



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey
Highlands Water Protection and Planning Council
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(908) 879-4205 (fax)
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JIM RILEE
Chairman

GENE F. FEYL
Executive Director

MEETING AGENDA
Thursday, September 19, 2013 at 5pm

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT STATEMENT
4. PLEDGE OF ALLEGIANCE
5. APPROVAL OF MINUTES – July 18, 2013
6. CHAIRMAN'S REPORT (and Council Member Reports)
7. COMMITTEE REPORTS

BUDGET AND FINANCE:

- **Consideration of Resolution** – Approval of Contract for Highlands Functional Ecosystem Valuation Model Design and Forest Conservation Guidance Assistance (*voting matter with public comment*)

CHECKLIST ORDINANCE COMMITTEE:

- **Consideration of Resolution** – Approval of the Minutes of the Checklist Ordinance Committee (*voting matter with public comment*)

PERSONNEL COMMITTEE:

- **Consideration of Resolution** – Appointment of Part-time Resource Management Specialist (*voting matter with public comment*)

8. EXECUTIVE DIRECTOR'S REPORT

- **Consideration of Resolution** – Proposed Highlands Redevelopment Area Designation for Mount Olive Township, Morris County. (*voting matter with public comment*)
- **Consideration of Resolution** – Authority for Plan Conformance and Highlands Project Review. (*voting matter with public comment*)

9. 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.*)

10. ADJOURN



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FOR IMMEDIATE RELEASE
September 23, 2013

Highlands Council Supports Comprehensive Planning Efforts for Southwest Shore of Budd Lake

CHESTER, N.J. — In support of efforts to protect and revitalize an area along the southwestern shore of Budd Lake in Mount Olive Township, Morris County, the Highlands Council has approved a Redevelopment Area Designation that includes 17 parcels near and adjacent to the lake. Through its planning work, Mount Olive Township hopes to improve existing conditions in the area and create an environment that will induce reinvestment, while being protective of natural resources.

The properties that will be the focus of planning efforts comprise approximately 16 acres that include business and retail sites, residential units, a number of vacant lots, the Budd Lake beach area and former municipal complex. Given the proximity of Budd Lake to the project area, redevelopment planning will focus sharply on lake management, scenic resource management, stormwater management, and critical habitat protection, as well as sustainable economic development, and transportation.

Highlands Council approval of a Redevelopment Area Designation is a prerequisite to obtaining a Highlands Preservation Area Approval (HPAA) with redevelopment waiver from the New Jersey Department of Environmental Protection (NJDEP). The municipality will then continue to work with Highlands Council staff to ensure land use standards and development plans for the area remain consistent with the goals and purposes of the Highland Act, within the framework of the HPAA.

“This section of Route 46 is already largely developed, but underutilized and not optimally designed,” notes Jim Rilee, Highlands Council Chairman. “Because the area lies entirely within the Preservation Area of the Highlands, the HPAA waiver is needed to address the challenges facing this area of Mount Olive. The Council was happy to support the Redevelopment Area Designation

September 23, 2013

because it ensures that planning and development efforts will be consistent with the requirements of the Highlands Act and the Regional Master Plan.”

The Redevelopment Area designation also includes grant funding of \$57,000 to complete planning activities associated with the designation, including development standards in compliance with the Highlands Redevelopment Area approval, stormwater management and water quality standards. Among other activities, the Township’s plans include:

- Visioning sessions for the Township Beach and contiguous four-acre vacant site as a center for lake-related activities and public amenities.
- Discussions with NJDOT regarding pedestrian safety improvements and development of a circulation plan across and along Route 46 to link residential neighborhoods to the lake area.
- New zoning for the proposed redevelopment area together with comprehensive site design standards (architectural, landscaping, signage, lighting).
- Develop a Lake Management manual to provide information and direction on Shoreland Protection, Water Quality, Scenic Resources, and Lake Watershed tiers pursuant to the Lake Management goals, policies and objectives of the Highlands Regional Master Plan (RMP).

“Mount Olive first envisioned this Redevelopment Area when working with staff to develop the municipality’s Petition for Plan Conformance, which was approved in 2011,” explains Gene Feyl, Highlands Council Executive Director. “The Township identified two areas for potential redevelopment at that time: one along Sand Shore Road and Route 46, which was approved by the Council later in 2011 and this area along the southwest shore of Budd Lake. We are delighted to continue this productive working relationship.”

In other business, the Council also voted to award a contract to create a Highlands Functional Ecosystem Valuation Model and Forest Conservation Guidance, which fulfills requirements of the Highlands Act and RMP regarding habitat and resource management. Additional administrative resolutions were also passed. Meeting materials, including resolutions, presentations, audio and minutes will be posted at:

<http://www.highlands.state.nj.us/njhighlands/about/calend/> (click on September 19 meeting).

Actions taken by the Council at Thursday’s meeting will take effect following the Governor’s review and consideration of the meeting minutes, up to 10 business days from receipt of the minutes.

#

RESOLUTION 2013-21

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF CONTRACT FOR HIGHLANDS REGION FUNCTIONAL ECOSYSTEM VALUATION MODEL DESIGN AND FOREST CONSERVATION GUIDANCE ASSISTANCE

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 to effectuate the purposes of the Highlands Act; and

WHEREAS, on July 17, 2008, the Highlands Council adopted Resolution 2008-27 thereby adopting the Highlands Regional Master Plan (RMP); and

WHEREAS, the RMP includes goals, policies, and objectives relating to the *Forest Resource Management and Sustainability* and *Critical Habitat Conservation Management* programs in Chapter 5, Part 1 of the RMP and will enhance and provide program specific requirements for maintaining, restoring and enhancing the natural resources of the Highlands Region; and

WHEREAS, to support the Highlands Council with implementation of these programs, the Highlands Council staff prepared a Request for Proposal (RFP) seeking the proposals of firms to advise and assist the Highlands Council which was posted on May 13, 2013; and

WHEREAS, two (2) firms submitted responses and proposals on or before the deadline of June 17, 2013 and the Highlands Council staff evaluated the proposals of the firms based on work experience and professional qualifications and interviews; and

WHEREAS, the Highlands Council staff has reviewed its findings with the Budget and Finance Committee of the Council on August 15, 2013, and this committee has reviewed the process utilized by the staff to evaluate the submissions, and further determined that funds are available for the award of a contract pursuant to this RFP; and

WHEREAS, the Highlands Council staff recommends that Princeton Hydro, LLC and its team is best suited to meet the needs articulated by the Highlands Council's RFP and further recommends that the Highlands Council authorize the Executive Director to enter a contract with Princeton Hydro, LLC for Highlands Region functional ecosystem valuation design and forest conservation guidance assistance;

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that:

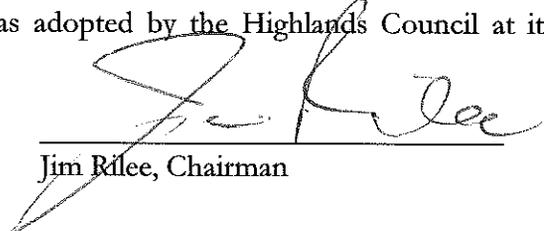
The Executive Director, or his designee, is hereby authorized to enter into a contract with Princeton Hydro, LLC for an amount not to exceed \$108,272, provided that the Executive Director may authorize additional amounts pursuant to his authority under the Highlands Council Bylaws.

RESOLUTION 2013-21

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF CONTRACT FOR HIGHLANDS REGION FUNCTIONAL ECOSYSTEM VALUATION MODEL DESIGN AND FOREST CONSERVATION GUIDANCE ASSISTANCE

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 19th day of September 2013.



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			✓			

RESOLUTION 2013-22
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE MINUTES OF THE CHECKLIST ORDINANCE COMMITTEE

WHEREAS, at the meeting of May 16, 2013, the Council passed Resolution number 2013-14; and

WHEREAS, among other things, the Resolution 2013-14 resolved that: "*...the Highlands Council will not approve other further resolutions for Plan Conformance that include a Checklist Ordinance until Council has reviewed and approved, or decided to take no action on, the applicability of the Checklist Ordinance to future Plan Conformance Petitions.*" and

WHEREAS, at the meeting of June 20, 2013, the Council passed Resolution 2013-16; and

WHEREAS, among other things, the Resolution 2013-16 resolved that: "*...the Council approves of the continuation of the use of the Checklist Ordinance Approach in connection with the Plan Conformance Petitions, provided that a subcommittee of the Council be created to review and comment upon the use of the Checklist approach*"; and

WHEREAS, at the meeting of July 18, 2013, the Chairman announced the composition of the Checklist Ordinance Committee, and directed the Committee to meet; and

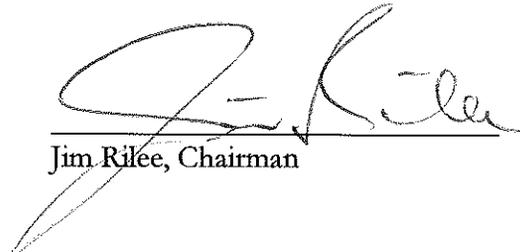
WHEREAS, a Checklist Ordinance Committee meeting was held on August 15, 2013 at the Highlands Council office; and

WHEREAS, the Committee meeting minutes have been presented to the Council for acceptance and approval;

NOW, THEREFORE, BE IT RESOLVED, that the Council accepts and approves the minutes of the Checklist Ordinance Committee and the recommendations contained therein.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 19th day of September, 2013.



Jim Rilee, Chairman

RESOLUTION 2013-22

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE MINUTES OF THE CHECKLIST ORDINANCE COMMITTEE

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	_____	_____	✓	_____	_____	_____



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GENE F. FEYL
Executive Director

MEMORANDUM

To: Checklist Ordinance Committee
From: Gene Feyl, Executive Director
Subject: Committee Meeting Minutes– August 15, 2013
Date: 9/5/2013

A Checklist Ordinance Committee meeting was held on Thursday, August 15, 2013 at 5:16pm at the Highlands office in Chester. Committee Members present: Members Rilee (Chair), Dressler, Richko, T'fank, and Vohden. Staff Members present: Gene Feyl, Margaret Nordstrom, Andy Davis, Kim Ball Kaiser, Chris Danis, Judy Thornton, and Annette Tagliareni. Also present: Peter Simon, Assistant Counsel, Governor's Authorities Unit.

Mr. Feyl announced that the purpose of this Committee meeting is to review the Checklist Ordinance approach as a result of the direction given by the Council at the June 20, 2013 Council meeting.

Mr. Davis went over the process regarding the use of the Checklist Ordinance approach for municipalities with limited development potential, and Ms. Thornton addressed the purposes of a Municipal Land Use Ordinance as defined by MLUL and how that type of ordinance works with a Highlands Land Use Ordinance which addresses Highlands resources.

Ms. Nordstrom emphasized to the Committee that three municipalities, Denville Township, Green Township and Mt. Arlington Borough had already been deemed appropriate for a Checklist Ordinance approach and approved by the Council in 2011.

At this point in time the Council staff has identified nine (9) municipalities currently in the Plan Conformance process where it believes a Checklist Ordinance approach is warranted. The basis for this recommendation is the extremely limited development potential of these towns, applying the same approach that was consistent with the evaluations of Denville and Green Townships, and Mount Arlington Borough. Mr. Richko asked if there are any municipalities that would not be good

for the Checklist Ordinance approach. Ms. Danis responded that towns with significant development potential and center planning would not be appropriate for this approach.

Ms. Danis then discussed the criteria used to evaluate where the Checklist Ordinance approach would be appropriate. Ms. Danis emphasized that both ordinances (Checklist and Land Use) establish the minimum threshold for review for Non-Exempt development to include only: site plans, subdivisions, or changes in use where approval of the application would:

- Result in the ultimate disturbance of one (1) acre or more of land;
- Produce a cumulative impervious surface area of one-quarter ($\frac{1}{4}$) acre, or more;
- Introduce or expand a use not permitted by this Ordinance; or
- In the case of residential development, create three or more dwelling units.

Ms. Danis added that the analysis includes an evaluation and update of the 2009 Municipal Build-Out Report data for developable land by parcel with Council staff verifying the status of those lots against:

- Updated Preserved Lands data,
- Currently available aerials, and
- Confirmation of the findings with lead municipal planner

Ms. Danis presented an analysis of all the nine towns being considered for the Checklist Ordinance approach and the factors of developable land potential (# of parcels/acres). The municipalities consisted of: Allamuchy, Bedminster, Bloomsbury, Chester Township, Glen Gardner, Lebanon Borough, Ringwood and West Milford.

The staff indicated that the criteria used to evaluate whether a Checklist Ordinance approach is appropriate will be set forth in all future Consistency Review and Recommendations reports to the Council both in text, and in an analysis "box" or chart, which is intended to facilitate a more full and complete understanding of how and why the Checklist Ordinance approach is being used.

The pending Plan Conformance Petition for Liberty Township, which is currently also being considered under the Checklist Ordinance approach was also discussed, and the staff has recommended that this approach be used in this petition as well as in the previous nine (9) discussed.

After the presentations, the Committee discussed the criteria and standards and agreed with the staff's approach and application of the Checklist Ordinance to the nine (9) municipalities discussed, as well as to the petition of Liberty Township. The Committee intends to report on this discussion at the next Council meeting and seek the Council's concurrence with the findings in these minutes.

The Checklist Ordinance Committee adjourned at 6:41pm.