



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

State of New Jersey
Highlands Water Protection and Planning Council
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CARL J. RICHKO
Chairperson

LISA J. PLEVIN
Executive Director

MEETING AGENDA
Thursday, August 16, 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 – July 19, 2018
6. CHAIR’S REPORT (and Council Member Reports)
7. EXECUTIVE DIRECTOR’S REPORT
8. PLAN CONFORMANCE COMMITTEE
 CONSIDERATION OF RESOLUTION – Highlands Capital Project Review, Kinnelon Shelter and Community Center, Kinnelon Borough, Morris County, Block 45502, Lot 119
 (voting matter with public comment)
9. REGIONAL MASTER PLAN (RMP) AMENDMENT COMMITTEE
 CONSIDERATION OF RESOLUTION – Adoption Of The “RMP Addendum 2018-1 Procedure For Considering Proposals To Amend The Highlands Regional Master Plan” As An Amendment Of, And Addendum To, The Highlands Regional Master Plan *(voting matter with public comment)*
10. 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.)*
11. EXECUTIVE SESSION, *if deemed necessary*
12. ADJOURN

2018-10
HIGHLANDS CAPITAL PROJECT REVIEW
KINNELON SHELTER AND COMMUNITY CENTER
KINNELON BOROUGH, MORRIS COUNTY, BLOCK 45502, LOT 119

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, Section 16 of the Highlands Act, N.J.S.A. 13:20-16.b., states that within the Preservation Area of the Highlands Region, any capital or other project of a State entity or local government unit that involves the ultimate disturbance of two acres or more of land or a cumulative increase in impervious surface by one acre or more shall be submitted to the Highlands Council for review and the Highlands Council after review, shall have the power to approve, approve with conditions, or disapprove the project and no such project shall proceed without the approval of the council; and

WHEREAS, the Kinnelon Borough (Kinnelon), a local government unit, is seeking to construct a Shelter and Community Center with adjacent natural surface athletic fields at Block 45502, Lot 119 (the Project); and

WHEREAS, the Project is located in the Preservation Area of the Highlands; and

WHEREAS, the NJDEP has adopted rules at N.J.A.C. 7:38-1.1 et seq. (Highlands Rules) that set forth, as provided for in Highlands Act, that the NJDEP may waive any provision of the rules to avoid the taking of property without just compensation; and

WHEREAS, on May 24, 2018, the NJDEP issued a HPAA with Takings Waiver to Kinnelon from the NJDEP Highlands Rules to avoid a taking of property without just compensation, and separately issued a WQMP site-specific amendment to facilitate the Project; and

WHEREAS, the Project is also subject to a capital project review by the Highlands Council under Section 16 of the Highlands Act, N.J.S.A. 13:20-16.b.; and

WHEREAS, the Highlands Council staff has conducted a capital project review and provided the Council with a Recommendation Report (Report) that concludes that the Project is consistent with the Regional Master Plan (RMP), with certain conditions set forth in the Report; and

WHEREAS, approval of the Project by the Highlands Council requires a waiver from the Prime Groundwater Recharge of the RMP in accordance with Policy 7G2 of the RMP, which allows such waivers to be issued in order to avoid the taking of property without just compensation, and Section 36a of the Highlands Act; and

WHEREAS, Highlands Council staff recommends that the Highlands Council approve such waiver based on the minimization and mitigation provided by Kinnelon and the issuance by the NJDEP of a HPAA with Takings Waiver and with conditions set forth in the Report; and

WHEREAS, over 97% of Kinnelon is in the Preservation Area and there are no alternatives to locating the Project; and

2018-10
**HIGHLANDS CAPITAL PROJECT REVIEW
KINNELON SHELTER AND COMMUNITY CENTER
KINNELON BOROUGH, MORRIS COUNTY, BLOCK 45502, LOT 119**

WHEREAS, Kinnelon has demonstrated a compelling need for the Project; and

WHEREAS, Kinnelon has committed to significant minimization and mitigation efforts sets forth in Section 5.0 of the Report; and

WHEREAS, the Highlands Council released a draft of the Report for public comment between June 18, 2018 and July 22, 2018; and

WHEREAS, the Highlands Council duly considered the Report and all public comments on the Report and the Project; and

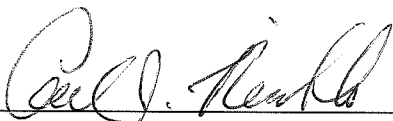
WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior 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, pursuant to its capital review authority under Section 16 of the Highlands Act, hereby:

- (1) adopts the findings of fact and conclusions set forth in the Report as its own and incorporates them by reference herein, including the conditions upon which this approval is based; and
- (2) approves a waiver for the disturbance of Prime Groundwater Recharge Area in accordance with Policy 7G2 of the RMP, and approves the Project as consistent with the RMP, with the conditions set in the Report, which are incorporated by reference herein.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on 16th day of August, 2018.



Carl J. Richko, Chairman

2018-10
HIGHLANDS CAPITAL PROJECT REVIEW
KINNELON SHELTER AND COMMUNITY CENTER
KINNELON BOROUGH, MORRIS COUNTY, BLOCK 45502, LOT 119

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			✓			

PUBLIC COMMENTS SUBMITTED AT HIGHLANDS
COUNCIL MEETING ON AUGUST 16, 2018

8 -15-2018

Tom comments to Highlands Council

Good morning,

My name is Tom Koven and I have been Bethlehem Township resident for the past 48 years. I am grateful for this opportunity to explain what difficulties I encountered with Exemption #4 in Bethlehem Twp.

Bethlehem Township fully conformed to the Highlands Regional Masterplan in 2012 and we were one of the first township to do so. On January 2017 the Township Committee voted to join the Municipal Exemption Determination Program authorizing a municipal appointee to issue seven of the Highlands Act Exemptions.

Our township engineer after certification training. issued on September 13, 2017 an exemption # 4 granting reconstruction of a building or structure for any reason within 125 percent of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction or redevelopment does not increase the lawfully impervious surface by more than one-quarter acre.

I am here to comment on the flaws regarding the whole process. I attend all the Governing Body Meetings and am a member of the Environmental Committee.

1) Residents were not informed of the Application for the Highland's Exemption #4 when it was submitted to the township on August 4, 2017 or when it was signed on September 13 2007 and nothing was mentioned at Township Committee Meetings and no public notice was published in the local newspaper. In fact, the DEP bulletin still has not posted the exemption. When the neighbors within 200 feet of the property lines were informed of a massive project including three 80 foot silos, four new buildings requiring eight variances, and a recycling class B facility still they were not notified of the approved Highlands Exemption # 4.

2) The property granted with Exemption # 4 is in the Preservation Area, therefore under NJDEP jurisdiction and review. I OPRA DEP and the Highlands Council but no Highlands Applicability Determination was ever obtained or found. No one could or would do anything about the problem of the comment period without required notification. Further, the applicant has a 10 day window out of the 20 day comment period to get the signed application to the DEP further shortening the comment period by half. I sent letters, The Highlands Coalition and my attorney all sent letters to the NJDEP but none were answered.

3) The official Memorandum of Understanding between NJ DEP and the Highlands Council provides for a twenty day public comment/appeal period from the day of issuance of the exemption determination. How are residents supposed to comment or appeal if the process is not transparent and available to the public?

④ 4) The checklist form for Municipal Determination is inadequate for an industrial complex of this complexity. The site has been altered and enlarged and buildings have been demolished or fallen down before the exemption was issued. These removed buildings are used in the calculations for the proposed new buildings. The numerous springs on the site form the headwaters for the Mulhocracy creek a C1 creek which runs three miles into Spruce Run Reservoir.

The consequences of this flawed process have enraged our community so much so that we have formed a group, Citizens for Sustainable Planning, we have hired legal representation and professionals to help us bring some clarity and to help us change the process in its current version and halt the project. There are statements made in the application which are inaccurate and misleading. Exemption #4 is being used as a cheap way to avoid the Highlands Regulations at the expense of all of us.

I hope my comments of this process will encourage the Highlands Council and NJ DEP to alter these procedural flaws.

Comments to the Highlands Council, August 16, 2018

Deborah Post, Highlands landowner and holder of 84 proxies of harmed Highlands landowners for whom I speak by that proxy.

Today I will comment on Ms. Plevin's bio. Declining an extremist spin, I read some constructive even hopeful characteristics between the lines. Unlike most of her predecessors, she's had a real career.

Ms Plevin was responsible for constituent services for a lawmaker "assisting constituents having problems with state and federal agencies". Ah... the Highlands landowners are having some problems with a state agency.

Ms Plevin worked for the Elizabeth Development Company. That probably means she dealt with real people with real needs, not the rich elite. The Highland landowners are real people with real needs, not rich folks. The elite sit over there, just look at their mailing addresses.

Ms. Plevin was senior staff to a Senator. So she may know how government works and how to make things happen. I appeal to her to convince the Equity Committee that they need to do a bit more than send a letter to the Legislature and then wipe their hands.

Ms. Plevin was an EPA administrator. I sincerely hope she is in the mold of Commissioner McCabe whose decisions so far have been level headed and reasonable. Commissioner McCabe appears to understand that strangling growth and economic well-being in the name of an environmental goal without much science may not be a long term sustainable smart thing to do.

Commissioner McCabe approved a Highlands exemption for a needed utility while requiring them to make some changes to their plan. Ms. McCabe admitted that the new nitrate dilution reg "did little to increase buildability" and left it in place. It was always a Potemkin rule as my past comments describe. The DEP efficiency procedures for approving permits have not been dismantled.

So I am hopeful that Ms. Plevin might come with a similar approach. Time will tell.

The Highlands Coalition appears to waltz through the doors here on a regular basis, getting meetings and face time and influence with ease. I would like to ask Ms. Plevin to give equal air time to the harmed Highlands landowners, important stakeholders who bear the \$6 billion cost of the Highlands Act solely on their elderly shoulders. We too have ideas and problems and issues that, if not locked out, might even be solvable.



New Jersey Highlands Council

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



[Home](#) > [Project Review](#) > [Highlands Project Review](#)

Highlands Project Review

The Highlands Council is legislatively charged with reviewing proposed projects throughout the Highlands Region for consistency with the Highlands Act and Highlands Regional Master Plan (RMP). The Highlands Council issues consistency determinations that provide a detailed analysis of each project on a case-by-case basis. If you have any questions or are unsure which of the following reviews or applications are required, please call the Highlands Council at (908) 879-6737.

[Projects Currently Being Considered](#)
[Highlands Preservation Area Exemptions](#)
[Highlands Planning Area Exemptions](#)
[Application for Consistency Determination \(Highlands Referral Ordinance\)](#)
[Highlands Redevelopment Area Designation Procedures](#)
[WQMP Consistency Reviews](#)
[Project Review Status and Tracking](#)

Projects Currently Being Considered

Highlands Capital Project Review

Kinnelon Shelter and Community Center - Block 45502, Lot 119, Kinnelon Borough, Morris County

This project was approved by the Highlands Council at its [August 16 public meeting](#).

- [Resolution to be posted after Governor's review period.](#)
- [Presentation to Council](#) (pdf), posted 8/16/18
- [Draft Recommendation Report](#) (pdf), posted 6/18/18
 - [Supporting Materials](#) (pdf), posted 6/18/18
 - [Public Comment Summary and Highlands Council Responses](#) (pdf), posted 8/10/18
- [Public Notice: Public Comment Period Extended through Sunday, July 22](#) (pdf), posted 7/3/18
- [Public Notice: Public Comments New Being Accepted on Draft Recommendation Report of Highlands Capital Project Review](#) (pdf), posted 6/18/18

[Top](#)

Highlands Preservation Area Exemptions

Preservation Area exemptions are issued by the New Jersey Department of Environmental Protection (NJDEP) in accordance with N.J.A.C. 7:38. This jurisdiction is shared and the Highlands Council collaborates with the Department on certain exemptions (namely Exemptions 9 and 11), where NJDEP requests that applicants copy the Highlands Council on the exemption application. In addition, upon applicant request, the Highlands Council will occasionally provide an opinion to NJDEP on other exemption determinations.

- [Highlands Water Protection and Planning Act Exemptions and Waivers](#) (pdf)

Additional information is available from the [NJDEP, Division of Land Use Regulation](#).

[Top](#)

Highlands Planning Area Exemptions

The Highlands Council issues exemptions in the Planning Area in accordance with the Highlands Act and the Highlands Regional Master Plan. Highlands Planning Area Exemptions are required for development projects in municipalities that have adopted ordinances implementing the Highlands Act in the Planning Area. They can also be sought by any person planning development in the Planning Area, where such ordinances may be adopted in the future. To apply for a Highlands Planning Area Exemption Determination please submit a completed Application Form (below).

- [Highlands Planning Area Exemption Determination Application Form](#) (pdf)
**Please note this is an interactive form that may not open in all web browsers. The file should be downloaded and completed offline. To download the file, right-click the link and select "Save link as" or "Save target as" to save a copy of the form locally.*

[Top](#)

Application for Consistency Determination (Highlands Referral Ordinance)

In municipalities that have adopted an ordinance requiring the referral of development applications to the Highlands Council, a Highlands Council Consistency Determination may be required. The Highlands Council will only conduct a Consistency Determination under this application where an Application for Development has been submitted to a municipality and the municipality has determined that such Highlands Council review is required. This review is to determine whether the project is consistent with the goals, requirements and provisions of the Highlands Act, the Regional Master Plan, and the Highlands Council resolution approving the municipality's Petition for Plan Conformance. This review is

conducted at no cost to the municipality or applicant.

>> **PLEASE NOTE** <<

Highlands Council staff is available to meet with applicants during the conceptual phase of project development to help guide applicants toward RMP consistency prior to commencement of development plan and design activities and required submission materials. **Applicants are encouraged to contact the Highlands Council office at (908) 879-6737 as early as possible in the project design/development process.**

- [Highlands Referral Application](#) (pdf)
**Please note this is an interactive form that may not open in all web browsers. The file should be downloaded and completed offline. To download the file, right-click the link and select "Save link as" or "Save target as" to save a copy of the form locally.*

Top

Highlands Redevelopment Area Designation Procedures

The Highlands Council has developed procedures implementing provisions of the Highlands Act regarding the designation of Highlands Redevelopment Areas in the Preservation Area. Such designations are necessary for any project that requires a Highlands Preservation Area Approval under N.J.A.C. 7:38 (the NJDEP Preservation Area Rules) with a waiver of provisions regarding a brownfield or a site with existing impervious cover of 70 percent or more. The Highlands Council procedures (link below) establish and outline the process and requirements for receiving Council designation of Highlands Redevelopment Areas.

- [Procedures For Highlands Redevelopment Area Designations](#) (pdf)

Top

WQMP Consistency Reviews

The Highlands Council has prepared a listing of submittal requirements for Water Quality Management Plan (WQMP) amendments that it reviews. Please refer to this document when submitting WQMPs for review.

- [WQMP Reviews - Submittal Requirements](#) (pdf)
- [WMP and WQMP Amendment Tracking Sheet](#) (pdf)

Top

Project Review Status and Tracking

Tracking Sheet

A summary of information regarding past and current projects reviewed by Highlands Council staff can be found in the tracking sheet below.

- [Highlands Project Review Tracking Sheet](#) (pdf)

Completed Project Reviews

Details and documents related to projects that have been review by Highlands Council staff and voted on by the Highlands Council are available on the page below.

- [Completed Project Reviews](#)

Top



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CARL J. RICHKO
Chairperson

LISA J. PLEVIN
Executive Director

M E M O R A N D U M

To: Council Members

From: John A. Maher, Chief Counsel

Subject: Procedure for Considering Proposals to Amend the Highlands Regional Master Plan

Date: August 8, 2018

With respect to the Procedure for Considering Proposals to Amend the Highlands Regional Master Plan (Procedure) which is on the Council's August 16 meeting agenda for adoption, Executive Director Plevin has asked me to briefly summarize for you what we have done so far and where we go from here.

What have we done so far?

- On January 19, 2017, the Council adopted a resolution to use the Procedure going forward to finalize the MPRR and to consider any proposals to amend the RMP arising out of the MPRR, and to adopt a final version of the Procedure as an amendment to the RMP. A copy of the 1/19/17 resolution is attached.
- At the January 19 meeting, the Council heard comments on the draft Procedure from members of the public. The RMP Amendment Committee considered those comments and recommended revisions to the draft Procedure.
- On July 12, the Committee met in a public session to consider the draft Procedure. The Committee voted to recommend that the Council authorize Council staff to conduct the "five, plus one" hearings required before the Procedure can be adopted by the Council as part of the RMP.
- At its August 17 meeting, the Council adopted a resolution to authorize Council staff to conduct the "five, plus one" hearings. The Council's vote did not adopt the Procedure, but simply authorized public hearings so members of the public could be heard.

- From September 14 through September 26, staff conducted six public hearings, one hearing in Trenton, and the others in various locations in the Highlands Region.
- Following the hearings, staff prepared a Response to Comments document for the RMP Amendment Committee, which reviewed the comments, made suggestions for revisions, and recommended adoption of the final Procedure.
- At its October 19 meeting, the Council considered a resolution to adopt the Procedure as an addendum to, and amendment of, the RMP. However, a number of Council members expressed concerns about adopting the Proposal just before the election of a new Governor and suggested waiting until the new Governor was in office before moving forward. The Council Chair withdrew the resolution for consideration at that time.

Where do we go from here?

- The same resolution that was on the Council's October 19 agenda is on the agenda for the Council's August 16 meeting. Upon adoption of the resolution, the Procedure will amend, and become an addendum to, the RMP.
- Once adopted as an amendment to the RMP, the Procedure shall govern any other proposed amendments to the RMP arising out of the MPRR.

It is my opinion, which I previously shared with the Council and the RMP Amendment Committee, that the Procedure must be adopted as part of the RMP **before** the Council begins to consider any proposed amendments to the RMP that may arise out of the final MPRR.

If any members of the Council have any questions concerning the Procedure or the Resolution, I will be happy to address them at the Council meeting.

RESOLUTION 2017-3

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL AUTHORIZATION TO UTILIZE THE DRAFT PROCEDURE FOR CONSIDERING PROPOSALS TO AMEND 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 also states that the RMP “shall be periodically revised and updated at least once every six years, after public hearings;” and

WHEREAS, the Council has prepared draft Procedure for Considering Proposals to Amend the Highlands Regional Master Plan (draft Procedure); and

WHEREAS, the Highlands Council is in the middle of the six-year review of the RMP required by the Highlands Act and is preparing a Monitoring Program Recommendation Report (MPRR), which may include one or more recommendations to amend the RMP;

WHEREAS, the Highlands Council staff and the RMP Update Committee (Committee) have developed a procedure for considering proposals to amend the RMP that may arise out of the Monitoring Program, and the Committee has recommended that the Council utilize these procedures going forward to finalize the MPRR and to consider any proposals to amend the RMP recommended in the MPRR; and

WHEREAS, the Council believes that the draft Procedure should be utilized by the Highlands Council going forward to finalize the MPRR and to consider any proposals to amend the RMP, and that the final Procedure be adopted by the Council as an amendment to the RMP at such time that the Council adopts other proposed amendments to the RMP arising out of the MPRR;

NOW, THEREFORE, BE IT RESOLVED, that

1. The Highlands Council shall utilize the draft Procedure going forward to finalize the MPRR and to consider any proposals to amend the RMP arising out of the MPRR; and
2. The Highlands Council shall adopt a final version of the Procedure as an amendment to the RMP in accordance with the Procedure at such time as the Council adopts any other amendments to the RMP arising out of the MPRR.

RESOLUTION 2017-3
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AUTHORIZATION TO UTILIZE THE DRAFT PROCEDURE FOR CONSIDERING
PROPOSALS TO AMEND 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 19th day of January, 2017.



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	_____	_____	✓	_____	_____	_____



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.

Pending: Procedure for Amending the RMP

- **Current Redlined Version:** [Procedure for Considering Proposals to Amend the Highlands Regional Master Plan](#) (pdf)
- Supporting Materials:
 - [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](#)

January 2011: 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 WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF AUGUST 16, 2018

PRESENT

CARL J. RICHKO)	CHAIR
KURT ALSTEDE)	VICE CHAIR
TRACY CARLUCCIO)	COUNCIL MEMBERS
MICHAEL FRANCIS)	
ROBERT HOLTAWAY)	
BRUCE JAMES)	
MICHAEL SEBETICH)	
JAMES VISIOLI)	
ROBERT G. WALTON)	

VIA TELECONFERENCE

TIMOTHY P. DOUGHERTY)

ABSENT

RICHARD VOHDEN)
MICHAEL R. DRESSLER)

CALL TO ORDER 162nd meeting of the New Jersey Highlands Water Protection and Planning Council called to order at 4:03pm.

ROLL CALL

Roll call was taken. Members Dougherty, Dressler and Vohden were absent. All other Council Members were present. *The following staff members were present: Lisa J. Plevin, John Maher, James Humphries, Kim Ball Kaiser, Maryjude Haddock-Weiler, Corey Piasecki, Drew Siglin, Keri Green, Carole Ann Dicton, and Tom Tagliareni. Also present were Brian Wilton Senior Counsel, Governor's Authorities Unit, and Jennifer Moriarty, Deputy Attorney General.*

OPEN PUBLIC MEETINGS ACT

Ms. Tagliareni announced that the meeting was being held in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. The Highlands Council sent written notice of the time, date, and location of this meeting to pertinent newspapers of circulation throughout the State and posted notice on the Highlands Council website.

PLEDGE OF ALLEGIANCE was then recited.

Member Dougherty was present via tele-conference at 4:05pm.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF JULY 19, 2018

Chair Richko asked for a motion on the Minutes of July 19, 2018.

Member James made a motion to approve the Minutes of July 19, 2018. Member Holtaway seconded it.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF AUGUST 16, 2018

A roll call vote was taken. The Minutes of July 19, 2018 were APPROVED 10-0.

CHAIRMAN'S REPORT

Chairman Richko followed up on a comment made by Mr. Klumpp at Council's last meeting on discussions in Trenton regarding the funding for water infrastructure. Chairman Richko hopes that Trenton remembers that the infrastructure begins with the source. Chairman Richko added that the Highlands is the source and he hopes the source is considered.

Chairman Richko also acknowledged the retirement of Kim Ball Kaiser, Senior Counsel of the Highlands Council. Chairman Richko read the following statement:

Kim joined the Highlands Council in April 2005 as staff attorney. She was later promoted and for many years served as Senior Counsel. Kim is one of the original authors of the Highlands Regional Master Plan and played an important role in its adoption. She has supported and assisted staff in many aspects of its implementation. In fact, Kim is just one of a few remaining staff members whose name is listed in the 2008 Master Plan. Kim was also instrumental in the adoption of rules implementing the Council's HDC and Open Space programs. Kim served under several different Chief Counsels and "taught them the ropes" so to speak. She has provided invaluable advice to staff and to the Council over her long tenure. Her colleagues will miss her. Please join me in thanking Kim for her many years of service and wishing her well in retirement.

At this time, there was applause.

At this time, Chairman Richko stated that the RMP Amendment Committee met prior to today's meeting and Committee Chair Alstede would be reporting on the work of that committee a little later, but he is holding the related resolution until the next Council meeting in September.

EXECUTIVE DIRECTOR'S REPORT

Ms. Plevin highlighted the following staff activities:

Plan Conformance Implementation Activities:

- Lopatcong Township, Warren County approved a Highlands Center Planning Study.
- Mahwah Township, Bergen County approved a Wellhead Protection Ordinance and its Reexamination Report and Master Plan Amendment
- High Bridge Borough, Hunterdon County adopted a Housing Element and Fair Share Plan.
- Vernon Township, Sussex County approved Phase I of its Sustainable Economic Development Plan, which was also approved by the Highlands Council.

Municipal-Issued Exemptions:

- Mahwah Township, Bergen County: Exemption 2 – 1 issued.
- Montville Township, Morris County: Exemption 5 – 2 issued.

HDC Bank Credit Allocation & Purchase Update – Ms. Plevin reported that the Highlands staff

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF AUGUST 16, 2018

closed on the following six HDC transactions, which totaled approximately \$1.7M paid to property owners.

- Lebanon Township, Hunterdon County, Block 37, Lot 25
- Roxbury Township, Morris County, Block 9203, Lot 1
- Liberty Township, Warren County, Block 10, Lot 4
- Liberty Township, Warren County, Block 11, Lot 43
- Liberty Township, Warren County, Block 11, Lot 44
- Lebanon Township, Hunterdon County, Block 65, Lot 2

In conclusion, Ms. Plevin reported that a series of meetings have been held and will be held in Trenton primarily with the New Jersey Department of Environment Protection (DEP). Ms. Plevin added that two weeks ago she met with NJDEP senior leadership to discuss ongoing communication and coordination between the two agencies and next week Highlands staff will present a Highlands 101 training to DEP employees as an effort to educate our sister agency regarding what we do and the importance of coordinating together. Additionally, Highlands staff will continue to have monthly DEP coordination meetings and have made it a point to meet with senior leadership to make sure the right issues are on the agenda, especially issues coming down the pike.

Plan Conformance Committee

Chairman Richko announced that the next agenda item for Council consideration is a voting matter:

Resolution – Highlands Capital Project Review, Kinnelon Shelter and Community Center, Kinnelon Borough, Morris County, Block 45502, Lot 119

Staff member Drew Siglin introduced representatives from Kinnelon Borough who were present at the meeting:

- Mayor Robert Collins
- Tom Boorady – Borough Engineer, Darmofalski Engineering Associates
- Linda Glosinski – Land Preservation Specialist, The Land Conservancy of New Jersey
- Alex Merlucci – Associate Architect, Inglese Architecture + Engineering
- David Novak – Associate Planner, Burgis Associates
- Mark Meneghin – Senior Project Manager / Engineer, Crew Engineers
- Bill Hemstead - Pompton Plains Reformed Bible Church (PPRBC)

At this time, Mr. Siglin presented a brief overview of the project and the jurisdiction of the Highlands Council.

During the presentation, Member Walton asked for an explanation regarding the Highlands Preservation Area Application (HPAA) with takings waiver process. Staff members Drew Siglin and James Humphries gave a history prior to this joint application, as well as the process of the HPAA with takings waiver with the joint applicants (Kinnelon Borough and Pompton Plains Reformed Bible Church).

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF AUGUST 16, 2018

After Mr. Siglin's presentation, Mayor Collins gave a brief history and need for the project. The remainder of the presentation was given by Tom Boorady, Alex Merlucci, and Linda Glosinski. Mr. Siglin concluded the presentation by giving a quick overview of the committee and Council's role in this process and next steps. The PowerPoint presentation may be found on Council's website:

www.nj.gov/njhighlands/projectreview/kinnelon/preso081618.pdf

Chairman Richko asked for a motion on the resolution.

Member James made a motion on the resolution and Member Holtaway seconded it.

Council Comment

There were discussions by Council members regarding the following:

- 30-day review period (as reference in the Act C.13:20-16)
- Existing and/or proposed easement/s and/or deed restriction/s
- Impervious v. non-impervious surface on the five acres
- Water supply and public wastewater
- Water deficit area, mitigation parcel, and HUC 14

Member James left the meeting temporarily at 5:02pm.

Mr. Hemstead of the Pompton Plains Reformed Bible Church gave a brief history and explained their involvement as a joint applicant.

Member James returned to the meeting at 5:04pm.

Public Comment

Emile DeVito, New Jersey Conservation Foundation (NJCF) – Mr. DeVito applauded the Council and Kinnelon Borough for working so hard to save the forest. Mr. DeVito added that NJCF has an issue with the conservation easement and the potential for removal of trees.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers congratulated Kinnelon Borough on their efforts. Ms. Somers urged the Borough to adjust the conservation easement.

David Peifer, ANJEC – Mr. Peifer complimented Kinnelon Borough on their outside-the-box approach for solving several municipal problems. Mr. Peifer reiterated the comments of Ms. Somers and Mr. DeVito regarding the conservation easement.

Deborah Post, Chester Township – Ms. Post commented on how the word “may” is used in the citations of the Act that were read earlier by Vice Chair Alstede, noting the word “shall” was used on slides. Ms. Post would like the word “may” turned into a “shall” regarding the Highlands Council data for the evaluation of properties. Ms. Post also commented on the term “natural forest.”

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF AUGUST 16, 2018

David Shope, Lebanon Township, NJ – Mr. Shope commented on the HUC 14 standard and waivers. Mr. Shope hopes Council approves Kinnelon's resolution.

Member Carluccio asked if language may be added to the resolution regarding the easement. Ms. Glosinski commented that Kinnelon has no intention of logging. The Borough wants the property to remain forested. Ms. Glosinski added that we could review the language in the easement with our attorneys and adjust the language. Mayor Collins reiterated that the Borough intends for the property to remain forested.

A roll call vote was taken. The resolution was APPROVED 9-1.

Regional Master Plan (RMP) Amendment Committee

Committee Chair Alstede reported that the RMP Amendment Committee is delaying consideration of the agenda item titled "Adoption of the "RMP Addendum 2017-1 Procedure for Considering Proposals to Amend the Highlands Regional Master Plan" As an Amendment Of, And Addendum To, the Highlands Regional Master Plan" (the "Procedure" document) until the next Council meeting. Committee Chair Alstede noted that there are a couple nuances the Committee is considering and the Committee will report out after the necessary review.

Chairman Richko mentioned that the next RMP Amendment Committee meeting will be scheduled prior to the next Council meeting on September 27, 2018 at 3:30 pm and the meeting will be noticed and open to the public.

Member Walton commented that a public entity attended a private committee meeting as noted in the committee's minutes. Council Chair Richko responded that if the RMP Amendment Committee were taking action then it would be open to the public. Council Chair Richko noted that the public entity was invited to the committee meeting.

Chair Richko opened the meeting to the public for any other comments.

Member Holtaway left the meeting at 5:31pm.

Public Comment

Julia Somers, New Jersey Highlands Coalition – Ms. Somers thanked Kim Ball Kaiser for her service and wished her well. Ms. Somers commented on the good news regarding coordinating with the NJDEP. Ms. Somers also added that there are some people here today to talk about exemptions.

Jean Murphy, Vernon Township – Ms. Murphy commented that soil is being brought into Vernon Township and it is an issue. Ms. Murphy gave a brief history. Mr. Humphries responded that it is his understanding this was referred to DEP Enforcement and it does not violate the Highlands rules. Chair Richko suggested that Ms. Murphy leave her contact information with Highlands staff.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF AUGUST 16, 2018

Tom Koven, Bethlehem Township – Mr. Koven commented on difficulties he has encountered regarding Exemption 4 and the flaws in the process. Mr. Koven submitted his comments for the record.

Laura Oltman, Pohatcong Township – Ms. Oltman commented on Pohatcong Township's ordinance to issue exemptions in their Township and that ordinances are being ignored during this exemption process.

Chair Richko responded that the Council is not an enforcement body. Chair Richko suggested that Ms. Oltman contact Highlands staff.

George Cassa, Califon – Mr. Cassa commented on the process of exemptions and the communication between the DEP and Highlands.

Deborah Post, Chester Township – Ms. Post commented on Ms. Plevin's bio. Ms. Post submitted her comments for the record.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp asked how he files for an exemption on his property in the Preservation Area. Mr. Klumpp urged Council and Council staff to go down to Trenton to help the landowners.

David Shope, Lebanon Township, NJ – Mr. Shope commented on economic benefits of the Highlands Act.

George Stafford, New Jersey Highlands Coalition – Mr. Stafford commented that he has been tasked with talking to towns to find out what the future economy looks like in the Highlands.

Member James made a motion to adjourn the meeting. Member Walton seconded it. All were in favor. The meeting was adjourned at 5:58pm.

CERTIFICATION

I hereby certify that the foregoing is a true copy of the minutes of the meeting of the Highlands Water Protection and Planning Council.

Date: 9-27-18

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF AUGUST 16, 2018

**Vote on the Approval of
The Minutes**

	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	_____	_____	✓	_____	_____	_____



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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www.nj.gov/njhighlands



CARL J. RICHKO
Chairperson

MARGARET NORDSTROM
Executive Director

MEMORANDUM

To: Plan Conformance Committee
From: Margaret Nordstrom, Executive Director
Subject: Committee Meeting Minutes– July 19, 2018
Date: July 31, 2018

A Plan Conformance Committee meeting was held on Thursday, July 19, 2018 at 3:00pm in the Highlands Council office in Chester.

Committee Members present: Council Chair Richko and Committee Chair Dressler

Staff Members present: Margaret Nordstrom, John Maher, Maryjude Haddock-Weiler, Keri Green, Drew Siglin, Carole Ann Diction, and Annette Tagliareni.

Kinnelon Borough Representatives present: Mayor Robert Collins, Tom Boorady, Borough Engineer (Darmofalski Engineering Associates, Inc.), and Linda Gloshinski, Land Preservation Specialist (The Land Conservancy of New Jersey)

Present via phone: Lauren Nathan-LaRusso, Associate Counsel, Governor's Authorities Unit

Borough of Kinnelon – Capital Project Review

Drew Siglin opened the meeting by thanking Kinnelon Borough representatives for attending today's meeting. Mr. Siglin added that this is the committee's third meeting discussing the Kinnelon Borough project. At this time, Mr. Siglin gave a PowerPoint presentation to give an overview and status of the capital project.

After the presentation, Council Chair Richko asked, if the site was larger, could it have been a Highlands redevelopment designation area. Staff responded that if the site contained more

impervious, amounting to 70% of the project area, it may have been advanced as a redevelopment area.

At this time, Mayor Collins gave an overview of why Kinnelon Borough needs this project and their efforts to date. Mayor Collins then turned the meeting over to Tom Boorady and Linda Glosinski. Together they provided a PowerPoint presentation to go over the project in more detail, including:

- Project needs
- Project highlights
- Site selection
- Mitigation

Committee Member Dressler was present at 3:18pm.

At this time there was some discussion regarding the capacity of the parking lot (existing and proposed), and the height of the building.

Council Chair Richko noted that one public comment was received. Mr. Richko asked about the existing slopes.

Staff discussed next steps to move the project to the full Council.

- Written public comment period
 - Initial: 6/18/18 – 7/2/18
 - Extended through 7/22/18, per request from Highlands Coalition
- Staff will prepare comment response document for committee's review
- Full Council vote – August 16 Council meeting

At this time, there was discussion whether another Plan Conformance Committee meeting/call would be scheduled to review the comment response document. Council Chair Richko responded that scheduling another meeting/call would be dependent on the number of comments we receive. Committee Chair Dressler agreed.

Both Council Chair Richko and Committee Chair Dressler were in favor of the project.

The meeting was adjourned at 3:40pm.



Highlands Council Meeting

Thursday, August 16, 2018



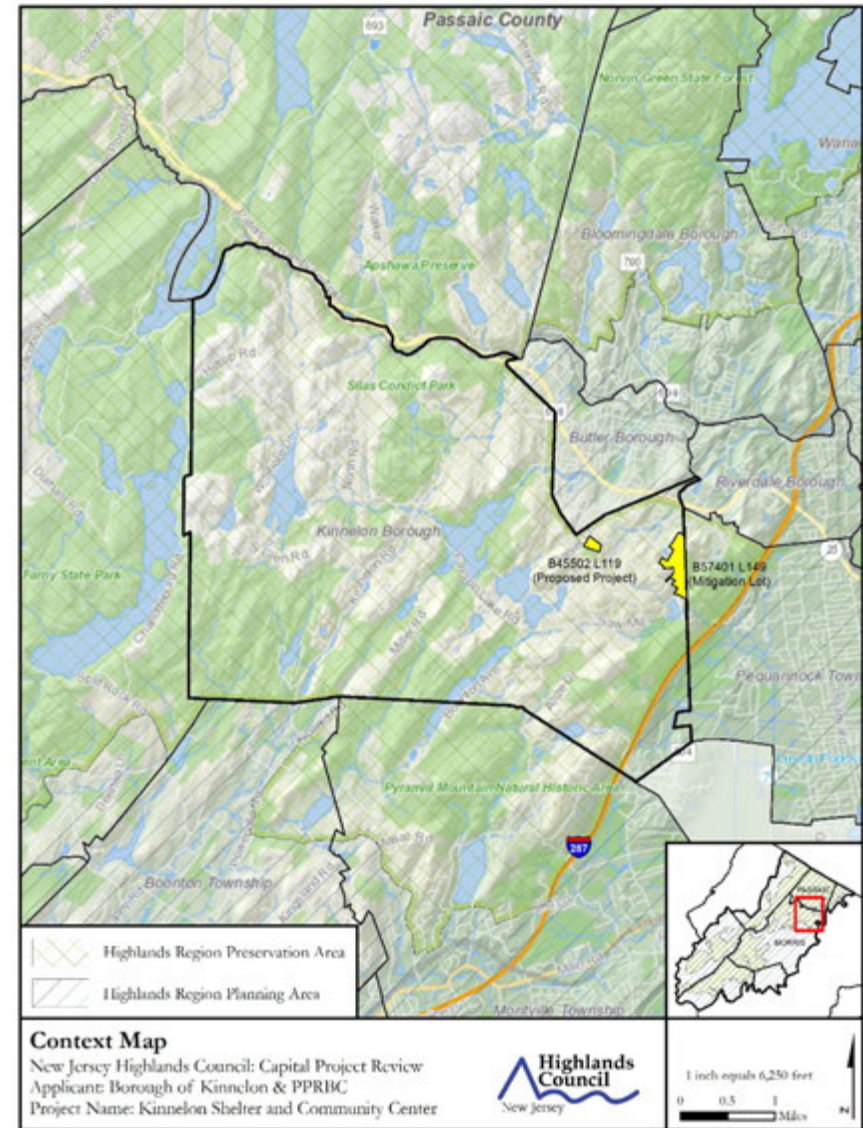
Kinnelon Community Center

Highlands Council
Capital Project Review



Project overview

- Athletic Fields, Shelter and Community Center
- Kinnelon is Conforming for both the Planning and Preservation Areas
- 97.4% of the Borough is located in the Preservation Area





Project overview

- 10.6 acres in Preservation Area
- Existing Community Environmentally Constrained Subzone, with small portions ECZ
- 5 acres of total disturbance
- 1.35 acres of impervious
- 5.6 acres to be permanently preserved





From Recreation Park looking toward Proposed Project Site



From Proposed Project Site looking toward Recreation Park



Proposed Project Site Interior



Proposed Project Site Interior

Site Photographs taken on August 31, 2017
 Kinnelon Shelter and Community Center, Proposed Project Site, Kinnelon Borough: Block 45502 Lot 119





B45501
L103

B45502
L169

B45502
L171

B45502
L172

B45502
L115

B57301
L148

DANIEL LA

B45502
L168

B45502
L167

Forested Area to
Remain Undisturbed
(5.6 Acres)

B45502
L166

B45502 L116

B45502
L118

B57301
L143

SUNRISE TER

B57301
L142

B57301
L141

BOONTON AVE

B45502
L120
(Kinnelon Recreation Park)



Jurisdictional Process

- NJDEP
 - HPAA with Takings Waiver (Issued 5/24/18)
 - WQMP Amendment
- Highlands Council
 - Capital Project Review (N.J.S.A. 13:20-16)
 - Comment on NJDEP HPAA
 - Comment on NJDEP WQMP Amendment



Highlands Capital Project Review

- Highlands Act (N.J.S.A 13:20-16b)
 - Within the preservation area, any capital or other project of a State or local government that involves the ultimate disturbance of 2 acres or more of land or a cumulative increase in impervious surface by 1 acre or more shall be submitted to the council for review;
 - No such project shall proceed without the approval of the council.



Highlands Council Waiver

- RMP Goal 7G2: A waiver may be issued by the Highlands Council on a case-by-case basis:
 - 1) if determined to be necessary in order to protect public health and safety;
 - 2) for redevelopment in certain previously developed areas as identified by the Highlands Council, or
 - 3) in order to avoid the taking of property without just compensation.

Borough of Kinnelon Shelter and Community Center

Presented to the Highlands Council



Assisted by:



July 2018

Kinnelon Shelter and Community Center Project Need

- Shelter
 - Weather emergencies
 - Sandy: many homes without power or water for extended period of time.
- Community Center
 - Location for public events and recreational activities
- Additional Recreational Fields
 - Noted as far back as 1958 Master Plan
 - Current fields limited and heavily used.

97% of The Borough is located in the Highlands Preservation Area. No other suitable properties in Borough.

Kinnelon Shelter and Community Center Project Highlights

- Subject property bordered by residential areas and existing recreational facility.
- Roughly half the parcel will remain undeveloped.
- Proposed project includes:
 - Kinnelon Community Center and Shelter building (LEED certified per architect)
 - Natural grass turf multipurpose field
 - Appurtenant field structures
 - Parking facilities and stormwater management facilities.
- Site layout, including building location and position, parking/driveway layout, and field location/orientation are designed to minimize earthwork and disturbances.
- Stormwater: utilizing low impact development and maximizing infiltration beyond RMP requirements

Kinnelon Shelter and Community Center Main Entrance



Kinnelon Shelter and Community Center

Field View



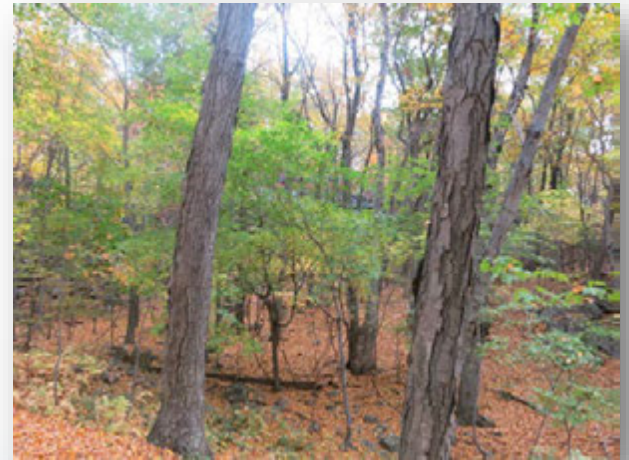
Kinnelon Shelter and Community Center Site Selection

- Rationale for selected site:
 - Proximity to the current Borough ballfields
 - Large enough to accommodate project
 - Does not impact wetlands, riparian corridors and other environmentally sensitive lands
 - Willing seller



Kinnelon Shelter and Community Center Mitigation

- Mitigation Parcel
 - Reduces impact from 50% (5 acres of 10 acre property disturbed), to approximately 7% (5 acres of 72 acres preserved).
 - Mitigation parcel has high ecological value and function.
 - Proximity to other preserved lands maintains habitat integrity.





Public Comment & Response

- Written public comment period:
 - Initial: 6/18/18 – 7/2/18
 - Extended through 7/22/18, per request from Highlands Coalition
- Comments received from:
 - Wilma Frey, NJ Conservation Foundation
 - Emile DeVito, NJ Conservation Foundation
- Final draft comment/response document posted to Council website 8/10/2018



Committee & Council Role

Committee reviews consistency findings of staff; recommends public comment



Committee reviews public comment response prepared by staff



Committee makes recommendation to Council



Council votes on Capital Project Review

RESOLUTION 2018

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL ADOPTION OF THE “RMP ADDENDUM 2018-1 PROCEDURE FOR CONSIDERING PROPOSALS TO AMEND THE HIGHLANDS REGIONAL MASTER PLAN” AS AN AMENDMENT OF, AND 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 also states that the RMP “shall be periodically revised and updated at least once every six years, after public hearings”; and

WHEREAS, the Highlands Council is completing the six-year review of the RMP required by the Highlands Act and has released a draft Monitoring Program Recommendation Report (MPRR) for public comment, which includes one or more recommendations to amend the RMP; and

WHEREAS, the Council prepared a document entitled “RMP Addendum 2018-1 Procedure for Considering Proposals to Amend the Highlands Regional Master Plan” (Procedure); and

WHEREAS, on January 19, 2017 the Council approved a Resolution stipulating that the Highlands Council shall utilize the Procedure going forward to finalize the MPRR and to consider any proposals to amend the RMP arising out of the MPRR, and that the Highlands Council shall adopt a final version of the Procedure as an amendment to the RMP; and

WHEREAS, the Highlands Council must adopt the Procedure as an addendum to the RMP before the Council can consider and adopt any other amendments to the RMP arising out of the MPRR; and

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

WHEREAS, the Highlands Council staff conducted five (5) public hearings in various locations in the Highlands Region and one (1) public hearing in Trenton during the month of September 2017 to solicit public comment on the draft Procedure; and

WHEREAS, the Highlands Council staff has provided the Highlands Council with its responses to all comments and other input received from interested parties during the public comment period, including any proposed changes to the draft Procedure based upon the public comments received; and

WHEREAS, the RMP Amendment Committee has considered all proposed changes to the draft Procedure and has forwarded its recommendation to Council that it adopt the final Procedure as an amendment of, and addendum to, the RMP; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council to amend the RMP shall have force or effect until thirty (30) 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.

RESOLUTION 2018

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ADOPTION OF THE “RMP ADDENDUM 2018-1 PROCEDURE FOR CONSIDERING
PROPOSALS TO AMEND THE HIGHLANDS REGIONAL MASTER PLAN” AS AN
AMENDMENT OF, AND ADDENDUM TO, THE HIGHLANDS REGIONAL MASTER PLAN**

NOW, THEREFORE, BE IT RESOLVED, that the Highlands Council hereby adopts the final “RMP Addendum 2018-1 Procedure for Considering Proposals to Amend the Highlands Regional Master Plan” as an amendment of, and addendum to, the RMP.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16TH day of August, 2018.

Carl R. 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	_____	_____	_____	_____	_____	_____



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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www.nj.gov/njhighlands



CARL J. RICHKO
Chairperson

MARGARET NORDSTROM
Executive Director

MEMORANDUM

To: RMP Amendment Committee

From: Margaret Nordstrom, Executive Director

Subject: RMP Amendment Committee Meeting of July 17, 2018

Date: July 25, 2018

The RMP Amendment Committee met on Tuesday, July 17, 2018 at 3:00pm at the Highlands Council office in Chester.

RMP Amendment Committee Members present: Council Chair Richko, Committee Chair Alstede, Members Dressler, Holtaway, and Vohden (via phone).

Highlands Council Staff Members present: Margaret Nordstrom, John Maher, Maryjude Haddock-Weiler, Corey Piasecki (via phone), Keri Green, and Carole Ann Diction

Also, present via phone: Lauren Nathan-LaRusso, Associate Counsel, Governor's Authorities Unit (GAU)

Members of the public in attendance: Julia Somers and Zachary Cole, New Jersey Highlands Coalition; and Wilma Frey, New Jersey Conservation Foundation

Status of Monitoring Program Recommendation Report (MPRR)

As noted in the committee's minutes of June 15, 2018, members of the Highlands Council staff met with representatives of the New Jersey Highlands Coalition (Coalition) on February 16, 2018. At the committee's June 15, 2018 meeting, notes from that meeting were reviewed and recommendations for edits to the MPRR to address some of the Coalition's comments were made. At the June committee meeting, Council Chair Richko suggested that Council staff meet with some members of the Highlands Coalition one more time before bringing the MPRR with changes to the full Council.

At today's committee meeting, attended by some representatives of the Coalition, the Highlands staff discussed proposed edits to the MPRR. These discussions were on the following topics:

- Restoration of Streams and Riparian Areas (page 15)
- Wastewater Systems Maintenance (page 31)
- Land Use Capability Analysis (page 50)
- Implementation Prioritization (page 65-66)
- Municipal Plan Conformance (page 66-67)

There was extensive discussion regarding alternative wastewater systems for the Highlands region, in particular in some of the small villages in the region.

Another topic of discussion was climate change. Ms. Nordstrom read from the MPRR (page 45) under Air Quality.

Regarding the adjustments made to page 50 of the MPRR under Land Use Capability Analysis, the committee suggested that the word “are” be changed to “may be”

At 3:38pm, members of the public in attendance were brought into the discussion.

Ms. Somers commented that the Coalition welcomed the responses by Highlands staff, but said she could not speak on policy at this time. Ms. Somers then commented that the Coalition would like to work with Highlands staff on municipal outreach regarding plan conformance and implementation. Ms. Somers also commented that the public should be invited to committee meetings.

Committee Chair Alstede commented on opening the meetings to all other organizations, not just the Coalition, as it would show favoritism.

Member Dressler had concerns about opening committee meetings to the public as the Council could open itself up for potential lawsuits. Council member Holtaway echoed these concerns. Member Dressler felt that the public could be included at certain times.

Council Chair Richko was at first in favor of opening the committee meetings to the public except for the Personnel committee.

At this time, Council Chair Richko expressed that he needed to think more on opening committee meetings to the public.

The Coalition also commented on the following topics:

- Sustainable development plan and Water Use Conservation Management Plan (WUCMP).
- Involving ANJEC for Plan Conformance
- Forestry exemption
- Checklist municipalities
- WQMP plans

Council Chair Richko left the meeting at 4:13pm.

Report out to Council

At Council's next meeting scheduled on July 19, 2018, the committee will update the full Council on next steps for the MPRR and the procedure document.

Ms. Nathan-LaRusso requested that Highlands staff send the procedure document.

The RMP Amendment Committee adjourned at 4:19pm.