



# State of New Jersey

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



**PHILIP D. MURPHY**  
Governor

**CARL J. RICHKO**  
Chairperson

**SHEILA Y. OLIVER**  
Lt. Governor

**LISA J. PLEVIN**  
Executive Director

## MEETING AGENDA Thursday, December 3, 2020 at 4pm

### Dial in information

Phone number: 1 (929) 436-2866

Meeting ID: 920 3275 3920

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

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT STATEMENT
4. PLEDGE OF ALLEGIANCE
5. CHAIR'S REPORT
6. EXECUTIVE DIRECTOR'S REPORT
7. APPROVAL OF HIGHLANDS COUNCIL MINUTES – October 15, 2020
8. APPROVAL OF HIGHLANDS DEVELOPMENT CREDIT BANK MINUTES – November 5, 2020
9. PLAN CONFORMANCE COMMITTEE – Michael Dressler
  - CONSIDERATION OF RESOLUTION – Approval of the Petition for Plan Conformance for the Township of Parsippany-Troy Hills, Morris County (*voting matter with public comment*)
10. BUDGET & FINANCE COMMITTEE – Bob Holtaway
  - a. CONSIDERATION OF RESOLUTION – Approval of Plan Conformance Funding for Sewer Study for Chester Borough (*voting matter with public comment*)
  - b. CONSIDERATION OF RESOLUTION – Approval of Plan Conformance Funding for Economic Corridor Planning for Hopatcong Borough (*voting matter with public comment*)
  - c. CONSIDERATION OF RESOLUTION – Approval of Plan Conformance Funding for Economic Sustainability Planning for Ringwood Borough (*voting matter with public comment*)
11. OLD & NEW BUSINESS
12. PUBLIC COMMENTS (*to ensure ample time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised in this period may not be responded to at this time but, where feasible, will be followed up by the Council and its staff.*)
13. EXECUTIVE SESSION, *if deemed necessary*
14. ADJOURN

## RESOLUTION 2020-20

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

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

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

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

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

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

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

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

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

**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

## **RESOLUTION 2020-20**

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

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

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

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

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

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

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

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

**WHEREAS**, the Highlands Act provides that an approval of a Petition for Plan Conformance entitles the conforming municipality with specific benefits including planning grants, technical assistance, state aid, priority for projects, tax stabilization funds, a strong presumption of validity and extraordinary deference in the event of legal challenge, and legal representation; and

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

## **RESOLUTION 2020-20**

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

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

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

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

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

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

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

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

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

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

**WHEREAS**, the Petition was originally presented at the September 17, 2020 Highlands Council meeting; and

**WHEREAS**, several Council members presented questions that they requested be addressed prior to voting on the Petition; and

## **RESOLUTION 2020-20**

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

**WHEREAS**, in order to allow time for these questions to be addressed, the Motion to consider the Petition was withdrawn; and

**WHEREAS**, the Petition was revised and the complete Petition documents were posted on the Highlands Council website for public review and comment period with written comments due on or before November 13, 2020; and

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

**WHEREAS**, on November 30, 2020, the Highlands Council posted the Revised Final Consistency Review and Recommendations Report and Draft Highlands Implementation Plan and Schedule on the Highlands Council website which responded to comments received during the public comment period; and

**WHEREAS**, on December 3, 2020, the Highlands Council held a public hearing on the Township of Parsippany-Troy Hills Petition for Plan Conformance and provided an opportunity for public comment; and

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

**WHEREAS**, according to the Highlands Act and the Plan Conformance Guidelines, Parsippany-Troy Hills' compliance with an approved Final Consistency Review and Recommendations Report, the Highlands Plan Conformance Procedures and the Highlands Act shall maintain Parsippany-Troy Hills' status as conforming to the Regional Master Plan and all statutory benefits associated with Plan Conformance; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Highlands Council hereby approves Parsippany Troy-Hills' Petition for Plan Conformance with conditions, as set forth in the Final Consistency Review and Recommendations Report; and

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

**RESOLUTION 2020-20**

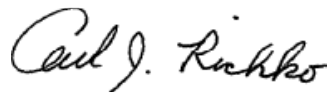
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR  
THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY**

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

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

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 3<sup>rd</sup> day of December 2020.



Carl J. Richko, Chairman

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

**RESOLUTION 2020-21**  
**APPROVAL OF PLAN CONFORMANCE FUNDING FOR SEWER STUDY**  
**FOR CHESTER BOROUGH**

**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**, the Highlands Act authorizes the Highlands Council to enter into any and all agreements or contracts and execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

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

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

**WHEREAS**, 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**, 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**, the Highlands Council encourages every Highlands municipality to participate in the implementation of the Regional Master Plan and provides grants to assist Highlands municipalities in conforming with and implementing the goals, policies and objectives of the Regional Master Plan; and

**WHEREAS**, the following municipality is in need of reimbursement-based grant funding for a comprehensive planning and engineering scope of work that will result in an NJDEP-approved Water Quality Management Plan Amendment and the design of an expanded sewage collection and treatment system to serve existing and future wastewater needs in a manner that is consistent with Chester Borough's Highlands Center designation:

**RESOLUTION 2020-21  
APPROVAL OF PLAN CONFORMANCE FUNDING FOR SEWER STUDY  
FOR CHESTER BOROUGH**

**Plan Conformance Funding (not-to-exceed amount):**

| <b>Municipality/County</b> | <b>Purpose</b> | <b>Amount</b> |
|----------------------------|----------------|---------------|
| Chester Borough            | Sewer Study    | \$97,200      |
| Total                      |                | \$97,200      |

**WHEREAS**, the Highlands Council staff recommends that the Highlands Council authorize the execution of a Plan Conformance Grant Agreement with the aforementioned municipality for the funding allotted to the above-referenced task in the amount so designated, not to exceed in the aggregate, \$97,200; and

**WHEREAS**, the above-referenced \$97,200 allocation is included in the forthcoming FY 2021 Highlands Protection Fund Capital Budget; and

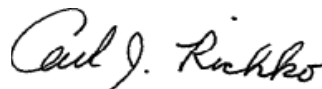
**WHEREAS**, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior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

**NOW, THEREFORE, BE IT RESOLVED** that the Highlands Council hereby authorizes the Executive Director to execute a Plan Conformance Grant Agreement with the above listed municipality, at a not to exceed amount as set forth above;

**BE IT FURTHER RESOLVED** that the Highlands Council hereby approves the above-referenced municipal funding in the Highlands Protection Fund Capital Budget for Fiscal Year 2021 in order to provide grant funding for that Highlands municipality 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 Highlands Center Designation, not to exceed \$97,200 in the aggregate.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 3<sup>rd</sup> day of December, 2020.



Carl J. Richko, Chairman

**RESOLUTION 2020-21  
APPROVAL OF PLAN CONFORMANCE FUNDING FOR SEWER STUDY  
FOR CHESTER BOROUGH**

| <b>Vote on the Approval of This Resolution</b> | <b>Motion</b> | <b>Second</b> | <b>Yes</b> | <b>No</b> | <b>Abstain</b> | <b>Absent</b>  |
|--|---------------|---------------|------------|-----------|----------------|----------------|
| Councilmember Alstede                          |               |               |            |           |                | <b>Recused</b> |
| Councilmember Dougherty                        |               |               | √          |           |                |                |
| Councilmember Dressler                         |               |               | √          |           |                |                |
| Councilmember Francis                          |               |               | √          |           |                |                |
| Councilmember Holtaway                         | √             |               | √          |           |                |                |
| Councilmember James                            |               |               | √          |           |                |                |
| Councilmember Sebetich                         |               |               |            |           |                | √              |
| Councilmember Van Abs                          |               |               | √          |           |                |                |
| Councilmember Visioli                          |               | √             | √          |           |                |                |
| Councilmember Vohden                           |               |               | √          |           |                |                |
| Councilmember Walton                           |               |               |            | √         |                |                |
| Chairman Richko                                |               |               | √          |           |                |                |

**RESOLUTION 2020-22**  
**APPROVAL OF PLAN CONFORMANCE FUNDING FOR ECONOMIC CORRIDOR**  
**PLANNING FOR HOPATCONG BOROUGH**

**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**, the Highlands Act authorizes the Highlands Council to enter into any and all agreements or contracts and execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; 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 (RMP); and

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

**WHEREAS**, 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**, 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**, the Highlands Council encourages every Highlands municipality to participate in the implementation of the Regional Master Plan and provides grants to assist Highlands municipalities in conforming with and implementing the goals, policies and objectives of the Regional Master Plan; and

**WHEREAS**, the following municipality is in need of reimbursement-based grant funding for a redevelopment study for several areas in the community that it wishes to designate as Areas in Need of Redevelopment under the Local Redevelopment and Housing Law (N.J.S.A. 40:12A-1 et seq.). These include areas on Hopatchung Road, Lakeside Boulevard, and River Styx Road, each of which is located within the Borough's designated Highlands Center. The study will begin with a Highlands Resource Analysis to ensure that only RMP-compatible areas are considered:

**RESOLUTION 2020-22**  
**APPROVAL OF PLAN CONFORMANCE FUNDING FOR ECONOMIC CORRIDOR**  
**PLANNING FOR HOPATCONG BOROUGH**

**Plan Conformance Funding (not-to-exceed amount):**

| <b>Municipality/County</b> | <b>Purpose</b>             | <b>Amount</b> |
|----------------------------|----------------------------|---------------|
| Hopatcong Borough          | Economic Corridor Planning | \$32,700      |
| Total                      |                            | \$32,700      |

**WHEREAS**, the Highlands Council staff recommends that the Highlands Council authorize the execution of a Plan Conformance Grant Agreement with the aforementioned municipality for the funding allotted to the above-referenced task in the amount so designated, not to exceed in the aggregate, \$32,700; and

**WHEREAS**, the above-referenced \$32,700 allocation is included in the forthcoming FY 2021 Highlands Protection Fund Capital Budget; and

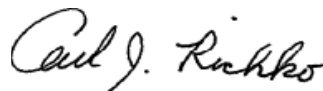
**WHEREAS**, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior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

**NOW, THEREFORE, BE IT RESOLVED** that the Highlands Council hereby authorizes the Executive Director to execute a Plan Conformance Grant Agreement with the above listed municipality, at a not to exceed amount as set forth above;

**BE IT FURTHER RESOLVED** that the Highlands Council hereby approves the above-referenced municipal funding in the Highlands Protection Fund Capital Budget for Fiscal Year 2021 in order to provide grant funding for that Highlands municipality to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the Regional Master Plan, not to exceed \$32,700 in the aggregate.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 3<sup>rd</sup> day of December, 2020.



Carl J. Richko, Chairman

Pursuant to N.J.S.A.13:20-5j this Resolution shall have no force or effect until the completion of the Governor's review of the Highlands Council minutes

**RESOLUTION 2020-22**  
**APPROVAL OF PLAN CONFORMANCE FUNDING FOR ECONOMIC CORRIDOR**  
**PLANNING FOR HOPATCONG BOROUGH**

| <b>Vote on the Approval of This Resolution</b> | <b>Motion</b> | <b>Second</b> | <b>Yes</b> | <b>No</b> | <b>Abstain</b> | <b>Absent</b>  |
|--|---------------|---------------|------------|-----------|----------------|----------------|
| Councilmember Alstede                          |               |               | √          |           |                |                |
| Councilmember Dougherty                        |               | √             | √          |           |                |                |
| Councilmember Dressler                         |               |               | √          |           |                |                |
| Councilmember Francis                          |               |               |            |           |                | <b>Recused</b> |
| Councilmember Holtaway                         |               |               | √          |           |                |                |
| Councilmember James                            |               |               | √          |           |                |                |
| Councilmember Sebetich                         |               |               |            |           |                | √              |
| Councilmember Van Abs                          |               |               | √          |           |                |                |
| Councilmember Visioli                          | √             |               | √          |           |                |                |
| Councilmember Vohden                           |               |               | √          |           |                |                |
| Councilmember Walton                           |               |               | √          |           |                |                |
| Chairman Richko                                |               |               | √          |           |                |                |

**RESOLUTION 2020-23**  
**APPROVAL OF PLAN CONFORMANCE FUNDING FOR ECONOMIC SUSTAINABILITY PLANNING FOR RINGWOOD BOROUGH**

**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**, the Highlands Act authorizes the Highlands Council to enter into any and all agreements or contracts and execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

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

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

**WHEREAS**, 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**, 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**, the Highlands Council encourages every Highlands municipality to participate in the implementation of the Regional Master Plan and provides grants to assist Highlands municipalities in conforming with and implementing the goals, policies and objectives of the Regional Master Plan; and

**WHEREAS**, the following municipality is in need of reimbursement-based grant funding to assist in the development of a municipal trail system intended to provide linkages between commercial corridors, tourism sites, and public facilities throughout the community. The project would build on the Borough's existing trail system to further bicycle and pedestrian accessibility and to assist in sustainably promoting tourism and economic development:

**Plan Conformance Funding (not-to-exceed amount):**

**RESOLUTION 2020-23**  
**APPROVAL OF PLAN CONFORMANCE FUNDING FOR ECONOMIC SUSTAINABILITY PLANNING FOR RINGWOOD BOROUGH**

| <b>Municipality/County</b> | <b>Purpose</b>                   | <b>Amount</b> |
|----------------------------|----------------------------------|---------------|
| Ringwood Borough           | Economic Sustainability Planning | \$50,000      |
| Total                      |                                  | \$50,000      |

**WHEREAS**, the Highlands Council staff recommends that the Highlands Council authorize the execution of a Plan Conformance Grant Agreement with the aforementioned municipality for the funding allotted to the above-referenced task in the amount so designated, not to exceed in the aggregate, \$50,000; and

**WHEREAS**, the above-referenced \$50,000 allocation will be included in a forthcoming FY 2021 Highlands Protection Fund Capital Budget; and

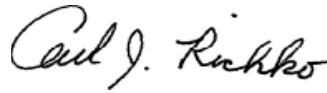
**WHEREAS**, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior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

**NOW, THEREFORE, BE IT RESOLVED** that the Highlands Council hereby authorizes the Executive Director to execute a Plan Conformance Grant Agreement with the above listed municipality, at a not to exceed amount as set forth above;

**BE IT FURTHER RESOLVED** that the Highlands Council hereby approves the above-referenced municipal funding in the Highlands Protection Fund Capital Budget for Fiscal Year 2021 in order to provide grant funding for that Highlands municipality to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the Regional Master Plan, not to exceed \$50,000 in the aggregate.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 3<sup>rd</sup> day of December, 2020.

  
\_\_\_\_\_  
Carl J. Richko, Chairman

**RESOLUTION 2020-23**  
**APPROVAL OF PLAN CONFORMANCE FUNDING FOR ECONOMIC SUSTAINABILITY PLANNING FOR RINGWOOD BOROUGH**

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



## State of New Jersey

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*Chairperson*

**LISA J. PLEVIN**  
*Executive Director*

### MEMORANDUM

**To:** Plan Conformance Committee

**From:** James Humphries, Director of Planning, Science & GIS  
Maryjude Haddock-Weiler, Planning Manager

**Subject:** Committee Meeting Minutes – November 19, 2020

**Date:** November 27, 2020

A Plan Conformance Committee meeting was held on Thursday, November 19, 2020 at 3:00pm via Zoom video/audio conference call.

Committee Members present via Zoom video/audio platform were: Committee Chair Dressler, Council Chair Richko, Committee Member Vohden and Committee Member Van Abs

Staff Members present via Zoom video/audio platform were: Lisa J. Plevin, Christine LaRocca, James Humphries, Maryjude Haddock-Weiler, Keri Green, Gabrielle Gallagher, Carole Dicton, Annette Tagliareni and Karen Castanhas.

*Committee Chair Dressler opened the meeting at 3:09pm.*

#### Liberty Square (Independence Township) Project Review:

James Humphries, Director of Planning, Science & GIS, reported that Council staff is being asked to comment on a potential Highlands Preservation Area Approval (HPAA) permit by New Jersey Department of Environmental Protection (NJDEP) in accordance with the Highlands Act (NJSA 13:20-17) which states that the Highlands Council has call up authority for projects in the Preservation Area. Council staff is asking for informal feedback and advice from the Plan Conformance Committee on how best to comment on this potential HPAA.

Mr. Humphries gave an overview of the project, which dates back to 1989. A site plan and project timeline were shared with the committee members in their packets and viewed on the Zoom call.

There were discussions regarding the project's history as it relates to local approvals, mitigation, and potential litigation (takings waiver).

Council Chair Richko and Committee Chair Dressler were not in favor of this project.

Committee Member Van Abs had a layered view of the project. He did not believe the project should move forward, however, if NJDEP forced the question, he noted the NJDEP should approve only the minimum level of development necessary to mitigate a taking.

Committee Chair Dressler called for a roll call asking Committee members if they are in favor of this project moving forward.

*Council Chair Richko – no*

*Committee Chair Dressler – no*

*Member Vohden – yes*

*Member Van Abs – no*

Ms. Plevin thanked the members for their informal feedback.

At this time, Ms. Plevin recused herself regarding the next agenda item.

*Ms. Plevin left the meeting at 3.25pm*

#### Update of Parsippany-Troy Hills Petition for Plan Conformance

Maryjude Haddock-Weiler, Planning Manager, gave an update on the Parsippany-Troy Hills' Petition for Plan Conformance. The Petition was discussed at the September 17, 2020 Highlands Council meeting. Based on that discussion and follow-up conversations with representatives from Parsippany-Troy Hills, the Township chose to amend their Petition to include consideration of a potential Highlands Center(s) and a feasibility study for a Transfer of Development Rights (TDR) receiving zone.

As a result of the revisions, a second public comment period was held between October 13 and November 13, 2020. Two additional public comments were received during this second comment period.

The Implementation Plan and Schedule (IPS) has also been revised to include funding for Highlands center planning and a TDR feasibility analysis. Given the approval by the Governor of the FY2021 State budget, the Council will be able to approve the funding outlined in the IPS as part of the Petition.

On the basis of the components of the Conformance Petition, outlined in the Revised Final Draft Consistency Review and Recommendations Report, Highlands Council Staff recommends that the revised Petition for Plan Conformance and IPS for the Township of Parsippany-Troy Hills be approved.

Committee Chair Dressler asked if there were any questions.

Committee Member Vohden questioned the difference between voluntary Plan Conformance in the Planning Area and mandatory Plan Conformance in the Preservation Area. Specifically, he inquired if the decision by a municipality to conform will also make the Planning Area lands subject to the NJDEP Highlands Rules. He noted that the language of the Highlands Act, sections 14 and 15, are worded the same. Ms. Haddock-Weiler acknowledged the language in the Act and explained that the conformance outlined in those sections is for conformance with the Highlands Regional Master Plan (RMP). The NJDEP Highlands Rules apply in the Preservation Area and any Major Highlands Development in the Preservation Area is subject to those Rules. When our Council makes a decision about approving a Petition, we are making that decision only for the Regional Master Plan (RMP) standards and not the NJDEP Highlands Rules.

Ms. Haddock-Weiler further clarified that the septic densities that apply in the Preservation Area do not apply in the Planning Area. Additionally, Mr. Humphries noted that another key difference is no new sewer extensions are allowed in the Preservation Area.

Committee Member Vohden questioned the applicability of 300-foot buffers in the Planning Area. Ms. Haddock-Weiler explained that much of the development/redevelopment in the Township like Parsippany-Troy Hills would be exempt from those buffers. She noted specifically that exemption 4 allows for redevelopment within 125% of the existing footprint, as long as it stays under ¼ acre of new impervious.

Committee Member Vohden referred to comments made by the non-profit Wildlife Preserves and questioned whether they would be able to develop their parcels. Ms. Haddock-Weiler explained that Wildlife Preserves is interested in developing an environmental education center on a parcel that has existing development and they would likely be able to proceed under an exemption #4.

Committee Chair Dressler asked if any other questions.

Committee Member Van Abs asked about the staff recommendation for the approval with conditions listed in the memo. Specifically, he questioned whether the Township will be held to implementation of all the tasks listed, including the Center planning and TDR feasibility analysis. Ms. Haddock-Weiler replied that all the items listed in the memo are proposed as conditions of Petition approval.

Committee Member Van Abs suggested a revision to the format of the Consistency Review and Recommendations Report to clarify the intent. Ms. Haddock-Weiler agreed that would be a good revision and future reports will be modified to reflect this.

Committee Chair Dressler asked if there were any other questions.

Chairman Richko stated when a municipality comes to the Council to conform with the RMP, he supports the conforming municipality.

There were no other comments/questions.

*Committee Chair Dressler asked all committee members if they were in favor of moving the revised Parsippany-Troy Hills Petition to the full Council for consideration at its meeting on December 3, 2020. All were in favor.*

*The meeting was adjourned at 3:44pm.*



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*Executive Director*

### MEMORANDUM

**To:** Budget & Finance Committee  
**From:** Lisa J. Plevin, Executive Director  
**Subject:** Committee Meeting Minutes – November 18, 2020  
**Date:** November 23, 2020

A Budget and Finance (B&F) Committee meeting was held via teleconference on Wednesday, November 18, 2020 at 1:30pm. The following participants were in attendance:

Committee: Council Chair Richko, Committee Chair Holtaway, Members James and Visioli

Highlands Staff: Lisa J. Plevin, Christine LaRocca, James Humphries, Keri Green, Judy Thornton, Gabrielle Gallagher, Herb August, and Annette Tagliareni.

*Committee Chair Holtaway opened the meeting at 1:32 p.m.*

#### **Highlands Protection Fund Capital Budget – FY2020**

Executive Director Plevin gave an overview of the Highlands Protection Fund Capital Budget (Plan Conformance Grants). She discussed that the State adopted a budget appropriating almost \$2.2M to the Highlands Protection Fund Capital Budget for FY2021 (the period of October 1, 2020 to July 1, 2021) allowing the awarding of grants to resume after the recent budget freeze in FY2020, due to COVID.

Mr. August added that at the October 2020 Highlands Council meeting, the Council approved grants in the amount of approximately \$500,000. The Committee will review three more grants for Council consideration. Mr. August noted that all of these grants will be represented in the Highlands Protection Fund Capital Budget at the Council's January 2021 meeting, when there may be additional grants to be considered.

Committee Chair Holtaway asked how staff is collecting and prioritizing these grants. Mr. August responded that staff is in the process of prioritizing the requested municipal grants based in part, on

the timing of submission and with consideration of the municipality's status in both Plan Conformance and its participation in our grant program.

Committee Member Visioli commented that the process should be fair and consistent when prioritizing.

Committee Chair Holtaway asked if the additional grants being considered will exceed the actual budget. Ms. Plevin responded that Council staff does not expect incoming requests for FY21 will exceed the actual budget.

Committee Chair Holtaway asked if we are cancelling any grants due to inactivity. Mr. August responded that there has not been an ask to cancel from last year to this year. Some of the grants approved by Council for Lake Management Planning, and others are starting to be addressed. In addition, Mr. August noted that the Department of Treasury is honoring all contracts.

### **Chester Borough (Morris County) – Sewer Study - \$97,200**

James Humphries, Director of Planning & Science, gave an overview of Chester Borough's request for a Sewer Study. The request is for a comprehensive planning and engineering scope of work that will result in an NJDEP-approved Water Quality Management Plan Amendment and the design of an expanded sewage collection and treatment system to serve existing and future wastewater needs in a manner that is consistent with Chester Borough's Highlands Center designation.

There were no comments and/or questions by the Committee.

*A roll call vote was taken to move Chester Borough's Plan Conformance Grant to the Council for consideration. All were in favor.*

### **Hopatcong Borough (Sussex County)– Economic Corridor Planning - \$32,700**

Judy Thornton, Principal Planner, gave an overview of Hopatcong Borough's request to conduct a redevelopment study for several areas in the community that the Borough wishes to designate as Areas in Need of Redevelopment under the Local Redevelopment and Housing Law. She explained that the project would begin with a Highlands Resource Analysis to first determine the allowable extent of disturbance for each redevelopment area.

There were no comments and/or questions by the Committee.

*A roll call vote was taken to move Hopatcong Borough's Plan Conformance Grant to the Council for consideration. All were in favor.*

*Member James recused himself regarding the next Plan Conformance Grant and left the meeting at 1:47pm.*

### **Ringwood Borough (Passaic County) – Economic Sustainability Planning - \$50,000**

Judy Thornton, Principal Planner, gave an overview of Ringwood Borough's request, which would enable development of a municipal trail system for bicycle and pedestrian accessibility intended to provide linkages between commercial corridors, tourism sites, and public facilities. The project would require the assistance of a planning/engineering firm with GIS capabilities to assess and map existing trail segments, identify gaps and potential new linkages. The municipality would support the trail system with the assistance of a resident and business partnership committee to remediate and maintain the trails.

Committee Chair Holtaway commented that trails of this type exist in his community, Bedminster, and are very popular. He felt that they would be of great benefit to Ringwood Borough, too.

Ms. Plevin added that she is very excited about the project as it shows the benefits of working with the Highlands Council to further the goals of municipalities.

Member Visioli commented that a project like this could promote outside interest.

Council Chair Richko commented that Ringwood Borough is 100% in the Preservation Area and that a project like this seems a perfect fit. This project would complement the other work we're doing in Ringwood to build relationships by working with the lakes communities.

*A roll call vote was taken to move Ringwood Borough's Plan Conformance Grant to the Council for consideration. All were in favor.*

In conclusion, Committee Chair Holtaway stated that these grants will be brought before the Council for consideration at its next meeting scheduled on December 3, 2020.

*The committee meeting adjourned at 1:55p.m.*



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### **PUBLIC NOTICE: DECEMBER 3 HIGHLANDS COUNCIL MEETING TO BE HELD BY TELECONFERENCE**

Please be advised that the Highlands Council meeting scheduled for Thursday, December 3 at 4 p.m. will be held via teleconference. There will be no in-person meeting at the Highlands Council office in Chester. Call-in information is below. An agenda and meeting materials will be available on the Highlands Council website prior to the meeting at:  
[https://www.nj.gov/njhighlands/about/calend/2020\\_calendar.html#dec3](https://www.nj.gov/njhighlands/about/calend/2020_calendar.html#dec3).

#### **Call in information:**

Phone number: 1 (929) 436-2866

Meeting ID: 920 3275 3920

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

Members of the public will be muted upon joining the call and provided with instructions for commenting at designated times. Detailed instructions are also available at:  
[www.nj.gov/njhighlands/about/calend/virtual.html](http://www.nj.gov/njhighlands/about/calend/virtual.html).

Members of the public may also submit written comments in advance of the meeting and/or after the meeting, up to close of business on Friday, December 4, 2020, via email to [highlands@highlands.nj.gov](mailto:highlands@highlands.nj.gov).

DATE OF NOTICE: December 1, 2020