



State of New Jersey

Highlands Water Protection and Planning Council
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PHILIP D. MURPHY
Governor

CARL J. RICHKO
Chairperson

SHEILA Y. OLIVER
Lt. Governor

BENJAMIN L. SPINELLI, ESQ.
Executive Director

MEETING AGENDA Thursday, December 1, 2022 at 4:00pm

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 20, 2022
8. AFFORDABLE HOUSING PRESENTATION - by James Humphries, Director of Planning, Science & GIS
9. BUDGET & FINANCE COMMITTEE
 - CONSIDERATION OF RESOLUTION - Approval of FY2023 Highlands Protection Fund Capital Budget for Plan Conformance Funding Grants (*voting matter with public comment*)
10. OTHER BUSINESS:
 - CONSIDERATION OF RESOLUTION – Open Space Partnership Program, Approval of Extension of Time, County of Passaic (applicant)
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 2022-22
APPROVAL OF FY2023 HIGHLANDS PROTECTION FUND CAPITAL
BUDGET FOR PLAN CONFORMANCE FUNDING GRANTS

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 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 assigned to it under the Highlands Act; and

WHEREAS, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance for municipalities located wholly or partially in the Preservation Area, which 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 Highlands Council approval of a Petition for Plan Conformance confers specific benefits on the conforming municipality 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 municipalities are in need of reimbursement-based grant funding in order to address the Highlands Act requirements for Plan Conformance:

RESOLUTION 2022-22
APPROVAL OF FY2023 HIGHLANDS PROTECTION FUND
CAPITAL
BUDGET FOR PLAN CONFORMANCE FUNDING GRANTS

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

Municipality	Purpose	Amount
Township of Montville	Floodplain Reconnection for Enhanced Groundwater Recharge Demonstration Project	\$124,800
Township of Vernon	Updated Housing Element & Fair Share Plan	\$18,000
Township of Vernon	Online Marketing & Branding Plan	\$28,000
Byram Township	C.O. Johnson Park Improvement Project	\$122,250
Bethlehem Township	Vliet Farm Historic Site Feasibility Study	\$25,000
Total	FY 2023 Plan Conformance	\$318,050

WHEREAS, the Highlands Council staff recommends that the Highlands Council authorize the execution of a Plan Conformance Grant Agreement with each of the aforementioned municipalities for the funding allotted to the above-referenced tasks in the amounts designated, not to exceed in the aggregate, \$318,050; and

WHEREAS, the above-referenced \$318,050 allocation will be included in a forthcoming FY2023 Highlands Protection Fund Capital Budget; and

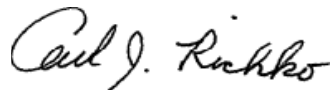
WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior 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 Plan Conformance Grant Agreements with the above-listed municipalities, each in the not-to-exceed amount as set forth above; and

BE IT FURTHER RESOLVED, that the Executive Director is authorized to make any amendments to the Highlands Implementation Plans and Schedules of the above-listed municipalities, consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Implementation Plans and Schedules 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 1st day of December 2022.



Carl J. Richko, Chairman

RESOLUTION 2022-22
APPROVAL OF FY2023 HIGHLANDS PROTECTION FUND
CAPITAL
BUDGET FOR PLAN CONFORMANCE FUNDING GRANTS

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			√			
Chairman Richko			√			

RESOLUTION 2022-23
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING
COUNCIL OPEN SPACE PARTNERSHIP PROGRAM, APPROVAL OF
EXTENSION OF TIME, COUNTY OF PASSAIC (APPLICANT)

WHEREAS, the Highlands Water Protection and Planning Act (Highlands 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, the Highlands Act at N.J.S.A. 13:20-2 declares that the New Jersey Highlands is an essential source of drinking water, providing clean and plentiful drinking water for one-half of the State's population and contains exceptional natural resources such as clean air, contiguous forest lands, wetlands, pristine watersheds, and habitat for fauna and flora for the citizens of the State; and

WHEREAS, the Highlands Act at N.J.S.A. 13:20-2 further declares that “the new regional planning approach and the more stringent environmental regulatory standards should be accompanied, as a matter of wise public policy and fairness to property owners, by a strong and significant commitment by the State to fund the acquisition of exceptional natural resource value lands . . .”; and

WHEREAS, on July 17, 2008, the Highlands Council adopted the Highlands Regional Master Plan (RMP) which became effective on September 8, 2008 and which through RMP Goal 1H calls for the protection of critical resources through land preservation and stewardship of open space throughout the Highlands Region; and

WHEREAS, on April 18, 2016, the Highlands Council adopted a rule (N.J.A.C. 7:70-1 et seq.) establishing the Highlands Open Space Partnership Funding Program (Open Space Program), which provides for a matching grant partnership with eligible state and local governments and charitable conservancies for the acquisition of land for passive recreation and conservation purposes, and creating the Highlands Development Credit (HDC) Purchase Program that provides for the HDC Bank to purchase HDCs on a priority basis identified in the HDC Purchase Program, from certain landowners; and

WHEREAS, in March 2019, the Highlands Council received a Notice of Funding Opportunity for the Highlands Conservation Act (HCA) Grant Program by the United States Fish and Wildlife Service (USFWS), which could provide up to 50% of the cost of the qualifying land preservation projects; and

WHEREAS, in May 2019, the Highlands Council solicited applications under the Open Space Program and the HDC Purchase Program for projects that would qualify for funding under the provisions of the HCA Grant Program, with the intent of using qualifying projects as the Highlands Council match for the HCA program; and

WHEREAS, on September 17, 2020 in resolution 2020-14, the Highlands Council approved an Open Space application for Blocks 249, 249.01, 301, Lots 1, 1.02, 1.01, in Wanaque, Passaic County; and

WHEREAS, because of the Covid-19 pandemic and other factors, the project has utilized both extensions but not yet closed; and

WHEREAS, the Highlands Council believes that the project is still viable and important; and

RESOLUTION 2022-23
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING
COUNCIL OPEN SPACE PARTNERSHIP PROGRAM, APPROVAL OF
EXTENSION OF TIME, COUNTY OF PASSAIC (APPLICANT)

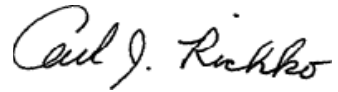
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NOW, THEREFORE, BE IT RESOLVED, that the Highlands Council hereby authorizes the Executive Director to take the steps necessary to proceed with the following preservation project by extending the deadline for closing until December 31, 2023, leveraging funding from the HCA Grant Program and matching grant funds from Open Space Program and HDC Purchase Program partners, subject to those applications satisfying the grant conditions of the HCA Grant Program:

County	Municipality	Block	Lot
Passaic	Wanaque	249, 249.01, 301	1, 1.02, 1.01

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 1st day of December, 2022.



Carl J. Richko, Chairman

RESOLUTION 2022-23
NEW JERSEY HIGHLANDS WATER PROTECTION AND
PLANNING
COUNCIL OPEN SPACE PARTNERSHIP PROGRAM, APPROVAL OF
EXTENSION OF TIME, COUNTY OF PASSAIC (APPLICANT)

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						<i>recused</i>
Councilmember Sebetich			√			
Councilmember Van Abs	√		√			
Councilmember Visioli			√			
Councilmember Vohden			√			
Chairman Richko			√			



Highlands Trail, Allamuchy Mountain State Park

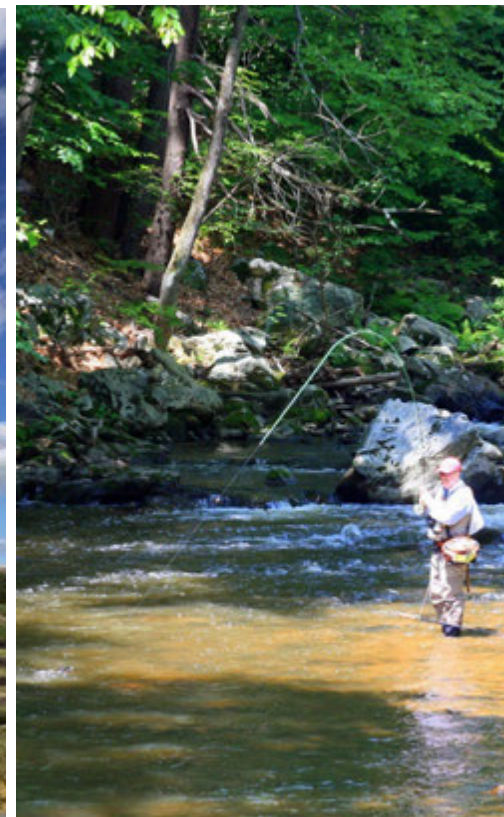
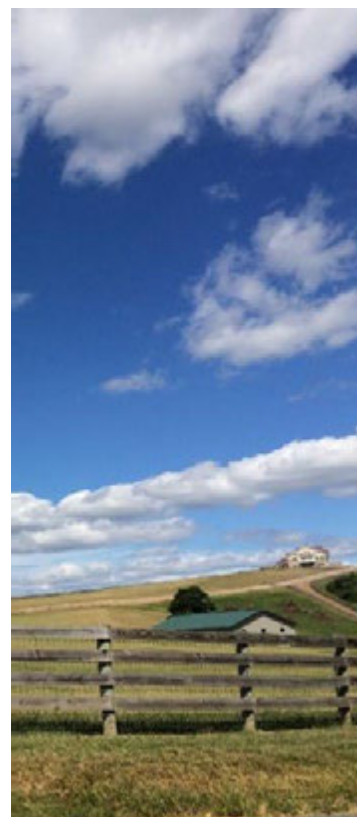
New Jersey Highlands Council Meeting

Thursday, December 1, 2022



Affordable Housing in the Highlands Region

Highlands Council Meeting
December 1, 2022



Where are we today with Affordable Housing in the Highlands?

- 3rd round ending, 4th round starting 2025.
- 67 Highlands municipalities have adopted 3rd Round Fair Share Plans or settlement agreements.
- Total obligation: 16,454 *affordable* units.
- Highlands Build Out analysis recommendation for the entire region is 8,300 units *total*.



Buildout Reports told us how much the region's resources could handle.
Current plans nearly double that.

What is Council role in Affordable Housing?

The Highlands Act. The RMP **shall** be taken into consideration “prior to making any determination regarding the allocation of the prospective fair share of the housing need in any municipality.”

RMP. Municipalities “**must** update and adopt a housing element, fair share plan, and implementing ordinance(s) to reflect current condition and resource protection requirements.”

Fair Housing Act (2008 Amendments). “...Regional planning entities are appropriately positioned to take a **broader role** in the planning and provision of affordable housing based on regional planning considerations. ... such provision may not result in more than a 50 percent change in the fair share obligation...”

Eo114. “Preserve scarce land, water, and sewer resources and dedicate these resources on a priority basis for affordable housing.”

Regional
Planning is
integral to
good
Affordable
Housing
decisions.

What have we done/what are we currently doing for our municipalities?

- ✓ **Build Out Analysis for all 88 municipalities**
- ✓ **Planning Grants and Technical Support**
 - Housing Elements
 - Fair Share Plans
 - Updates to build out analysis.
- ✓ **2018 Monitoring Program Recommendation Report (MPRR) Analysis of Housing and Community Facilities**
 - Recommendations:
 - Review Council authority and responsibility.
 - Update and adopt Affordable Housing Technical Report as part of the RMP.

MPRR directed us to do more.

What are our next steps?

Create Affordable Housing Technical Report and Plan

- Region-wide plan that considers **how to address 4th round obligations (2025-2035) consistent with the Highlands Act and the RMP.**
- Develop **programs to permit voluntary transfer of affordable housing obligations within the Region** as permitted by the Fair Housing Act.
- **Review the potential limitations** to providing affordable housing opportunities in the Region such as water and wastewater capacities, including the scarcity and assignment of such resources.
- **Analyze impact** on overburdened communities in the Region.

Council's Affordable Housing Committee will lead.



4th ROUND GOAL

Ensure Affordable Housing decisions protect Highlands resources.

Highlands towns are already slated for more development than the resources can handle.

Highlands Council intends to take a broader role in the planning of affordable housing based on regional planning considerations.





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Executive Director

MEMORANDUM

To: Budget & Finance Committee
From: Benjamin L. Spinelli, Esq., Executive Director
Subject: Committee Meeting Minutes – November 14, 2022
Date: November 17, 2022

A Budget and Finance (B&F) Committee meeting was held on Monday, November 14, 2022 at 10:00am via Zoom.

Committee Chair Holtaway opened the meeting at 10:00am. The following participants were present:

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

Highlands Staff: Ben Spinelli, Gabrielle Gallagher, James Humphries, Maryjude Haddock-Weiler, Kelley Curran, Neda Hartman, Allison Bittner, and Annette Tagliareni.

Governor's Authorities Unit: Jeffrey Nielsen, Associate Counsel

Highlands Council FY2023 Highlands Protection Fund Grant Requests

Committee Chair Holtaway announced that there are five (5) grants being proposed today and staff will provide a summary for each.

Township of Montville, Morris County: Floodplain Reconnection for Enhanced Groundwater Recharge Demonstration Project - \$124,800

Kelley Curran, Science Manager, reported that Montville Township is requesting \$124,800 to reconnect a section of a stream in the drainage basin to its floodplain. Ms. Curran noted that the Township provides potable water to approximately 5,600 customers with the main source of supply from three production wells located in Towaco Valley (northern part of the Township). It was noted that the existing stream channel in the recharge area is entrenched. The floodplain reconnection will promote more frequent flows in the floodplain areas with the goal of promoting greater infiltration rates of high-quality water for shallow groundwater recharge within the drainage basin that is identified as a sole source aquifer supplying drinking water to Township residents. The tasks include:

- Hydrogeologic characterization and preliminary modeling
- Wetland delineation
- Preparation of required permits
- Hydrology analysis
- Field data collection
- Installation of structures to increase infiltration
- Data analysis
- Final report/conceptual design for implementing.

Ms. Curran noted that this project implements RMP Policy 2E2.

Committee Chair Holtaway was pleased to see this type of project. Ms. Curran noted that this could be a pilot project for others.

Chair Richko commented that this is a great step forward for the Township and could be a model for other towns.

Township of Vernon, Sussex County: Updated Housing Element & Fair Share Plan - \$18,000

Allison Bittner, Regional Planner, reported that Vernon Township is requesting \$18,000 to update their Housing Element and Fair Share Plan. Ms. Bittner noted that this project is a required part of Plan Conformance – RMP Policy 6O8.

Township of Vernon, Sussex County: Online Marketing & Branding Plan - \$28,000

Ms. Bittner also reported on Vernon Township's request for \$28,000 to highlight their assets to boost economic health and grow their tourism industry. The proposed plan will undertake three phases to help market the Township:

- Phase 1 – Digital Voice Story Telling Program
- Phase 2 – Creating and developing branding materials
- Phase 3 – Identify arts, history, and cultural sites and integrate them into an online interactive map

Ms. Bittner noted that this project implements RMP Policy 8C3.

Committee Chair Holtaway commented that staff should review such marketing plans after implementation to benchmark success, and what consists of a successful plan. This way, it is known what kind of plan should be a model for future municipalities.

Byram Township, Sussex County: C.O. Johnson Park Improvement Projects - \$122,250

James Humphries, Director of Planning, Science & GIS, reported that Byram Township seeks to restore and upgrade various components of the C.O. Johnson Park facility. Mr. Humphries noted that this project implements RMP Policies 2G7, 6N5, 8C1, and 8C2. The Township seeks funding in the amount of \$122,250 for planning and engineering design work to accomplish the following items:

- Stormwater management improvements
- Reconfiguration of playing fields to maximize useable area
- Realignment and extension of walking paths
- Expansion of parking areas
- Installation of a dog park

Bethlehem Township, Hunterdon County, Vliet Farm Historic Site Feasibility Study - \$25,000

Mr. Humphries reported that Bethlehem Township seeks funding in the amount of \$25,000 to conduct a Planning Feasibility Study of the recently preserved Vliet Farm property, which it proposes for adaptive reuse as a Historic Museum and Farm site – a first phase of a 4-part project. Mr. Humphries noted that this project will implement RMP Policy 4A7. Phase 1 study would include:

- Evaluation of existing site conditions
- Assessment of the building and property's reuse and evaluation
- Preparation of Planning Feasibility Assessment report
- Presentation to the public and outreach for community input

Committee Chair Holtaway asked for a motion to move the Highlands Council FY2023 Highlands Protection Fund Grants to the Council for consideration. Member Visioli made a motion and Council Chair Richko seconded it. A roll call vote was taken, and all were in favor.

Council Chair Richko asked if all grants will be voted on at one time. Ms. Gallagher responded that there are presently no Member conflicts, so all grants will be provided in one resolution for Council's consideration and vote.

Committee Chair Holtaway noted that he may not be available to provide a report to the full Council at its meeting on December 1st. If that is the case, Committee Member Visioli will provide the report.

The meeting adjourned at 10:16am.