

## MINUTES

### NEW JERSEY HIGHLANDS COUNCIL MEETING OF AUGUST 18, 2005

#### **PRESENT:**

JOHN WEINGART	)	CHAIRMAN
KURT ALSTED	)	COUNCIL MEMBERS
TRACY CARLUCCIO	)	
JANICE KOVACH	)	
MIMI LETTS	)	
MIKAEL SALOVAARA	)	
JACK SCHRIER	)	
EILEEN SWAN	)	
GLEN VETRANO	)	
<b>PARTICIPATING VIA</b>	)	
<b>TELECONFERENCE:</b>	)	
BEN SPINELLI	)	

#### **ABSENT:**

LOIS CUCCINELLO  
TIM DILLINGHAM  
DEBBIE PASQUARELLI  
SCOTT WHITENACK

The following are the minutes from the New Jersey Highlands Council meeting which was held at 100 North Road (Route 513), Chester, New Jersey on August 18, 2005 at 10:00 a.m.

#### **CALL TO ORDER:**

The Chairman of the Council, Mr. John Weingart, called the fifteenth meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:15 a.m.

**ROLL CALL:** The members of the Council introduced themselves.

#### **OPEN PUBLIC MEETINGS ACT:**

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

Mr. Weingart introduced and welcomed Mr. James Carey, the Highlands representative from the Governor's Office.

**PLEDGE OF ALLEGIANCE** was then recited.

**APPROVAL OF MINUTES (August 4, 2005):**

Chairman Weingart asked if there was a motion to approve the minutes of August 4, 2005, Mr. Jack Schrier so moved, Ms. Janice Kovach seconded, and Ms. Tracy Carluccio abstained. Mr. Ben Spinelli later joined the meeting via teleconference, bringing the number of members in favor to eight, and the minutes were then APPROVED.

**CHAIRMAN'S REPORT:**

Chairman Weingart noted that he had nothing new to report, and advised that the meeting would turn to the Executive Director's Report.

**EXECUTIVE DIRECTOR'S REPORT:**

Mr. Zellner advised that the Highlands partnership report is now available online at the Highlands website, and that the report was also sent by mail to all appropriate county and municipal officials. He stated that the report would serve as a guide as to what will be occurring during the second round of partnership meetings, which are in the process of being organized and scheduled.

Mr. Zellner then noted that the Technical Advisory Committee (TAC) meetings have been completed. He offered thanks to the Highlands staff for their successful and productive work in coordinating over 500 participants on the 18 TACs.

Mr. Zellner also reported that Municipal Partnership Planning Pilot (MP3s) are being set up for review by the Plan Development Committee. He noted that there are currently 8 MP3s for the Committee's consideration.

Mr. Zellner said that the enhanced Highlands website continues to be developed and updated. He also asked that if anyone from the public has suggestions on how the Council can improve its website, the staff would welcome their input.

Mr. Zellner then asked Deputy Director Dante Di Pirro to give an update regarding the DEP's Highlands rules. Mr. Di Pirro advised that the Highlands rules will be repropose by the DEP some time in September, and that a public notice and comment period will occur. He advised that the new rules will take effect in May of 2006, after the original Highlands rules of May 2005 expire.

Mr. Di Pirro reminded that the Highlands Council sent a letter several weeks prior to the DEP's Commissioner, Mr. Bradley Campbell, outlining in detail the Council's

recommendations regarding the reproposal of the new Highlands rules. Mr. Di Pirro noted that the Department has been receptive to the recommendations, and has been actively discussing the issues through meetings with technical staff at DEP.

Mr. Di Pirro reported that Mr. Steve Balzano has attended meetings at the DEP for coordination of drafting the Highlands Regional Master Plan. In meetings with technical staff, available data has been identified as well as data gaps, and the Department of Environmental Protection has been helpful in giving the Highlands staff access to their existing data.

Mr. Zellner then reported that the next full meeting of the Council will be on September 15<sup>th</sup> at 10:00 a.m. at the Chester Office.

Mr. Weingart then opened a public comment period.

**PUBLIC COMMENT PERIOD:**

Richard De La Roche, Mayor of Mt. Olive, and Mr. Bob Casey. Mayor De La Roche said that Mr. Casey would like to speak about the resolution the Council is considering regarding reinterpretation of a Highlands boundary line in Morris County. He said the line is in error and that the impact, as it relates to existing development, is a major issue.

Mr. Casey noted that he realizes the Council does not have authority to change this boundary line in Flanders. He demonstrated that the line in question is off of Waterloo Valley Road which comes along the railroad tracks and cuts back to pick up Allamuchy Road. Mr. Casey stated that the line adversely affects two large industrial properties with existing structures.

Mr. Casey advised that the two industrial properties affected are a major economic component of New Jersey's trade zone. The boundary line essentially precludes the properties from being the economic engines that they were intended to be. In totality, there is approximately 350,000 square feet of usable space being affected.

Mr. Casey asked the Council if it could add an appendix or addendum to the Act to address this problem in the Flanders industrial park. He said that there are technical adjustments that need to be made because it will cause detrimental commercial impacts on the town. Mr. Casey stated that one company, Toys R' Us, utilizes the space for shipping and would have to pull out of the warehouse if the line remains as it is.

Mr. Weingart advised that the Council is open to the possibility of recommending changes after analyzing and discussing the situation in further detail.

Mr. Alstede asked what the annual tax revenue gained by Mt. Olive from Toys R' Us was, and Mr. Casey replied that it is over a hundred thousand dollars.

Mr. Zellner advised that Council staff is aware of this area and is working toward coordinating with other state agencies such as the Office of Smart Growth and the Economic Development Authority to make sure that these questions and impacts are addressed appropriately. He further noted that communication with the State Planning Commission will be focusing on development areas and planning areas to address these issues in detail.

Mayor De La Roche noted that 80% of Mt. Olive is in the Highlands.

Mr. Weingart advised that the meeting would now turn to consideration of the proposed resolution.

#### **RESOLUTION ON ALLAMUCHY BOUNDARY (voting matter):**

Mr. Balzano then gave an overview regarding the proposed resolution regarding the Allamuchy boundary line as designated in the Act. Mr. Balzano stated that it is recommended that the Council approve the proposed resolution which clarifies a Highlands boundary line in Allamuchy. Mr. Di Pirro advised that the DEP also supports the change. Mr. Mikael Salovaara asked to see the line which is being addressed. Mr. Di Pirro noted the change requested is necessary because the language in the Act states that the boundary line moves southeasterly in direction, however, when viewing the map, it is clear that it should say westerly and southerly.

Mr. Salovaara and Mr. Alstede asked that the Council be sure exactly what roads are being referred to. Mr. Schrier noted that this resolution clarifying a boundary line does not change the Act.

Mr. Di Pirro stated that the DEP's regulations are affected by the erroneous language which describes the direction that the line follows. He further explained that if you read the text of the Act and follow the boundary line as directed by that text, that it doesn't match.

Ms. Mimi Letts asked if the Council should ask the Legislature to update the Act. Ms. Tracy Carluccio noted that since decisions are being affected by this error, that the DEP needs the Council's vote as soon as possible. Mr. Di Pirro stated that there are cases when statutes aren't clear, and that interpretations are used to clarify.

Mr. Vetrano made a motion to approve, Ms. Letts seconded, Mr. Salovaara abstained, all others were in favor, Mr. Weingart asked if there were any public comments, none were received, APPROVED.

#### **COMMITTEE REPORTS:**

Ms. Eileen Swan advised that the **Land Conservation Committee** has met and reviewed the proposed Green Acres Program rules which govern and administer the Garden State Preservation Trust grant funds. The Committee considered recommendations provided

by Council staff and public comment, and then prepared a report and draft letter to DEP Commissioner Bradley Campbell. Ms. Laura Szwak also completed an outline for the Council's consideration. Ms. Swan then read portions of the two page letter and explained them in detail.

Ms. Swan noted that Green Acres generates a large amount of funding and that the Committee will continue working to clearly set water protection goals to achieve increased Green Acres land acquisition funding for Highlands communities.

Ms. Carluccio commended Ms. Swan and the Land Conservation Committee for their hard work.

Mr. Weingart advised that the Plan Development Committee will meet after the Council meeting ends to discuss how planning development grants will be disbursed. He noted that the Committee meeting is open to the public. Mr. Weingart then opened a public comment period.

**PUBLIC COMMENT:**

Mr. Scott Olsen, Byram Township. He asked that the Council address a proposed DOT project in Byram Township involving the widening of Route 206. He provided written copies of his comments to the Council.

Mr. Balzano said before the project Mr. Olsen spoke about can commence, applications will need to be submitted to the DEP for appropriate permits. He noted that the Council will receive copies of that permit application. Mr. Weingart requested that Council staff brief the Council once the permit application is received, and thanked Mr. Olsen for his comments.

Pat Matarrazzo, Passaic River Basin Alliance. Mr. Matarrazzo stated that on July 5<sup>th</sup> the DEP published a TMDL which requires that all municipalities remove phosphorus. It is estimated to cost a billion dollars and will affect every wastewater treatment plant. Mr. Matarrazzo stated that such an undertaking should be analyzed further since it is so costly. He asked whether a peer review could be conducted. Removing phosphorus from wastewater increases the amount of sludge produced. The resulting increase could overburden treatment plants, and Mr. Alstede noted that phosphorus is a big issue and has a definite ripple effect.

Andy Drysdale, Chester Township. Mr. Drysdale owns 16 ½ acres in the preservation area. He requested Council staff assistance and guidance regarding his inheritance of 120 acres of his Grandfather's farm. Mr. Drysdale is a land surveyor and wants to subdivide the property and retire. Mr. Drysdale advised that he has met with appropriate individuals and subsequently redesigned the project. He then went before the State Planning Board in June, but was still denied.

Mr. Zellner advised that Mr. Drysdale should complete a formal application to the DEP and also consider looking at preservation options through Green Acres.

Mr. Weingart asked for further public comments, and since none were received, Ms. Swan made a motion to adjourn, Mr. Vetrano seconded, all were in favor, and the meeting adjourned at 11:30 a.m.