



## State of New Jersey

Highlands Water Protection and Planning Council  
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(908) 879-6737  
(908) 879-4205 (fax)  
[www.nj.gov/njhighlands](http://www.nj.gov/njhighlands)



CHRIS CHRISTIE  
*Governor*

JIM RILEE  
*Chairman*

KIM GUADAGNO  
*Lt. Governor*

MARGARET NORDSTROM  
*Executive Director*

### MEETING AGENDA Thursday, July 16, 2015 at 4pm

- CALL TO ORDER
- ROLL CALL
- OPEN PUBLIC MEETINGS ACT STATEMENT
- PLEDGE OF ALLEGIANCE
- APPROVAL OF MINUTES – June 18, 2015
- APPROVAL OF EXECUTIVE SESSION MINUTES – June 18, 2015
- CHAIRMAN’S REPORT (and Council Member Reports)
- EXECUTIVE DIRECTOR’S REPORT
- COMMITTEE REPORTS:
  - **REGIONAL MASTER PLAN UPDATE**
    - Report
  - **PLAN CONFORMANCE**
    - Report
  - **BUDGET & FINANCE**
    - Presentation
    - CONSIDERATION OF RESOLUTION – Approval To Extend The Fiscal Year Budgets 2015 At The Same Average Monthly Spending Level (*voting matter with public comment*)
    - CONSIDERATION OF RESOLUTION - Approval Of A Transfer Of Development Rights Receiving Zone Feasibility Grant Borough Of High Bridge, Hunterdon County (*voting matter with public comment*)
    - CONSIDERATION OF RESOLUTION –Approval For FY2016 Appropriation Of Funds In Support Of Updates For RMP Conformance Modules 2, 3, And 7 And NJ Supreme Court Decision Regarding Council On Affordable Housing Third Round Rules (*voting matter with public comment*)
- 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.*)
- EXECUTIVE SESSION (*if deemed necessary*)
- ADJOURN

**RESOLUTION 2015-14**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL TO EXTEND THE FISCAL YEAR BUDGETS 2015**  
**AT THE SAME AVERAGE MONTHLY SPENDING LEVEL**

**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 general operating and grants budgets for Fiscal Year 2016; and

**WHEREAS**, the Budget and Finance Committee has reviewed the approved New Jersey State Budget for Fiscal Year 2016; and

**WHEREAS**, several material budget components for Fiscal Year 2016, while substantially complete, remain subject to final determination and, in an effort to avoid subsequent revisions, Highlands Council staff is requesting the extension of the current Fiscal Year 2015 operating and grants budgets until the Fiscal Year 2016 Budget is approved; and

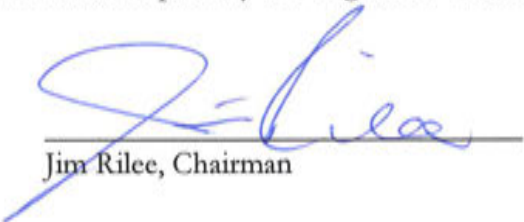
**WHEREAS**, the Budget and Finance Committee recommends the approval of the extension of the approved general operating and grants budgets for Fiscal Year 2015; and

**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 the extension of the approved Fiscal Year 2015 Budgets at the same average monthly spending level not to exceed 90 days.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16<sup>th</sup> day of July, 2015.

  
\_\_\_\_\_  
Jim Rilee, Chairman

**RESOLUTION 2015-14**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL TO EXTEND THE FISCAL YEAR BUDGETS 2015**  
**AT THE SAME AVERAGE MONTHLY SPENDING LEVEL**

Vote on the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			✓			
Councilmember Carluccio			✓			
Councilmember Dougherty			✓			
Councilmember Dressler			✓			
Councilmember Francis			✓			
Councilmember Holtaway						✓
Councilmember James	✓		✓			
Councilmember Richko			✓			
Councilmember Sebetich			✓			
Councilmember Tfanck		✓	✓			
Councilmember Visioli			✓			
Councilmember Vohden			✓			
Councilmember Walton				✓		
Chairman Rilee			✓			

**RESOLUTION 2015-15**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING ZONE**  
**FEASIBILITY GRANT BOROUGH OF HIGH BRIDGE, HUNTERDON COUNTY**

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

**WHEREAS**, Section 18 of the Highlands Act authorizes the Highlands Council to make available grants and other financial and technical assistance to municipalities and counties for implementation of a transfer of development rights (TDR) program; and

**WHEREAS**, on March 22, 2007, the Highlands Council by Resolution 2007-9 authorized the TDR Committee to develop and implement a process for the solicitation and distribution of grants and other support to municipalities within the seven Highlands counties in furtherance of the development of the Highlands TDR Program, in an annual amount not to exceed \$1,000,000; and

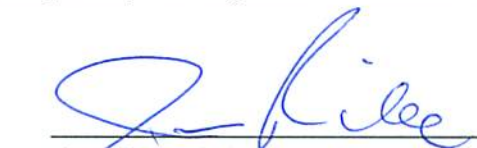
**WHEREAS**, the Budget and Finance Committee, at its July 7, 2015 meeting, reviewed the grant application submitted by the Borough of High Bridge, County of Hunterdon, and recommends approval by the Highlands Council; and

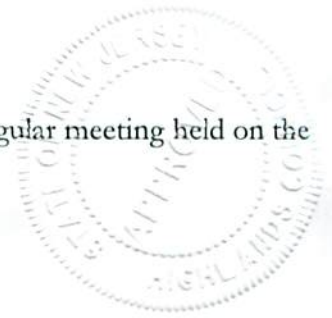
**WHEREAS**, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior 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** by the Highlands Council that the Executive Director, or his or her designee, is hereby authorized to enter into a grant agreement with the Borough of High Bridge for a TDR Receiving Zone Feasibility Grant in the amount of \$40,000, provided that the Executive Director may authorize additional amounts under this contract pursuant to his authority under the Highlands Council Bylaws.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16<sup>th</sup> day of July 2015.

  
\_\_\_\_\_  
Jim Rilee, Chairman



## RESOLUTION 2015-15

### NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING ZONE FEASIBILITY GRANT BOROUGH OF HIGH BRIDGE, HUNTERDON COUNTY

#### Vote on the Approval of This Resolution

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	_____	✓	_____	_____
Councilmember Dougherty	_____	_____	_____	✓	_____	_____
Councilmember Dressler	_____	_____	✓	_____	_____	_____
Councilmember Francis	_____	_____	✓	_____	_____	_____
Councilmember Holtaway	_____	_____	_____	_____	_____	✓
Councilmember James	✓	_____	✓	_____	_____	_____
Councilmember Richko	_____	_____	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tfrank	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	_____	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	_____	✓	✓	_____	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____

## **RESOLUTION 2015-16**

### **NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL FOR FY2016 APPROPRIATION OF FUNDS IN SUPPORT OF UPDATES FOR RMP CONFORMANCE MODULES 2, 3, AND 7 AND NJ SUPREME COURT DECISION REGARDING COUNCIL ON AFFORDABLE HOUSING THIRD ROUND RULES**

**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 (RMP) pursuant to Sections 11 and 12 of the Highlands Act, to protect and enhance the significant values of the Highlands resources throughout the entire Highlands Region; and

**WHEREAS**, the Highlands Council adopted Resolution 2008-27 approving the RMP on July 17, 2008 and, pursuant to the Highlands Act requirement for gubernatorial review, the RMP thereafter became effective on September 8, 2008; and

**WHEREAS**, the Highlands Act creates a bifurcated system for municipal conformance with the RMP – 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 RMP 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 RMP at any time; and

**WHEREAS**, the Highlands Council approval of Resolution 2008-27 adopting the RMP included the adoption of the Highlands Plan Conformance Guidelines that outlines the procedures, implementation 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 Plan Conformance requiring the submission of plans and regulations with 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 RMP and authorized the Executive Director to develop and implement a process for the solicitation

## RESOLUTION 2015-16

### NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL FOR FY2016 APPROPRIATION OF FUNDS IN SUPPORT OF UPDATES FOR RMP CONFORMANCE MODULES 2, 3, AND 7 AND NJ SUPREME COURT DECISION REGARDING COUNCIL ON AFFORDABLE HOUSING THIRD ROUND RULES

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 Plan Conformance; 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 for the following Modules: (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 including an Implementation Plan and Schedule component; and

**WHEREAS**, the RMP specifically requires “that conforming municipalities update and adopt a housing element, fair share plan, and implementing ordinance(s) to reflect current conditions and resource protection requirements of the RMP” (Policy 6O8); and

**WHEREAS**, in furtherance of this policy the Highlands Council is providing a Plan Conformance Grant Program to provide updates to the Module 2 Municipal Build-Out Analysis and Report, the Module 3 Housing Element and Fair Share Plan, and the Module 7 Highlands Implementation Plan and Schedule component to assist in meeting the requirements of the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and the NJ Supreme Court’s March 10, 2015 decision, In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing; and

**WHEREAS**, to address the RMP requirements, a Housing Element and Fair Share Plan must be developed in compliance with all applicable RMP requirements, including the Land Use Capability Zone Map, water availability, wastewater utility capacity, water supply utility capacity, and resource protection provisions; and

**WHEREAS**, the Housing Element and Fair Share Plan documents must be provided to the Highlands Council for review as a condition of the Plan Conformance petition to ensure consistency with the RMP; and

**WHEREAS**, the Highlands Council will provide funding in an amount not to exceed \$25,000, to municipalities that have an approved petition for Plan Conformance, to assist in updating their Module 2 Municipal Build-Out Analysis Report, the Module 3 Housing Element and Fair Share Plan, and the Module 7 Highlands Implementation Plan and Schedule component; and

**WHEREAS**, the following municipalities are in need of additional grant funding in order to address the Highlands Act requirements for Plan Conformance funding in light of the requirements of the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing

## RESOLUTION 2015-16

### NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL FOR FY2016 APPROPRIATION OF FUNDS IN SUPPORT OF UPDATES FOR RMP CONFORMANCE MODULES 2, 3, AND 7 AND NJ SUPREME COURT DECISION REGARDING COUNCIL ON AFFORDABLE HOUSING THIRD ROUND RULES

#### **Bergen County**

Mahwah Township  
Oakland Borough

#### **Hunterdon County**

Alexandria Township  
Bethlehem Township  
Bloomsbury Borough  
Califon Borough  
Clinton Town  
Clinton Township  
Glen Gardner Borough  
Hampton Borough  
High Bridge Borough  
Holland Township  
Lebanon Borough  
Lebanon Township  
Tewksbury Township

#### **Morris County**

Boonton Township  
Chester Township  
Denville Township  
Jefferson Township  
Kinnelon Borough  
Montville Township  
Mount Arlington Borough  
Mount Olive Township  
Randolph Township  
Rockaway Township  
Roxbury Township  
Washington Township  
Wharton Borough

#### **Passaic County**

Bloomington Borough  
Ringwood Borough  
West Milford Township

#### **Somerset County**

Bedminster Township

#### **Sussex County**

Byram Township  
Green Township  
Hardyston Township  
Hopatcong Borough  
Ogdensburg Borough  
Sparta Township  
Vernon Township

#### **Warren County**

Allamuchy Township  
Alpha Township  
Franklin Township  
Hackettstown Town  
Harmony Township  
Lopatcong Township  
Oxford Township  
Phillipsburg Town  
Pohatcong Township  
Washington Township

**RESOLUTION 2015-16**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL FOR FY2016 APPROPRIATION OF FUNDS IN SUPPORT OF UPDATES FOR**  
**RMP CONFORMANCE MODULES 2, 3, AND 7**  
**AND NJ SUPREME COURT DECISION REGARDING**  
**COUNCIL ON AFFORDABLE HOUSING THIRD ROUND RULES**

**Highlands Municipal Plan Conformance Grant Program Updates (not-to-exceed amounts)**

**Update to Module 2: Municipal Build-Out Analysis and Report**

49 Municipalities, \$10,000 each    Subtotal \$490,000

**Update to Module 3: Housing Elements and Fair Share Plan**

49 Municipalities, \$12,500 each    Subtotal \$612,500

**Update to Module 7: Highlands Implementation Plan and Schedule**

49 Municipalities, \$2,500 each    Subtotal \$122,500

**Highlands Municipal Plan Conformance Grant Updates Program    Total \$1,225,000**

and;

**WHEREAS**, the Highlands Council staff recommends that the Highlands Council authorize the execution of Amended Plan Conformance Grant Agreements with each of the aforementioned municipalities for the funding allotted to the above-referenced tasks in the amounts so designated, not to exceed in the aggregate, \$1,225,000 and contingent on funding availability on a reimbursement basis; and

**WHEREAS**, the above-referenced \$1,225,000 allocation is included in the FY 2016 Highlands Protection Fund Planning Grants 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 Amended Plan Conformance Grant Agreements with the aforementioned municipalities not to exceed amounts as set forth above; and

**BE IT FURTHER RESOLVED**, that the Highlands Council hereby approves the above-referenced municipal funding in the Highlands Protection Fund for Fiscal Year 2016 in order to provide grant funding for those aforementioned municipalities to cover the reasonable expenses associated with the updates to Modules 2, 3, and 7 to conform them to the RMP, in light of the requirements of the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, not to exceed \$25,000 per municipality and \$1,225,000 in the aggregate; and

**RESOLUTION 2015-16**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL FOR FY2016 APPROPRIATION OF FUNDS IN SUPPORT OF UPDATES FOR**  
**RMP CONFORMANCE MODULES 2, 3, AND 7**  
**AND NJ SUPREME COURT DECISION REGARDING**  
**COUNCIL ON AFFORDABLE HOUSING THIRD ROUND RULES**

**BE IT FURTHER RESOLVED**, that funding under this grant program shall not be utilized for the preparation and submission of any declaratory judgement action, litigation costs, or other legal fees; and

**BE IT FURTHER RESOLVED**, that the Executive Director is authorized to amend the Plan Conformance Grant Agreements consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Implementation Plan and Schedule on behalf of the Council; and

**BE IT FURTHER RESOLVED**, the Executive Director is authorized, consistent with direction from the Council, to oversee and monitor the above-referenced municipalities' 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 16<sup>th</sup> day of July, 2015.

  
 Jim Rilee, Chairman



**Vote on the Approval of  
 This Resolution**

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			✓			
Councilmember Carluccio			✓			
Councilmember Dougherty			✓			
Councilmember Dressler				✓		
Councilmember Francis		✓	✓			
Councilmember Holtaway						✓
Councilmember James			✓			
Councilmember Richko			✓			
Councilmember Sebetich			✓			
Councilmember Tfank			✓			
Councilmember Visioli	✓		✓			
Councilmember Vohden				✓		
Councilmember Walton				✓		
Chairman Rilee			✓			



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

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JIM RILEE  
Chairman

MARGARET NORDSTROM  
Executive Director

### MEMORANDUM

**To:** Budget & Finance Committee

**From:** Margaret Nordstrom, Executive Director

**Subject:** Committee Meeting Minutes – July 7, 2015

**Date:** July 16, 2015

A Budget and Finance (B&F) Committee was held on Tuesday, July 7, 2015 at 1:00pm at the Highlands office in Chester. Committee Members present: Chairman Rilee, and Member James. Governor's Authorities Unit Representatives (via phone): Lisa LeBoeuf, Assistant Counsel GAU; Matt Kelly, DAG. Staff Members present: Margaret Nordstrom, Chris Danis, Herbert August, Kim Ball Kaiser, Carole Diction and Sabina Martine.

Margaret Nordstrom gave an overview of the proposed resolutions for Council's consideration at the July 16, 2015 meeting.

- Resolution - Approval To Extend The Fiscal Year Budgets 2015 At The Same Average Monthly Spending Level.
- Resolution – Approval of a Transfer of Development Rights (TDR) Receiving Zone Feasibility Grant, Borough of High Bridge, Hunterdon County.

Staff provided an overview of the TDR Feasibility grant. High Bridge is entirely in the Planning Area and is serviced by public water and waste water.

- Resolution – Approval For FY2016 Appropriation Of Funds In Support Of Updates For RMP Conformance Modules 2, 3, And 7 And NJ Supreme Court Decision Regarding Council On Affordable Housing Third Round Rules
  - COAH – Grant Updates
    - Module 2: Municipal Build out Analysis and Report

July 16, 2015

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- Module 3: Housing Elements and Fair Share Plans
- Module 7: Highlands Implementation Plan and Schedule

Staff provided an overview of the Plan Conformance grant process indicating the requirement for approved scopes of work (SOW) and that all grants are paid based on reimbursement of reasonable expenses within the approved scope of work.

Chairman Rilee requested we spell out what we are providing the funds for in the SOW and requested that each town provide a SOW and we should make it clear in the grant program that the funds are not to be used for legal fees. Staff reiterated that there is no provision to provide for legal fees. Chairman Rilee asked that we clearly state that condition in the grant program and supporting Resolution.

The Committee had no questions.

Margaret Nordstrom asked for a motion to move the (3) proposed resolutions to Council.

*Member James made a motion, Chairman Rilee seconded the motion, and all were in favor.*

*The B&F Committee adjourned at 1:15pm.*



CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

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JIM RILEE  
*Chairman*

MARGARET NORDSTROM  
*Executive Director*

### MEMORANDUM

**To:** Plan Conformance Committee  
**From:** Margaret Nordstrom, Executive Director  
**Subject:** Committee Meeting Minutes– June 23, 2015  
**Date:** July 13, 2015

A Plan Conformance Committee meeting was held on Tuesday, June 23, 2015 at the Highlands office in Chester. Council Chairman Rilee, Committee Members Dressler, Richko, and Tfrank were present via phone and Member Vohden attended in person.

Staff Members present: Margaret Nordstrom, Chris Danis, James Humphries, Chris Ross, Annette Tagliareni.

Also present: Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit, and Matt Kelly, DAG via phone.

#### Procedures for Highlands Redevelopment Area Designations

Ms. Nordstrom reported that the updated procedures for Highlands Redevelopment Area Designations are 90% complete and should provide clarification of process for future redevelopment designations.

Staff provided a background on the existing Procedures for Highlands Redevelopment Area Designations which were approved as part of the Regional Master Plan in 2008 with a separate public comment period.

The revised procedures would provide clarification of process based on lessons learned during the approval of 11 Highlands Redevelopment Area Designations between 2008 and 2014.

The following summarizes the components that are proposed for the Highlands Redevelopment procedures which are anticipated to be revised through the rulemaking process:

- Flow chart on page 2- two “NO” steps were added, one to the NJDEP Brownfields Designation indicating that not all may result in a “YES” as was previously erroneously presented; and the second “NO” was to clarify that multiple property owners need to act under a single petition (submitted by the municipality) for the redevelopment area which may be a portion or all of the multiple parcels identified for the redevelopment area. This clarifies it is in accordance with the Municipal Land Use Law zoning authority by the municipality.
- Section 1.3 was re-formatted to clarify the process for the boundary, particularly 1. Ownership and contiguity of parcels, which is not clearly stated in the current procedures.
- Section 1.6.1 1.c and 2; Section 1.6.2 and Section 1.7 (g) and (h) now have noticing requirements spelled out for the property owners within 200 feet. This requirement is not clearly stated but inferred in the current procedures.
- Section 1.8 Final Determination section (d) was clarified to indicate it may be subject to rescission if the approval conditions change. This is not clear in the current document but inferred.
- Section 1.8 Final Determination section (e) was added as the current on has no spelled out expiration dates but the inference was that they would be with the HPAA timeframe. Appendix C – Definitions were moved out of the text in the current document to an appendix and cleaned up to reflect only relevant definitions and their citation source.

Staff also noted that an application form was developed by Highlands Council staff to accompany the existing 2008 Highlands Redevelopment procedures document, which will serve to assist applicants and the Highlands Council staff during this interim time prior to anticipated rulemaking. The application form does not represent any changes to the criteria for approval by the Highlands Council for Redevelopment Areas in accordance with the Highlands RMP (2008) or the NJDEP 7:38 rules, just clarification of process.

Until new procedures are adopted, Highlands Council staff will provide constituents with the 2008 procedures and an application form for any future redevelopment area designations.

Member Richko asked if a future application would come before the Plan Conformance Committee. Staff indicated that all future Highlands Redevelopment Area Designation applications will come to the Plan Conformance committee before Council’s review and consideration.

### COAH Grant Updates

Staff gave the following background on our next agenda item:

- 1999 – COAH 3<sup>rd</sup> Round begins
- 2008 RMP –Policy 608 requires that conforming municipalities update and adopt a housing element, fair share plan, and implementing ordinance(s) to reflect current condition and resource protection requirements of the RMP.

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- 2008 Executive Order 114 and Memorandum of Understanding (MOU) with COAH – provide municipalities with guidance on how to develop growth share obligations.
- As a condition of Plan Conformance, municipalities provide a scope of work for municipal build out analysis (Module 1 and 2) and Housing Element and Fair Share Plan (Module 3)
- - grant funding up to \$25,000.
- 2015 Supreme Court decision negates previously developed housing plans.
- Municipalities do not know their obligations.
- To address Highlands RMP and Plan Conformance requirement – draft Plan Conformance Grant guidelines were developed, dated June 2015
  - Module 2 Update – Highlands Municipal Build-out Analysis and Report - \$10,000
  - Module 7 Update – Highlands Implementation Plan & Schedule - \$2,500
  - Module 3 Update – Housing Element and Fair Share Plan - \$12,500
- Next steps – presentation to Budget & Finance Committee for funding.

The committee agreed that this grant approval should go before the Budget & Finance Committee for funding.

*The Plan Conformance Committee meeting adjourned at 3:46pm.*



# Highlands Council Meeting

Thursday, July 16, 2015



# Affordable Housing

- **Regional Master Plan**
  - Policies 607 & 608: Conforming municipalities must implement resource protection requirements of RMP along with the New Jersey Supreme Court Mount Laurel decision; must update and adopt a housing element, fair share plan, and implementing ordinance(s) to reflect current condition and resource protection requirements.
- **Highlands Plan Conformance Guidelines**
  - Adopted along with the RMP; include requirement for municipal build out (Module 1 and 2) and adoption of a Housing Element and Fair Share Plan (Module 3).
- **Fair Housing Act (N.J.S.A. 52:27D-329.9 c.(1 and 2))**
  - Specified that regional planning entities (including Highlands Council) shall identify and coordinate regional affordable housing opportunities in cooperation with municipalities.



# Affordable Housing

- March 10, 2015 NJ Supreme Court's decision
  - Supreme Court decision negates previously developed housing plans.
  - The Highlands Act states that RMP should be taken into consideration for affordable housing obligations.
- Municipalities do not know their obligations



# Affordable Housing

- Draft Plan Conformance Grant guidelines
  - Not to exceed \$25,000 per municipality
  - Reimbursement based; scope of work required
  - Only conforming municipalities are eligible (49)
  - Total allocation not to exceed \$1,225,000
  - 10/15/15 -Update Module 2, Municipal Build Out Analysis
  - 12/8/15 - Update Module 3, Housing Element and Fair Share Plan; Update Module 7: Implementation Plan
  - Grant funding may not be used for legal costs, litigation, or landowner compensation



# Highlands Council Meeting

Thursday, July 16, 2015



# TDR Feasibility Grant

## Borough of High Bridge

- Area: 2.431 square miles
- Population: 3648 (2010)
- Serviced by public water and waste water
- 100% Planning Area
- \$40,000 Grant
  - Phase I - \$5,000 Capacity Analysis
  - Four phases, with reviews at each phase
  - \$15,000 set aside for fiscal impact analysis



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

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JIM RILEE  
Chairman

MARGARET NORDSTROM  
Executive Director

## MEMORANDUM

**To:** RMP Update Committee  
**From:** Margaret Nordstrom, Executive Director  
**Subject:** Record of RMP Update Committee Meeting of June 17, 2015  
**Date:** July 10, 2015

The RMP Update Committee met on Wednesday, June 17, 2015 at the Highlands Council office in Chester. Committee Members present: Council Chairman Rilee (on phone), Committee Chair Alstede, Member Vohden, and Member Sebetich.

Highlands Council Staff Members present: Margaret Nordstrom, Chris Danis, Judy Thornton, Corey Piasecki, Jim Hutzemann, Carole Ann Dicton, and Annette Tagliareni.

Also present via phone: Michael Collins and Lisa LeBoeuf, Assistant Counsels, Governor's Authorities Unit; Matt Kelly, DAG; and Steve Gunnells, PlaceWorks

*Committee Chair Alstede called the meeting to order at 1:08pm.*

The following topics were discussed:

### Fiscal Impact Assessment (PlaceWorks)

Steve Gunnells from PlaceWorks presented to the committee a draft of the second phase of the Fiscal Impact Assessment, the "Demographic and Real Estate Analysis." This phase provides an analysis of:

- Building permits and construction;
- Demographics; and
- Real Estate Market.

Mr. Gunnells explained that the comparison regions for the demographic and real estate analysis are the same as were used in phase 1, the Regional Economic Evaluation:

- Highlands Region (7 counties)

- Highlands County Municipalities not in the Highlands Region
- Northern New Jersey (consisting of 11 counties) – excluding outliers (i.e., areas having a significantly higher density population and/or employment than the Highlands Region)

Mr. Gunnells noted that the remaining step needed to complete this phase of the analysis is vacant land sales and values. This information is still pending evaluation at this time and it is anticipated to be discussed at the next RMP Update Committee meeting. Mr. Gunnells completed his presentation at 2:20pm. He asked the members if they had any questions.

Committee Chair Alstede commented that the Highlands Region has an aging population, and appears less suited to singles or young couples. Mr. Gunnells responded that high density areas are not aging and that based on the work he has conducted across the nation is observing a similar trend.

Committee Chair Alstede requested that the PowerPoint be emailed to the committee members for further review.

*Mr. Gunnells left the meeting at 2:23pm.*

#### Monitoring Program Recommendation Report

Staff has received and reviewed a draft set of indicators with supporting information provided by our consultant. Staff has prepared comments and recommendations on the indicators and associated goals, policies, and programs and returned the documents to our consultant for an update of the comprehensive database. Our consultant will be developing sample indicator documents to guide discussions with the Technical Advisory Committees (TACs). The TACs will review all of the proposed indicators for completeness and sufficiency of the proposed data sources and provide recommendations for the final list of indicators. The Science and Research agenda will be covered at the TACs' second meeting. The TAC meetings will convene in the fall.

Committee Chair Alstede asked when the TAC list will be finalized. Ms. Nordstrom responded that Highlands Council staff will send a formal invitation letter to prospective members over the summer.

#### Public Comment Web Portal

Staff noted that the comments will be compiled in one document for committee members to review. The next comment period will occur simultaneously with the three public outreach sessions we expect to host after completion of the first TAC meeting.

#### Council Meeting on July 16<sup>th</sup>

Ms. Nordstrom noted that Mr. Gunnells' presentation is on Council's July 16<sup>th</sup> agenda. The presentation will be posted to the website after that meeting.

The next committee meeting is scheduled for July 15, 2015 at 1:00pm.

*The meeting was adjourned at 2:39pm.*



**CHRIS CHRISTIE**  
*Governor*

**KIM GUADAGNO**  
*Lt. Governor*

## State of New Jersey

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**JIM RILEE**  
*Chairman*

**MARGARET NORDSTROM**  
*Executive Director*

### MEMORANDUM

**To:** Roxbury Water Quality Committee  
**From:** Margaret Nordstrom, Executive Director  
**Subject:** Committee Meeting Minutes – June 11, 2015  
**Date:** June 26, 2015

A Roxbury Water Quality Committee meeting was held on Thursday, June 11, 2015 at the Highlands Council office in Chester. Committee Members present: Committee Chair Dressler, Committee Members Francis and Richko.

Visiting Attendees from Raritan Headwaters Association: Bill Kibler and Angela Gorczyca

Staff Members present: Margaret Nordstrom, Chris Danis, Chris Ross, and Annette Tagliareni.

Also present: Michael Collins, Assistant Counsel, Governor's Authorities Unit, and Matt Kelly, DAG.

Committee Chair Dressler opened the meeting at 2:10pm.

#### Highlands Council

Committee Chair Dressler reported that this committee was formed by the Highlands Water Protection and Planning Council (the Council) to gather as much information/data as possible regarding water quality conditions in Roxbury Township. NJDEP representatives attended the committee's meeting on April 30<sup>th</sup> to begin the process and provide relevant ground water and surface water quality data. Roxbury Township representatives attended the committee's meeting on May 21<sup>st</sup> to provide the water quality data collected by the Township and to discuss Highlands grant funding available to the Township for the possible collection and analysis of additional stream corridor information/data.

### Raritan Headwaters Association

Bill Kibler, Director of Policy at Raritan Headwaters Association (RHA) provided the committee with the PowerPoint he presented to Council at its January 22, 2015 meeting along with the data which served as the basis of the presentation. Mr. Kibler noted that RHA data is based on biological monitoring (i.e., the structure of macroinvertebrate communities) and not chemical monitoring. RHA monitors approximately 57 sites. The monitoring results are assessed using the New Jersey Impairment Scoring system of 0-30, in which 30 indicates the high end of non-impairment and 0 indicates a site which is severely impaired. In headwater streams, RHA expects to see a range of 27-30. Mr. Kibler stated that RHA testing is sent to NJDEP annually. A number of 18, which has been the impairment score for RHA's monitoring site on Ledgewood Brook the past 3 years, indicates a Moderately Impaired stream segment. Based on that score RHA has concerns and recommends chemical monitoring. Member Richko asked what is done once RHA's data is given to NJDEP. Angela Gorczyca responded that RHA shares data with NDEP annually at a sit down meeting, and shares any concerns at that time. RHA indicated that stream sampling this year will take place in late-June and sampling results should be available in the fall. The committee asked RHA to share those results with the Council when they are available.

### Next Steps

Committee Chair Dressler stated that the committee would like to meet with NJDEP, RHA, and Roxbury officials at a future meeting to come up with some solutions.

*Mr. Kibler and Angela Gorczyca left the meeting at 3:09pm.*

Ms. Nordstrom noted that staff will meet with The Nature Conservancy on Monday, June 15 to discuss the Paulins Kill Watershed 10-Year Measures and Monitoring Plan which may be helpful to the committee for use as a guide/prototype.

### Next Meeting

Committee Chair Dressler will report out to Council at its June 18<sup>th</sup> meeting the status of the committee's efforts to date.

*The committee adjourned at 3:30pm.*