the files for GIS a new server would be purchased to resolve the issue and would be discussed later in the meeting when the budget was being reviewed.

Ms. Swan noted that Chester Township maintains an up-to-date comprehensive Master Plan (including all mandatory elements and numerous optional elements), Chester has a history of proactive engagement in community planning and conservation initiatives:

- Right to Farm Ordinance – 1996 (used as a municipal model)
- Highlands Planning Area Land Use Assessment – 2005
- Chester Township and Chester Borough Consolidation Study
- Four Towns Recreation Plan – 2009 (Chester Township, Chester Borough, Mendham Township and Mendham Borough)
- Environmental Plan and Utility Plan Master Plan Element Amendments to Protect Public Wells – 2004

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- Stormwater Management & Pollution Prevention Plans
- Mayor's Institute (lead by the Regional Plan Association for sustainable development in the New Jersey Highlands area) – Lace Factory Analysis for Redevelopment

Ms. Swan showed the ordinance maps for Chester Township. Ms. Swan continued to provide an overview of the Petition for Plan Conformance and the administrative record for Chester Township:

12/07/09	Petition for Plan Conformance Submitted
2/4/10	Petition Deemed Administratively Complete
2/9/10	Petition Posted to Highlands Council Website
6/17/10	Draft Consistency Report Sent to Municipality
9/29/10	Final Draft Report Posted to Highlands Council Website
10/14/10	End of Public Comment Period (Start 9/30/10)
10/18/10	Final Report Posted to Highlands Council Website
10/21/10	Highlands Council Public Hearing

Ms. Swan noted that Chester Township had completed the following required Module Submittals:

1. Current Municipal Conditions & Build-Out Analysis
2. Land Use and Resource Capacity Analysis
3. Housing Element & Fair Share Plan
4. Environmental Resource Inventory
5. Master Plan Highlands Element
6. Highlands Area Land Use Ordinance
7. Petitioning Resolution, Municipal Self-Assessment, Highlands Implementation Plan & Schedule

With respect to Module 1 and 2, the analysis uses a limiting factor analysis to examine land-based, resource-based, and utility-based capacities. The Highlands Municipal Build-Out Report for Chester Township was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition. The Report is dated July 2009 and was posted to the Highlands Council website on July 9, 2009. Staff RMP Consistency Finding is that Chester Township's Highlands Municipal Build-Out Report is consistent with the RMP.

Ms. Swan made note that the Highlands Municipal Build-Out Report is Highlands work and is not based on municipal zoning. The information is compiled by the Highlands Council and shared with the municipality to verify the accuracy of that information. If anything is inaccurate the municipality corrects the information and substantiates those corrections. Ms. Swan further noted the Build-Out reports are completed based on the mandates of the Highlands Regional Master Plan and the Highlands Act which says that the resources assessments should be done and then the Council should determine the amount of development that could occur based on the protection of those resources.

With respect to Module 3, Ms. Swan provided a summary of Chester Township Fair Share obligations and plan:

- Rehabilitation Share: 4 Units
- Prior Round Obligation: 32 Units

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- Growth Share Obligation: 19 Units
- Summary of Chester Township Fair Share Plan
- Municipal Rehabilitation Program: Completed.
- Prior Round Sites:
  - 15-unit 100% affordable project. Completed.
  - 9-unit special needs project. Completed.
  - 1 Accessory Apartment.
  - 3 Prior cycle Credits and 6 Bonus Credits.
- New Project/Sites:
  - Community Residence for Developmentally Disabled (Glenlora site). 15 units.
  - Habitat for Humanity 1-family home.
  - Rental Bonus Anticipated Credits: 7

The Staff RMP Consistency Finding is that Chester Township's Fair Share Plan and Housing Element is consistent with the RMP.

Ms. Swan asked Mr. Borden to give a brief summary on the recent litigation regarding affordable housing. Mr. Borden gave a summary that the Appellate Division invalidated portions of COAH's third round rules, known as their growth shared rules, finding that the rules were determined to violate the Mt. Laurel constitutional doctrine by providing a municipality with too much discretion to avoid growth through zoning and thus avoid an affordable housing obligation. COAH is now in a position to determine if they want to appeal this matter to the New Jersey Supreme Court. In addition, the Assembly Housing Committee Chair introduced a bill similar to Senate Bill #1 to fundamentally alter the way affordable housing is advanced in New Jersey. Mr. Borden stated that regarding Chester Township, the municipality has already submitted their Fair Share Plan to COAH for certification.

Mr. Holtaway asked what happens if a town is already third-round certified. Mr. Borden states that until the matter is reviewed or until COAH adopts new rules, there will be uncertainty. Ms. Swan commented that Highlands Council staff stays on the proactive side of assisting municipalities with their affordable housing planning.

With respect to the Environmental Resource Inventory, Module 4, Ms. Swan noted the following:

- Describes & Illustrates Highlands Resources, Resource Areas, and Special Protection Areas in the Municipality
- Chester Township Submittal Based on Highlands Council Model Environmental Resource Inventory
  - All Applicable Narrative Portions Retained
  - All Applicable Exhibits Included

The Staff RMP Consistency Finding is that Chester Township's Environmental Resource Inventory is consistent with the RMP.

With respect to the Master Plan Highlands Element, Module 5, Ms. Swan noted the following:

- Chester Township Submittal Based on Highlands Council Model
  - All Applicable Narrative Portions Retained
  - All Applicable Exhibits Provided

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The Staff RMP Consistency Finding is the Chester Township's Master Plan Highlands Element is consistent with the RMP.

With respect to the Highlands Area Land Use Ordinance, Module 6, Ms. Swan noted the following:

- Chester Township Submittal Based on Highlands Council Model
  - All Applicable Narrative Portions Retained
  - All Applicable Exhibits Provided – Note: To be replaced with Updated Highlands Council Parcel-Based Exhibits

The Staff RMP Consistency Finding is that Chester Township's Highlands Area Land Use Ordinance is consistent with the RMP.

With respect to the Municipal Petition for Plan Conformance, Module 7, Ms. Swan noted that it:

- Consists of all Petition Supporting Materials: Petitioning Resolution/Ordinance, Self-Assessment Report, List of Current Planning Documents, Highlands Implementation Plan & Schedule
- Chester Submittals Based on Highlands Council Models
  - Resolutions (#1-Preservation Area, #2-Planning Area) Complete
  - Self-Assessment Report Accurate & Complete
  - Requested Planning Documents Submitted to Highlands Council

The Staff RMP Consistency Finding is that Chester Township' Petition is consistent with the RMP.

Ms. Swan stated that the public comment period for Chester Township's Petition for Plan Conformance opened September 30, 2010, and closed October 14, 2010. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system. Comments were received from:

- Mayor Cogger, Chester Township - Municipal Comment
- Nicholas Tufaro, PP, LLA, RLA
- Erica Sollberger, RLA, President, New Jersey Chapter, ASLA
- Fair Share Housing Center
- New Jersey Highlands Coalition
- New Jersey Farm Bureau

Ms Swan then summarized the public comments received and responses given by Highlands staff for Chester Township Petition for Plan Conformance.

Comment: Chester Township addressed staff concerns regarding the Byrne Apartment affordable housing project (Block 44, Lot 11).

- Response: At the request of the Township of Chester, the Byrne Apartment site has now been removed from the Township's Fair Share Plan, and is no longer proposed. The preparation and submission of a revised Fair Share Plan is now a condition of approval.

Comment: Requests were submitted that the Highlands Area Land Use Ordinances be modified to include Landscape Architects among the professionals listed as required for various types of application reviews.

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- Response: The Highlands Area Land Use Ordinance (for Chester Township and all models) will be updated to include a general statement that any professionals licensed by the State of New Jersey that are specifically permitted to review and provide findings as noted in the Highlands Area Land Use Ordinance may review appropriate applications.

Comment: A number of detailed comments were submitted by the New Jersey Farm Bureau on the Highlands Area Land Use Ordinance in regards to Farming and Agriculture. A detailed response to each comment was provided. Ms. Swan outlined the most relevant response:

- The Ordinance provides an important exclusion for agriculture(see § 2.1.1): “Unless specifically indicated otherwise, and in that case only to the specific extent indicated, the provisions of this Ordinance shall not apply to Agricultural or Horticultural Use and Development.”

Comment: A letter was filed (with COAH) by the Fair Share Housing Center objecting to the use of Highlands Council Build-Out results to adjust the Township’s Fair Share Obligation. (Detailed responses were provided separately.)

- Summary Response: These comments specifically relate to matters that are pending before the Appellate Division in litigation filed by Fair Share Housing Center. Chester Township’s Petition should be approved conditioned upon achieving and retaining compliance with the Fair Housing Act. In addition, the response clarifies that the Build-Out Report is based upon the Highlands Act and RMP requirements. Ms Swan clarified that this was covered earlier by Tom Borden in his earlier summary of the latest actions with reference to COAH.

Ms. Swan then summarized the Staff Recommendation for Chester Township’s Petition for Plan Conformance that it be approved with the following conditions:

- Adoption of Ordinance Petitioning for Planning Area
- Adoption of Interim Checklist Ordinance – Development Applications referred to Highlands Council for RMP Consistency Determination prior to local determination of completeness pending adoption of all Master Plan/Ordinance provisions
- Adoption of Completed, Final Environmental Resource Inventory
- Development, Highlands Council Approval, & Adoption of Final Highlands Element & Land Use Ordinance
- Adoption of Updated Zoning Map
- Compliance with Fair Housing Act (COAH Certification)
- Update/Development & Implementation of:
  - Water Use & Conservation Management Plan
  - Stormwater Management Plan (updated only)
  - Habitat Conservation & Management Plan
  - Land Preservation & Stewardship Program
  - Septic System Management/Maintenance Plan

**Council Comments**

Acting Chairman Schrier asked Ms. Swan to elaborate on what the Highlands Council Staff mean when they say that they work with the towns to get to the stage of petitioning for Plan Conformance. Ms. Swan responded to say that the composition of the Council as having elected

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officials (municipal and county), and members who looks at issues from different viewpoints the Council has always recognized that in order for this program to work and protection to occur that the planning and protection has to be a partnership with the municipalities. Council's staff has always worked to build a relationship of trust with the municipalities. Staff's presentations and visits to municipalities are focused on the municipality itself and its relationship to the Highlands Region. Staff's job is to build those relationships by understanding the municipalities better and to make sure the information that we carefully compile is verified by the municipalities. Ms. Swan further stated that in the end Staff hopes that the municipality has enjoyed a good working relationship with a professional staff that works under the direction of this Council.

Mr. Schrier thanked Ms. Swan for her clarification and reiterated that we work with the municipalities and that has always been the goal of this Council and the Highlands Act.

Ms. Letts asked about clarification on the size of the Lace Factory that was mentioned as an area for redevelopment. Ms. Swan responded to say approximately 5-10 acres. Ms. Letts also asked if the COAH plan was based on the Highlands Municipal Build-Our Report. Ms. Swan verified that it was.

Mr. Francis asked if a center is designated in Chester Township. Ms. Swan responded to say there is no request for center designation and that the infrastructure does not exist in the Township to support a center designation Ms. Swan also added that in reality Chester Borough is the center for Chester Township.

*Ms. Carluccio made a motion on the Resolution and Ms. Kovach seconded it.* Acting Chairman Schrier opened the public hearing on Chester Township's Petition for public comment on the proposed Resolution.

**Public Comments**

**Helen Heinrich, New Jersey Farmers Bureau** - Ms. Heinrich wanted to note that the comments presented to the Council were not personally directed at Chester Township. Ms. Heinrich stated concerns whether the Woodland Management Plan is the same as the Forrest Management Plan. Ms. Heinrich also asked when the maps are posted in the meeting room as she believes they would be helpful for residents. Ms. Swan responded to say a day or two before a Council meeting, but if a member of the public comes in Staff would be happy to assist them and if the maps were not available staff could show them on the computer screen in the meeting room

**Deborah Post, Block 33, Lot 4 in Chester Township-** Ms. Post stated that her farm is not eligible to participate in clustering as it is not in the Agricultural Resource Area in the Regional Master Plan. Ms. Post further stated that the Highlands Act has affected her land value.

Mr. Schrier noted that the public comments during this Public Hearing should only be on the resolution before the Council.

**Andy Drysdale-** Mr. Drysdale, an owner of 16.5 acres in Chester Township, asked how did we get to this place and why does Chester Township want to opt-in to this unnecessary Highlands Act. Mr. Drysdale stated under the Faulkner Act that the Mayor of Chester Township has total authority over

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the Township Council. Mr. Drysdale pleaded to not give his rights to larger government and urged people to vote in November.

*Mr. Visioli lost connection via telephone conferencing at 11:25am.*

*Mr. Visioli was reconnected via telephone conferencing at 11:26am.*

**Monique Purcell, Department of Agriculture** – Ms. Purcell wanted to bring an issue to the Council's attention regarding Comment #5. on Page A-5 of Appendix A regarding municipal exemptions and determinations. Ms. Purcell stated that this has been an issue since the beginning of the Highlands Act implementation. She referred to the process that is used by NJDEP to determine exemptions. Mr. Purcell further stated that there needs to be clarification on how this process will work and feels it should work at the municipal level.

**David Shope owns a farm in the Preservation Area.** – Mr. Shope suggested that the Council offered Chester Township a COAH bribe for their petition.

**David Peifer, Highlands Project Director for the Association of New Jersey Environmental Commissions** – Mr. Peifer is in support of the petition for Chester Township. Mr. Peifer further gave a history of work that Chester Township has done in the past and commended them. Mr. Peifer stated that Chester Township is a great partner for the Highlands Council. Mr. Peifer is highly supportive of Chester Township as the first town in Morris County to conform.

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers is very excited that Chester Township is moving forward and they are a wonderful model to other communities of good leadership. She commended them for recognizing and protecting their resources e. Ms. Somers further stated the New Jersey Highlands Coalition fully supports Chester Township's petition.

**Bill Cogger, Mayor of Chester Township** – Mr. Cogger wanted to recognize Carol Isemann, Municipal Clerk and Administrator; and Dan O'Donnell, Planning Board Chair of Chester Township who were present at the meeting. Mr. Cogger wanted the Council to understand the history of Chester Township and stated that about 21 years ago there was an election that set this course for today. Mr. Cogger acknowledged the leadership of Mayors Ken Caro and Ben Spinelli. Mr. Cogger reported that 45% of Chester Township was preserved because of their leadership and at a minimal cost burden to the township. Mr. Cogger further spoke about the economics of open space in the township and how landowners should be compensated for their lost value. Mr. Cogger stated that every property owner that has preserved their property was for fair market value and there are plans out there that compensate the landowners, but it may not be what the landowners think their property is worth. Mr. Cogger further commented that the business of farming has changed over the years and that municipalities need to recognize that and that legislature does not always need to be past or formalized, if municipalities and work together with their constituents. He gave the example of how Chester Township worked on traffic issues with their agricultural businesses and together solved the problem without resorting to new regulations.

**Council Comments**

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Mr. Alstede asked what are the advantages and disadvantages of a farm that is an Agricultural Resource Area (ARA) and one that is not. Ms. Swan responded that the ARA was a density mapping and that farms in the ARA were seen as critical to protect because they were part of large contiguous areas in agricultural use. However she pointed out that local communities had their own priorities for preservation and that farms outside of the ARA were eligible for preservation. She did not believe that the SADC would not consider a farm outside of the ARA for preservation as they had their own criteria but said that Ms. Purcell could clarify that. Ms. Purcell indicated agreement that farms outside of the ARA were eligible. Ms. Purcell commented to say that 90% of farms in the Highlands region are captured in ARA mapping and any farm that is out of the ARA does not mean that the protections or the policies of the ARA are different. Mr. Borden added that clustering of residential development was a requirement of the RMP in the ARA.

Mr. Alstede had two issues he wanted to discuss regarding exemptions 1 and 2. Mr. Alstede's first issue was regarding the definition of an 'individual's family member' as it pertains to Exemption number 1. His concern, brought to the Council on previous occasions was whether a family LLC was included in this definition. Further he questioned whether an LLC owned by two families could be included in the definition. He warned that this will become a problem at some future date if not addressed appropriately. He recognized that this issue needs to be addressed by NJDEP and that the Department of Agriculture needs to agree to the determination. His second comment was to stress that as we delegate exemptions to municipalities there is no reason why the municipality cannot make decisions on exemptions 1 and 2.

Mr. Francis noticed that the Highlands Council was going to compile a training manual and he felt this would be a powerful tool to expedite the training for municipalities.

Acting Chairman Schrier then asked if Council members had any additional comments on Chester Township's Petition and seeing none he asked for a roll call vote on the Resolution.

*All members present and on the teleconference voted on the Resolution. The Resolution was APPROVED 9-0.*

At this time commemorative photos were taken as the Acting Chair presented a framed certificate regarding the approval of the Plan Conformance Petition to Mayor Cogger.

*Mr. Visioli left the meeting via teleconferencing at 11:57am.*

Mr. Schrier made note that the next Highlands Council meeting is rescheduled for Friday, November 19, 2010 at 1:00 pm, due to the League of Municipalities conference. Mr. Schrier stated that the final meeting of 2010 is scheduled for December 16, 2010 at 4:00 pm, which, as Council Member Janice Kovach reminded him, will be the Council's 6<sup>th</sup> anniversary. There was then discussion amongst Council members about the attendance of its membership. Mr. Schrier asked Executive Assistant, Ms. Tagliareni, to prepare a report which would show the attendance of the Council members since the first meeting on December 16, 2004.

**Consideration of Resolution – Approval of Fiscal Year 2011 General Operating Budget**

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Mr. Schrier turned the meeting over to Mr. Cogger to discuss the Resolution of the Fiscal Year 2011 Operating Budget. Mr. Cogger reported that Ms. Kovach and he met with Highlands staff to review and discuss the budget for FY2011. Mr. Cogger made note that the budget was reduced by 20% and that Highlands staff is down one full-time and one part-time employee. The areas of increased expenditures in terms of percentages, has to do with the six-year old servers and the importance of replacing the servers which was clear at the meeting when it was seen that the movie of Chester was not corrected due to system failure because of the size of GIS files and the capacity of the servers. Mr. Cogger asked Ms. Swan to give a summary of her discussions with the Governor's Authorities Unit regarding the budget. Ms. Swan noted that the Highlands Council is an authority so staff works closely with the Governor's Authorities Unit as well as the Department of Treasury, Office on Management and Budget (OMB). It was agreed that this 20% reduction would just be for FY2011 as it could not be sustained and was being accomplished through a one time transfer of funds from the Regional Master Plan Budget. Staff shared all information with the Governor's Authorities Unit and worked together over the past two weeks to make sure that they were satisfied with the Highlands FY2011 budget. Ms. Swan reported that the Governor's Authorities Unit was satisfied that all their questions had been adequately responded to in advance of the Treasurer recommending action on the Budget.

*Mr. Cogger made a motion on the Resolution. Ms. Letts seconded it.*

Ms. Swan confirmed for the Council that staff does have requests in for the two open positions, one full time and one part time.

### **Public Comments**

**David Shope** – Mr. Shope noted that there are no details in the budget. Mr. Shope opined that the Council should not approve it.

**Deborah Post, Chester Township property.** Ms. Post addressed her comments to the Governor's office. Ms. Post highly recommends that the TDR Program and TDR Bank be moved to Trenton, along with the Highlands budget money.

**Andy Drysdale** – Mr. Drysdale commented that the budget is outrageous and unnecessary.

**Hank Klumpp** – Mr. Klumpp questioned how the monies go back and forth. Mr. Klumpp questioned the details of the budget regarding salaries, and a seven hour a day work week. He questioned whether staff salaries had been frozen.

The Acting Chair indicated that Ms. Swan could respond. Ms. Swan reported that the Staff salaries have been frozen since 2006. Ms. Swan reported that the Highlands staff is non-union and that they were subject to a 1.5% payment towards benefits which had been negotiated in Trenton with the State unions; however, the cost of living increases and raise that the union staff received at that time and subsequent step increases for longevity were not made available to Highlands Council staff. She further explained that the Highlands Council staff were not obliged to take furlough days but that the Council considered the matter and followed State guidelines in recognition of the fiscal climate. Lastly, she noted that Highlands Council staff are at-will employees and as salaried staff they work to

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MINUTES OF THE MEETING OF OCTOBER 21, 2010

get their work done even beyond a regular 7 hour a day and that there are staff that routinely work on weekends.

*All members present voted on the Resolution. Mr. Vetrano was absent and Mr. Visioli left the meeting via telephone-conferencing at 11:57am. The Resolution was APPROVED 9-0.*

**Public Comment**

**David Shope** – Mr. Shope commented on what Mr. Cogger said earlier regarding preservation of lands. Mr. Shope says it is not as easy as it sounds. Mr. Shope said there has been a change of language in newspaper articles from ‘just compensation’ to ‘some compensation’. Mr. Shope expressed his dissatisfaction regarding the Highland Act, staff salaries, NJDEP and Highlands Council. Mr. Shope commented that it is a convenient myth that the Highlands Region is so precious and benefits the people. Shope then handed excerpts from the NJ Highlands Act, Value Impact Summary and Committee Meeting of March 30, 2004.

Mr. Schrier observed that the public may comment on anything they want, however, the lack of titles when addressing members of the Council and staff by the public indicates a lack common courtesy.

**Deborah Post** – Ms. Post expressed her concerns about her land equity value and the ARA. Ms. Post also commented on Mr. Cogger’s discussion on Chester Township’s history and expressed her dissatisfaction of certain public officials and the dealings she has had with Chester Township elected officials and staff. Ms. Post continued to express her objection to the Highlands Act and the effects on her Chester Township property.

**Andy Drysdale** – Mr. Drysdale feels that it is a waste of time to talk to this Council and expressed his concern and objection of the Highlands Act.

*Mr. Francis left the meeting at 12:39pm.*

**Julia Somers** – Ms. Somers was pleased to hear about the submission of Petitions from Phillipsburg and Alpha. She recommended that when a community comes in for a Highlands Center designation there be consideration of a TDR receiving area. Ms. Somers complimented Staff on the amazing maps and said that it should be required that municipal officials come in to review them. Ms. Somers requested that Council includes Highlands Coalition on any meeting which pertains to the language adjustment of forest stewardship. Ms. Somers also commented on exemptions 1 and 2 and suggests as towns conform it makes sense to go to municipalities with the Council overseeing and calling up if necessary. Ms. Somers added that NJDEP is talking about ‘one-stop shopping’ in Trenton and the Council needs to remain extremely alert. Ms. Somers concluded that Highlands staff are not thanked often enough and that they work extremely hard.

*Mr. Francis returned to the meeting at 12:40pm.*

**Hank Klumpp** – Mr. Klumpp made note to the Council that people are hurting because of the Highlands Act.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MINUTES OF THE MEETING OF OCTOBER 21, 2010

Mr. Schrier made a comment relevant to what Mr. Drysdale and Mr. Klumpp have said that the public is addressing a sympathetic Council regarding landowner equity. Mr. Schrier stated that he has been involved in conservation since 1999. Mr. Schrier commented that important issues such as water supply must take precedence. Mr. Schrier further commented that preservation in New Jersey Highlands was endorsed in 1906 for the very first time.

Ms. Swan asked that she be allowed to elaborate on her response to Mr. Alstede's question regarding the ARA as it was now clear as to the nature of the question. She stated that clustering is mandatory in the ARA and discretionary elsewhere, so it can occur but in either case is limited in density by the nitrate dilution model.

Mr. Cogger stated that he would like the comments made by Deborah Post regarding Ben Spinelli to be forwarded to Mr. Spinelli. Ms. Swan commented that the recording of the meeting are posted on the website a day after the meeting, so with Council's permission Ms. Swan will forward that portion of the recording for Mr. Spinelli's review. This approach was approved.

Mr. Alstede requested that the October 2011 meeting be scheduled at 1:00pm instead of 10:00am. The schedule would be presented to the Council before the end of the year and so the members could discuss times of meetings at that point.

*Mr. Holtaway made a motion to adjourn the meeting. Ms. Kovach seconded it. The meeting was adjourned at 12:53pm.*

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: 11/19/10

Name: Annette Tagliareni  
Annette Tagliareni, Executive Assistant

Vote of the Approval of  
These Minutes

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			✓			
Councilmember Carluccio			✓			
Councilmember Cogger			✓			
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember Kovach		✓	✓			
Councilmember Letts	✓		✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Councilmember Schrier			✓			

PUBLIC COMMENTS

**NJDEP Response:** To Comment # 666 (Page 457) as above:

*“The Highlands Act consolidates aspects of several existing programs, strengthens their protections, and adds some unique protection provisions as well...”*

**H&H Rebuttal:** Upon review it is evident that the Department does not have a credible response to Comment #666. The assertion that the Act “adds some unique protections provisions” rings hollow. Given the scope and context of the Act and Act Rules together with the resources available to the NJDEP, it is incumbent upon NJDEP to come up with something better than “some unique protection provisions” as support for the Act and Act Rules as not being redundant in the context of the prior existing rules and regulations. As NJDEP has not produced the said examples and proofs it is left to the Reader to garner that the Act and Act Rules are wholly or largely redundant.

Initially, within the H&H February 14, 2006 report under the heading:

“Economic Impact”

**H&H Comment:**

The net result of transferring development potential and associated economic impact value from the Preservation District to areas outside the core is an effective transfer of property worth from owners within the Preservation District to other private property owners. The order of magnitude for transferred value from one group of private individuals to another is demonstrated by the following model:

The Act Rules cite several different development and buildout scenarios as probable occurrence with the Preservation District. These include (@ Page 217) that the potential dwelling units within the PD (at buildout) total 215,421 units (say 215,000).

H&H independent analysis (attached) supports that the 2006 median home value within the Highlands region is reasonably supported @ \$373,000. The impact that the Act-Rules have on property owners within the PD is estimated as follows:

$$215,000 \text{ units } @ \$373,000/\text{unit} = \$80,195,000,000.$$

This calculation demonstrates an \$80 Billion loss in ratable base for Highlands PD municipalities.

Further, the above depiction does not account for other forms of development, e.g. commercial and industrial. It also does not make a distinction among dwelling units as may be developed with other than SFR homes.

The “average economic multiplier” for the US is cited within the Act-Rules (@ Page 208) as being Factor = 2X. Therefore, the cost to local economies resulting from the failure to construct and sell 215,000 dwelling units is estimated as follows:

$$\$80.195\text{Billion} * \text{Factor (2X)} = \$160 \text{ Billion Dollars}$$

Given the methodology customarily cited within the Act-Rules, the loss in sales and realty transfer tax together with the lost jobs, and jobs spending multipliers results in the conclusion that the Act-Rules will have an astronomical impact on the economy and the ratable bases of the PD communities.

However, this statement is not necessarily true based on the same criticisms of the Act-Rules presentation of cost/benefit analysis. The problem must be evaluated on a micro and macro basis.

Therefore, it may be stated that Statewide, and over a period of time, the loss of ratable base, and the gross affects on the economy are likely to be negligible. The Act and Act-Rules don't prevent development, the same are just redistributed.

The absorption of the theorized dwelling units will be delayed due to the increased regulation and the time necessary to facilitate increased density potentials within “appropriate” areas for development but the gross demand for housing will eventually be met.

What can be stated with certainty is that whatever economic benefit is received by areas outside the Preservation District will come at the expense of the property owners and the local economies within the PD.

**NJDEP Response:** To Comment # 719 (Page 492) as above:

In the interests of clarity, the H&H Rebuttal comments are inserted in the Response text as “Blue Bold”.

*“For the reasons set forth at length in the economic impact analysis, the Department believes that the long-term statewide impact of the rules being readopted will be significantly positive rather than negligible or neutral.”*

When making an argument or asserting a claim, it is inappropriate to assert that the argument or claim is, of itself, sufficiently self evident that it overcomes objection. Comment #719 challenges the Department's claims, assertions, and purported facts. It is therefore “no argument or explanation” to say, *ipse dixit* that the argument or purported facts are either self evident or correct.

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# Committee Meeting

of

SENATE ENVIRONMENT COMMITTEE  
ASSEMBLY ENVIRONMENT AND SOLID WASTE COMMITTEE

SENATE BILL No. 1  
and  
ASSEMBLY BILL No. 2635

*(The "Highlands Water Protection and Planning Act")*

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**LOCATION:** Skylands Manor  
Ringwood State Park  
Ringwood, New Jersey

**DATE:** March 30, 2004  
7:00 p.m.

**MEMBERS OF COMMITTEES PRESENT:**

Senator Bob Smith, Co-Chair  
Assemblyman John F. McKeon, Co-Chair  
Assemblyman Michael J. Panter, Co-Vice Chair  
Senator Henry P. McNamara  
Assemblyman Robert M. Gordon  
Assemblyman Reed Gusciora  
Assemblyman Louis M. Manzo  
Assemblyman Guy R. Gregg  
Assemblyman John E. Rooney



**ALSO PRESENT:**

Judith L. Horowitz  
Carrie Anne Calvo-Hahn  
Lucinda Tiajoloff  
*Office of Legislative Services  
Committee Aides*

Kevil Duhon  
*Senate Majority  
Committee Aide*  
David Eber  
*Assembly Majority*

Thea M. Sheridan  
*Assembly Republican  
Committee Aide*

*Meeting Recorded and Transcribed by  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey*

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What I was struck by today is, that in a lot of ways, I always think that we, kind of, live the same lives, we're just in different places. I heard people -- "Yeah, I was on the zoning board, but the new administration kicked me out because I was pro-development." Someone else got up and said, "Yeah, I'm the Republican, and we're with that group." And, you know, it's the same, regardless of whatever town or city you're in, anywhere in the State of New Jersey.

The difference is that those that aren't within what we've designated to be the core -- and make mistakes -- like in my own community, in West Orange, where I'm the Mayor-- Our mistakes are translated, maybe, into a loss of the quality of life, maybe more traffic, air not as clean as it could be, probably extra taxes because of the school children that come in. And there's permutations of the debate over condos -- they're not going to have school children, we'll make money, whatever it might be. But if we make a mistake, that's where the transgression goes to, our own individual quality of life, ergo home rule.

If there are mistakes made by local government, relative to the core that's remaining, the entire State of New Jersey will suffer, not to mention Pennsylvania, New York. This implication goes beyond even New Jersey. And this is why, in a way, I pray for wisdom for all of us, as we go through this evaluative process, to make certain that we do the right thing, because we can't afford not to.

And with that, we look forward to working hard together. And thank you all, again.

— I'm going to turn it over to Senator Smith. (applause)

SENATOR SMITH: Thank you, Chairman.

The Assembly Environment Committee and Chairman McKeon, have worked long and hard on this. And we're going to be working longer and harder. We've got a pretty hectic schedule ahead of this. But your comments tonight make all the difference in the world.

If there was one lesson tonight, it was the voice in the background from Tom Cruise, "Show me the money." (laughter) And Chairman McKeon and I pledge to you that we will show you the money. We're currently working with the Governor's Office to put together the dedicated and guaranteed source of funding so that the Highlands, which is making a sacrifice for the rest of the state, is properly compensated. We will show you the money.

And let us not lose track of the fact that this is a bill about water. It's about a lot of things, but it's the water supply for the future of the State of New Jersey. We can't have-- Are there any builders left in the room? There will be no residential housing if there's not water. There will be no building, no factories, no anything if there isn't a good, clean, sufficient water supply.

If you look at the Task Force's report, it indicated that the cost of water treatment is estimated to increase \$30 billion if we don't protect this water supply. What more do we need to know? How many times do we have to be hit in the side of the head with a 2x4? This is one of our last chances to keep New Jersey's future bright.

Now, some comments that you need to know: If you would like to supplement our record or send in comments that you'd like us to consider, please take this address: Assembly and Senate Environment Committees, State House Annex, P.O. Box--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Wait a minute.

HIGHLANDS REGIONAL



MASTER PLAN  
2008

# Highlands Council Meeting

October 21, 2010



# Plan Conformance Update

# Plan Conformance Update

Plan Conformance Petitions 64 Petitions for Plan Conformance have been submitted – (59 municipalities and 5 counties). Latest submissions from Phillipsburg and Alpha. 47 Petitions (including 2 counties) have been deemed Administratively Complete and posted to the Highlands Council website.

- Staff has reviewed 36 Petitions and prepared Draft Consistency Review and Recommendations Reports for each. Of these, 12 have been completed and sent to the petitioning municipality or county (as listed below);

Tewksbury Twp

Clinton Town

Mount Olive Twp

Mahwah Twp

Bethlehem Twp

Glen Gardner Borough

Rockaway Twp

Chester Twp

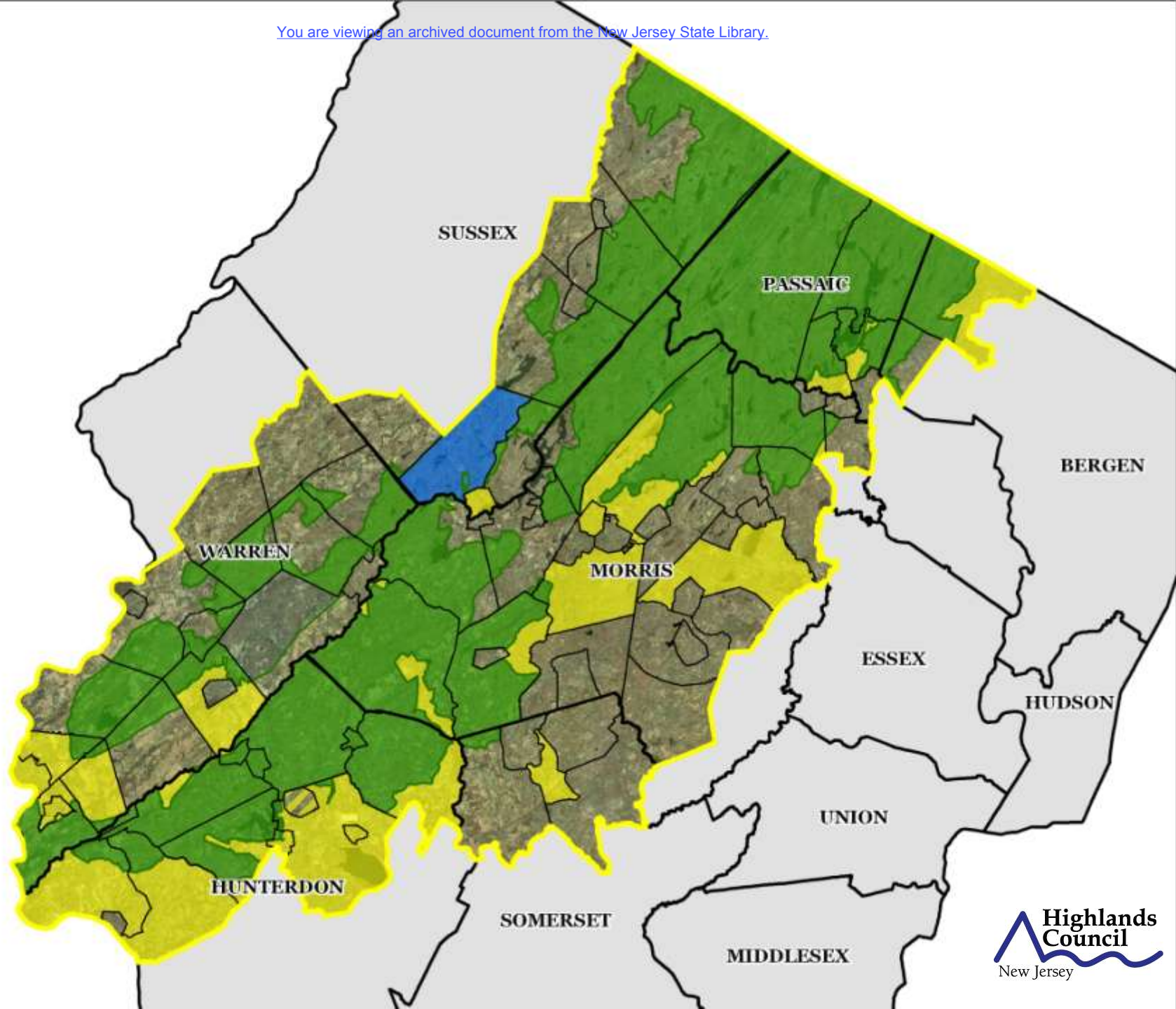
Califon Borough

Lebanon Borough

Passaic County

Franklin Twp

In addition, Byram Township has been approved by Highlands Council, Chester Township is being considered today, and Hampton Borough's Petition is in the public comment period. The public can follow the Plan Conformance process on the website.



# Plan Conformance Update

Plan Conformance Grant Program: Following are the average amounts requested for reimbursement by municipalities that are participating in Plan Conformance grant activities. On average, reimbursement requests to date are within the base amounts established by the Highlands Council. We do anticipate that some towns will need additional grants due to unique circumstances.

<u>Towns</u>	<u>Base Amount</u>	<u>Average</u>	<u>Number</u>
Module 1	\$15,000	\$13,177	67
Module 2	\$10,000	\$ 6,323	62
Module 3	\$ 7,500	\$10,548	47
Module 4	\$ 2,000	\$ 3,178	52
Module 5	\$ 2,500	\$ 5,590	43
Module 6	\$ 5,000	\$ 3,829	41
Module 7	<u>\$ 8,000</u>	<u>\$ 6,156</u>	37
<b>Total</b>	<b>\$50,000</b>	<b>\$49,801</b>	

# Public Hearing

## Chester Township Petition for Plan Conformance

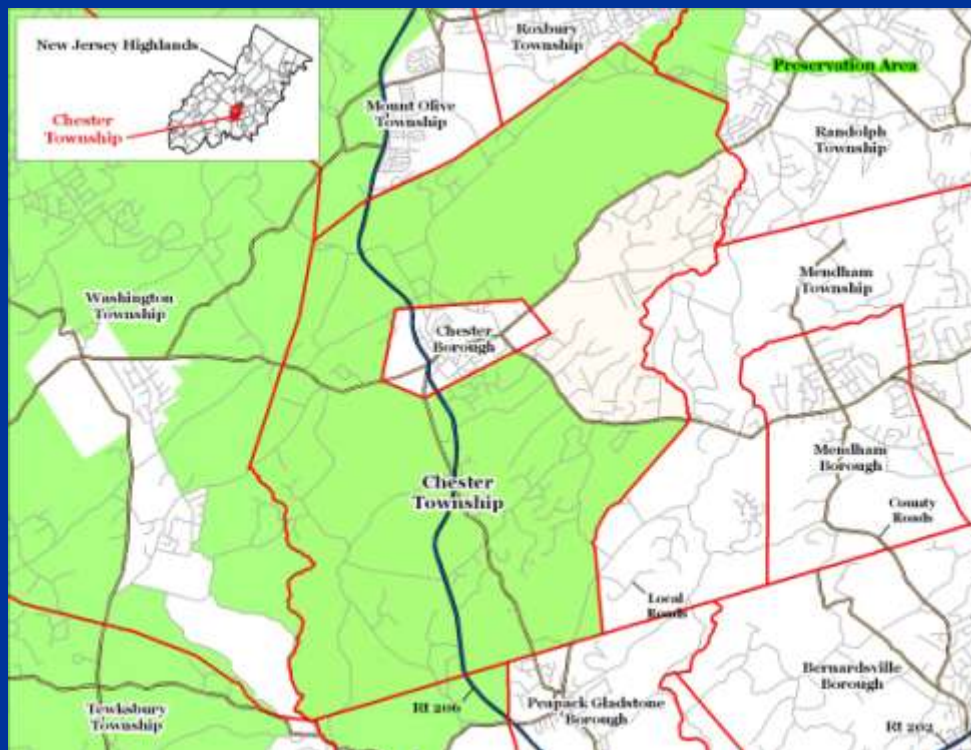
# Introduction to Chester Township



Photos above and to follow provided by Joan Case and the Highlands Council

# Chester Township Location

“In the years leading to the revolution and on into the early 1800's, Chester Township was an important stagecoach stop on the trip from New York, New Brunswick, and Morristown to Phillipsburg.” – “Chester History,” Chester Township municipal website



# Chester Township

## Background Statistics

- Established: 1799
- Population (2009): 7,771
- Land Area: 29.2 sq. mi. / 18,694 Acres
- Agricultural Lands: 3.3 sq. mi. / 2,110 Acres (809 acres Preserved Farmland) – 11%
- Preserved Lands: 11.3 sq. mi. / 7,258 Acres – 39%
- Wetlands, Lakes & Ponds: 3.4 sq.mi. / 2,152 Acres – 11%



# Chester Township

## Background Information

- **Significant Parks:** Hacklebarney State Park, Black River Wildlife Management Area (state); Black River Greenway and Black River Park (county); Bamboo Brook Outdoor Education Center (county); Tiger Brook Park (municipal); Chubb Park (municipal)
- **Sites on the Highlands Scenic Resource Inventory:** Hacklebarney State Park, Black River Wildlife Management Area, Bamboo Brook



# Chester Township

## Significant Highlands Statistics

- **Preservation Area Lands:** 24.7 sq. mi./ 15,790 Acres – 84%
- **Planning Area Lands:** 4.5 sq. mi./ 2,904 Acres – 16%
- **Highlands Open Water Protection :** 12.4 sq. mi./7,933 Acres – 42%
- **Severe Steep Slope Areas:** 6.9 sq. mi./ 4,448 Acres – 24%
- **Forest Areas:** 15.2 sq. mi./ 9,745 Acres – 52%
- **Agricultural Priority Areas:** 9.2 sq. mi. / 5,874 acres – 31%
- **Conservation Priority Areas:** 6.2 sq. mi./ 3,956 Acres – 21%

# Chester Township

## Background Statistics – Land Use

NJDEP Land Use/Land Cover (2005/2007)	Acres	Percent
Residential (Single & Multi Family)	3,870	21%
Commercial (Retail)	157	1%
Industrial & Transportation & Utilities	244	1%
Agriculture (Crops & Plantations)	2,131	11%
Recreational Lands (Public and Private)	132	1%
Other	306	2%
<b>Subtotal Developed Lands</b>	<b>6,840 (10.7 sq. mi.)</b>	<b>37%</b>
Mixed Forest	8,694	47%
Shrub & Scrub	917	5%
Mixed Wetlands	2,027	11%
Barren Lands	84	1%
Surface Waters (Lakes, Ponds & Tributaries)	132	1%
<b>Subtotal Natural Lands (incl. Open Space)</b>	<b>11,854 (18.5 sq. mi.)</b>	<b>63%</b>

# Chester Township, Morris County, NJ



**Chester Township**



# Chester Township

## Sampling of Township Planning Initiatives

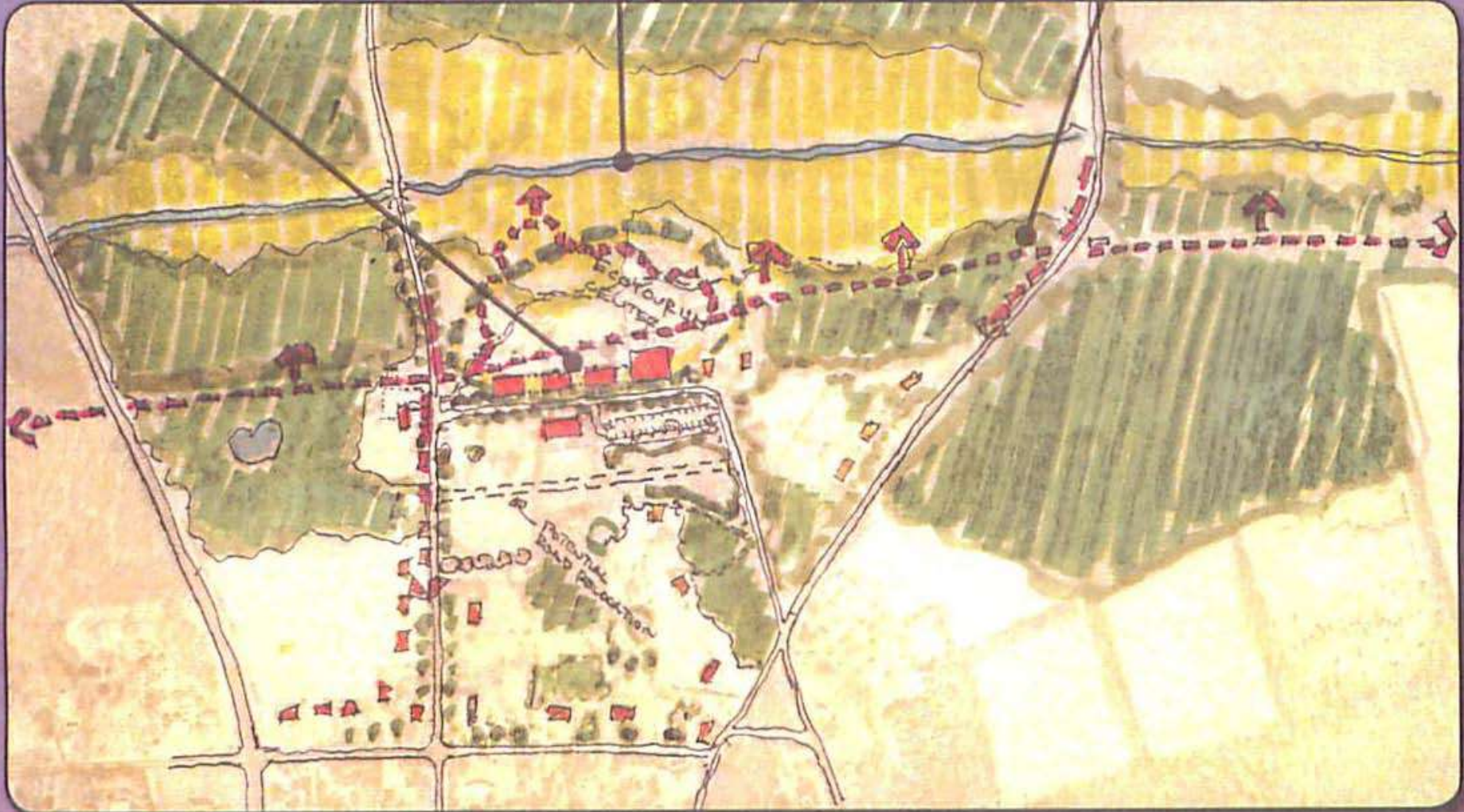
In addition to maintaining an up-to-date Comprehensive Master Plan (including all mandatory elements and numerous optional elements), Chester has a history of proactive engagement in community planning and conservation initiatives:

- Right to Farm Ordinance – 1996 (used as a municipal model)
- Highlands Planning Area Land Use Assessment – 2005
- Chester Township and Chester Borough Consolidation Study
- Four Towns Recreation Plan – 2009 (Chester Township, Chester Borough, Mendham Township and Mendham Borough)
- Environmental Plan and Utility Plan Master Plan Element Amendments to Protect Public Wells – 2004
- Stormwater Management & Pollution Prevention Plans
- Mayor's Institute – Lace Factory Analysis for Redevelopment

New hamlet of mixed use development

Habitat restoration and enhancement along the Black River

New trail system links to existing trails and provides access to riverfront



# Lace Factory Redevelopment and Restoration

New Jersey Highlands

Chester Township



Roxbury Township

Mount Olive Township

Randolph Township

Mendham Township

Chester Borough

Mendham Borough

Washington Township

Chester Township

County Roads

Local Roads

Bernardsville Boro  
Highlands Council  
New Jersey

Tewksbury Township

Rt 206

Peapack Gladstone Borough

New Jersey Highlands

Chester Township



Highlands Council  
New Jersey  
Mount Olive Township

Ronbury Township

Randolph Township

Mendham Township

Mendham Borough

Washington Township

Chester Borough

Chester Township

Tewksbury Township

Peapack Gladstone Borough

**Legend**

-  Municipal Boundaries
-  Parcel Boundaries
-  Highlands Planning Area
-  Highlands Preservation Area
- Land Use Capability Zone**
  -  Protection
  -  Conservation
  -  Existing Community
- Land Use Capability Sub-Zone**
  -  Existing Community Environmentally Constrained
  -  Conservation Environmentally Constrained
  -  Wildlife Management

New Jersey Highlands



Chester Township



Highlands Council  
New Jersey  
Mount Olive Township

Rosbury Township

Randolph Township

Mendham Township

Mendham Borough

Washington Township

Chester Borough

Chester Township

Tewksbury Township

Peapack Gladstone Borough

Legend

- Municipal Boundaries
- Parcel Boundaries
- Highlands Planning Area
- Highlands Preservation Area
- Land Use Capability Zone**
  - Protection
  - Conservation
  - Existing Community
- Land Use Capability Sub-Zone**
  - Existing Community Environmentally Constrained
  - Conservation Environmentally Constrained
  - Wildlife Management

New Jersey Highlands

Chester Township



Roxbury Township

Randolph Township



Mendham Township

Chester Borough

Mendham Borough

Washington Township

Chester Township

**Legend**

- Municipal Boundaries
- Forest Resource Area
- Total Forest Area
- Land Use Capability Zone**
  - Low
  - Moderate
  - High

Peapack Gladstone Borough

Tewksbury Township

New Jersey Highlands

Chester Township



Highlands Council  
New Jersey Mount Olive Township

Roxbury Township

Randolph Township



Mendham Township

Chester Borough

Mendham Borough

Washington Township

Chester Township

**Legend**

- Municipal Boundaries
- Lakes & Ponds
- Streams
- Wetlands
- Highlands Open Water Buffers (300ft)

**Watershed Values  
By HUC-14 Subwatershed**

- Low
- Moderate
- High

Tewksbury Township

Peapack Gladstone Borough

New Jersey Highlands



Chester Township



Roxbury Township

Randolph Township

Mendham Township

Mendham Borough

Chester Borough

Chester Township

Washington Township

Tewksbury Township

Peapack Gladstone Borough

**Legend**

- Municipal Boundaries
- Riparian Area
- Highlands Open Water Buffers (300ft)
- Riparian Integrity By HUC-14 Subwatershed
  - Low
  - Moderate
  - High

New Jersey Highlands

Chester Township



Roxbury Township

Randolph Township



Mendham Township

Chester Borough

Mendham Borough

Washington Township

Chester Township

**Legend**

- Municipal Boundaries
- Steep Slope Protection Area
  - Severely Constrained
  - Moderately Constrained
  - Constrained/Limited Constrained

Peapack Gladstone Borough

Tewksbury Township

New Jersey Highlands

Chester Township



Highlands Council  
New Jersey  
Mount Olive Township

Roxbury Township

Randolph Township



Mendham Township

Chester Borough

Mendham Borough





Washington Township

Chester Township

Tewksbury Township

Peapack Gladstone Borough

**Legend**

-  Municipal Boundaries
-  Vernal Pools + 1000ft Buffer
-  Significant Natural Areas
-  Critical Wildlife Habitat

New Jersey Highlands

Chester Township



Highlands Council  
New Jersey  
Mount Olive Township

Roxbury Township

Randolph Township



Mendham Township

Chester Borough

Mendham Borough

Washington Township

Chester Township

**Legend**

- Municipal Boundaries
- Carbonate Rock Areas
- Prime Ground Water Recharge Areas
- Wellhead Protection Areas
  - (Tier 1) 2-Year
  - (Tier 2) 5-Year
  - (Tier 3) 12-Year

Tewksbury Township

Peapack Gladstone Borough

New Jersey Highlands

Chester Township



Roxbury Township

Randolph Township



Mendham Township

Chester Borough

Mendham Borough



Washington Township

Chester Township

Tewksbury Township

Peapack Gladstone Borough

**Legend**

-  Municipal Boundaries
-  Agricultural Resource Area

New Jersey Highlands

Chester Township



Roxbury Township

Randolph Township

Mendham Township

Chester Borough

Mendham Borough

Washington Township

Chester Township

Peapack Gladstone Borough

Tewksbury Township



**Legend**

-  Municipal Boundaries
-  Scenic Resources
-  Historic Properties
-  New Jersey Historic Districts
-  Archaeological Grids (1 sqmi)

New Jersey Highlands

Chester Township



Highlands Council  
New Jersey  
Mount Olive Township

Roxbury Township

Randolph Township



Mendham Township

Chester Borough

Mendham Borough

Washington Township

Chester Township

**Legend**

Municipal Boundaries

Existing Area Served for:

Public Community Water Systems

Highlands Domestic Sewerage Facilities

Net Water Availability  
By HUC14 Subwatershed  
Million Gallons Per Day (MGD)

0.05 - 0.09

0.00 - 0.04

-0.09 - -0.01

-0.09 - -0.10

-7.10 - -1.00

Tewksbury Township

Peapack Gladstone Borough

New Jersey Highlands



Chester Township



Roxbury Township

Randolph Township



Mendham Township

Chester Borough

Mendham Borough




Washington Township

Chester Township

Tewksbury Township

Peapack Gladstone Borough

**Legend**

-  Municipal Boundaries
- Conservation Priority Areas
  -  High
  -  Preserved Lands

New Jersey Highlands



Chester Township



Roxbury Township

Randolph Township

Mendham Township

Mendham Borough

Washington Township

Chester Borough

Chester Township

Peapack Gladstone Borough

Tewksbury Township

**Legend**

-  Municipal Boundaries
- Conservation Priority Areas
  -  High
  -  Moderate
  -  Preserved Lands

New Jersey Highlands



Chester Township



Roxbury Township

Randolph Township

Mendham Township

Mendham Borough

Chester Borough

Chester Township

Washington Township

Tewksbury Township

Peapack Gladstone Borough

**Legend**

-  Municipal Boundaries
-  Agricultural Priority Areas
  -  High
  -  Preserved Lands

New Jersey Highlands

Chester Township



Roxbury Township

Randolph Township



Mendham Township

Chester Borough

Mendham Borough

Washington Township

Chester Township

**Legend**

- Municipal Boundaries
- Agricultural Priority Areas
  - High
  - Moderate
  - Preserved Lands

Peapack Gladstone Borough

Tewksbury Township

# Chester Township

Morris County, New Jersey



## PETITION FOR PLAN CONFORMANCE ADMINISTRATIVE RECORD

12/07/09	Petition for Plan Conformance Submitted
2/4/10	Petition Deemed Administratively Complete
2/9/10	Petition Posted to Highlands Council Website
6/17/10	Draft Consistency Report Sent to Municipality
9/29/10	Final Draft Report Posted to Highlands Council Website
10/14/10	End of Public Comment Period (Start 9/30/10)
10/18/10	Final Report Posted to Highlands Council Website
10/21/10	Highlands Council Public Hearing

# Chester Township

## Petition for Plan Conformance

### Required Module Submittals:

1. Current Municipal Conditions & Build-Out Analysis
2. Land Use and Resource Capacity Analysis
3. Housing Element & Fair Share Plan
4. Environmental Resource Inventory
5. Master Plan Highlands Element
6. Highlands Area Land Use Ordinance
7. Petitioning Resolution, Municipal Self-Assessment, Highlands Implementation Plan & Schedule

# Highlands Municipal Build-Out Report – Modules 1 & 2

- The Report uses a Limiting Factor Analysis to examine Land-Based, Resource-Based, and Utility-Based Capacities.
- The Highlands Municipal Build-Out Report for Chester Township was completed by the Highlands Council in collaboration with the municipality prior to a finding of Administrative Completeness of the Petition.
- The Report is dated July 2009 and was posted to the Highlands Council website on July 9, 2009.
- Staff RMP Consistency Finding: CONSISTENT

# Housing Plan – Module 3

- **Summary of Chester Township Fair Share Obligation**
  - Rehabilitation Share: 4 Units
  - Prior Round Obligation: 32 Units
  - Growth Share Obligation: 19 Units
- **Summary of Chester Township Fair Share Plan**
  - **Municipal Rehabilitation Program: Completed.**
  - **Prior Round Sites:**
    - 15-unit 100% affordable project. Completed.
    - 9-unit special needs project. Completed.
    - 1 Accessory Apartment.
    - 3 Prior cycle Credits and 6 Bonus Credits.
  - **New Project/Sites:**
    - Community Residence for Developmentally Disabled (Glenlora site). 15 units.
    - Habitat for Humanity 1-family home.
    - Rental Bonus Anticipated Credits: 7
- **Staff RMP Consistency Finding: CONSISTENT**

# Environmental Resource Inventory

## Module 4

- Describes & Illustrates Highlands Resources, Resource Areas, and Special Protection Areas in the Municipality
- Chester Township Submittal Based on Highlands Council Model Environmental Resource Inventory
  - ❖ All Applicable Narrative Portions Retained
  - ❖ All Applicable Exhibits Included
- Staff RMP Consistency Finding: CONSISTENT

# Master Plan Highlands Element Module 5

- Chester Township Submittal Based on Highlands Council Model
  - ❖ All Applicable Narrative Portions Retained
  - ❖ All Applicable Exhibits Provided
- Staff RMP Consistency Finding: CONSISTENT

# Highlands Area Land Use Ordinance

## Module 6

- Chester Township Submittal Based on Highlands Council Model
  - ❖ All Applicable Narrative Portions Retained
  - ❖ All Applicable Exhibits Provided – Note: To be replaced with Updated Highlands Council Parcel-Based Exhibits
- Staff RMP Consistency Finding: CONSISTENT

# Municipal Petition for Plan Conformance

## Module 7

- Consists of all Petition Supporting Materials: Petitioning Resolution/Ordinance, Self-Assessment Report, List of Current Planning Documents, Highlands Implementation Plan & Schedule
- Chester Submittals Based on Highlands Council Models
  - ❖ Resolutions (#1-Preservation Area, #2-Planning Area) Complete
  - ❖ Self-Assessment Report Accurate & Complete
  - ❖ Requested Planning Documents Submitted to Highlands Council
- Staff RMP Consistency Finding: CONSISTENT

# Chester Township Petition for Plan Conformance Public Comments Received

- The public comment period for Chester Township's Petition for Plan Conformance opened September 30, 2010, and closed October 14, 2010. Notice was given in area newspapers as well as on the Highlands Council website and through the Highlands Council e-mail alert system.
  
- **Comments received from:**
  - Mayor Cogger, Chester Township - Municipal Comment
  - Nicholas Tufaro, PP, LLA, RLA
  - Erica Sollberger, RLA, President, New Jersey Chapter, ASLA
  - Fair Share Housing Center
  - New Jersey Highlands Coalition
  - New Jersey Farm Bureau

# Public Comments and Responses

- Comment: Chester Township addressed staff concerns regarding the Byrne Apartment affordable housing project (Block 44, Lot 11).
  - Response: At the request of the Township of Chester, the Byrne Apartment site has now been removed from the Township's Fair Share Plan, and is no longer proposed. The preparation and submission of a revised Fair Share Plan is now a condition of approval.
- Comment: Requests were submitted that the Highlands Area Land Use Ordinances be modified to include Landscape Architects among the professionals listed as required for various types of application reviews.
  - Response: The Highlands Area Land Use Ordinance (for Chester Township and all models) will be updated to include any professionals licensed by the State of New Jersey that are specifically permitted to review and provide findings as noted in the Highlands Area Land Use Ordinance.

# Public Comments and Responses

- Comment: A number of detailed comments were submitted by the New Jersey Farm Bureau on the Highlands Area Land Use Ordinance in regards to Farming and Agriculture. A detailed response to each comment was provided.
  - Most Relevant Response: The Ordinance provides an important exclusion for agriculture(see § 2.1.1): “Unless specifically indicated otherwise, and in that case only to the specific extent indicated, the provisions of this Ordinance shall not apply to Agricultural or Horticultural Use and Development.”
- Comment: A letter was filed (with COAH) by the Fair Share Housing Center objecting to the use of Highlands Council Build-Out results to adjust the Township’s Fair Share Obligation. (Detailed response provided.)
  - Summary Response: These comments specifically relate to matters that are pending before the Appellate Division in litigation filed by Fair Share Housing Center. Chester Township’s Petition should be approved conditioned upon achieving and retaining compliance with the Fair Housing Act. In addition, the response clarifies that the Build-Out Report is based upon the Highlands Act and RMP requirements.

# Petition Disposition

## Chester Township Petition for Plan Conformance

Staff Recommendation: **APPROVE WITH CONDITIONS**

### PROPOSED CONDITIONS

- Adoption of Ordinance Petitioning for Planning Area
- Adoption of Interim Checklist Ordinance – Development Applications referred to Highlands Council for RMP Consistency Determination prior to local determination of completeness pending adoption of all Master Plan/Ordinance provisions
- Adoption of Completed, Final Environmental Resource Inventory
- Development, Highlands Council Approval, & Adoption of Final Highlands Element & Land Use Ordinance

# Petition Disposition

## Chester Township Petition for Plan Conformance

### CONDITIONS (Continued)

- Adoption of Updated Zoning Map
- Compliance with Fair Housing Act (COAH Certification)
- Update/Development & Implementation of:
  - Water Use & Conservation Management Plan
  - Stormwater Management Plan (updated only)
  - Habitat Conservation & Management Plan
  - Land Preservation & Stewardship Program
  - Septic System Management/Maintenance Plan

HIGHLANDS REGIONAL



MASTER PLAN  
2008

# Highlands Council Meeting

October 21, 2010





# New Jersey Highlands Council

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## Chester Township

The Highlands Council voted unanimously on October 21, 2010, to approve Chester Township's Petition for Plan Conformance.

**Note:** For faster downloads, right-click on a file and select "Save Target As..." to save it to your computer.

- [Press Release](#) (pdf)
- [Pictures](#) (pdf)
- [Executive Director's Presentation](#) (pdf)
- [Listen to an audio recording of the meeting](#) (wma)
- [Meeting Agenda](#) (pdf)
- [Chester Movie](#)

- [Highlands Council Approved Documents](#) (51 MB zip):

**Note:** To download all files, right-click on the [Highlands Council Approved Documents zip file](#) and select "Save Target As..." to save it to your computer.

- [1 - Highlands Council Resolution 2010-7 Approval of Chester Township's Petition for Plan Conformance](#) (468 KB pdf) (posted previously)
- [1a - Highlands Final Consistency Review and Recommendations Report](#) (323 KB pdf) (posted 3/14/11)
- [1b - Highlands Implementation Plan and Schedule](#) (171 KB pdf) (posted 3/14/11)
- [2 - Highlands Municipal Build-Out Report](#) (2.02 MB pdf) (posted previously)
- [3 - Adopted Housing Element](#) (131 KB pdf) (posted previously)
- [3a - Adopted Fair Share Plan](#) (305 KB pdf) (posted previously)
- [4 - Highlands Environmental Resource Inventory](#) (10 MB pdf) (posted previously)
- [5 - Highlands Master Plan Element](#) (15 MB pdf) (posted previously)
- [6 - Highlands Area Land Use Ordinance](#) (870 KB pdf) (posted previously)
- [6a - Highlands Area Land Use Ordinance Exhibits](#) (24 MB pdf) (posted 3/14/11)

### Final Posting Prior to Public Hearing

The documents below include all edits made prior to the Highlands Council consideration of Chester Township's Petition for Plan Conformance which is scheduled for its October 21, 2010 meeting.

- [Final Posting Prior to Public Hearing](#) (659 KB zip)
  - [1 - Final Consistency Review and Recommendations Report](#) (286 KB pdf)
  - [2 - Public Comments/Highlands Council Responses](#) (189 KB pdf)
  - [3 - Final Highlands Implementation Plan and Schedule](#) (180 KB pdf)

### Petition for Public Comment

#### Petition Posting for Public Comment (Public Comment Period: Sept. 30, 2010 - Oct. 14, 2010)

A public hearing for Chester Township's Petition for Plan Conformance is scheduled for the Highlands Council meeting of October 21, 2010. [Public notice for this hearing.](#)

The following documents constitute the municipality's final submission to the Highlands Council and include the Final Draft Consistency Review and Recommendations Report prepared by Highlands Council staff for Highlands Council consideration of the full Petition.

**Note:** To download all files, right-click on the "Petition Posting for Public Comment" zip file and select "Save Target As..." to save it to your computer.

- [Petition Posting for Public Comment](#) (52 MB zip)
  - [1 - Final Draft Consistency Review & Recommendations Report](#) (371 KB pdf)

Final Housing Plan Submittals:

  - [2 - Adopted Housing Element](#) (132 KB pdf)
  - [2a - Adopted Fair Share Plan](#) (305 KB pdf)

Remaining Documents:

  - [3 - Highlands ERI DRAFT September 2010](#) (10.1 MB pdf)
  - [4 - Master Plan Highlands Element DRAFT September 2010](#) (15 MB pdf)
  - [5 - Highlands Area Land Use Ordinance DRAFT September 2010](#) (895 KB pdf)
  - [5a - Highlands Area Land Use Ordinance Exhibits](#) (26 MB pdf)
  - [6 - Highlands Implementation Plan & Schedule](#) (420 KB pdf)

### Previously Posted Documents

**Note:** For faster downloads, right-click on a file and select "Save Target As..." to save it to your computer.

- [Administrative Completeness Letter](#) (551 KB pdf)
- [Municipal Petition for Plan Conformance](#) (27 MB zip)
  - [Petition Cover Letter](#) (74 KB pdf)
  - [Petition Submittal Checklist](#) (99 KB pdf)
  - [Combined Preservation Area and Planning Area Resolution](#) (1.8 MB pdf)

- [Record of Public Involvement](#) (1.9 MB pdf)
- [Current List of Planning/Regulatory Documents](#) (34 KB pdf)
- Modules 1 and 2: See **Highlands Municipal Build-Out Report** below
- Module 3:
  - [Affordable Housing Summary](#) (187 KB pdf)
- [Module 4 Highlands ERI](#) (7.2 MB pdf)
- [Module 5 Master Plan Highlands Element](#) (9.7 MB pdf)
- [Module 6 Highlands Land Use Ordinance](#) (7.1 MB pdf)
- Module 7:
  - [Municipal Self-Assessment Report](#) (225 KB pdf)
  - [Municipal Self-Assessment Checklist](#) (127 KB pdf)
  - [Implementation Plan and Schedule](#) (115 KB pdf)
- Municipal Resolution: [Notice of Intent](#) (pdf)
- Municipal Resolution: [COAH extension](#) (pdf)
- [Initial Assessment Report](#) (pdf)
- [Highlands Municipal Build-Out Report](#) (pdf)
  - [Supporting Documents](#) (38 MB zip)



**RESOLUTION 2010-7**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR**  
**THE TOWNSHIP OF CHESTER, 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 to replace the uncoordinated land use decisions of 88 municipalities, seven counties and a myriad of private landowners; 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 2010-7**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
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**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 Legislature found that such a new regional approach to land use planning shall be complemented by increased standards more protective of the environment established by the New Jersey Department of Environmental Protection (NJDEP) for development in the Preservation Area of the Highlands; and

**WHEREAS**, the Legislature found that this comprehensive approach should be guided, in heart, mind, and spirit, by an abiding and generously given commitment to protecting the incomparable water resources and natural beauty of the New Jersey Highlands so as to preserve them intact, in trust, forever for the pleasure, enjoyment, and use of future generations while also providing every conceivable opportunity for appropriate economic growth and development to advance the quality of life of the residents of the Highlands Region and the entire State; and

**WHEREAS**, Sections 8 and 10 of the Highlands Act mandate that the Highlands Council prepare and adopt the Regional Master Plan with the goal of protecting and enhancing the significant values of the resources in the Highlands Region; and

**WHEREAS**, Section 10 of the Highlands Act establishes goals for the Regional Master Plan for both the Preservation Area and Planning Area, including to protect, restore, and enhance the quality and quantity of the waters of the Highlands, to preserve environmentally sensitive lands, to preserve lands needed for recreation and conservation, to promote brownfield remediation and redevelopment, to preserve farmland, historic sites and other historic resources, to preserve outdoor recreation opportunities, to promote water resource conservation, and to promote compatible agricultural, horticultural, recreational, and cultural uses and opportunities; 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

**RESOLUTION 2010-7**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR**  
**THE TOWNSHIP OF CHESTER, MORRIS COUNTY**

**WHEREAS**, Sections 11 and 12 of the Highlands Act specifically require that the Regional Master Plan be comprised of (a) a Resource Assessment that seeks to determine the amount and type of human development and activity that can be sustained by the Highlands Region's ecosystem while maintaining the Region's overall ecological values; (b) a Financial Component that details the costs of implementing the Regional Master Plan, and details the sources of revenue for covering those costs; (c) a Local Participation Component that provides for the maximum feasible local government and public input; (d) a Coordination and Consistency Component that details the ways in which local, State, and federal programs and policies may be best coordinated to promote the goals, purposes, policies, and provisions of the Regional Master Plan; (e) a Transportation Component that provides a plan for transportation system preservation; (f) a Smart Growth Component that assesses opportunities for appropriate development, redevelopment, economic growth and a transfer of development rights program, and includes a Land Use Capability Map; (g) a Land Use Capability Map for the Preservation Area and a comprehensive statement of policies for the development and use of land in the Preservation Area; and (h) a statement of policies, including a preservation zone element that identifies zones within the Preservation Area where development shall not occur in order to protect water resources and environmentally sensitive lands and which shall be permanently preserved through use of a variety of tools, including but not limited to land acquisition and the transfer of development rights and minimum standards governing municipal and county master planning and development regulations; and

**WHEREAS**, after a careful analysis of the best available scientific and planning data and consultation with State, federal and local agencies pursuant to the Highlands Act, the Highlands Council adopted Resolution 2008-27 approving the Regional Master Plan on July 17, 2008 and, pursuant to the Highlands Act requirement for gubernatorial review, the Regional Master Plan thereafter became effective on September 8, 2008; 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 within 15 months of adoption thereof, or December 8, 2009; 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

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**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
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**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 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 approval of Resolution 2008-27 adopting the Regional Master Plan included the adoption of the Highlands Plan Conformance Guidelines that outlines the procedures, schedule, planning assistance, and benefits available for the submission of a Petition for Plan Conformance; and

**WHEREAS**, the Plan Conformance Guidelines provides a process for Basic 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 the 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 in a total amount not to exceed \$7.5 million and up to \$100,000 allocation for each individual municipality for Basic Plan Conformance; and

**WHEREAS**, the Bylaws of the Highlands Council authorizes the Executive Director, as chief administrative officer, to approve contracts and issue payments up to \$25,000; and

**WHEREAS**, as directed, the Executive Director developed the Plan Conformance Grant Program, a program that splits Plan Conformance into the following seven steps or modules for administering the authorized grant funding: (1) and (2) Highlands municipal build-out analysis and report; (3) housing element and fair share plan; (4) Highlands environmental resource inventory; (5) master plan Highlands element; (6) Highlands Area land use ordinance; and (7) municipal Petition for Plan Conformance; and

**RESOLUTION 2010-7**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR**  
**THE TOWNSHIP OF CHESTER, MORRIS COUNTY**

**WHEREAS**, the Township of Chester is located entirely within the Highlands Region, and contains approximately 18,694 acres, of which 15,790 acres are in the Preservation Area and 2,904 acres are in the Planning Area; and

**WHEREAS**, on December 7, 2009, Chester Township submitted a Petition for Plan Conformance including a combined resolution for all lands lying in the Preservation Area and the Planning Area; and

**WHEREAS**, on February 4, 2010, the Executive Director deemed the Petition for Plan Conformance administratively complete, and on February 9, 2010, 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 June 17, 2010, the Executive Director provided Chester Township 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

**WHEREAS**, the Executive Director provided Chester Township with a deliberative municipal response period allowing Chester Township to review and respond to the Draft Consistency Review and Recommendations Report; and

**WHEREAS**, on September 29, 2010, the Executive Director completed the Final Draft Consistency Review and Recommendations Report, and posted a Public Notice, the Final 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 October 14, 2010; and

**WHEREAS**, on October 18, 2010, the Executive Director posted the Final Consistency Review and Recommendations Report and Highlands Implementation Plan and Schedule on the Highlands Council website which addressed issues raised during the public comment period; and

**WHEREAS**, on October 21, 2010, the Highlands Council held a public hearing on Chester Township's Petition for Plan Conformance and provided an opportunity for public comment; and

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

**WHEREAS**, according to the Highlands Act and the Plan Conformance Guidelines, Chester Township's compliance with an approved Final Consistency Review and Recommendations Report, the Highlands Implementation Plan and Schedule, the Highlands Plan Conformance Guidelines and the Highlands Act shall maintain Chester Township's status as conforming to the Regional Master Plan and all statutory benefits associated with Plan Conformance; and

**RESOLUTION 2010-7**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
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**WHEREAS**, the Plan Conformance Guidelines recognizes that conformance in the Planning Area is voluntary under the Highlands Act and provides that the period of an approval of a Petition for Plan Conformance shall be for a period of no more than six (6) years, or until six (6) months after the completion of a reexamination by Chester Township of its master plan and development regulations as required by the Municipal Land Use Law, or until one (1) year after the Highlands Council adopts its six-year reexamination of the Regional Master Plan, whichever time period is the shorter; the six (6) month and one (1) year periods provided herein allowing time for the submittal and processing of petitions for a re-examination of Plan Conformance before the Highlands Council; and

**WHEREAS**, the Plan Conformance Guidelines provides that no amendment to any master plan or development regulations applicable to the development and use of land in Chester Township shall be effective until Chester Township has submitted such amendment to the Highlands Council and such amendment has been found by the Council to be in conformance with the Regional Master Plan, or the Executive Director has notified Chester Township that such amendment does not affect the Highlands Council's prior finding of Plan Conformance; and

**WHEREAS**, the Plan Conformance Guidelines provides that following the receipt of any amendment to Chester Township's master plan or development regulations, the Executive Director is required to determine whether or not the amendment raises a substantive issue with respect to the conformance of the municipal master plan or development regulations with the Regional Master Plan, and

**WHEREAS**, the Plan Conformance Guidelines provides that if the Executive Director determines no such substantive issue is raised with respect to an amendment, the Executive Director shall certify such fact and notify the Clerk of Chester Township and the Highlands Council, and shall provide notice on the Highlands Council website, and such amendment shall thereupon take effect in accordance with its terms and applicable law; and

**WHEREAS**, the Plan Conformance Guidelines provides that if the Executive Director determines that an amendment raises a substantive issue with respect to the conformance of the municipal master plan or development regulations to the Regional Master Plan, the amended municipal master plan or development regulations shall be reviewed in accordance with the Plan Conformance Guidelines; 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 Chester Township's Petition for Plan Conformance with conditions as set forth in the Final Consistency Review and Recommendations Report and the Highlands Implementation Plan and Schedule; and

## RESOLUTION 2010-7

### NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR THE TOWNSHIP OF CHESTER, MORRIS COUNTY

**BE IT FURTHER RESOLVED** that the Executive Director is authorized to make any amendments and publically release the Final Consistency Review and Recommendations Report, Highlands Implementation Plan and Schedule, and amend the Plan Conformance Grant Agreement consistent with direction from the Highlands Council, 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 Chester Township 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 Guidelines, so long as Chester Township 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 is authorized, consistent with direction from the Council, to oversee and monitor Chester Township's 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 21st day of October, 2010.

  
 \_\_\_\_\_  
 Jack J. Schrier, Acting Chairman

Vote of the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			✓			
Councilmember Carluccio	✓		✓			
Councilmember Cogger					✓	
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember Kovach		✓	✓			
Councilmember Letts			✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Councilmember Schrier			✓			

## RESOLUTION 2010-8

### NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF FISCAL YEAR 2011 GENERAL OPERATING BUDGET

**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**, Section 6.g of the Highlands Act authorizes the Highlands Council to conduct its business as needed to effectuate the purposes of the enabling legislation; and

**WHEREAS**, to satisfy its duties, responsibilities and obligations under the Highlands Act, the Council desires to prepare a general operating budget for Fiscal Year 2011; and

**WHEREAS**, the Budget and Finance Committee has reviewed a proposed general operating budget for Fiscal Year 2011; and

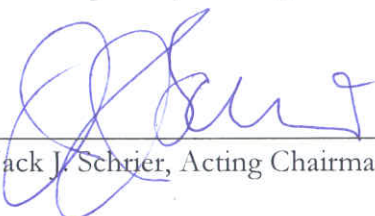
**WHEREAS**, the Budget and Finance Committee recommends the approval of the proposed general operating budget for Fiscal Year 2011;

**NOW, THEREFORE, BE IT RESOLVED** that the Highlands Council hereby approves the attached Fiscal Year 2011 General Operating Budget; and

**BE IT FURTHER RESOLVED** that the Budget and Finance Committee shall review the budget periodically and make recommended adjustments to the Council, as appropriate.

#### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 21<sup>st</sup> of October, 2010.

  
 \_\_\_\_\_  
 Jack J. Schrier, Acting Chairman

Vote of the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Cogger	✓	_____	✓	_____	_____	_____
Councilmember Francis	_____	_____	✓	_____	_____	_____
Councilmember Holtaway	_____	_____	✓	_____	_____	_____
Councilmember Kovach	_____	_____	✓	_____	_____	_____
Councilmember Letts	_____	✓	✓	_____	_____	_____
Councilmember Richko	_____	_____	✓	_____	_____	_____
Councilmember Vetrano	_____	_____	_____	_____	_____	✓
Councilmember Visioli	_____	_____	_____	_____	_____	✓
Councilmember Schrier	_____	_____	✓	_____	_____	_____

HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
HIGHLANDS GENERAL OPERATING BUDGET FY2011

**Revenues:**

State of New Jersey Appropriation	\$	1,852,000.00
Balance from prior fiscal year	\$	145,713.33
Transfer in from RMP Account	\$	364,944.08
Miscellaneous Revenues & Reimbursements	\$	11,000.00
<b>Total Revenues</b>	<b>\$</b>	<b>2,373,657.41</b>

**Expenditures:**

Salaries	\$	1,802,828.47
Materials and Supplies	\$	33,145.00
Other Operating Expenses	\$	182,500.00
Maintenance and Repairs	\$	257,400.00
Equipment, Additions, and Improvements	\$	97,783.94
<b>Total Expenditures:</b>	<b>\$</b>	<b>2,373,657.41</b>



**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.highlands.state.nj.us](http://www.highlands.state.nj.us)



**JACK J. SCHRIER**  
*Acting Chairman*

**EILEEN SWAN**  
*Executive Director*

Contact: Craig Garretson, Manager of Communications  
(908) 879-6737 ext. 108 or [craig.garretson@highlands.state.nj.us](mailto:craig.garretson@highlands.state.nj.us)

FOR IMMEDIATE RELEASE  
October 21, 2010

## **Chester Township Is First In Morris**

*Highlands Council approves Chester Township's petition for Plan Conformance*

CHESTER, N.J. – At its regular meeting today the New Jersey Highlands Council approved Chester Township's Petition for Plan Conformance, making it the first municipality in Morris County – and the second in the seven-county Highlands region – to qualify for the benefits and protections of the Highlands Regional Master Plan.

“Conformance to the Highlands Regional Master Plan recognizes the efforts of several administrations, many citizen volunteers and countless hours of work over the past 20 years. The residents of Chester Township benefit not only from great open space, preserved farm land and parks, but from the economics of sound planning, environmental protection and the rejection of sprawl. We are driven on the road to conformance by our residents,” said Chester Township Mayor Bill Cogger, who as a member of the Highlands Council today recused himself on all matters pertaining to his municipality's petition. “Today's approval is a way to preserve our way of life and partner with the Highlands Council to continue to protect our resources.”

“This is a significant day not only for Chester Township, but also for Morris County,” said Highlands Council Acting Chairman Jack Schrier, who also is a Morris County freeholder. “It demonstrates that in Morris County, the county with more towns in the New Jersey Highlands than any other, we are able to have a vibrant residential community, a healthy agricultural industry as well as the protection of our critical natural resources. These are desirable goals, and with proper planning, they can go hand-in-hand. The Highlands Council works to ensure protection of resources and economic vitality for the region.”

Chester Township has lands in both the Preservation Area (24.7 square miles), where conformance to the Regional Master Plan is mandatory, and the Planning Area (4.5 square miles), where conformance is voluntary; the township petitioned to conform for both areas. Nearly 40 percent of the Township – 11.3 square miles – is preserved open space, including 809 acres of preserved farmland. Approximately 61 percent of the township is forested, and 11 percent is used for farming.

Chester Township also is home to several major state, county and municipal parks, including Hacklebarney State Park, the Black River Wildlife Management Area and Black River Greenway and Black River Park, Bamboo Brook Outdoor Education Center, Tiger Brook Park and Chubb Park.

On December 7, 2009, Chester Township submitted a petition for Plan Conformance for both its Preservation Area and Planning Area. The petition was deemed administratively complete by the Highlands Council on February 4, 2010, and posted to the Highlands Council website five days later. On June 17, the Highlands Council sent a draft consistency report to the township for its review; the final draft of the report was posted to the Highlands Council website on September 29, and a 14-day public comment period began the following day. The final report was posted on October 18, and the Highlands Council voted today to approve the Petition.

“The Highlands Council is continuing to build on relationships forged with municipalities in order to implement the Highlands Regional Master Plan,” Highlands Council Executive Director Eileen Swan said. “The people of New Jersey will look back in years to come and recognize that these partnerships wisely protected essential water resources for the future of our state.”

During the Council’s public hearing, strong support for Chester Township’s Petition for Plan Conformance was expressed by the Highlands Coalition and the Association of New Jersey Environmental Commissions.

More information about Chester Township’s Petition for Plan Conformance can be found on the Highlands Council website:

[http://www.highlands.state.nj.us/njhighlands/planconformance/chester\\_twp.html](http://www.highlands.state.nj.us/njhighlands/planconformance/chester_twp.html)

Today’s actions by the Highlands Council do not take effect until 10 business days after a copy of the minutes of the meeting have been delivered to the Governor to allow for his review and consideration of the minutes.



# Chester Township Plan Conformance

October 21, 2010



# Chester Township Petition for Plan Conformance Highlands Council (Chester Township, N.J.) – October 21, 2010



**Center: Chester Township Mayor Bill Cogger comments during public comment.**

# Chester Township Petition for Plan Conformance Highlands Council (Chester Township, N.J.) – October 21, 2010



**From Left: James Humphries, Highlands Council Regional Planner; Chester Township Mayor Bill Cogger; Highlands Council Acting Chairman Jack Schrier; Highlands Council Executive Director Eileen Swan.**

*Photo by Nathan McLean, Highlands Council staff*

# Chester Township Petition for Plan Conformance Highlands Council (Chester Township, N.J.) – October 21, 2010



From Left: Highlands Council Member Tracy Carluccio; Highlands Council Member Robert Holtaway, and Kate Millsaps, Highlands Coalition.

# Chester Township Petition for Plan Conformance Highlands Council (Chester Township, N.J.) – October 21, 2010



**From Left: Monique Purcell, Department of Agriculture; Dan Van Abs, Director of Planning and Science, Highlands Council**

*Photo by Nathan McLean, Highlands Council staff*

# Chester Township Petition for Plan Conformance Highlands Council (Chester Township, N.J.) – October 21, 2010



**From Left: Chester Township Mayor Bill Cogger; Highlands Council Member Kurt Alstede**

*Photo by Nathan McLean, Highlands Council staff*

# Chester Township Petition for Plan Conformance Highlands Council (Chester Township, N.J.) – October 21, 2010



From Left: Highlands Council Member Michael Francis; Helen Heinrich, New Jersey Farm Bureau

# Chester Township Petition for Plan Conformance Highlands Council (Chester Township, N.J.) – October 21, 2010



From Left: Highlands Council Member Kurt Alstede; Carol Isemann, Chester Township Clerk and Administrator; Dan O'Donnell, Chester Township Planning Board Chair.

# Chester Township Petition for Plan Conformance Highlands Council (Chester Township, N.J.) – October 21, 2010



# Chester Township Petition for Plan Conformance Highlands Council (Chester Township, N.J.) – October 21, 2010



**From Left: Bill Cogger, Chester Township Mayor; Highlands Council Member Michael Francis; Highlands Council Member Kurt Alstede**

*Photo by Nathan McLean, Highlands Council staff*

# Chester Township Petition for Plan Conformance Highlands Council (Chester Township, N.J.) – October 21, 2010



**From Left: James Humphries Highlands Council Regional Planner; Carol Isemann, Chester Township Clerk and Administrator; Dan O'Donnell, Chester Township Planning Board Chair; Chester Township Mayor Bill Cogger, Highlands Council Acting Chairman Jack Schrier; Highlands Council Executive Director Eileen Swan.**

*Photo by Nathan McLean, Highlands Council staff*