



## State of New Jersey

Highlands Water Protection and Planning Council  
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[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

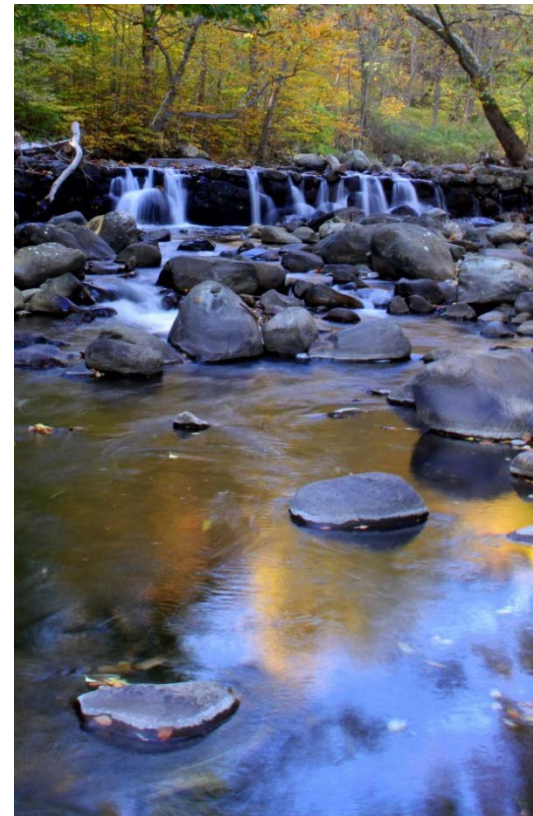
### MEETING AGENDA Thursday, December 6, 2018 at 4pm

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT STATEMENT
4. PLEDGE OF ALLEGIANCE
5. APPROVAL OF HIGHLANDS COUNCIL MINUTES – October 18, 2018
6. APPROVAL OF HIGHLANDS DEVELOPMENT CREDIT BANK MINUTES - November 1, 2018
7. CHAIR’S REPORT (and Council Member Reports)
8. EXECUTIVE DIRECTOR’S REPORT
9. REGIONAL MASTER PLAN (RMP) AMENDMENT COMMITTEE  
CONSIDERATION OF RESOLUTION – Authorization For Highlands Council Staff To Conduct The ‘Five Plus One’ Public Hearings Before The “Procedures For Highlands Redevelopment Area Designation” Can Be Adopted As An Addendum To The Highlands Regional Master Plan *(voting matter with public comment)*
10. BUDGET & FINANCE COMMITTEE  
CONSIDERATION OF RESOLUTION - Approval of FY2019 Highlands Protection Fund Capital Budget for Plan Conformance Funding *(voting matter with public comment)*
11. PUBLIC COMMENTS *(to ensure ample time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised in this period may not be responded to at this time but, where feasible, will be followed up by the Council and its staff.)*
12. EXECUTIVE SESSION, *if deemed necessary*
13. ADJOURN

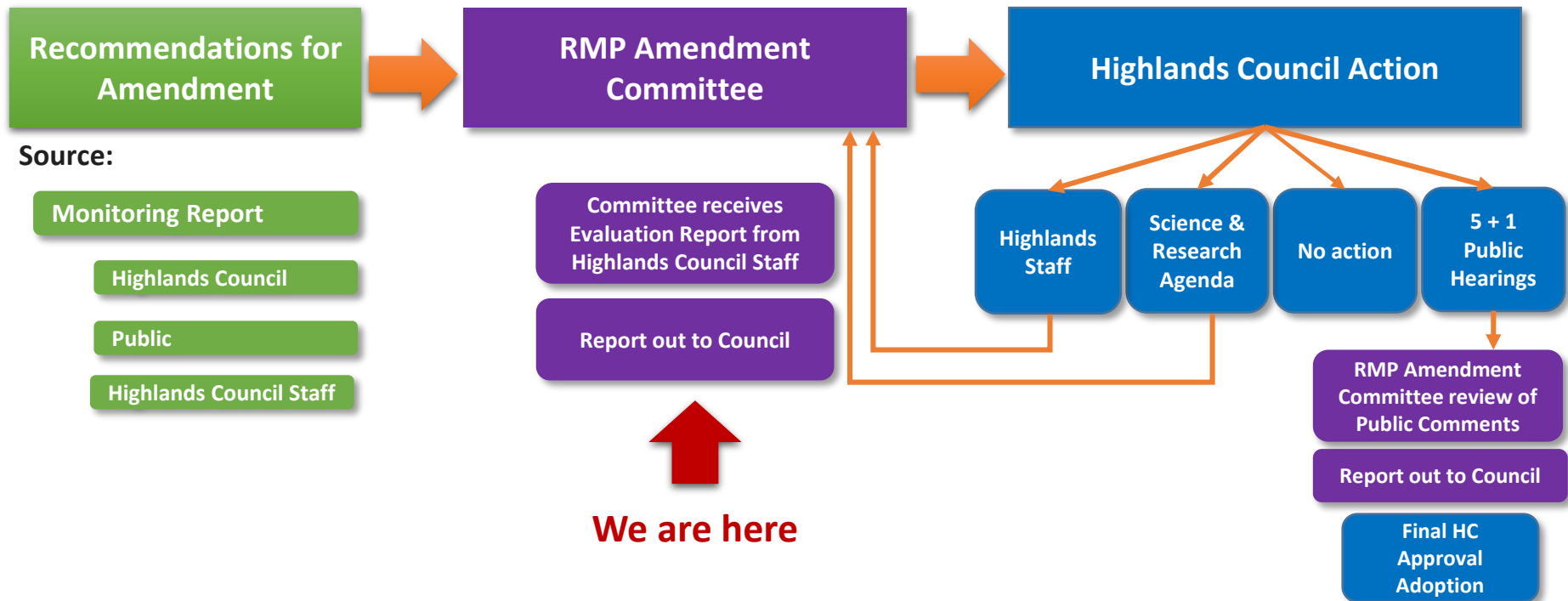


# Highlands Council Meeting

December 6, 2018



# Proposed Amendment: Highlands Redevelopment Area Designation Procedures



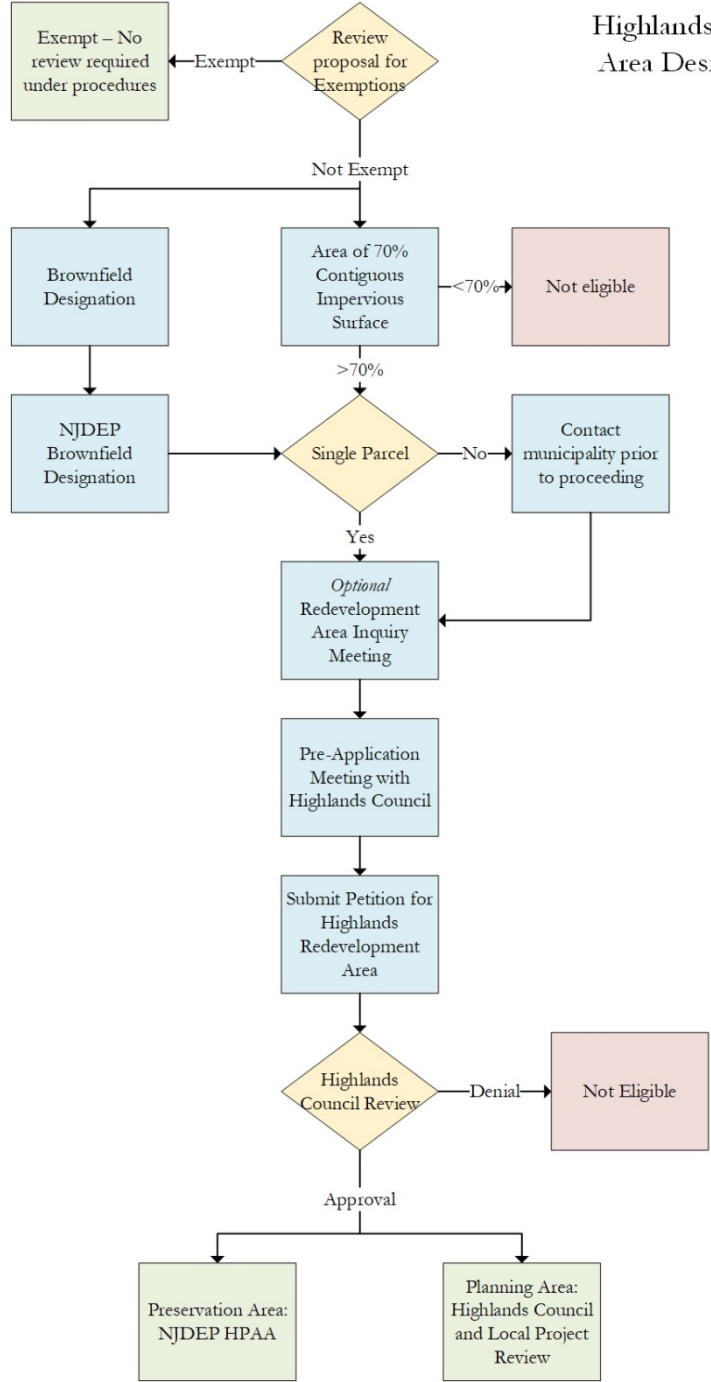
# The Highlands Act and Redevelopment

- **Highlands Act Sections 9b and 11h:** Requires the Council to identify areas appropriate for redevelopment. An area identified for possible redevelopment shall be either a brownfield site designated by the Department of Environmental Protection or a site at which at least 70% of the area is covered with impervious surface.
- **Highlands Act Section 35b:** Provides for a waiver of any provision of a Highlands permitting review on a case-by-base basis for redevelopment in certain previously developed areas in the preservation area identified by the Council.
- **RMP Policy 7G2:** For both the Preservation Area and the Planning Area, a waiver may be issued by the Highlands Council on a case-by-case... for redevelopment in certain previously developed areas as identified by the Highlands Council.

# Highlands Redevelopment Area Procedures Amendment

- Redevelopment in certain previously developed areas including:
  - NJDEP-designated Highlands brownfield sites; or
  - Site at which at least 70 percent of the area is covered with impervious surface
- Designation as a Highlands Redevelopment Area allows for potential waivers from the RMP and the NJDEP Highlands Rules
- Procedures previously adopted in 2008

# Highlands Redevelopment Area Designation Process

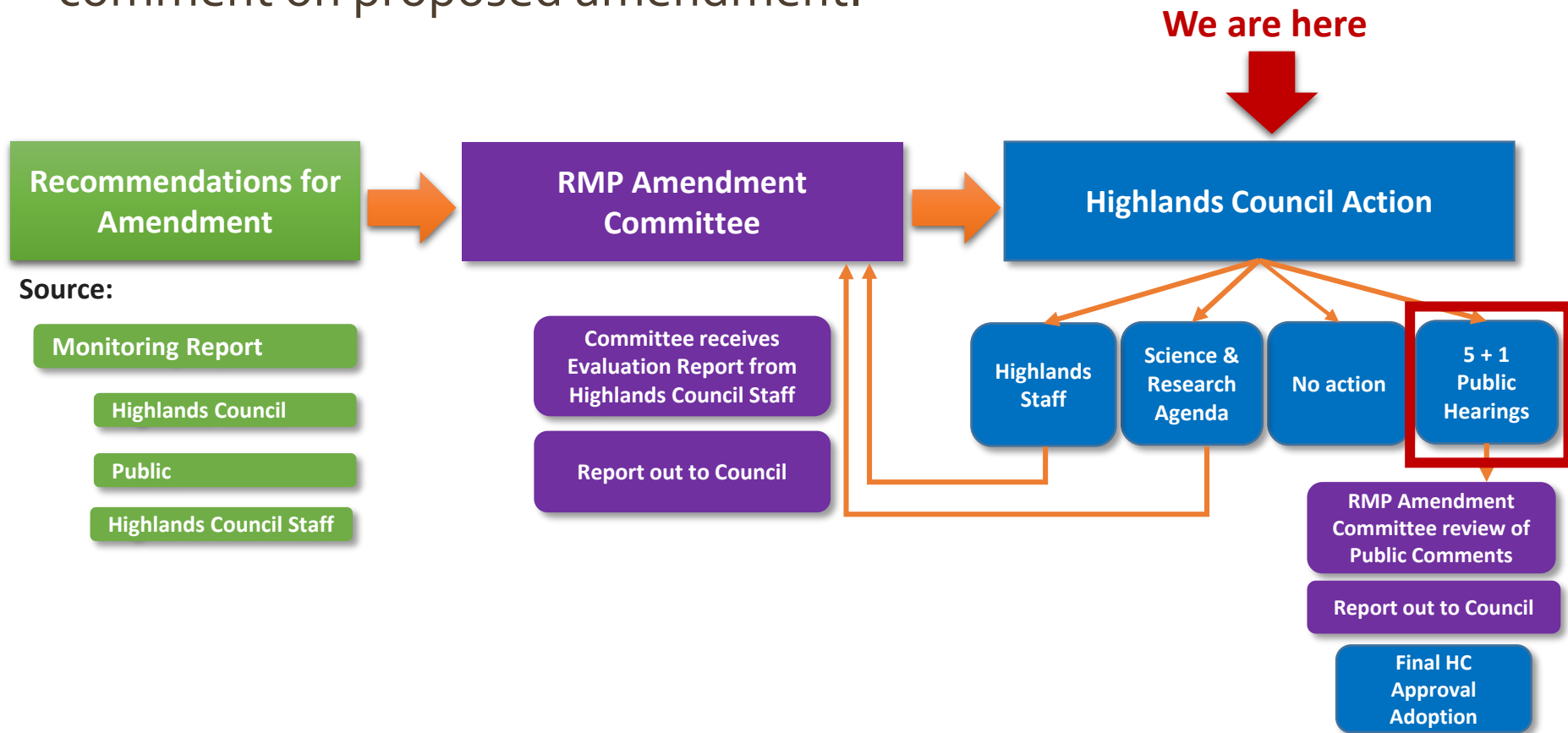


# Proposed Changes in Revised Procedures

- Includes the Planning Area.
- For Brownfields designations, require additional information on the remediation and the proposed use of the property.
- Require public notice to all property owners that are included in a Highlands Redevelopment Area or are located within 200 ft. of the proposed boundary.
- Municipalities must apply for designations involving multiple property owners and are required to adopt resolution to apply.
- Provides a definition regarding single control of multiple properties.
- Requires a master plan amendment incorporating any multiple property Highlands Redevelopment Area.
- 5-year time limitation with possible extensions.

# Role of Council Today

- Authorize staff to conduct public hearings and accept public comment on proposed amendment.



## **RESOLUTION 2018-16**

### **NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL AUTHORIZATION FOR HIGHLANDS COUNCIL STAFF TO CONDUCT THE 'FIVE PLUS ONE' PUBLIC HEARINGS BEFORE THE "PROCEDURES FOR HIGHLANDS REDEVELOPMENT AREA DESIGNATION" CAN BE ADOPTED AS AN ADDENDUM TO THE HIGHLANDS REGIONAL MASTER PLAN**

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

**WHEREAS**, Section 8(a) of the Highlands Act mandates that the Council prepare and adopt a Regional Master Plan ("RMP") for the Highlands Region; and

**WHEREAS**, the Highlands Act provides that the RMP may be periodically revised and updated after "public hearings"; and

**WHEREAS**, on September 27, 2018, the Council adopted Resolution 2018-11 "RMP Addendum 2018-1 Procedure for Considering Proposals to Amend Highlands Regional Master Plan," (the "Procedure") as an amendment of, and addendum to, the RMP, establishing procedures to be followed by the Council for amending the RMP; and

**WHEREAS**, in 2008, the Council adopted procedures for establishing Highlands Redevelopment Area Designations in accordance with Resolution 2008-43; and

**WHEREAS**, the Council has developed updated procedures for establishing Highlands Redevelopment Area Designations set forth in the "Draft RMP Addendum Procedures for Highlands Redevelopment Area Designation," which it plans to adopt as an amendment of, and addendum to, the RMP; and

**WHEREAS**, the Council shall utilize the Procedure to adopt the "Draft RMP Addendum Procedures for Highlands Redevelopment Area Designation" as amendment of, and addendum to, the RMP, including the requirement that the Highlands Council conduct a minimum of six public hearings before taking final action on the proposed RMP amendment; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Highlands Council staff is hereby authorized and directed to hold five (5) public hearings in various locations in the Highlands Region, and at least one (1) public hearing in Trenton on the "Draft RMP Addendum Procedures for Highlands Redevelopment Area Designation," and shall also invite the submission of written comments within 60 days from the date of the public notice of said hearings before it can be adopted by the Highlands Council as an amendment of, and addendum to, the RMP.

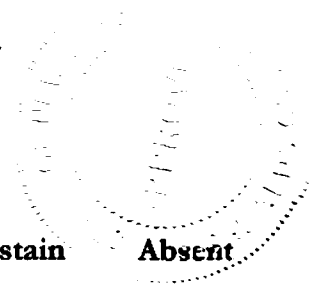
**RESOLUTION 2018-16**

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
AUTHORIZATION FOR HIGHLANDS COUNCIL STAFF TO CONDUCT THE 'FIVE PLUS ONE' PUBLIC HEARINGS BEFORE THE "PROCEDURES FOR HIGHLANDS REDEVELOPMENT AREA DESIGNATION" CAN BE ADOPTED AS AN ADDENDUM TO THE HIGHLANDS REGIONAL MASTER PLAN**

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 6<sup>th</sup> day of December, 2018.

  
 Carl J. Richko, Chairman



**Vote on the Approval of This Resolution**

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



# New Jersey Highlands Council

- [Home](#)
- [About the Council](#)
- [Highlands Act](#)
- [Regional Master Plan \(RMP\)](#)
  - [RMP Adoption Archive](#)
  - [RMP Monitoring Program](#)
  - [RMP Amendments](#)
- [Project Review](#)
- [Plan Conformance](#)
- [Grant Programs](#)
- [Rules and Permits](#)
- [News](#)
- [Highlands Development Credits \(TDR Program\)](#)
- [Interactive Maps & GIS Data](#)



[Home](#) > [Regional Master Plan \(RMP\)](#) > [RMP Amendments](#)

## RMP Amendments

Updates and additions to the 2008 Highlands RMP are cataloged on this page.

### Draft: Highlands Redevelopment Area Designation Procedures

Summarizes the council's process for designating a Highlands Redevelopment Area as required by the Highlands Act.

- [Draft RMP Addendum - Highlands Redevelopment Area Designation Procedures](#) (pdf)
- [RMP Amendment Committee Highlands Redevelopment Area Procedures Cover Memo](#) (pdf)
- [Public Notice 12/14/18 - Public Hearings to be Held](#) (pdf)

#### Public Hearings

The Highlands Council has announced six public hearings to solicit public comment on the draft procedure. Members of the public are invited to provide comments on the draft Redevelopment Area Designation Procedures at the public hearings listed below. No pre-registration is required, but space is limited. Attendees will be asked to sign in. Any schedule change will be announced on this website. Comments may also be submitted to [comments@highlands.nj.gov](mailto:comments@highlands.nj.gov) by February 11, 2019. Please write "Redevelopment Procedures" in the subject line.

**January 8, 2019**  
**6:00pm - 8:00pm**  
 West Milford Library  
 Rooms 6 & 7  
 1470 Union Valley Road  
 West Milford, NJ 07480

**January 14, 2019**  
**2:00pm – 4:00pm**  
 New Jersey Department of  
 Environmental Protection  
 1st Floor Public Hearing Room  
 401 E. State Street  
 Trenton, NJ 08625

**January 15, 2019**  
**10:00am – 12:00pm**  
 Clinton Township Municipal Court  
 Building  
 1370 Route 31 North  
 3rd Floor Council/Court Room  
 Annandale, NJ 08801

**January 15, 2019**  
**6:00pm – 8:00pm**  
 Sussex County Technical School  
 Library (Room 105)  
 105 North Church Road  
 Sparta, NJ 07871

**January 22, 2019**  
**10:00am – 12:00pm**  
 New Jersey Highlands Council  
 100 North Road (Route 513)  
 Chester, NJ 07930

**January 22, 2019**  
**4:00pm - 6:00pm**  
 New Jersey Highlands Council  
 100 North Road (Route 513)  
 Chester, NJ 07930

### Addendum 2018-1: Procedure for Considering Proposals to Amend the Highlands Regional Master Plan

Summarizes the Council's process for reviewing the Regional Master Plan and considering any amendments to it.

- [Procedure for Considering Proposals to Amend the Highlands Regional Master Plan](#) (pdf)
- [Resolution 2018-11](#) (pdf)

#### Materials supporting public process for adoption

- [Public Comments and Highlands Council Responses](#) (pdf)
- [Written Public Comments Submitted](#) (pdf) - *Does not include testimony from public hearings. See audio links below.*
- [Public Notice Announcing Public Hearing Schedule](#) (pdf)

#### Public Hearings

The Highlands Council held six public hearings to solicit public comment on the draft procedure.

**September 14, 2017 (AM)**  
 Highlands Council Office  
 Chester, NJ  
**Audio:** [mp3](#) | [wma](#)

**September 14, 2017 (PM)**  
 Highlands Council Office  
**Audio:** [mp3](#) | [wma](#)

**September 20, 2017**  
 Silas Condict County Park  
 Kinnelon, NJ  
**Audio:** [mp3](#) | [wma](#)

**September 20, 2017**  
 Department of Land Preservation  
 County of Warren  
 Oxford, NJ  
**Audio:** [mp3](#) | [wma](#)

**September 25, 2017**  
 New Jersey Department of  
 Environmental Protection  
 Trenton, NJ  
**Audio:** [mp3](#) | [wma](#)

**September 26, 2017**  
 Hopatcong Municipal Building  
 Hopatcong, NJ  
**Audio:** [mp3](#) | [wma](#)

### Addendum A: Acreage Update

Amends Table 1.1 of the RMP (p 20-22) "Acreage of the Highlands Region in Municipalities and Counties."

- [Addendum A, January 2011](#) (pdf)



New Jersey Highlands Council  
100 North Road  
Chester, NJ 07930  
908-879-6737

**RESOLUTION 2018-17**  
**APPROVAL OF FY2019 HIGHLANDS PROTECTION FUND CAPITAL BUDGET**  
**FOR PLAN CONFORMANCE FUNDING**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act) has 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, 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 within 15 months of adoption thereof, or December 8, 2009; and

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

**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**, every Highlands municipality that has successfully petitioned the Highlands Council for Plan Conformance has an Implementation Plan and Schedule that 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**, the following municipalities are in need of additional reimbursement-based grant funding in order to address the Highlands Act requirements for Plan Conformance funding:

**RESOLUTION 2018-17**  
**APPROVAL OF FY2019 HIGHLANDS PROTECTION FUND CAPITAL BUDGET**  
**FOR PLAN CONFORMANCE FUNDING**

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

<b>Municipality/County</b>	<b>Purpose</b>	<b>Amount</b>
Mine Hill Township	Water Use and Conservation Management Plan	\$67,000
Chester Borough	Center Planning, WUCMP, Stormwater Management	\$100,000
Lebanon Borough	Center Planning, WUCMP, Stormwater Management	\$135,000
Kinnelon Borough	Critical Habitat Conservation Management Plan	\$50,000
Wharton Borough	Master Plan Elements and Redevelopment Planning	\$75,000
Byram Township	Open Space/Recreation, Trails, Eco-Tourism and Stewardship/Asset Management Planning	\$80,000
Hunterdon County	County Plan Conformance	\$110,000
Initial Assessment Grants (not to exceed \$10,000 per municipality)		\$290,000
Plan Conformance Petition Completion (not to exceed \$50,000 per municipality)		\$200,000
<b>Total</b>	<b>FY 2018 Plan Conformance Grants</b>	<b>\$1,107,000</b>

**WHEREAS**, the Highlands Council staff recommends that the Highlands Council authorize the execution of a Supplemental Amended Plan Conformance Grant Agreement with each of the aforementioned municipalities, for municipalities that submit an application for an initial assessment grant, or a petition for plan conformance, for the funding allotted to the above-referenced tasks in the amounts so designated, not to exceed in the aggregate, \$1,107,000; and

**WHEREAS**, the Highlands Council approved the FY2019 Highlands Protection Fund Capital Budget pursuant to Resolution 2018-14 on October 18, 2018; and

**WHEREAS**, the above-referenced \$1,107,000 allocation is included in the FY 2019 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 Supplemental Amended Plan Conformance Grant Agreements with the above listed municipalities, at not to exceed amounts 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 2019 in order to provide grant funding for those 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, not to exceed \$1,107,000 in the aggregate; and

**BE IT FURTHER RESOLVED**, that the Highlands Council hereby authorizes, ratifies and approves the Highlands Implementation Plan and Schedules for the above-referenced municipalities,

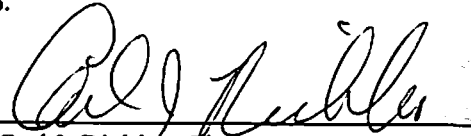
**RESOLUTION 2018-17  
APPROVAL OF FY2019 HIGHLANDS PROTECTION FUND CAPITAL BUDGET  
FOR PLAN CONFORMANCE FUNDING**

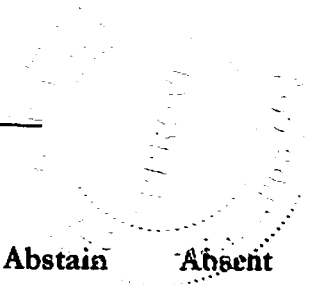
including the reallocation of their existing Plan Conformance Grant and the allocation of additional grant funding to pay for the reasonable expenses incurred to complete their Plan Conformance conditions; and

**BE IT FURTHER RESOLVED**, that the Executive Director is authorized to make any amendments to the Highlands Implementation Plan and Schedules of the above listed municipalities, and to amend their 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.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 6<sup>th</sup> day of December, 2018.

  
 Carl J. Richko, 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 Sebetich			✓			
Councilmember Visioli		✓	✓			
Councilmember Vohden				✓		
Councilmember Walton				✓		
Chairman Richko			✓			