



## State of New Jersey

Highlands Water Protection and Planning Council  
100 North Road (Route 513)  
Chester, New Jersey 07930-2322  
(908) 879-6737  
(908) 879-4205 (fax)  
[www.nj.gov/njhighlands](http://www.nj.gov/njhighlands)



**PHILIP D. MURPHY**  
Governor

**CARL J. RICHKO**  
Chairperson

**SHEILA Y. OLIVER**  
Lt. Governor

**LISA J. PLEVIN**  
Executive Director

### MEETING AGENDA Thursday, January 16, 2020 at 4pm

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT STATEMENT
4. PLEDGE OF ALLEGIANCE
5. APPROVAL OF HIGHLANDS COUNCIL MINUTES – October 17, 2019
6. CHAIR'S REPORT
  - a. CONSIDERATION OF RESOLUTION – Election of Vice Chair *(voting matter with public comment)*
  - b. CONSIDERATION OF RESOLUTION – Election of Treasurer *(voting matter with public comment)*
7. EXECUTIVE DIRECTOR'S REPORT
8. PLAN CONFORMANCE COMMITTEE
  - CONSIDERATION OF RESOLUTION - Amended Petition For Plan Conformance – Chester Borough, Morris County *(voting matter with public comment)*
9. PERSONNEL COMMITTEE
  - CONSIDERATION OF RESOLUTION – Executive Session - to discuss personnel matters.
10. OLD & NEW BUSINESS
11. PUBLIC COMMENTS *(to ensure ample time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised in this period may not be responded to at this time but, where feasible, will be followed up by the Council and its staff.)*
12. EXECUTIVE SESSION, *if deemed necessary*
13. ADJOURN



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**CARL RICHKO**  
*Chairperson*

**LISA J. PLEVIN**  
*Executive Director*

**DRAFT**  
**CONSISTENCY REVIEW**  
**AND RECOMMENDATIONS REPORT**

**FOR CONSIDERATION AT THE JANUARY 16, 2020**  
**MEETING OF THE HIGHLANDS COUNCIL**

**PETITION FOR HIGHLANDS CENTER DESIGNATION**  
**BOROUGH OF CHESTER, MORRIS COUNTY**

Prepared by the State of New Jersey Highlands Water Protection and  
Planning Council in Support of the Highlands Regional Master Plan

**JANUARY 2020**

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Highlands Center Designation – DRAFT Consistency Review and Recommendations**  
**Report**

**INTRODUCTION**

The New Jersey Highlands Water Protection and Planning Council (“Highlands Council”) approved the Borough of Chester’s Petition for Plan Conformance on July 21, 2016, by adoption of Resolution #2016-6. The Borough conformance area is municipal-wide and is entirely within the Planning Area. Since the time of Highlands Council approval, the Borough has made steady progress toward completion of all required Plan Conformance implementation tasks, as set forth in the Highlands Implementation Plan and Schedule.

In the process of completing its Petition for Plan Conformance, the Borough determined, and the Highlands Council concurred, that Highlands Center designation should be studied for the municipality. This initiative was completed with assistance of Highlands Council funding, as an eligible component of the Highlands Council Plan Conformance program. The resultant analyses propose designation of a Highlands Center within the Borough, which is intended to advance the goals and intents of both the Borough Master Plan and the Highlands Regional Master Plan (RMP). The Borough petitioned the Highlands Council for designation of a Highlands Center on October 3, 2019.

This Consistency Review and Recommendations Report (“Report”) has been prepared by Highlands Council Staff for consideration by the Highlands Council as to the consistency of the Center Designation, proposed by the Borough of Chester, with the RMP. The Report begins with a brief summary of Plan Conformance activities, including a Plan Conformance status update indicating completion of required implementation tasks by date. The Staff recommendation is for approval with conditions of the Petition for Highlands Center Designation as proposed by the Borough.

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**REPORT SUMMARY**

**Municipality:** Borough of Chester

**Date of Amended Petition Submission:** October 3, 2019

**Date Deemed Complete:** October 17, 2019

**Highlands Center Proposal:** Chester Borough Center (1,020 Acres, 100% of the Borough)

**Staff Recommendation:** Approve Amended Petition with Conditions

**PLAN CONFORMANCE STATUS UPDATE**

<b>Implementation Task</b>	<b>Completion</b>
1. Petition for Plan Conformance	Approved by Highlands Council 7/21/16
2. Planning Area Petition Ordinance	Adopted 9/20/16
3. Master Plan Reexamination Report	Adopted 11/21/16
4. Highlands Municipal Referral Ordinance	Adopted 12/20/16
5. Highlands Master Plan Element	Adopted 3/9/17
6. Highlands Land Use Ordinance	Adopted 6/20/17
7. Highlands Center Designation Study	10/3/19
8. Wastewater Management Plan (WMP)	In Progress



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**A. REVIEW OF ADMINISTRATIVE SUBMITTALS**

1. **Resolution or Ordinance.** Consistent. Chester Borough Resolution # 2019-102 was adopted on August 12, 2019, requesting that the Highlands Council amend the Borough’s Petition for Plan Conformance to include a designated Highlands Center.
2. **Highlands Center Feasibility Report.** Consistent.

**B. SUBSTANTIVE REVIEW**

The Borough of Chester established a sub-committee comprised of Planning Board and governing body members to investigate the feasibility of designation of a Highlands Center within the municipality. With the assistance of its planning consultant, this effort culminated in production of a “Highlands Center Designation Feasibility Report,” dated October 3, 2019. The Borough submitted the study to the Highlands Council on October 3, 2019 with a request that the Highlands Council amend the previously approved Petition for Plan Conformance to include the Highlands Center. The “Highlands Center Designation Feasibility Study” is attached as Appendix A of this Report.

1. **Proposed Boundaries.** Consistent.

Boundary Summary: The Borough is 100% Planning Area. The entirety of the Borough will be contained within the center boundaries with 308 Acres to be located in Highlands Environmental Resource Zones (HERZ).

Highlands Environmental Resource Zones (Figure 1): *A Highlands Environmental Resource Zone (HERZ) is a land area within a designated center that contains environmentally sensitive resources. The delineation of the HERZ recognizes that a designated center, while generally suitable for future development and redevelopment, may contain areas of sensitive resources that may require additional protections. Each HERZ will be identified according to its features and be afforded appropriate planning and management as part of the comprehensive center planning.*

The majority of the proposed Chester Borough Center is currently developed and identified as Existing Community Zone. Undeveloped areas within the Borough are constrained by wetlands and critical habitat and are currently designated as Protection Zone. Highlands resources within the developed area are very limited. Where Highlands resources do exist within the proposed Highlands Center, they will be protected in the same manner as those resources existing in the Protection Zone of the Planning Area. All HERZ are to be protected as a condition of Highlands Center planning, along with additional conditions enumerated here and repeated under the “Conditions” section below. These conditions are specific to the Chester Borough Highlands Center, to address potential impacts to Highlands resources known to be located within the proposed Center boundaries.

The proposed HERZ primarily consist of three significant areas. The western area, encompassing the majority of the land west of Route 206 and north of County Route 513, consists of critical habitat and wetlands. The second area, located to the south of Oakdale

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Road, consists of wetlands and Category-1 (C-1) tributaries. The third area, located to the north of North Road (County Route 513), abutting the eastern Borough border, contains wetlands, critical habitat, and forest resource area.

All areas mapped as HERZ will remain subject to the protections set forth for the Protection Zone of the Land Use Capability Zone Map in the Regional Master Plan and Highlands Land Use Ordinance (the most restrictive zone). However, due to the condition of the Borough's wastewater treatment plant and numerous failing subsurface disposal systems and cesspools located throughout the developed portion of the Borough, a new wastewater treatment plant is proposed adjacent to one of the proposed HERZ. The feasibility study for the proposed treatment plant, funded by the Highlands Council, demonstrated that the only practical location for the needed surface water discharge is in the vicinity of the HERZ located to the south of Oakdale Road in the north-central area of the Borough. The extension of a wastewater discharge into the Oakdale Road HERZ is recommended to be permitted to address issues of public health and safety. Such extension will not provide service to any new development in the HERZ. Such a discharge would be required to meet all the applicable standards for a discharge into the waterway. Additional details on wastewater service can be found in Section 3A of this report.

**2. RMP Goals, Policies and Objectives.** Consistent.

*(The following is excerpted from the Borough's Center Planning document prepared by Banisch Associates, attached as Appendix A.)*

The Borough is almost entirely designated Existing Community Zone with pockets of Existing Community Environmentally Constrained found in select areas. The western portion of the Borough, and areas to the northeast, where areas of forests and wetlands are found, are in the Protection Zone. These areas have not been developed or are underdeveloped for the area given the environmental constraints. However, as part of the Center plan, the Borough envisions two minor incursions into the area currently designated Protection Zone for (1) residential development on Mill Ridge Lane adjacent to existing office and residential development; and (2) construction of a new wastewater treatment plant on Oakdale Road in the vicinity of the existing sewage treatment plant, which today is designated Protection Zone. It is not envisioned that remaining areas currently designated Protection Zone in Chester Borough will be further developed. Instead, the Borough will maintain these areas as they exist today to protect the integrity and function of the natural systems recognized by the Protection Zone designation.

In addition, center designation will further the Borough's long-term planning goals and is heavily aligned with the Highlands RMP goals and objectives, in particular for smart growth and economic development (see Appendix A).

**3. Plan Conformance Procedures Implementation Plan.** Consistent. The Highlands Center Implementation Plan shall include the proposed center boundaries, the purpose and goals of the proposed center, the relationship of the RMP goals, policies, and objectives to those of

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the proposed center, a description of the built and natural resources within the proposed boundaries, and a narrative of how the municipality intends to undertake implementation of the center.

- A. Infrastructure: The proposed Highlands Center is located in an area with sufficient water availability, water supply, and wastewater, and is appropriate for increased land use intensity.

Public Water Service: Chester Borough is provided with public water service primarily from NJ American Water. New Jersey American Water indicates that there is sufficient water supply available for the Borough, with an estimated available capacity of 0.050 MGD, which is expected to increase of 0.100 MGD in 2021 due to infrastructure upgrades. There is no indication that potable water supply would be a limiting factor to future development.

Wastewater Service: The sewerage system of the Borough is currently exceeding capacity and numerous failing cesspools and subsurface disposal systems are creating a public health and safety issue. The Highlands Council is funding the Borough's efforts to replace and expand its treatment plant to accommodate existing failing private systems and limited infill development and redevelopment.

The Borough has conducted a feasibility analysis and has met with NJDEP and the Highlands Council to discuss the construction of an upgraded treatment facility. The designation of the Borough as a Highlands Center will help to facilitate the necessary upgrades of the wastewater system within the Borough. Continuation of the work towards these upgrades is recommended as a condition of approval and grant funding is recommended to be provided as part of the implementation plan.

As a condition of approval, the existing Highlands Land Use Ordinance will maintain the septic densities and other requirements of the Existing Community Zone where it currently exists and apply the Protection Zone septic density requirement and the limitation of extension of public/community water and sewer to any area designated as a Highlands Environmental Resource Zone (HERZ). It appears that there are no existing lots in the Borough that are not deed restricted that would be sub-dividable under either the ECZ density or HERZ density.

- B. Resource Protection: The proposed Highlands Center is consistent with the resource protection standards of the Regional Master Plan, in accordance with the intent and purpose of the Highlands Act.

Chester Borough's location at the intersection of 206 and County Route 513 make it a crossroads of the surrounding region. The Borough is largely developed and contains limited resources that are not on deed restricted properties. Where resources do exist, they are generally on small, private single-family lots that are either exempt from the Highlands Act and RMP or do not meet the applicability standards of the Highlands Land Use Ordinance. As a condition of approval, the currently adopted

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Chester Borough Highlands Land Use Ordinance will be amended to afford the same protections to the HERZ as those of the Protection Zone (the most protective zone in the Planning Area).

- C. Smart Growth and Low Impact Development (LID): The proposed Highlands Center is consistent with the Smart Growth and LID standards of the Regional Master Plan.

Chester Borough's existing land use pattern is the product of more than two centuries of settlement, growth, and development. Much of the Borough's early historic settlement grew out of the rural farming economy of the 18<sup>th</sup> and 19<sup>th</sup> centuries that prevailed in west Morris County. Early development occurred along Main Street, which today is a vital and very active center of community life. Land use in Chester Borough is compact and efficient and it cannot reasonably be characterized as suburban or urban sprawl.

Chester Borough is a center of commercial and tourism activities within the Region. The continued development of the Borough through proposed redevelopment areas and expansion of sewer service will promote economic development, while implementing HERZ will afford critical protection of important resources.

- D. Land Use: There is a need for land uses within the community that may be met by the Highlands Center, particularly those that complement local and regional (or sub-regional) socio-economic needs and provide for affordable housing, increased transit opportunities, and the potential use of Highlands Development Credits.

Chester Borough is currently addressing two primary issues that are limited by the current LUCZ designations and lack of center designation. The first is the replacement and expansion of its existing wastewater treatment plant. Replacement of the plant will permit the Borough to connect residences and businesses that have failing subsurface disposal systems and cesspools thus improving the overall water quality in the area. The proposed wastewater treatment plant is anticipated to improve water quality in the discharge stream based on the elimination of "human markers" caused by failing subsurface disposal systems presently found in the stream. Designation of the Borough as a Center will permit the flexibility to implement the wastewater management project.

Second is the proposed development of the Turkey Farm and Mill Ridge Lane properties, which is a component of the Borough's affordable housing settlement. Sections of each property are designated Protection Zone under the current LUCZ mapping, which will not afford the density proposed in the settlement agreement. It is important to note that Mill Ridge Lane was developed after the creation of the LUCZ mapping for the RMP. The settlement agreement provides for infill development in those areas of the Protection Zone currently surrounded by development. Designation of the Borough as a Center will provide the flexibility to meet the requirements of the affordable housing settlement agreement, while

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implementation of a HERZ will ensure that critical natural resources remain protected.

**C.     STAFF RECOMMENDATIONS**

The Highlands Council Staff recommends that the Borough of Chester’s Petition for Designation of the Highlands Center, as discussed and illustrated in detail in Appendix A of this Report (Chester Borough “Highlands Center Designation Feasibility Report”), be approved with conditions. These conditions include the continued progress toward completion of all remaining and new Plan Conformance Implementation Tasks as set forth in the Implementation Plan and Schedule (IPS)(Appendix B), and adoption of Amendments to the Highlands Land Use Ordinance to implement Highlands Environmental Resource Zones.



The Council’s approval of the Borough’s Highlands Center designation will specifically include grant funding for those items listed in Fiscal Year 2020 of the IPS. Funding for items beyond Fiscal Year 2020 are subject future Highlands Council approval. The Borough will not be liable to complete items on the IPS that are not funded by the Highlands Council.



# Borough of Chester

## Highlands Center

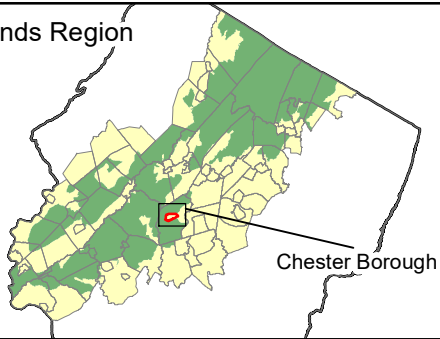
Figure 1 - Highlands Environmental Resource Zones

-  Proposed HERZ Areas
-  Proposed Center Line

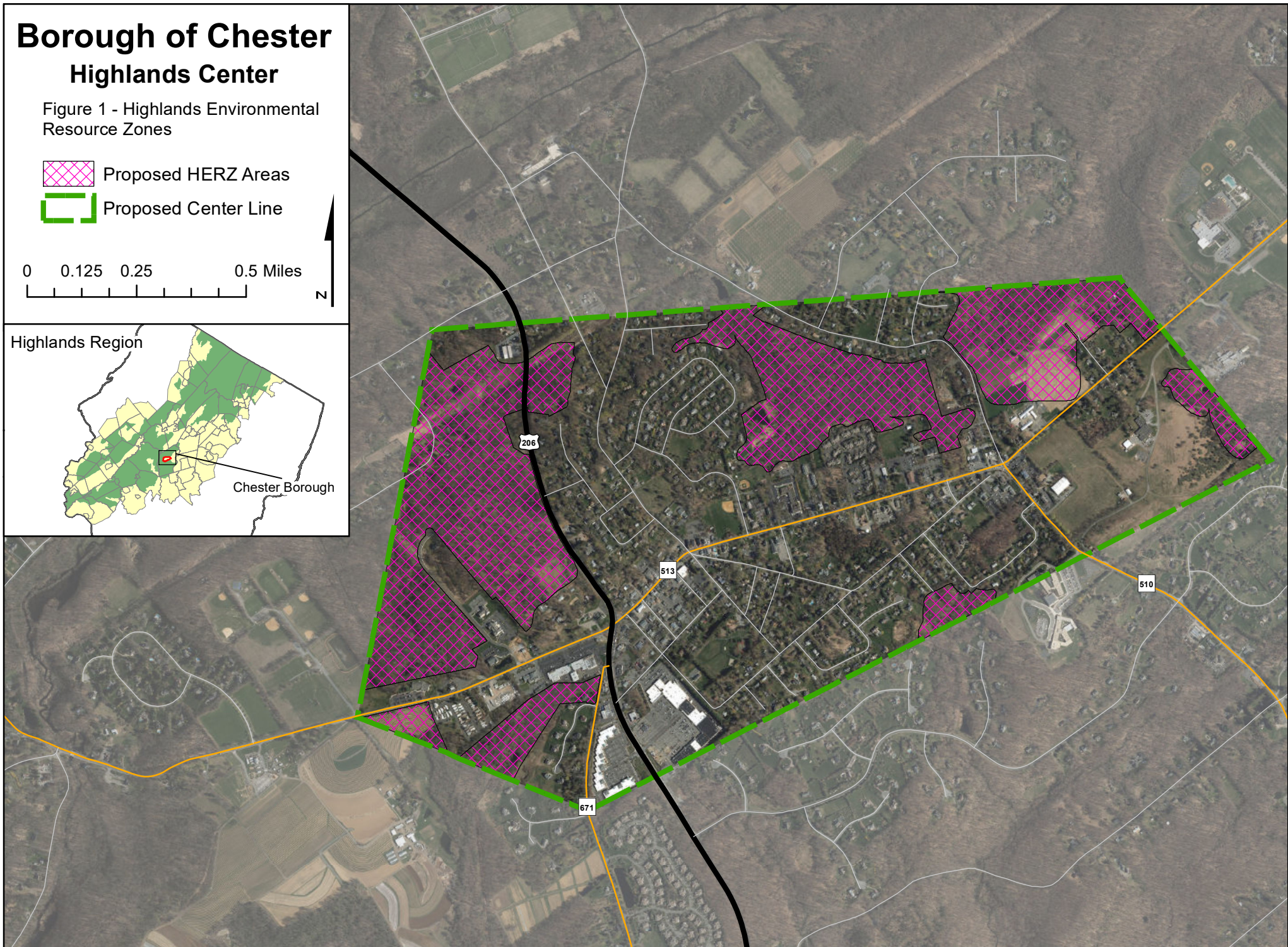
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Highlands Region



Chester Borough





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**APPENDIX A**

**HIGHLANDS CENTER DESIGNATION FEASIBILITY REPORT**

**Borough of Chester, Morris County**

Chester Borough  
Morris County

Highlands Center Designation Feasibility Report

Request for New Jersey Highlands Council Center Designation

Approved by Chester Borough Land Use Board:  
September 26 2019

Implementation Plan / Schedule Revisions  
& Submitted to NJ Highlands Council Staff:  
October 3, 2019



## **Introduction**

This is Chester Borough's Phase 1 Highlands Center Designation Investigation Report that identifies Chester Borough's planning considerations in support the Borough's request for Highlands Center designation from the Highlands Council. Chester Borough wishes to designate the municipality a Highlands Center and utilize the designation to support Center-based planning for development, redevelopment and infrastructure development that is appropriately scaled to address existing infrastructure needs and maintain Chester Borough's small-town quality of life and historic character.

The Borough of Chester is located in the southwest portion of Morris County surrounded by the Township of Chester. The Borough is 1.45 square miles and located at the cross-roads of State Route 206 and County Route 513. The Borough is a small residential community that is well-known throughout the region and the State for its picturesque historic character. Chester Borough's Main Street Historic District is well known for its attractive historic buildings, specialty shops and commercial services. In addition, the Borough's regional shopping centers along the US Route 206 state highway corridor serve the regional population and the traveling public that relies on this primary north/south access highway serving west Morris County. As of 2010, the Borough's population was 1,649 people and included approximately 650 (647) housing units in Chester Borough.

Chester Borough conformed the municipal Master Plan and development regulations to the New Jersey Highlands Regional Master Plan (RMP) in accordance with New Jersey Highlands Council RMP "Plan Conformance" procedures for the Highlands Planning Area. Chester Borough was previously recognized as an Identified Center in the NJ State Development and Redevelopment Plan. Under RMP procedures the Borough has the option to seek designation of the Borough as a New Jersey Highlands Center. In accordance with Highlands Center designation procedures, Chester Borough has prepared this Phase 1 investigation report for acceptance by the Highlands Council as a Highlands Center, subject to Highlands Council approval.

The Chester Borough Mayor and Council and the Land Use Board have investigated the Highlands Center designation and determined that designating the Borough a Highlands Center is consistent with and supports Chester Borough's long-term planning objectives to protect the character and scale of existing residential neighborhoods and non-residential areas in the Borough. Through the Highlands Center designation the Borough will seek to expand wastewater treatment capacity and extend wastewater collection lines to eliminate an existing long-standing, undesirable and unsustainable condition of individual on-site septic systems on both residential and nonresidential substandard lots. Addressing this condition in the Borough has been a long-standing planning objective.

In addition to correcting existing deficiencies, Chester Borough plans to utilize the Highlands Center designation planning opportunity to support the goal of providing for modest, incremental new residential and non-residential development planned at a scale appropriate to the Borough's community character protection goals and objectives. At the

same time, Chester Borough seeks to facilitate redevelopment through Center designation to repurpose lands capable of contributing to the general welfare by diversifying housing opportunities and facilitating appropriately-scaled new non-residential development to serve the needs of the community and the region.

### **Proposed Highlands Center Boundary**

Chester Borough's Historic District and the majority of non-environmentally constrained land is nearly built-out in traditional patterns of residential neighborhoods, a Main Street commercial center, in highway commercial centers and nodes of office and commercial uses that establish an important regional employment resource. At the same time local planning and capital investments have established a substantial inventory of active and passive open space and protected environmentally-sensitive lands that reinforce the Borough's small-town character. Chester Borough seeks to designate the entire Borough as a Highlands Center ([Figure 1](#)) and implement a Center management strategy that appropriately maintains and protects the form, function and character of the Borough's built and natural environment. Chester Borough Mayor and Council adopted Resolution No. R 2019-102 on August 13, 2019 designating the entire Borough a Highlands Center and identifying certain parcels for future Redevelopment Investigation by the Land Use Board.

### **Land Use**

Land use in Chester Borough is compact and efficient and it cannot reasonably be characterized as suburban or urban sprawl. Land use is constrained by the lack of adequate wastewater collection and treatment capacity. Less than one-half of existing residential land use is served by centralized wastewater collection and treatment facilities and a substantial portion of the nonresidential land uses on Main Street and West Main Street likewise rely on individual subsurface sewage disposal systems. Most development in Chester Borough is dependent upon individual subsurface disposal systems and is characterized by undersized lots. Additionally, centralized water serves less than one-half of the existing land use in Chester Borough. The municipality is near build-out with few remaining greenfield and infill development opportunities; however, meaningful redevelopment and incremental growth opportunities remain if infrastructure becomes available to first: remediate existing substandard wastewater treatment conditions; and second to support limited new growth.

Chester Borough's existing land use pattern is the product of more than two centuries of settlement, growth and development. Much of the Chester Borough's early historic settlement grew out of the rural farming economy of the 18<sup>th</sup> and 19<sup>th</sup> centuries that prevailed in west Morris County. The remnants of a local iron ore mining economic boom in the latter 19<sup>th</sup> century are etched in Chester Borough's Main Street Historic District architecture. Early development occurred along Main Street which today is a vital and very active center of community life. Post war era suburban shopping center and highway commercial development extended Chester Borough's commercial core south of

Main Street along Route 206 and to the west across Route 206 on West Main Street. The early 2000's brought a new shopping center on Route 206 and several 16,000 sq. ft. office buildings to the Borough.

The Borough's residential neighborhoods are primarily situated east of Route 206 and extend to the north and south Borough boundaries from the Main Street downtown commercial core. The Borough's housing stock is a diverse mix of higher- and medium-density historic, post war era, and latter 20<sup>th</sup> century suburban neighborhoods. Lower, rural-density neighborhoods adjoin Chester Township at the periphery of the Borough's boundaries. There were just 180 dwelling units in Chester Borough in 1950 accounting for less than 30% of the housing units in the Borough today. The majority of the housing units in Chester Borough are attributable to housing booms following 1950. The decades of 1960's, 1980's and 2000's each brought well over 50 dwelling units to the Borough; and the 1970's and 1990's each brought nearly 100 dwelling units to Chester Borough. (Figure 2).

As part of this Highlands Center investigation Chester Borough Mayor and Council identified a list of seven Redevelopment Investigation Areas for the Planning Board to investigate under the provisions of the NJ Local Redevelopment and Housing Law (LRHL) in a Phase 2 Highlands Center investigation. These include five (5) existing developed sites and three undeveloped sites. In addition, the Borough previously designated the Larison's Turkey Farm 25-acre site a Redevelopment Area in 2014 under the LRHL – this site is located at the Route 206 / West Main Street corner and was formerly the Larison's Turkey Farm and restaurant site. Chester Borough's plan for this site includes: affordable housing (36 apartments), office development (approx. 25,000 sq. ft.) a new restaurant, organic farm and commercial farm stand. On Mill Ridge Lane adjacent to the Turkey Farm tract, the Borough plans on the development of 20 townhouses on subdivided land and an improved road with existing developed drainage facilities that was previously approved and partially developed for single-family residential development, of which only one of the approved homes was ever developed.

The Phase 2 Redevelopment opportunities identified by Chester Borough for Center planning will be investigated and planned under the provisions of the NJ Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.) to determine if the physical conditions of each establish the need for redevelopment. Where determined to be appropriate and necessary, Chester Borough will identify appropriately-scaled land uses that promote the general welfare and reinforce the Borough's existing land use character and the planning goals (see section below on Goals and Objectives below). Among the redevelopment objectives that the Borough would seek to advance under this initiative are modest-scale additions to the Borough's land use inventory, including, but not limited to:

1. Small-lot detached residential development;
2. Mixed-use nonresidential and residential development, appropriately situated within the nonresidential fabric of the community;

3. Additional restaurants or other tourism-based uses capable of serving the needs and demands of residents and visitors to the region;
4. Additional diversification of housing choice, such as multi-family housing including affordable housing; and
5. Additional commercial, office and employment generating uses to serve the needs of residents in the region.

The sites authorized by Mayor and Council for Redevelopment Investigation by the Land Use Board are depicted on [Figures 1 – 6](#).

### Zoning

The zoning in the Borough reflects the existing historic land use pattern. The Borough's downtown core includes business and commercial districts that permit an assortment of small-scale commercial, retail, service and office uses consistent with the historic character of the area. General business/commercial, office and professional office zoning is established along the Route 206 corridor south of Main Street and along West Main Street on the west side of Route 206. Nonresidential zoning in the Borough is limited to the major thoroughfares: Route 206, Main Street and West Main Street. The remaining areas of Chester Borough are designated residential zones, which range from high density (R-HD), low density (R-LD), and Planned Low Density (R-PLD) ([Figure 3](#)).

Chester Borough intends to undertake an examination of zoning as part of the long-range Center planning process to identify where inconsistencies between existing land use and zoning regulations may exist. This examination will be directed at identifying whether and to what degree zoning amendments may be necessary to better align permitted uses, densities and intensities of development in the zoning ordinance with existing and desirable future conditions; and where needed to best implement the Borough's goals and objectives for existing and future land use. By way of example, the Borough's two residential zoning designations include minimum lot size requirements that render many existing developed lots nonconforming, which may indicate the need for adjustments to zoning.

Chester Borough will investigate Redevelopment Area designations as part of the Center planning process. The Borough will identify future land uses, development densities and intensities in Redevelopment Plans for sites that may be designated Redevelopment Areas. Redevelopment Plans will be consistent with Chester Borough's historic preservation and community character protection goals and objectives.

### Assets

Chester Borough's highly sought-after public-school education, the library, local parks and open space are among the prized assets of the community. The Borough's major assets include its historic character and treasured downtown core. The Chester Borough Historic District is listed on the NJ Register of Historic Places (Chester Historic District (ID#3869), SHPO Opinion 9/25/2001) and is identified on ([Figure 4](#)). The Borough's

Historic District retains its pre-World War II architecture and attracts residents and tourists alike to a variety of small scale tourism-oriented shopping, restaurants and businesses. Highway commercial shopping centers provide goods and services for residents and those residing outside the Borough in nearby communities within the west Morris County region. Chester Borough's stable, attractive and well-maintained residential neighborhoods embody quintessential small-town American life.

#### Water and Wastewater Areas

Portions of Chester Borough are served by a mix of public water and wastewater facilities as well as private on-site facilities (Figures 5 & 6). The downtown core includes sewer and water infrastructure and portions of nearby residential neighborhoods that are also connected to the Borough's centralized public water and wastewater collection and treatment system. However, the majority of existing residential neighborhoods in the Borough, which are currently designated Highlands Existing Community on the RMP Land Use Capability Map, are undersized lots with private wells and individual subsurface sewage disposal systems, which is an undesirable, unsustainable, but correctable condition.

Chester Borough will seek to expand wastewater collection and treatment to serve virtually all land uses in the Borough through the Highlands Center designation process and applicable NJDEP wastewater management planning rules. Chester Borough's preliminary investigations with NJDEP that have been undertaken through Highlands Plan Conformance grant funding which indicate that expanded wastewater treatment capacity with construction of a new centralized sewage treatment facility is achievable under NJDEP rules and consistent with environmental and natural resource protection standards. Chester Borough's regional location along the Route 206 corridor, its compact land use patterns and wealth of regionally-oriented nonresidential land use assets combine to serve the region as a Center. It is appropriate to establish the infrastructure necessary to remediate existing health-safety issues, as well as accommodate land use changes that will further the objective of serving the needs of residents of the Highlands region and for Chester Borough to better function as a Center.

Designation of Chester Borough for a Highlands Center is not expected to cause secondary growth outside of the developed areas of the Borough or nearby in the Township. Rather, Highlands Center designation planning and sewer infrastructure development will respond to the need to serve existing development that is not connected to sewer service and allow for modest change and redevelopment of sites that are constrained from changing or expanding due to wastewater treatment capacity constraints.

#### Relationship to Highlands Regional Master Plan

The Borough is almost entirely designated Existing Community Zone with pockets of Existing Community Environmentally Constrained found in select areas. The western portion of the Borough, and areas to the northeast, where areas of forests and wetlands

are found, are in the Protection Zone. These areas have not been developed, or are underdeveloped for the area given the environmental constraints. However, as part of the Center plan, the Borough envisions two minor incursions into the area currently designated Protection Zone for (1) residential development on Mill Ridge Lane adjacent to existing office and residential development; and (2) construction of a new wastewater treatment plant on Oakdale Road in the vicinity of the existing sewage treatment plant, which today is designated Protection Zone. It is not envisioned that remaining areas currently designated Protection Zone in Chester Borough will be programmed for change. Instead, the Borough will maintain these areas as they exist today to protect the integrity and function of the natural systems recognized by the Protection Zone designation.

### **Coordination with Chester Borough LUP Highlands RMP Goals and Objections**

Center designation will further the Borough's long-term planning goals and are heavily aligned with the Highlands RMP goals and objectives, in particular for smart growth and economic development.

The goals of the *Chester Borough 2002 Master Plan* are identified below with the corresponding Highlands RMP goals, objectives and policies located underneath.

*1. To promote an attractive quality of life for all residents, visitors, merchants, and others residing, conducting business or involved with leisure time activities in the Borough.*

**Goal 8A: SUSTAINABLE ECONOMIC DEVELOPMENT IN THE HIGHLANDS REGION.**

**Policy 8A1:** To maintain and expand the existing job and economic base by promoting appropriate, sustainable, and environmentally compatible economic development throughout the Highlands Region.

**GOAL8D: EXPANSION OF INNOVATIVE TECHNOLOGY AND ENTREPRENEURIAL BUSINESSES INCLUDING HOME OFFICE, ENERGY EFFICIENCY, AND RESOURCE CONSERVATION ENTERPRISES IN THE HIGHLANDS REGION.**

**Policy 8D1:** To ensure opportunities for home office, entrepreneurial, and other small business activities in the Highlands Region.

*2. To recognize the special qualities of the Main Street downtown area and preserve its historic character.*

**GOAL 4A: PROTECTION AND PRESERVATION OF THE HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES OF THE HIGHLANDS REGION.**

**Policy 4A3:** To ensure through local development review, where a municipality has adopted an historic preservation ordinance under Policy 4C2, that human development does not adversely affect the character or value of resources which are listed on the Highlands Historic and Cultural Resource Inventory to the maximum extent practicable.

**Policy 4A7:** To promote historic and cultural heritage tourism in the Highlands Region.

*3. To maintain a balance between the land use, infrastructure, and circulation elements of the plan thereby protecting existing residential neighborhoods.*

**GOAL 2K:** ALL EXISTING AND FUTURE DEVELOPMENT IN THE HIGHLANDS REGION THAT USE PUBLIC WASTEWATER TREATMENT SYSTEMS ARE SERVED BY ADEQUATE AND APPROPRIATE INFRASTRUCTURE.

**GOAL5C:** TRANSPORTATION IMPROVEMENTS WITHIN THE HIGHLANDS REGION THAT ARE CONSISTENT WITH THE HIGHLANDS REGIONAL MASTER PLAN.

**Policy 5C3:** To limit road improvements through local development review and Highlands Project Review where roads are constrained by topography, forested lands, or the community character of land uses fronting on the road.

**GOAL 6F:** SUPPORT OF COMPACT DEVELOPMENT, MIXED USE DEVELOPMENT AND REDEVELOPMENT AND MAXIMIZATION OF WATER, WASTEWATER AND TRANSIT INFRASTRUCTURE INVESTMENTS FOR FUTURE USE OF LAND AND DEVELOPMENT WITHIN THE EXISTING COMMUNITYZONE.

**Policy 6F5:** To ensure that development and redevelopment in the ECZ are compatible with existing community character.

*4. To permit development in a manner so as to protect environmentally sensitive areas and features.*

**GOAL 6E:** INCORPORATION OF REGIONAL DEVELOPMENT PATTERNS AND RELATED ENVIRONMENTALLY SENSITIVE AREAS WITHIN EXISTING COMMUNITY ZONES.

**Policy 6E1:** To promote the location of sustainable and economically viable development activities in the Existing Community Zone where not constrained by existing environmentally sensitive resources.

**GOAL 6H:** GUIDE DEVELOPMENT AWAY FROM ENVIRONMENTALLY SENSITIVE AND AGRICULTURAL LANDS AND PROMOTE

DEVELOPMENT AND REDEVELOPMENT IN OR ADJACENT TO  
EXISTING DEVELOPED LANDS.

**Policy 6H4:** To promote compatible growth opportunities that include in-fill development, adaptive re-use, redevelopment, and brownfields redevelopment in existing developed areas.

*5. To provide regulations permitting a varied selection of housing types.*

**GOAL 6N:** USE OF SMART GROWTH PRINCIPLES, INCLUDING LOW IMPACT DEVELOPMENT, TO GUIDE DEVELOPMENT AND REDEVELOPMENT IN THE HIGHLANDS REGION.

**Policy 6N5:** To require through Plan Conformance that municipalities and counties incorporate programs for community and neighborhood design that support a variety of housing options, mixed uses, redevelopment, adaptive re-use of historic sites and structures, and infill development in their master plans and development regulations.

**GOAL 6O:** MARKET-RATE AND AFFORDABLE HOUSING SUFFICIENT TO MEET THE NEEDS OF THE HIGHLANDS REGION WITHIN THE CONTEXT OF ECONOMIC, SOCIAL, AND ENVIRONMENTAL CONSIDERATIONS AND CONSTRAINTS.

*6. To provide appropriate types, quantities, and quality of municipal facilities to serve the needs of the community.*

**GOAL 6O:** MARKET-RATE AND AFFORDABLE HOUSING SUFFICIENT TO MEET THE NEEDS OF THE HIGHLANDS REGION WITHIN THE CONTEXT OF ECONOMIC, SOCIAL, AND ENVIRONMENTAL CONSIDERATIONS AND CONSTRAINTS.

**Policy 6O5:** To locate and maintain community facilities and services that support compact development patterns, shared services, and provide a high level of service.

**Policy 6O6:** To require that conforming municipalities identify existing and planned community facilities and encourage shared service opportunities as part of the local Community Facility Plan element.

*7. To maintain a balance between residential and nonresidential uses to ensure a stable and sound community tax base and local employment opportunities.*

**GOAL 8A:** SUSTAINABLE ECONOMIC DEVELOPMENT IN THE HIGHLANDS REGION.



**Policy 8A6:** To require that conforming municipalities develop an economic plan element that provides strategies for achieving sustainable and appropriate economic development consistent with local desire and identifies any development, redevelopment, and brownfield opportunities.

**Objective 8A6a:** Coordinate with municipalities and counties as local and regional strategies are developed to improve the tax base and to create jobs and economic opportunities consistent with the policies and objectives of the RMP.

*8. To promote the conservation and preservation of the Borough's existing and potential historic sites and districts to ensure consistency with the Borough's architectural heritage.*

**GOAL 4A:** PROTECTION AND PRESERVATION OF THE HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES OF THE HIGHLANDS REGION.

*9. To avoid inappropriate and inconsistent development, while preserving the community's traditional design.*

**GOAL 6F:** SUPPORT OF COMPACT DEVELOPMENT, MIXED USE DEVELOPMENT AND REDEVELOPMENT AND MAXIMIZATION OF WATER, WASTEWATER AND TRANSIT INFRASTRUCTURE INVESTMENTS FOR FUTURE USE OF LAND AND DEVELOPMENT WITHIN THE EXISTING COMMUNITY ZONE.

**Policy 6F1:** To promote compatible development and redevelopment within the ECZ.

**Policy 6F5:** To ensure that development and redevelopment in the ECZ are compatible with existing community character.

*10. To encourage open communication between the Borough government and all parties with an interest in the private sector for the purpose of exploring common issues.*

**GOAL 10A:** MAXIMIZE MUNICIPAL PARTICIPATION TO ENSURE THE REGIONAL MASTER PLAN ACHIEVES ITS LONG TERM GOALS OF PROTECTING, ENHANCING AND RESTORING HIGHLANDS RESOURCES AND MAINTAINING A SUSTAINABLE ECONOMY IN THE HIGHLANDS REGION.

*11. To encourage recycling, resource recovery, and the use of energy efficient development.*

**GOAL 6N:** USE OF SMART GROWTH PRINCIPLES, INCLUDING LOW IMPACT DEVELOPMENT, TO GUIDE DEVELOPMENT AND REDEVELOPMENT IN THE HIGHLANDS REGION.

**Policy 6N1:** To establish smart growth programs and Low Impact Development principles for use within the Highlands Region to guide and control development and redevelopment throughout the Highlands Region.

*12. To encourage the stabilization of all neighborhood areas by updating and enforcing codes.*

**GOAL 6F:** SUPPORT OF COMPACT DEVELOPMENT, MIXED USE DEVELOPMENT AND REDEVELOPMENT AND MAXIMIZATION OF WATER, WASTEWATER AND TRANSIT INFRASTRUCTURE INVESTMENTS FOR FUTURE USE OF LAND AND DEVELOPMENT WITHIN THE EXISTING COMMUNITY ZONE.

**Policy 6F3:** To ensure that development activities within the ECZ are subject to standards and criteria which ensure that development and redevelopment incorporate smart growth principles and do not adversely affect natural resources.

**Policy 6F4:** To ensure that development and redevelopment within the ECZ are served by adequate public facilities including water supply, wastewater treatment, transportation, educational and community facilities.

**Policy 6F5:** To ensure that development and redevelopment in the ECZ are compatible with existing community character.

*13. To ensure the development of adequate infrastructure to support existing and future needs of the Borough.*

**GOAL 2K:** ALL EXISTING AND FUTURE DEVELOPMENT IN THE HIGHLANDS REGION THAT USE PUBLIC WASTEWATER TREATMENT SYSTEMS ARE SERVED BY ADEQUATE AND APPROPRIATE INFRASTRUCTURE.

**GOAL 6F:** SUPPORT OF COMPACT DEVELOPMENT, MIXED USE DEVELOPMENT AND REDEVELOPMENT AND MAXIMIZATION OF WATER, WASTEWATER AND TRANSIT INFRASTRUCTURE INVESTMENTS FOR FUTURE USE OF LAND AND DEVELOPMENT WITHIN THE EXISTING COMMUNITY ZONE.

**Policy 6F3:** To ensure that development activities within the ECZ are subject to standards and criteria which ensure that development and redevelopment incorporate smart growth principles and do not adversely affect natural resources.

**GOAL 6I:** CONFORMING MUNICIPALITIES AND COUNTIES INCORPORATE REGIONAL AND LOCAL LAND AND WATER RESOURCE PLANNING AND MANAGEMENT PROGRAMS IN THEIR MASTER PLANS AND DEVELOPMENT REGULATIONS.

**Policy 6I1:** To require that conforming municipalities and counties include land and water resource planning and management programs in their master plans and development regulations.

*l4. To ensure that the Borough's land use plan is compatible with those of adjacent municipalities, Morris County, and the State.*

**GOAL 10A:** MAXIMIZE MUNICIPAL PARTICIPATION TO ENSURE THE REGIONAL MASTER PLAN ACHIEVES ITS LONG TERM GOALS OF PROTECTING, ENHANCING AND RESTORING HIGHLANDS RESOURCES AND MAINTAINING A SUSTAINABLE ECONOMY IN THE HIGHLANDS REGION.

**Policy 10A1:** To ensure that programs and policies are effectively coordinated to promote the purpose and provisions of the RMP, through efforts with all levels of government, including local, county, regional, State, and federal agencies.

## Summary

This Highlands Center Feasibility Report presents a series of Chester Borough's planning goals, objectives and policy statements in consideration of Chester Borough's request for Highlands Council approval of a Highlands Center for the entire municipality. This report establishes a foundation for Chester Borough's request to the Highlands Council to approve the designation of the municipality as a Highlands Center. Chester Borough's goals, objectives and general policy orientation for Highlands Center planning are supported in the Highlands Regional Master Plan (RMP) and presented in this report.

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## Attachments:

Map Set

Resolution No. R2019-102 (copy, not certified)

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## Center Implementation Plan

Chester Borough proposes two subsequent phases of planning the Highlands Center including a public participation phase and a "Center Implementation Plan" including preparation of the following specific planning tasks that will be incorporated into Chester Borough's Highlands Center Master Plan:

1. Investigations into the possible designation of Redevelopment Areas for at least the following sites:
  - a. 300 Main Street (Block 119, Lot 8), former Borough Hall
  - b. 280 Main Street (Block 119, Lot 6, 2.57-acres), adjacent to former Borough Hall;
  - c. 50 North Road (Block 115, Lot 6, 19.99-acres (portion)) open municipal land adjacent to municipal building and across from Stony Hill;
  - d. 7 North Road (Block 114, Lot 17, approx. .25-acres), 2 Oakdale Road at corner with North Rd. (Block 114, Lot 18, 1.372-acres) & 28 Oakdale Road (Block 114, Lot 19, .691-acres) and 42 Oakdale Road (Block 114, Lot 20, approx. .750-acres);
  - e. 65 Maple Ave, (Block 131, Lot 4, .98-acres) former Meenan Oil site;
  - f. 437 Main Street (Block 110, Lot 28, 4.88-acres) former Dangler site, vacant land adjacent to Redwoods;
  - g. 235 Route 206 (Block 101, Lot 11, .75-acres) & 263 Route 206 (Block 101, Lot 10, 1.01-acres) and
2. A Reexamination Report will be prepared and adopted that will identify updated goals and objectives derived from the Center Designation process, recommendations for adoption of enabling ordinances, and development and adoption of specific use, density and design ordinances to facilitate development of areas not requiring Redevelopment Area designation in the Center.
3. Redevelopment ordinances for adoption as well as Highlands Resource management ordinances, such as, but not limited to as Water Use and Conservation Management Plans, Habitat Conservation and Management Plans, Stream Corridor Restoration Plans, Stormwater Management, and Sustainable Economic Development Plans.

These will be the fundamental components of Chester Borough's Highlands Center Plan Element that will incorporate the background and policy statements contained in the Highlands Center Feasibility Report (contents of above report). In addition, Chester Borough will address other ordinances that are necessary and as may be required by the RMP for Implementation of the Center Plan, such as ordinances related to the Borough's centralized wastewater system expansion project.

The Highlands Center Master Plan Element will identify:

- i. Highlands Center Goals and Objectives.
- ii. Capacity Analysis to develop the capital improvement plan for expanded infrastructure to serve the Center.
- iii. Environmentally sensitive areas and natural resource areas to be protected and restricted from future development (these will essentially follow the contours of the RMP Land Use Capability Map Protection Zone designations in the Borough, and environmentally sensitive features, such as wetlands, floodplains, steep slopes, etc.).

- iv. Future planning initiatives, such as Water Use and Conservation Management Plans, Habitat Conservation and Management Plans, Stream Corridor Restoration Plans, Stormwater Management, and Sustainable Economic Development Planning.
- v. Affordable housing sites that are designated for affordable housing development as well as affordable housing opportunities in conjunction with redevelopment.

Implementation Plan & Schedule: Approximately 6 Months

- A. Center Boundary. As indicated and explained in the Center Feasibility Report, the entire Borough will be designated a Highlands Center. This designation will be memorialized by ordinance following the NJ Highlands Council's approval of the Borough's petition for Center designation. (i.e. 45 - 90-days following Center approval).
- B. Goals and Objectives. As explained in the Center Feasibility Report, the purpose, goals and objectives of the proposed Highlands Center are rooted in the goals and objectives of Borough's Master Plan. These may be refined during the Center Implementation Plan and public outreach process. Consistency between RMP goals and objectives and Chester Borough's Master Plan goals and objectives are detailed in the Center Feasibility Report. A reexamination of goals and objectives will be undertaken in conjunction with a Reexamination Report as explained in #2 above. (estimated 90-180 days in conjunction with Redevelopment Planning)
- C. Center Areas. The Center feasibility Report identifies the entirety of the Borough as the Highlands Center. Particular areas within the Borough will be the focus of Center Planning that the Borough has identified as possible Redevelopment Areas (see #1 above). These areas are generally described in the Center Feasibility Report. (Redevelopment Areas investigations and Redevelopment Plans – estimated 120-150 days)
- D. Community Participation. All Center planning activities will be undertaken at Municipal government meetings, including Mayor and Council meetings and Land Use Board meetings. The Borough will post Center planning announcements on the Borough website for all Highlands Center planning with invitations for public participation throughout the Center Planning Process. Individual property owners of sites that are the subject of Redevelopment Investigations and possible Redevelopment Area designation will be directly mailed notices of hearings on the Redevelopment Investigation and subsequent Redevelopment Plan, if any is to be adopted. (continual public outreach throughout Center planning process)
- E. Center Growth. The Borough's Center Feasibility Report explains the physical locations of sites within the Borough that will be considered for modest growth and redevelopment. With only minor exceptions, all sites for growth and redevelopment are designated Existing Community Zone in the RMP.

In addition to the several sites detailed for Redevelopment Investigations in the Feasibility Report, the most significant site that will benefit from Center designation is the Turkey Farm redevelopment area, which is approximately 25 acres of Existing Community Zone-designated land that is located at the corner of US Route 206 and West Main Street. This is explained in detail in the Highlands Center Feasibility Report (above).

- F. Center Infrastructure. The Borough's Feasibility Report explains and graphically depicts the existing limits of centralized wastewater collection and treatment facilities and public potable water service in the Borough and describes plans for future service. Future expansion of these systems is envisioned to serve (1) virtually all existing developed residential neighborhoods, (2) existing developed nonresidential developed sites that are not currently served; and (3) future redevelopment areas that are depicted in Center Feasibility Report mapping.
  - a. NJDEP approval of expanded wastewater collection and treatment facilities will require a NJ Highlands Council consistency determination that proposed future service areas are consistent with the RMP. Following that, NJDEP can grant the Borough an approval for an amended water quality management plan. Precedent to that, however, is submission of a revised wastewater management plan (WMP) to the NJDEP, which is currently being prepared. This may exceed the approximate 6-month time frame for the Highlands Center schedule.

## **RESOLUTION NO. R2019-102**

### **A RESOLUTION OF THE BOROUGH OF CHESTER DESIGNATING THE ENTIRE BOROUGH AS A HIGHLANDS CENTER IN ACCORDANCE WITH THE NEW JERSEY HIGHLANDS REGIONAL MASTER PLAN AND ESTABLISHING THEREIN CERTAIN NON-CONDEMNATION REDEVELOPMENT INVESTIGATION AREAS**

**WHEREAS**, the Borough of Chester has conformed its Master Plan and development regulations to the New Jersey Highlands Regional Master Plan (“Highlands RMP”, or “RMP”) in accordance with New Jersey Highlands Council RMP “Plan Conformance” procedures; and

**WHEREAS**, the New Jersey Highlands Council provides conforming municipalities with the option of designating a New Jersey Highlands Center (a “Highlands Center” or “Center”) in accordance with the provisions of the Highlands RMP; and

**WHEREAS**, a Highlands Center may include certain areas designated “Areas in Need of Redevelopment” as defined in N.J.S.A. 40A:12A-1 et seq., the New Jersey Local Redevelopment and Housing Law (LRHL) as well as areas deemed appropriate for future growth and development by the municipality and the New Jersey Highlands Council that may not exhibit conditions establishing the need for redevelopment; and

**WHEREAS**, on February 19, 2019 the Mayor and Council of the Borough of Chester identified certain areas within the Borough believed to be potentially suitable for designation as a “Non-condemnation Redevelopment Areas” and on that basis authorized the Chester Borough Land Use Board to investigate, consider and make recommendations concerning seven (7) areas for possible designation as Non-condemnation Redevelopment Areas, as follows.

- a. 300 Main Street (Block 119, Lot 8), former Borough Hall
- b. 280 Main Street (Block 119, Lot 6, 2.57-acres), adjacent to former Borough Hall;
- c. 50 North Road (Block 115, Lot 6, 19.99-acres (portion)) open municipal land adjacent to municipal building and across from Stony Hill;
- d. 2 Oakdale Road at corner with North Rd. (Block 114, Lot 18, 1.37-acres) & 28 Oakdale Road (Block 114, Lot 19, .69-acres);
- e. 65 Maple Ave, (Block 131, Lot 4, .98-acres) Former Meenan Oil site;
- f. 437 Main Street (Block 110, Lot 28, 4.88-acres) former Dangler site, vacant land adjacent to Redwoods; and

**WHEREAS**, by Resolution No. 2019-92, adopted on July 16, 2019, the Mayor and Council of the Borough of Chester amended the list of sites authorized on February 19, 2019 for the Chester Borough Land Use Board to conduct investigations and make recommendations for possible designation of “Non-condemnation Redevelopment Area[s]” in accordance with the conditions establishing the need for redevelopment as set forth at N.J.S.A. 40A:12A-5 “Determination of need for redevelopment”, to include additional properties for consideration.

**WHEREAS**, on August 8, 2019, the Land Use Board of the Borough of Chester investigated the issue of Highland Center Designation and “Non-condemnation Redevelopment Area[s]” and made

the recommendation that Chester Borough in its entirety should be designed as a Highlands Center and that the following properties should be investigated by the Land Use Board for possible designation as Non-condemnation Redevelopment Areas:

- a. 300 Main Street (Block 119, Lot 8), former Borough Hall
- b. 280 Main Street (Block 119, Lot 6, 2.57-acres), adjacent to former Borough Hall;
- c. 50 North Road (Block 115, Lot 6, 19.99-acres (portion)) open municipal land adjacent to municipal building and across from Stony Hill;
- d. 7 North Road (Block 114, Lot 17, approx. .25-acres), 2 Oakdale Road at corner with North Rd. (Block 114, Lot 18, 1.372-acres) & 28 Oakdale Road (Block 114, Lot 19, .691-acres) and 42 Oakdale Road (Block 114, Lot 20, approx. .750-acres);
- e. 65 Maple Ave, (Block 131, Lot 4, .98-acres) former Meenan Oil site;
- f. 437 Main Street (Block 110, Lot 28, 4.88-acres) former Dangler site, vacant land adjacent to Redwoods;
- g. 235 Route 206 (Block 101, Lot 11, .75-acres) & 263 Route 206 (Block 101, Lot 10, 1.01-acres) and

**WHEREAS**, at the regularly scheduled, duly noticed August 8, 2019 meeting of the Chester Borough Land Use Board, the Board reviewed, discussed and received public comment on the Highlands Center boundary and the list of non-condemnation investigation area sites; and

**WHEREAS**, on August 8, 2019 the Land Use Board determined that it agrees with and endorses (1) the designation of the entirety of Chester Borough as a Highlands Center; (2) that Highlands Center planning may be used to support Chester Borough's long-term planning objectives to protect the character and scale of existing developed residential neighborhoods and non-residential areas in the Borough; (3) that Highlands Center Planning provides Chester Borough with the opportunity to expand wastewater treatment capacity and the development of wastewater collection facilities to serve all existing residential development and allow for modest, incremental new non-residential development planned at a scale that is appropriate to the Borough's community character protection goals and objectives; and (4) that the proposed non-condemnation investigation area sites identified by the Borough Council are appropriate non-condemnation investigation areas that may foster modest-scale economically beneficial uses; and

**WHEREAS**, the Mayor and Council of the Borough of Chester deem it necessary and appropriate, and in the best interests of the citizens of Chester Borough to accept the recommendations of the Chester Borough Land Use Board;

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Chester, County of Morris, State of New Jersey, as follows:

1. Chester Borough in its entirety is hereby designed as a Highlands Center in accordance with the provisions of the New Jersey Highlands Regional Master Plan; and
2. The following areas are hereby designed as Non-condemnation Redevelopment Investigation Areas:
  - a. 300 Main Street (Block 119, Lot 8), former Borough Hall;



- b. 280 Main Street (Block 119, Lot 6, 2.57-acres), adjacent to former Borough Hall;
  - c. 50 North Road (Block 115, Lot 6, 19.99-acres (portion)) open municipal land adjacent to municipal building and across from Stony Hill;
  - d. 7 North Road (Block 114, Lot 17, approx. .25-acres), 2 Oakdale Road at corner with North Rd. (Block 114, Lot 18, 1.372-acres) & 28 Oakdale Road (Block 114, Lot 19, .691-acres) and 42 Oakdale Road (Block 114, Lot 20, approx. .750-acres);
  - e. 65 Maple Ave, (Block 131, Lot 4, .98-acres) former Meenan Oil site;
  - f. 437 Main Street (Block 110, Lot 28, 4.88-acres) former Dangler site, vacant land adjacent to Redwoods; and
  - g. 235 Route 206 (Block 101, Lot 11, .75-acres) & 263 Route 206 (Block 101, Lot 10, 1.01-acres).
3. The Borough's Administrator and professionals are hereby directed to take such actions as are necessary to implement this resolution.

ATTEST:

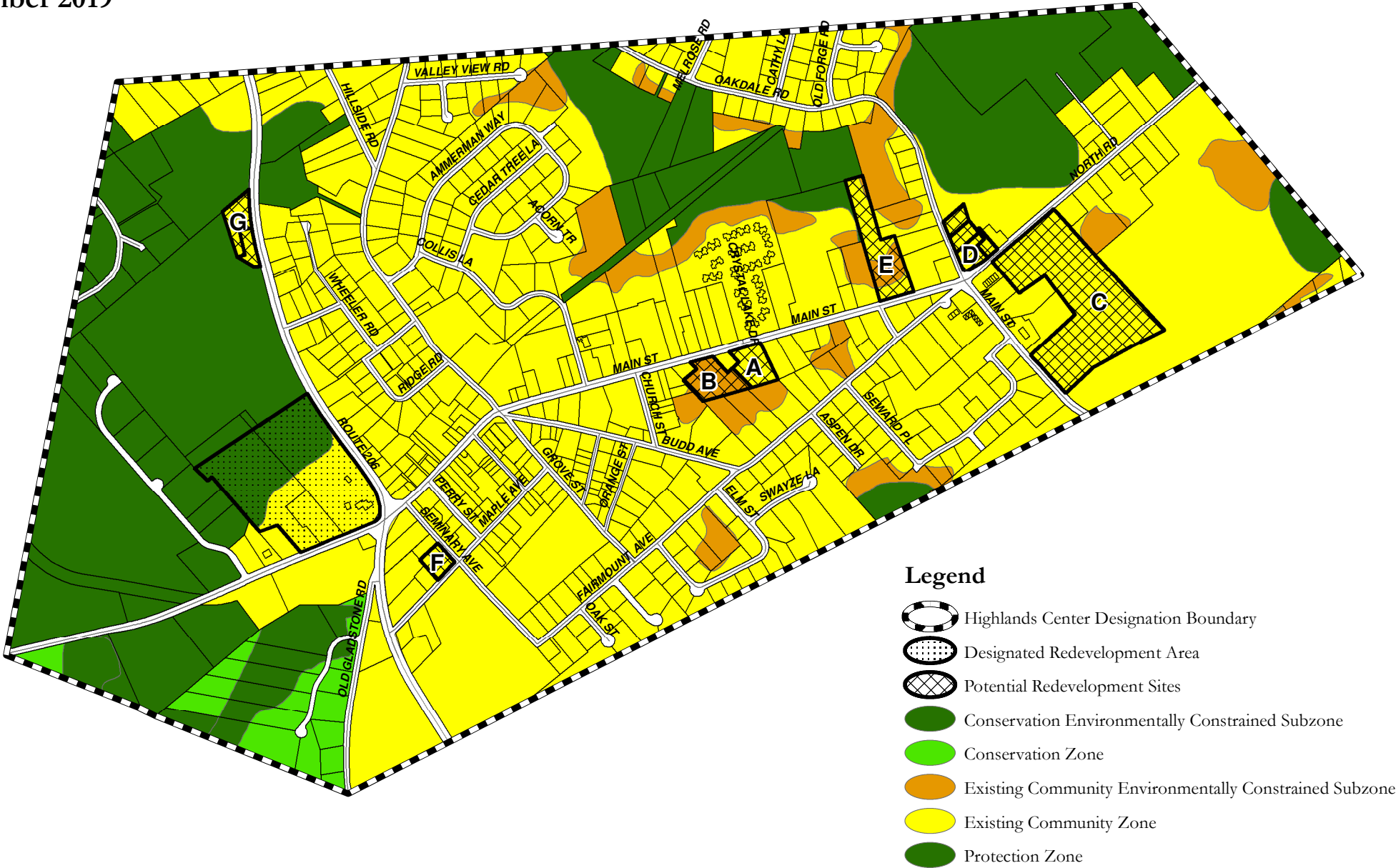
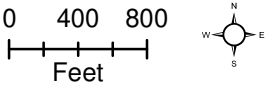
I herein certify that the foregoing resolution was adopted by the Governing Body of the Borough of Chester at a duly noticed public meeting of the Mayor and Council on August 13, 2019.

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Denean Probasco, CMC, Chester Borough Clerk

Figure 1:  
Center Boundary and Highlands Land Use Capability Zones  
Borough of Chester

September 2019



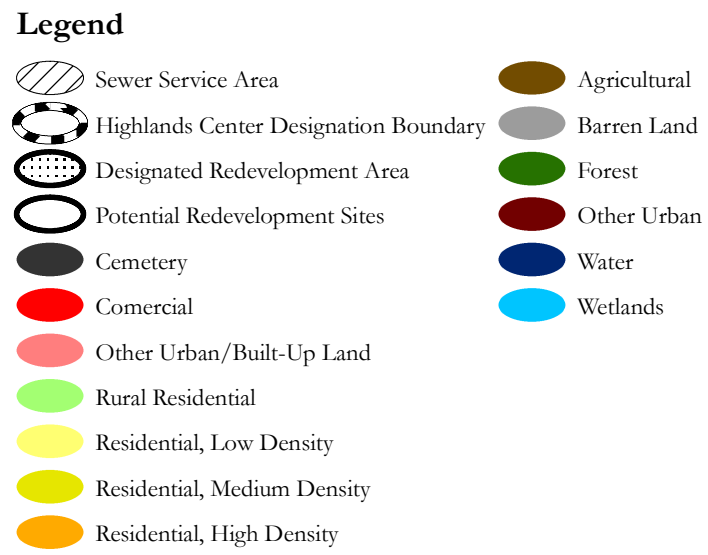
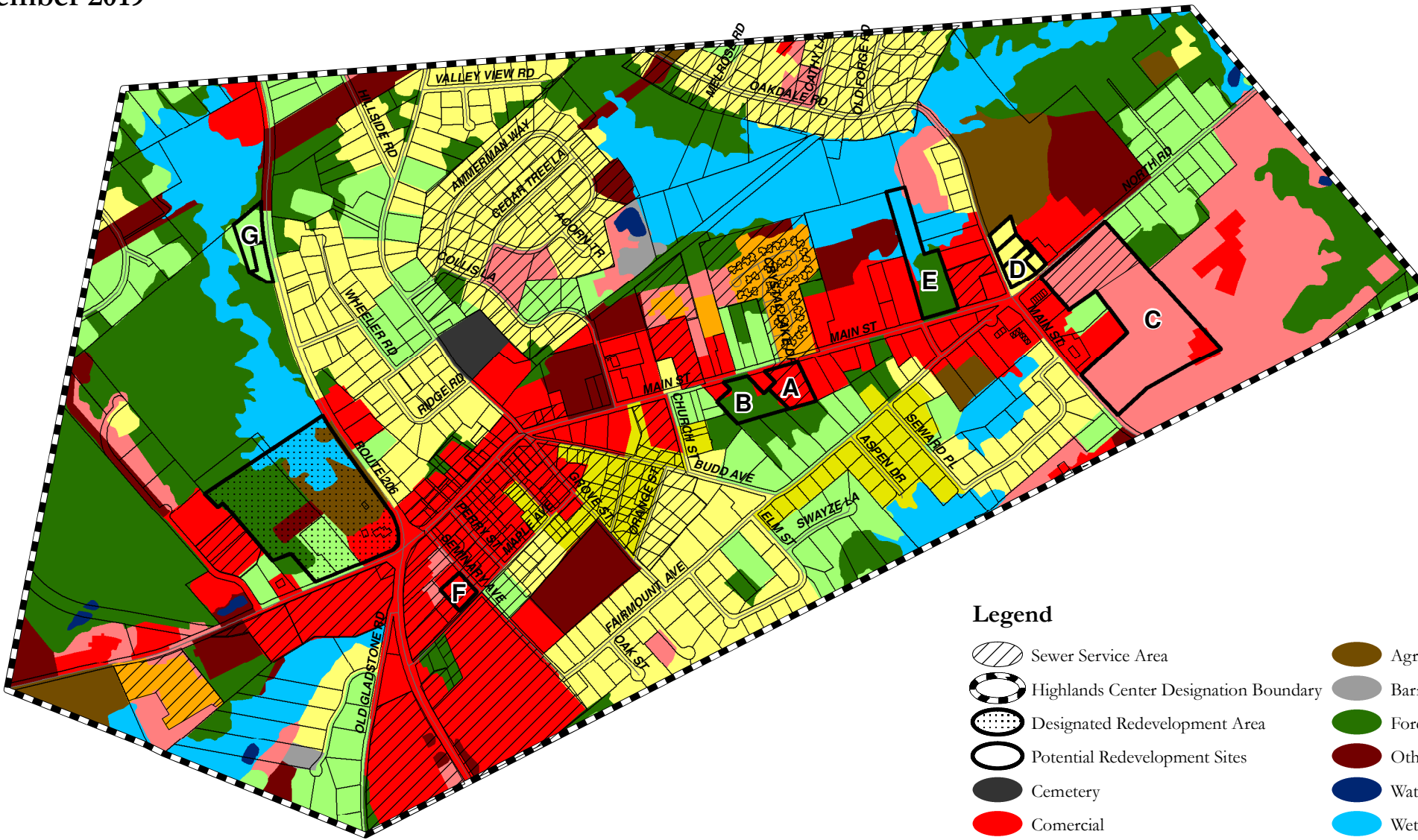
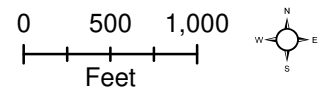
**Legend**

- Highlands Center Designation Boundary
- Designated Redevelopment Area
- Potential Redevelopment Sites
- Conservation Environmentally Constrained Subzone
- Conservation Zone
- Existing Community Environmentally Constrained Subzone
- Existing Community Zone
- Protection Zone

Data Sources:  
Morris County Planning Department parcels  
NJDEP Highlands Council LUCZ

Figure 2:  
Land Use/Land Cover  
Borough of Chester

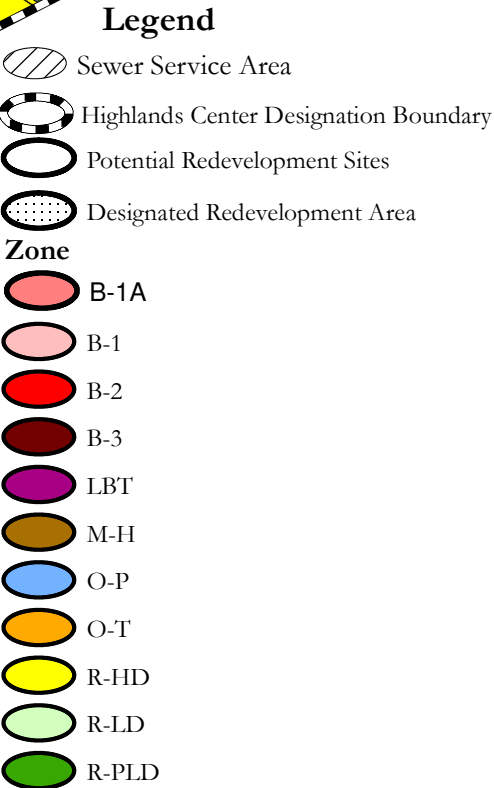
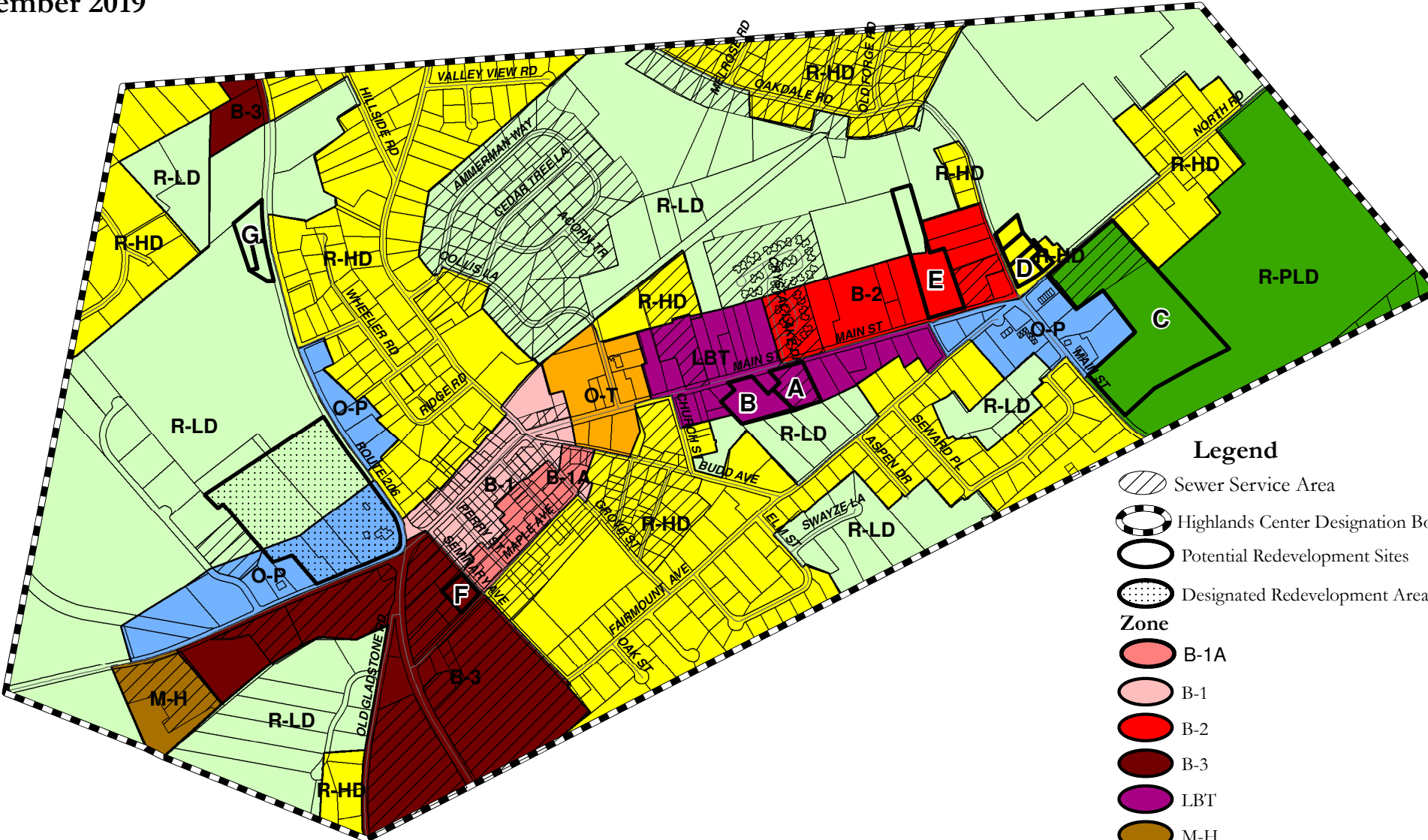
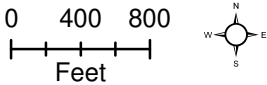
September 2019



Data Sources:  
Morris County Planning Department parcels  
NJDEP 2012 Land Use/Land Cover

Figure 3:  
Existing Zoning  
Borough of Chester

September 2019

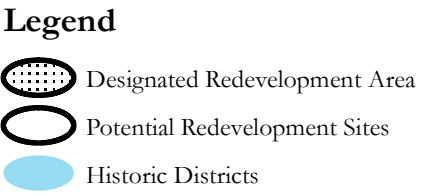
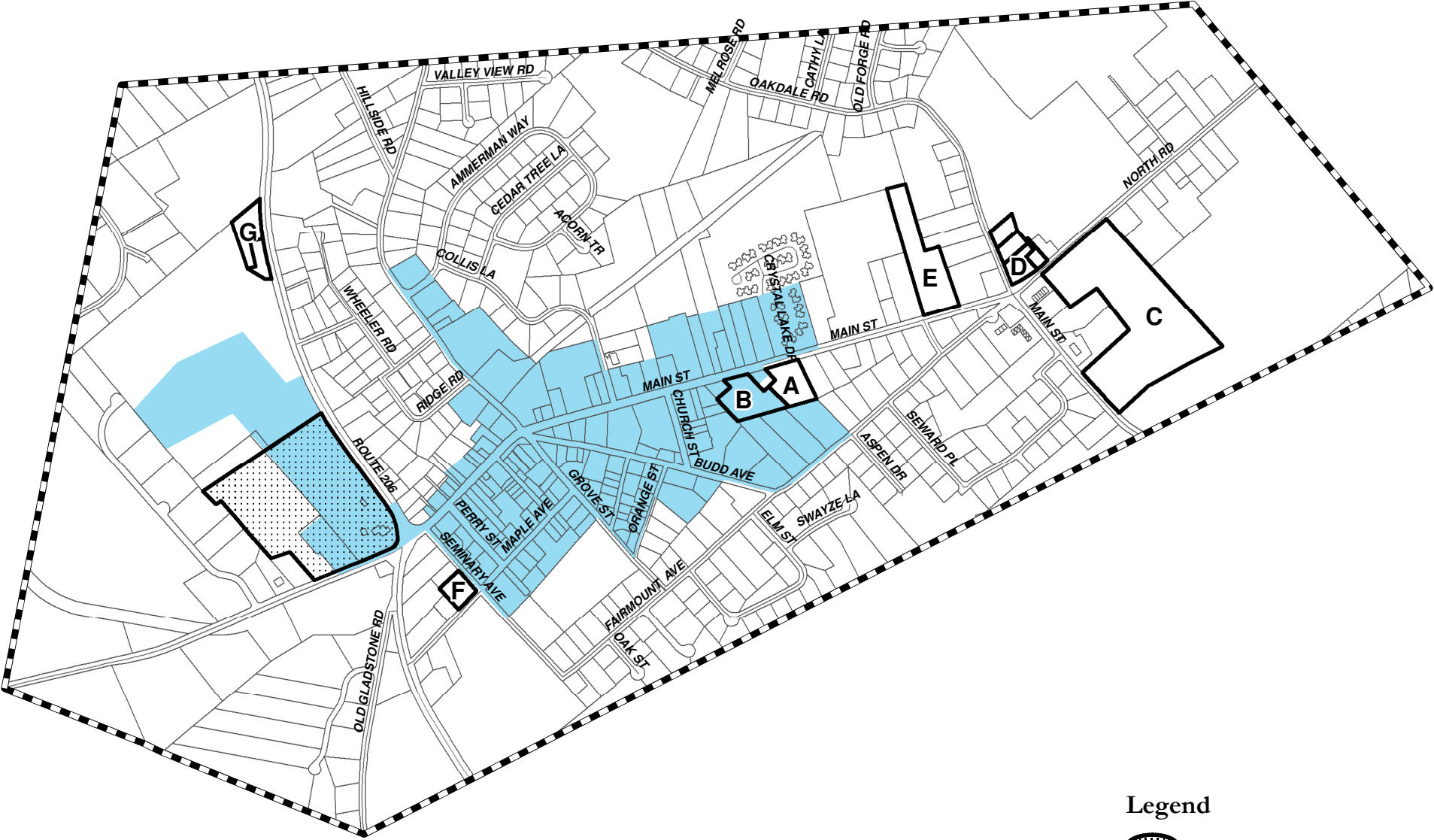
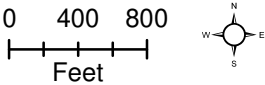


Data Sources:  
Morris County Planning Department parcels



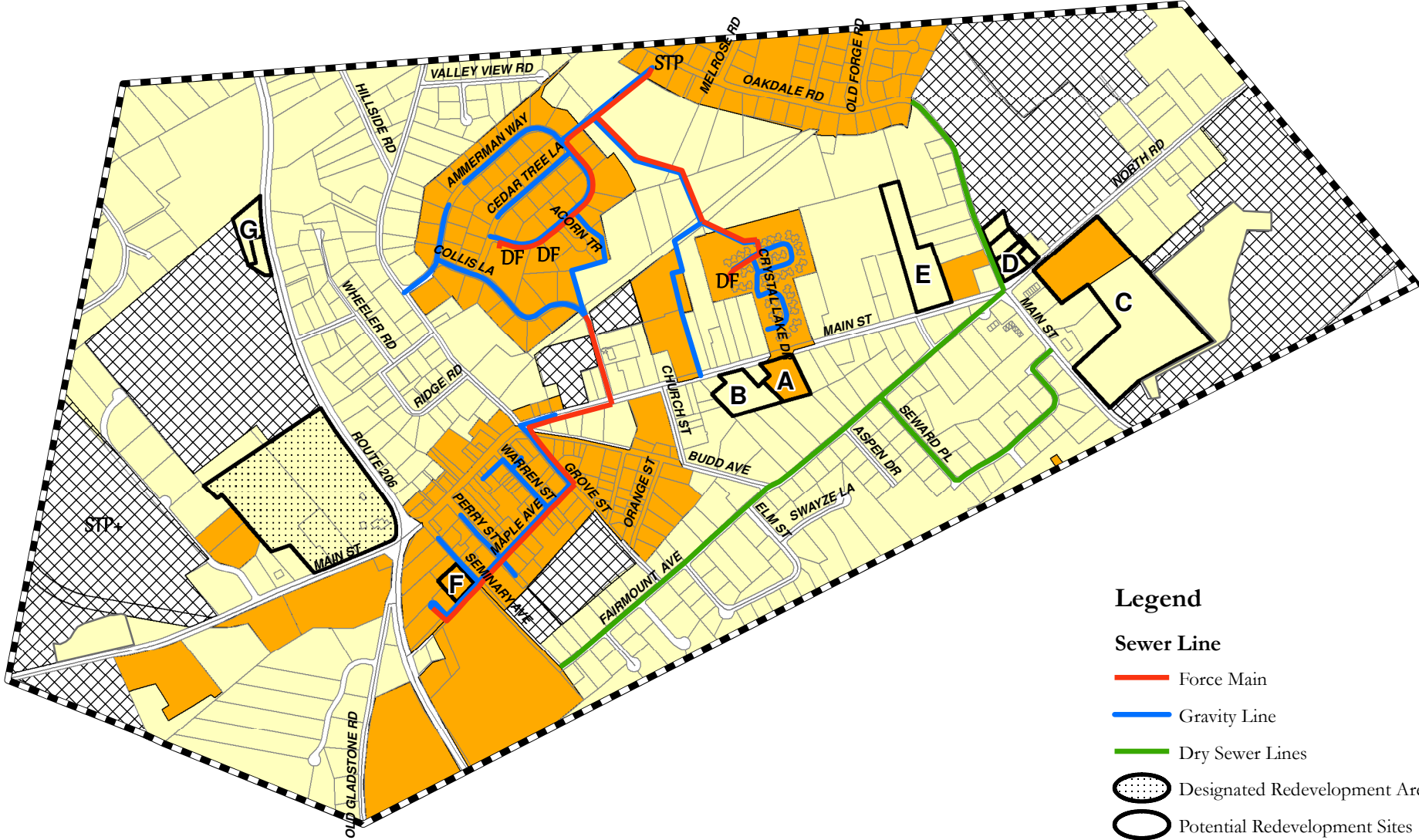
Figure 4:  
Historic District  
Borough of Chester

September 2019



**Figure 5:**  
**Existing and Future Sewer Service Area**  
**Borough of Chester**

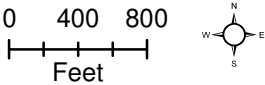
September 2019



- Legend**
- Sewer Line**
- Force Main
  - Gravity Line
  - Dry Sewer Lines
  - Designated Redevelopment Area
  - Potential Redevelopment Sites
  - Deed Restricted Properties
  - Existing Sewer Service Area
  - Future Sewer Service Area

Figure 6:  
Existing Public Water with Existing Sewer Service Area  
Borough of Chester

September 2019



- Legend**
- Designated Redevelopment Area
  - Potential Redevelopment Sites
  - Sewer Service Area
  - Public Water

Data Sources:  
Morris County Planning Department parcels  
NJDEP SSA 2016  
NJDEP Highlands Council Public Water Areas Served 2016

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Highlands Center Designation – **DRAFT** Consistency Review and Recommendations**  
**Report**

**APPENDIX B**

**IMPLEMENTATION PLAN AND SCHEDULE**

**Borough of Chester, Morris County**



### Highlands Council Implementation Plan- Chester Borough, Morris County

Amended Grant Agreement Task #	PLAN CONFORMANCE TASK	FY 2020 Funding	Status and Comments
1	<b>Housing Element &amp; Fair Share Plan (Module 3)</b>		
	a. Update Module 2, 3 & 7 - 3rd Round Fair Share Plan		
	b. Housing Element and Fair Share Plan		
2	<b>Highlands Environmental Resource Inventory (Module 4)</b>		
3	<b>Highlands Element of Municipal Master Plan (Module 5)</b>		
	a. Master Plan Reexamination Report - Prepared and Adopted	\$7,500.00	Amend for Center Designation, HERZ
	b. Highlands Element of the Municipal Master Plan	\$10,000.00	Amend for Center Designation, HERZ
4	<b>Municipal Master Plan Elements</b>		
	a. Land Use Plan Element		
	b. Conservation Plan Element		
	c. Circulation Plan Element		
	d. Land Preservation and Land Stewardship Plan Element	\$35,000.00	
	e. Agricultural Retention/Farmland Preservation Plan		
	f. Sustainable Economic Development Plan Element/ Implementation Actions		
	g. Community Facilities Plan Element		
	h. Historic Preservation Plan Element		
	i. TDR Plan Element		
	j. Septic System Yield Allocation		
5	<b>Highlands Land Use Ordinances (Module 6)</b>	\$5,000.00	Amend for Center Designation, HERZ
6	a. Adopt Planning Area Petition Ordinance		
7	b. Adopt Highlands Municipal Referral Ordinance		
	c. Adopt Delegated Exemption Ordinance		
	d. Exemption Determination Ordinance		
8	<b>Zoning Map Update (Update to reflect Highlands Overlay Zones, Districts)</b>	\$5,000.00	Amend for Center Designation, HERZ
	<b>Resource Management Plans and Programs</b>		
	a. Water Use and Conservation Management Plan		
9	b. Habitat Conservation and Management Plan		
10	c. Stream Corridor Protection/Restoration Plan		
11	d. Wastewater Management Plan	\$25,000.00	
	e. Septic Management/Maintenance Plan		
	f. Lake Restoration Management Plan		
	g. Scenic Resource Management Plan		
14	h. Municipal Stormwater Management Plan		
	i. Land Preservation and Stewardship Program		
	j. Forest Stewardship Plan		
	<b>Implementing Ordinance for Management Plans</b>		
	a. Septic System Maintenance		
	b. Potential Contaminant Source Management		
	c. Water Use and Conservation Management Plan Ordinances		
	d. Habitat Conservation and Management Ordinance		
	e. Stream Corridor Ordinance		
	f. Lake Restoration Ordinances		
	g. Tree Clearing Ordinances		
	h. Right to Farm Ordinance		
	i. Scenic Resource Management Ordinance		
	j. Wellhead Protection Ordinance		
	k. Steep slope protection ordinance		
	<b>Highlands Center and Highlands Redevelopment Areas</b>		
12	a. Highlands Center Planning Petition Study		
	b. Highlands Center Planning		
	c. Highlands Center Implementation		
	d. Highlands Redevelopment Area Planning	\$25,000.00	
13	<b>Training</b>		
Totals		\$112,500.00	

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**Petition for Highlands Center Designation – **DRAFT** Consistency Review and Recommendations**  
**Report**

**APPENDIX C**

**PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES**

**Amended Petition for Plan Conformance**

**Chester Borough, Morris County**

A Public Comment Period was held from November 15, 2019 to December 16, 2019. Notice of the public comment period was sent to the Highlands Council's e-mail list, newspapers of record, and posted on the Highlands Council's website. No public comments were received.

**RESOLUTION 2020-01**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**ELECTION OF VICE-CHAIR**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act) has created the 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 conduct its business as needed to effectuate the purposes of the enabling legislation; and

**WHEREAS**, the Highlands Act authorizes the Highlands Council to adopt bylaws; and

**WHEREAS**, the Highlands Council has adopted bylaws which provide for the election of officers to more efficiently conduct its business; 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 elects Kurt W. Alstede as Vice-Chair of the Highlands Council.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16<sup>th</sup> day of January 2020.

  
\_\_\_\_\_  
Carl J. Richko, Chair



**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			✓			
Chair Richko			✓			

PUBLIC COMMENTS SUBMITTED AT HIGHLANDS  
COUNCIL MEETING ON JANUARY 16, 2020

Public Comments at the Highlands Council Meeting  
January 16, 2020 4:00 pm

Good afternoon, my name is Shaun Peterson, I am an Associate in the law firm Wisniewski & Associates, LLC. We represent a property owner in Chester Borough and I am here today to offer comments on the Borough of Chester's petition for Amended Plan Conformance which would include Highlands Center Designation.

The Highlands act and its regulations state that a Highlands Center is "an area where development and redevelopment is planned and encouraged ... by providing for sustainable economic growth while **protecting critical natural and cultural resources**." It therefore follows that the Highlands Council, in considering the Borough of Chester's petition for Amended Plan Conformance including Highlands Center Designation would make **protecting critical natural and cultural resources** a priority. Unfortunately, the Draft Consistency Review and Recommendations Report that you have before you does not. My request is that you pause in your deliberations and table consideration of this petition until all of the facts are taken into account.

For example, the Recommendations Report starts off by stating "the proposed Highlands Center is located in an area with **sufficient** water availability, water supply, and **wastewater**, and is appropriate for increased land use intensity." While some of that statement may be true, one part is not. Five pages after this statement the same Recommendations

Report notes<sup>1</sup> that the Borough's current sewerage system is "exceeding capacity" and "numerous failing cesspools and subsurface disposal systems are creating a public health and safety issue."

Additionally, the Recommendations Report notes on page 6 that the petition has been filed for Highlands Center Designation to facilitate the development of the Turkey Farm and Mill Ridge Lane properties as a component of the Borough's affordable housing settlement. What it fails to note, however, is that part of that Settlement Agreement as well as the Chester Borough Land Use Board Minutes for August 8, 2019 call for the creation of a new septic system for part of that development.<sup>2</sup> There does not appear to be any mention of this new septic system in the Recommendations Report, nor is there any information available about the design, review or approval of this new septic system.

How is it possible for the Borough of Chester to simultaneously have sufficient wastewater capacity, have failing cesspools and subsurface disposal systems, and propose to create another subsurface disposal system? Actually, it isn't possible. The terms and conditions of the Settlement Agreement between Chester Borough and the developer are not fully factored into the Recommendations Report. As a consequence, I again request that the Highlands Council pause in your deliberations and table consideration of this Petition until all of the facts are taken into account.

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<sup>1</sup> See, "Consistency Review and Recommendations Report" page 6

<sup>2</sup> See, pages 8-9 of the Settlement Agreement between the Borough of Chester and Turkey Farm Acquisitions, LLC.



Notwithstanding the Recommendations Report urging approval with conditions, the stated goals of the Borough are not consistent with the goals set forth in the Highlands Regional Master Plan. For example, the Borough's Petition<sup>3</sup> does not include any language that specifically supports the goal set forth in the Highlands Act<sup>4</sup> to protect, restore, or enhance the quality and quantity of surface and ground waters. In fact, the language describing the proposed developments including a new septic system would suggest the opposite. Adding an additional septic system when there are "numerous failing cesspools and subsurface disposal systems ... creating a public health and safety issue" does not protect, restore or enhance the quality and quantity of surface and ground waters. Because of this inadequacy, I believe the Highlands Council would be well within its authority to reject the Petition as being not only inconsistent with the goals of the Highlands Act, but perhaps making things worse.

The 25-acre Turkey Farm Property, the location of part of the new development<sup>5</sup> pursuant to the Borough's previously mentioned Settlement Agreement, is very lightly developed with a majority of the surface open and pervious. The new development that will be facilitated by the requested Highlands Center Designation will change that into a majority impervious surface. This too goes against the Highlands Regional Master Plan goal to protect, restore, and enhance the quality and quantity of surface and ground waters therein. There is an unaddressed yet legitimate concern about the

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<sup>3</sup> See, Petition for Designation, pages 7-12

<sup>4</sup> N.J.S.A. 13:20-10(c)(1)

<sup>5</sup> The new development for this parcel includes 36 apartments, an office development, a CVS and a restaurant.

impact on the surface and ground waters that the proposed development that will be facilitated by the Highlands Center designation and the Settlement Agreement, especially because the Turkey Farm property either includes or is adjacent to a conservation environmentally constrained subzone. These types of zones consist of significant environmental features “that should be preserved and protected from non-agricultural development,” as stated in the Highlands Regional Master Plan<sup>6</sup>. This is not mentioned in either the Petition or the Recommendations Report and no studies, tests, or information been produced to confirm that the potential development will not affect this area. As a consequence, I again request that the Highlands Council pause in your deliberations and table consideration of this Petition until all of the facts are taken into account.

Finally, another goal of the Highlands Act is to preserve historic sites.<sup>7</sup> However, not addressed in either the Petition or the Recommendations Report are the future plans for the Sunnyside House or the Corwin House. According to the November 9, 2017 Chester Borough Land Use Minutes, Sunnyside House is designated as a historic site in the Chester Borough Master Plan, the County Register and is recognized by the Highlands Commission. Both the Petition and the Recommendation Report state that a goal in establishing a Highlands Center Designation is to facilitate the implementation of the Settlement Agreement.

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<sup>6</sup> See, Highlands Regional Master Plan, page 111

<sup>7</sup> N.J.S.A. 13:20-3, protecting historic properties is included in the definition of conservation purposes.



What is not addressed in either of those documents, however, is the fact that paragraph 4.7 of the Settlement Agreement <sup>8</sup> calls for the demolition of the Sunnyside House. Tearing down this historic building goes against the Highlands Regional Master Plan goal of preserving historic resources. Further, the demolition of historic structures may not stop there. In a September 19<sup>th</sup> story in the Record, the Mayor of Chester Borough is quoted as saying that a "majority of the council said they were fine if the Larison-Corwin House was demolished in order to build a new restaurant."<sup>9</sup> It is this type of "out with the old and in with new" actions that the Highlands Act was designed to protect. It is clear that neither the Petition nor the Recommendations Report took these facts into account.

Notwithstanding the language in the Petition claiming that the Borough has the goal of avoiding inappropriate and inconsistent development while preserving the community's traditional design, the actions planned are clearly contrary to these goals for the reasons previously stated.<sup>10</sup> As a consequence, the actions contemplated by the Borough which would be facilitated by granting a Highlands Center Designation are inconsistent with the Highlands Act's goals of preserving historic sites. Further, the Borough's Petition and the Recommendations Report fail to demonstrate how the proposed actions will preserve the Borough's existing and potential historic sites.

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<sup>8</sup> See, Settlement Agreement page 12

<sup>9</sup> See, The Record, September 19, 2019 by William Westhoven

<sup>10</sup> See, Petition for Designation, page 10

For the foregoing reasons I respectfully submit that the Highlands Council should reject this Petition by Chester Borough as inconsistent with the Highlands Act. In the alternative, the Petition should be tabled so that the facts I have outlined in my remarks can be further considered and taken into account in the Recommendations Report.

**Comments to the Highlands Council, January 16,2020. - Deborah Post, harmed Highlands landowner, Chester Twnship, holding 80 +proxies of Highlandlandowneners to speak and dvocate on their behalf.[**

**In grammar school w would often arrive to class to find that the teacher had a pop quiz on the days aagenda. A surise for whidh we wehad not prepared.**

Today I have brought a pop quiz for this Council. I ask that you complete the assignment before you leave today and that each of your individual quiz results including derivations be made part of the record of this meeting.

If you find this quiz beyond your grade level then I ask that you leave your letter of resignation on the front desk. Anyone who finds this elementary arithmetic quiz too flummoxing should not be wielding the power of the chair you are occupying. Incompetency is bringing our government and society down every place we look. Just turn on your tv. So, please, be honest and take the quiz to the best of your ability. Your approach and thought patterns will be a roadmap to provide to your HDC Bank with whom you and the statues charge with defining the municipal average approach to loan equity

Average. Committee's progress.

## Quiz — time estimate: 8 minutes.

On January 31, 2004, Farmer John owned x acres of productive farmland in xx and Farmer Sally owned xx acres of farmland in xx. Both were actively farming their property. Both considered the land equity value in their property to be their nestegg and savings account, noting that farmers do not have government guaranteed pensions as do the mean spirited Trenton bureaucrats and politicians who seek to take property values without paying the Just Compensation promised in the Fifth Amendment.

Indeed, Farmer John had a young grandson in serious need of an expensive medical treatment and was unable to carve off the building lot he had intended to sell to keep his grandson alive. Farmer Sally had recently refinanced her farm market and began receiving foreclosure notices as her property no longer qualified as adequate collateral. She lost her market and her long family owned agricultural business declined.

### Data Available:

1. Total acreage by lot and block for every property in Highlands with total land constrained acreage was calculated by Council consultants. This work product is known as the TDR credit allocation data base. You can and should be able to get a copy from staff. If not, feel free to contact me with an email as I procured a copy of the entire data base under ORA. You need this data base to determine exactly how many buildable lots were lost for each Highlands landowner. How many buildrights vaporized for every landowner? This data point is a column calculated by the Highlands Council staff on the data base data sheet.

Buildable lot value, referred to statutorily as the Municipal Average, is that is the value of buildable lot by zoning and size for every municipality in the Highlands. The Municipal Average are found in a latter appendix of the TDR Technical Report and were prepared and determined by a Highlands Council consultants. It is important to note that the date of preparation of the Municipal Averages was 2006. Any argument that this data needs updating is fallacious because the Statutory requirements of the TDR Banks to determine the municipal average are clear that the date should be the timing of the taking that is

being compensated. A 2006 valuation date for the 2004 Highlands taking and the 2008 HRMP adoption is perhaps appropriate.

Data assumptions for Quiz completion:

Farmer John: Owned 100 acres zoned 2 acres. Of which 50 were constrained and therefore unbuildable. The Council's allocation data base concludes that Farmer John lost 25 2 acre buildable lots in a municipality where a 2 acre lot had a value of \$88,000.

Farmer Sally: Owned 100 acres zoned 3 acres. Of which 50 were constrained and unbuildable. The Council's allocation data base concludes that Farmer Sally lost 25 3 acre buildable lots in a municipality where a 3 acre lot had a value of \$115,000.

Using the Municipal Average approach allowed at the discretion of the local board under N.J.S.A. 40:1C-31c... how much compensation is due to Farmer Sally and Farmer John due to the loss of buildability (i.e. development potential) taken by the Highlands Act? Please include all your arithmetical calculations and any useful comment on the logic you employed. Any thoughts on prioritization of payment due to circumstances?

Completed and submitted by: \_\_\_\_\_

Highlands Council Member: \_\_\_\_\_

**RESOLUTION 2020-03**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**AMENDED PETITION FOR PLAN CONFORMANCE**  
**CHESTER BOROUGH, MORRIS COUNTY**

**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**, N.J.S.A. § 13:20-14 of the Highlands Act expressly requires mandatory Plan Conformance where municipalities, located wholly or partially in the Preservation Area, must revise and conform their local master plan and development regulations, as they relate to development and use of land in the Preservation Area, with the goals, requirements and provisions of the Regional Master Plan (RMP) within 15 months of adoption thereof, or December 8, 2009; and

**WHEREAS**, N.J.S.A. § 13:20-15 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 RMP at any time; and

**WHEREAS**, the Highlands Act provides that an approval of a Petition for Plan Conformance entitles the conforming municipality with specific benefits including: planning grants, technical assistance, state aid, priority for projects, tax stabilization funds, a strong presumption of validity and extraordinary deference in the event of legal challenge, and legal representation; and

**WHEREAS**, N.J.S.A. § 13:20-18 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 RMP; and

**WHEREAS**, under Resolution 2008-73, the Highlands Council authorized the Executive Director to develop and implement a process for the solicitation and distribution of the Plan Conformance Grants in a total amount not to exceed \$7.5 million and up to a \$100,000 allocation for each individual municipality to address the immediate mandatory components of Plan Conformance; and

**WHEREAS**, Chester Borough is located entirely within the Planning Area; and

**WHEREAS**, on July 21, 2016, after due consideration and opportunity for public comment, the Highlands Council approved Chester Borough's Petition for Plan Conformance with conditions as set forth in Resolution 2016-6, as well as the Final Consistency Review and Recommendations Report dated August 29, 2016 and the Highlands Implementation Plan and Schedule; and

**WHEREAS**, in the process of completing its Petition for Plan Conformance, the Borough of Chester determined, and the Highlands Council concurred, that Highlands Center designation should be studied for the municipality; and

**RESOLUTION 2020-03**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**AMENDED PETITION FOR PLAN CONFORMANCE**  
**CHESTER BOROUGH, MORRIS COUNTY**

**WHEREAS**, the resultant analysis proposed designation of a Highlands Center within Chester Borough, which is intended to advance the goals and intent of both the Chester Borough Master Plan and the RMP; and

**WHEREAS**, Chester Borough adopted Resolution #2019-102 on August 12, 2019 to request the Highlands Council to amend the Borough's Petition for Plan Conformance to include a designated Highlands Center within the Borough; and

**WHEREAS**, Chester Borough submitted a Highlands Center Designation Feasibility Report to the Highlands Council on October 3, 2019 with a request that the Highlands Council amend the previously approved Petition for Plan Conformance to include the Highlands Center; and

**WHEREAS**, Highlands Council staff have reviewed the Highlands Center Designation Feasibility Report and found it to be consistent with the RMP; and

**WHEREAS**, in consideration of the proposed Amended Petition, and a revised Final Consistency Review and Recommendations Report and Highlands Implementation Plan and Schedule which addresses funding needs relating to the Amended Petition, a Public Notice was posted, with the revised Petition materials, on the Highlands Council website for public review and comment on November 15, 2019; and

**WHEREAS**, no comments were received during the public comment period, which closed on December 16, 2019; 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 grants Chester Borough's Amended Petition for Plan Conformance, and adopts the Revised Consistency Review and Recommendations Report and Revised Highlands Implementation Plan for Fiscal Year 2020 and authorizes additional funding in the amount of \$107,500 (subject to funding availability) as set forth in the Highlands Implementation Plan; and

**BE IT FURTHER RESOLVED** that the Executive Director is authorized to make any amendments and publicly release the Revised Final Consistency Review and Recommendations Report, Revised Highlands Implementation Plan, and amend the Plan Conformance Grant Agreement consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Report and Schedule on behalf of the Council; and

**BE IT FURTHER RESOLVED**, that the Chester Borough is hereby entitled to the statutory benefits associated with Plan Conformance as detailed in the Highlands Act, the Regional Master Plan and the Plan



**RESOLUTION 2020-03**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**AMENDED PETITION FOR PLAN CONFORMANCE**  
**CHESTER BOROUGH, MORRIS COUNTY**

Conformance Guidelines, so long as the Chester Borough remains in conformance with the RMP and to the extent such funds are made available by the State; and

**BE IT FURTHER RESOLVED**, the Executive Director is authorized, consistent *with direction* from the Council, to oversee and monitor Chester Borough's compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16<sup>th</sup> day of January 2020.

  
\_\_\_\_\_  
Carl 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				✓		
Chair Richko			✓			

## RESOLUTION 2020-02

### NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL ELECTION OF TREASURER

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act) has created the 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 conduct its business as needed to effectuate the purposes of the enabling legislation; and

**WHEREAS**, the Highlands Act authorizes the Highlands Council to adopt bylaws; and

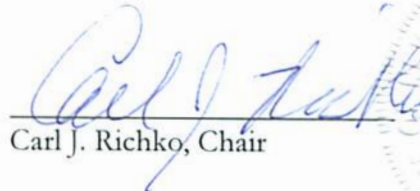
**WHEREAS**, the Highlands Council has adopted bylaws which provide for the election of officers to more efficiently conduct its business; and

**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 elects Robert F. Holtaway as Treasurer of the Highlands Council.

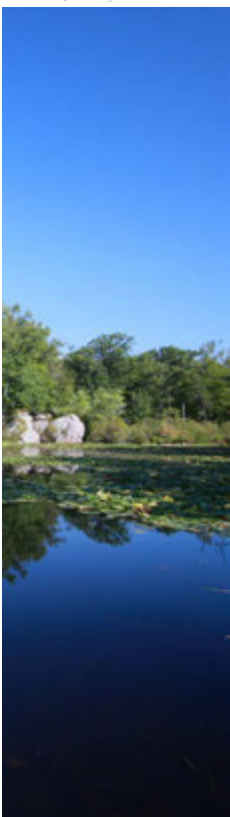
#### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16<sup>th</sup> day of January 2020.

  
Carl J. Richko, Chair

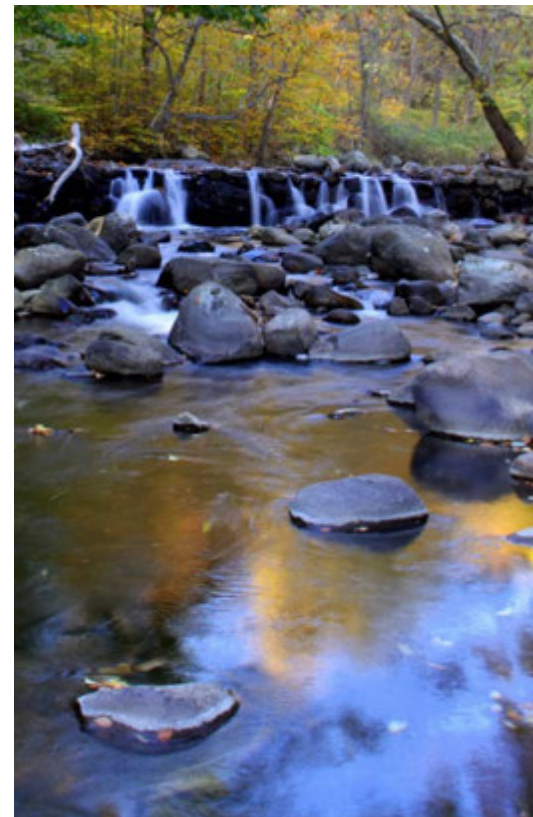
#### Vote on the Approval of This Resolution

	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			✓			
Chair Richko			✓			



# Highlands Council Meeting

Thursday, January 16, 2020





# Chester Borough

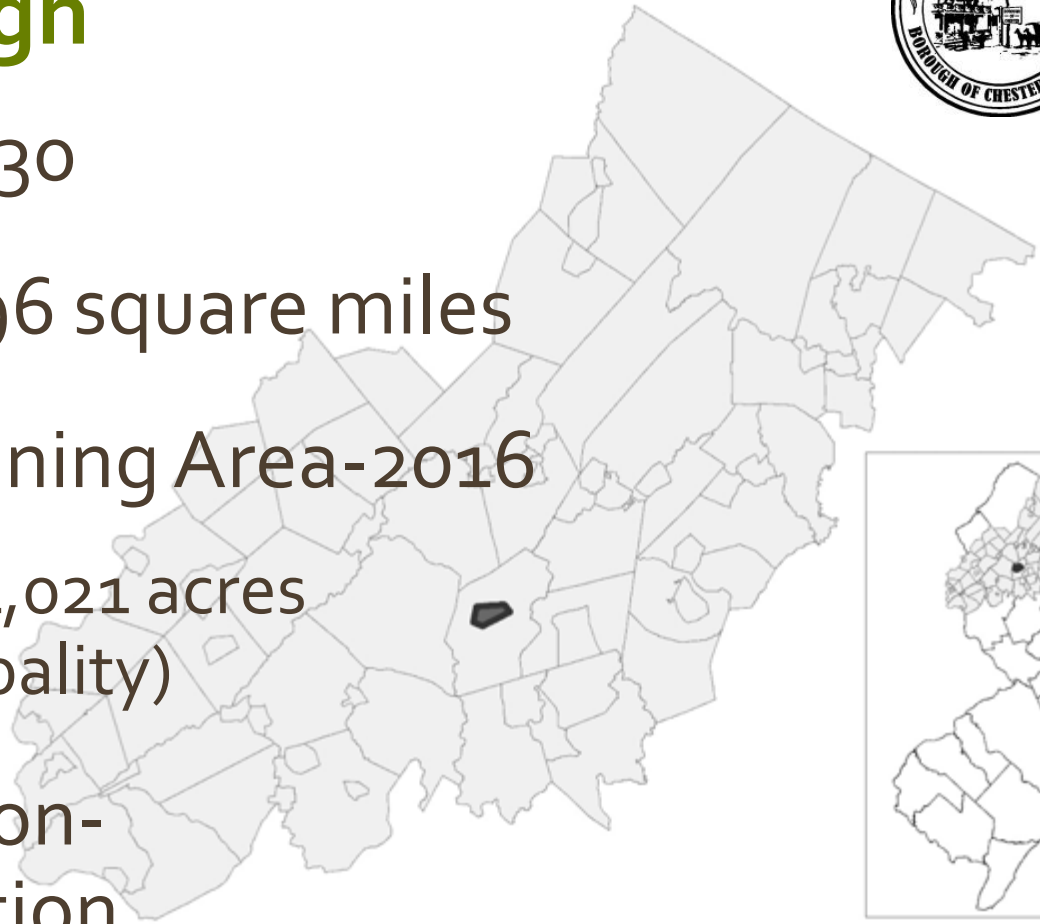
## Amended Petition for Plan Conformance



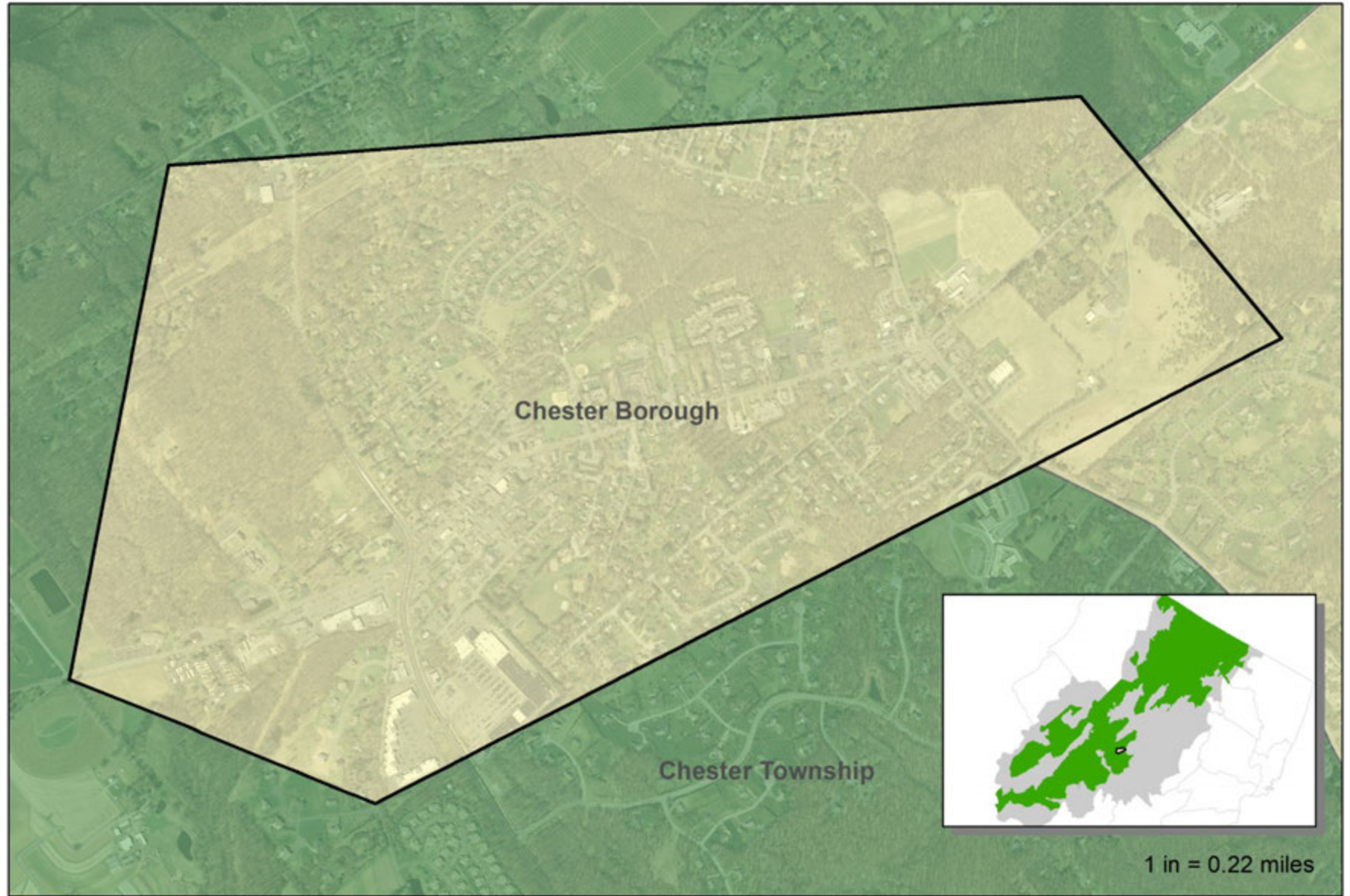
# Chester Borough



- Incorporated 1930
- 1,021 acres/ 1.596 square miles
- Petition for Planning Area-2016
  - Planning Area - 1,021 acres (100% of municipality)
- Amended Petition-Center Designation



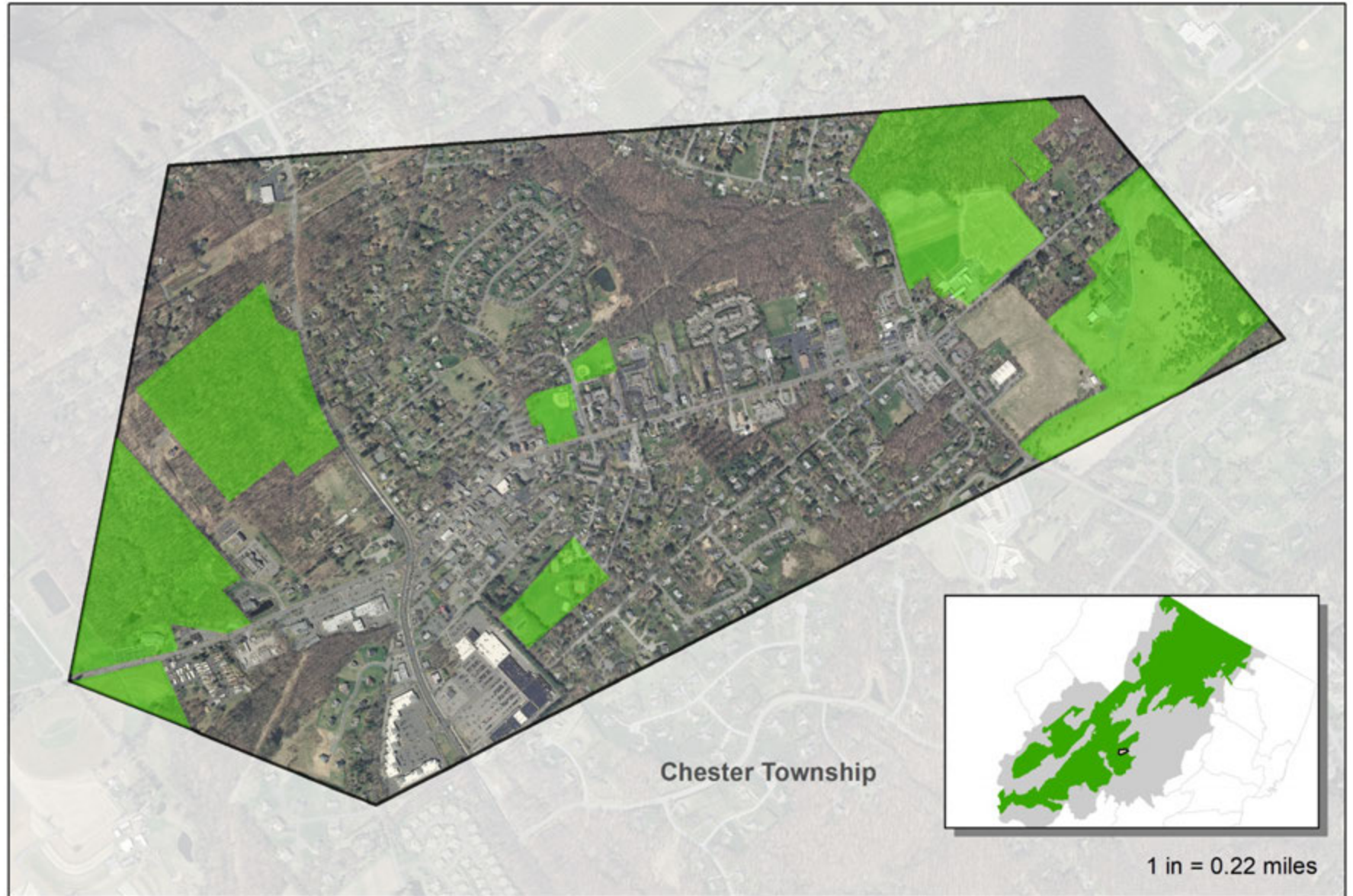
# Chester Borough - Planning Area



-  Municipal Boundaries
-  Highlands Planning Area
-  Highlands Preservation Area



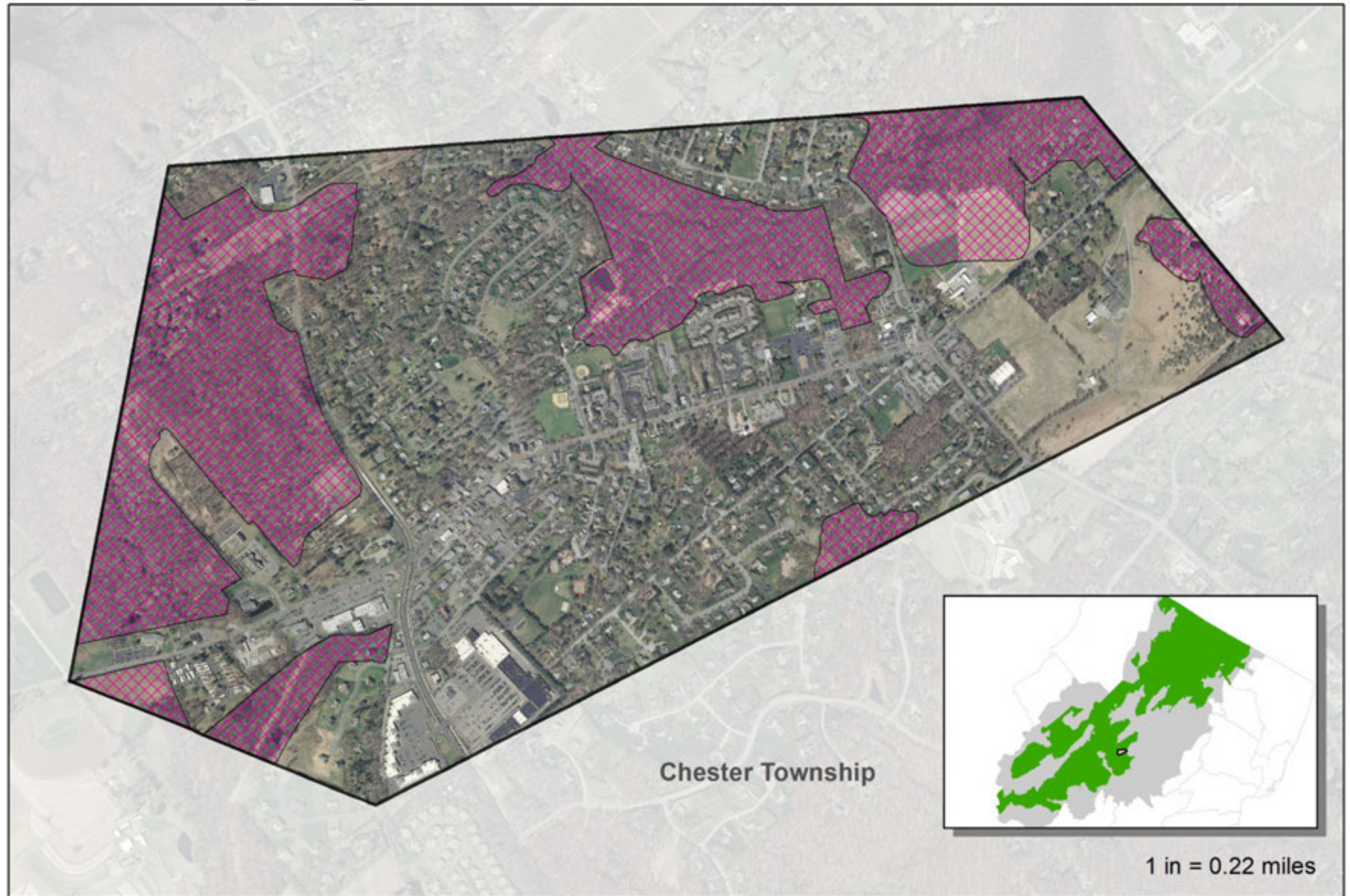
## Chester Borough - Preserved Lands



- Preserved Lands
- Municipal Boundaries



## Chester Borough - Highlands Environmental Resource Zones



- Municipal Boundaries
- Highlands Environmental Resource Zones



# Public Comment Summary

- Public Comment Period:  
November 15 – December 16, 2019
- No comments received.
- Revised final documents:
  - Amended Implementation Plan and Schedule

# Implementation Funding

- Implementation Plan and Schedule includes funding to address:
  - Land Stewardship Plan
  - Redevelopment Planning
  - Wastewater Management
  - Water Use and Conservation Management Plan

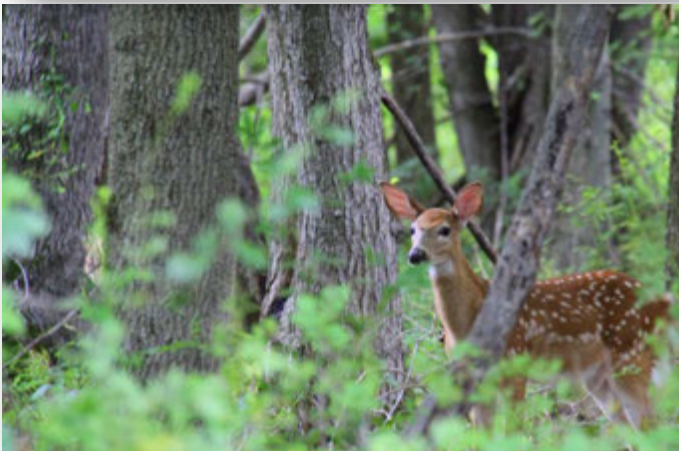
# Staff Recommendation:

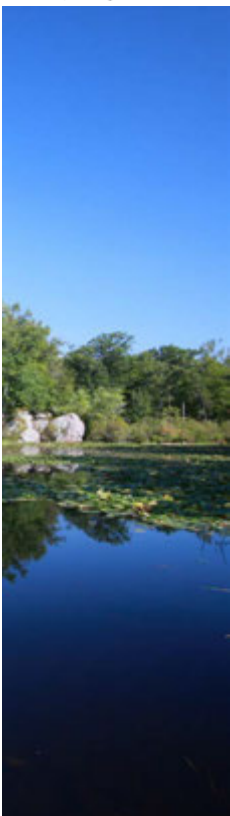
## Approve with conditions

- Adoption of approved:
  - Amended Highlands Land Use Ordinance
  - Master Plan Highlands Element
  - Amended Highlands ERI
  - Water Use and Conservation Management Plan
  - Wastewater Management Plan
- Adherence to Implementation Plan and Schedule

# Chester Borough

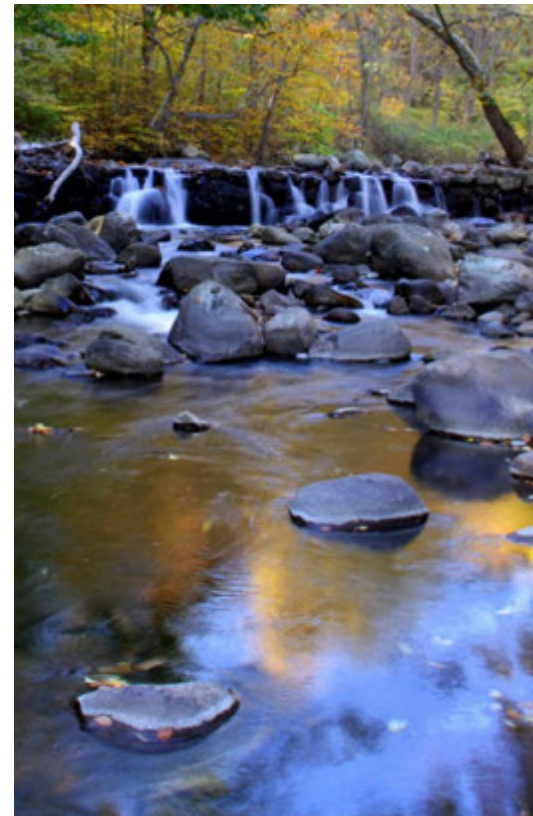
## Amended Petition for Plan Conformance





# Highlands Council Meeting

Thursday, January 16, 2020





## State of New Jersey

Highlands Water Protection and Planning Council  
100 North Road (Route 513)  
Chester, New Jersey 07930-2322  
(908) 879-6737  
(908) 879-4205 (fax)  
[www.nj.gov/njhighlands](http://www.nj.gov/njhighlands)



**PHILIP D. MURPHY**  
*Governor*

**SHEILA Y. OLIVER**  
*Lt. Governor*

**CARL J. RICHKO**  
*Chair*

**LISA J. PLEVIN**  
*Executive Director*

Contact:  
Carole Ann Dicton, Manager of Communications  
(908) 879-6737 ext. 105 or [caroleann.dicton@highlands.nj.gov](mailto:caroleann.dicton@highlands.nj.gov)

FOR IMMEDIATE RELEASE  
January 16, 2020

## Highlands Center Designation approved for Chester Borough *Advances important municipal goals*

CHESTER, N.J. — At its most recent meeting, the Highlands Council voted to designate Chester Borough as a Highlands Center. A Highlands Center is an area within a municipality that the town and the Highlands Council have jointly determined is appropriate for development. Chester Borough's Highlands Center designation includes the entire municipality.

“Chester Borough's unique character and history have already clearly established it as a center in the traditional sense,” notes Carl Richko, Highlands Council Chairman. “The benefit of designating a *Highlands* Center is that it provides the town with a planning process that supports development and redevelopment, while remaining consistent with the Highlands Regional Master Plan.”

Chester Borough is located entirely within the Planning Area of the Highlands region, where conformance with the Highlands Regional Master Plan (RMP) is voluntary. In 2016, the Highlands Council approved the Borough's petition for Plan Conformance. For a municipality like Chester, with a well-established, historic downtown, conformance with the RMP provides access to a wide variety of planning grants and expertise from the Highlands Council staff. Accordingly, Chester's approved petition includes funding for grants to support sustainable economic development planning, historic preservation initiatives, and infrastructure planning related to water, wastewater and stormwater.

“In the course of working with the Borough on projects in its approved petition, it became clear that a Highlands Center designation would help advance a number of the town's strategic goals,” explains Lisa Plevin, Highlands Council Executive Director. “We worked with municipal officials to craft a scope of work for a Highlands Center study to determine the best path forward.”

*New Jersey is an Equal Opportunity Employer*



The majority of the proposed Highlands Center is currently developed. Undeveloped areas within the Borough that contain Highlands resources will be protected within the parameters of a “Highlands Environmental Resource Zone” (HERZ). The delineation of the HERZ recognizes that a designated Center, while generally suitable for future development and redevelopment, may contain areas of sensitive resources that may require additional protections.

Well-known for its historic downtown, Chester Borough first sought separation from Chester Township nearly a century ago due to increasing development that had led to water supply issues. Today, public water and wastewater challenges remain top municipal priorities. Chester’s Highlands Center Designation study revealed that designation would support the Borough’s long-term planning objective to protect the character and scale of existing residential and non-residential areas.

“For many years now, Chester Borough has been working to proactively address its complex needs,” says Plevin. “We’re very happy to be working with them and look forward to working together to also address the Borough’s water and wastewater challenges, for the benefit of both the municipality and the Highlands region.”

Additional details about Chester Borough’s work with the Highlands Council, including petition materials and conformance documents adopted by the municipality are available on the Chester Borough page of the Highlands Council website:  
[www.nj.gov/njhighlands/planconformance/chester\\_boro.html](http://www.nj.gov/njhighlands/planconformance/chester_boro.html).

*The Highlands Council is a regional planning agency established in 2004 with the passage of the Highlands Water Protection and Planning Act and charged with implementation of the Act. More information is available at [www.nj.gov/njhighlands](http://www.nj.gov/njhighlands).*

# # #





**PHILIP D. MURPHY**  
*Governor*

**SHEILA Y. OLIVER**  
*Lt. Governor*

**State of New Jersey**  
Highlands Water Protection and Planning Council  
100 North Road (Route 513)  
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**CARL J. RICHKO**  
*Chair*

**LISA J. PLEVIN**  
*Executive Director*

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FOR IMMEDIATE RELEASE  
January 16, 2020

## **Highlands Center Designation approved for Chester Borough**

### ***Advances important municipal goals***

CHESTER, N.J. — At its most recent meeting, the Highlands Council voted to designate Chester Borough as a Highlands Center. A Highlands Center is an area within a municipality that the town and the Highlands Council have jointly determined is appropriate for development. Chester Borough's Highlands Center designation includes the entire municipality.

“Chester Borough's unique character and history have already clearly established it as a center in the traditional sense,” notes Carl Richko, Highlands Council Chairman. “The benefit of designating a *Highlands* Center is that it provides the town with a planning process that supports development and redevelopment, while remaining consistent with the Highlands Regional Master Plan.”

Chester Borough is located entirely within the Planning Area of the Highlands region, where conformance with the Highlands Regional Master Plan (RMP) is voluntary. In 2016, the Highlands Council approved the Borough's petition for Plan Conformance. For a municipality like Chester, with a well-established, historic downtown, conformance with the RMP provides access to a wide variety of planning grants and expertise from the Highlands Council staff. Accordingly, Chester's approved petition includes funding for grants to support sustainable economic development planning, historic preservation initiatives, and infrastructure planning related to water, wastewater and stormwater.

“In the course of working with the Borough on projects in its approved petition, it became clear that a Highlands Center designation would help advance a number of the town's strategic goals,” explains Lisa Plevin, Highlands Council Executive Director. “We worked with municipal officials to craft a scope of work for a Highlands Center study to determine the best path forward.”

*New Jersey is an Equal Opportunity Employer*

The majority of the proposed Highlands Center is currently developed. Undeveloped areas within the Borough that contain Highlands resources will be protected within the parameters of a “Highlands Environmental Resource Zone” (HERZ). The delineation of the HERZ recognizes that a designated Center, while generally suitable for future development and redevelopment, may contain areas of sensitive resources that may require additional protections.

Well-known for its historic downtown, Chester Borough first sought separation from Chester Township nearly a century ago due to increasing development that had led to water supply issues. Today, public water and wastewater challenges remain top municipal priorities. Chester’s Highlands Center Designation study revealed that designation would support the Borough’s long-term planning objective to protect the character and scale of existing residential and non-residential areas.

“For many years now, Chester Borough has been working to proactively address its complex needs,” says Plevin. “We’re very happy to be working with them and look forward to working together to also address the Borough’s water and wastewater challenges, for the benefit of both the municipality and the Highlands region.”

Additional details about Chester Borough’s work with the Highlands Council, including petition materials and conformance documents adopted by the municipality are available on the Chester Borough page of the Highlands Council website:  
[www.nj.gov/njhighlands/planconformance/chester\\_boro.html](http://www.nj.gov/njhighlands/planconformance/chester_boro.html).

*The Highlands Council is a regional planning agency established in 2004 with the passage of the Highlands Water Protection and Planning Act and charged with implementation of the Act. More information is available at [www.nj.gov/njhighlands](http://www.nj.gov/njhighlands).*

# # #

**RESOLUTION 2020-04**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., permits the holding of closed sessions by public bodies in certain circumstances, and the Highlands Water Protection and Planning Council ("Council") is of the opinion that those circumstances presently exist; and

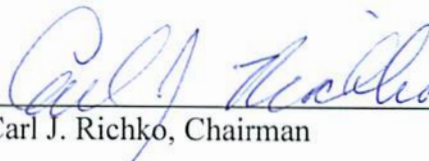
**WHEREAS**, the Council will discuss personnel matters within the meaning of N.J.S.A. 10:4-12(b)(8);

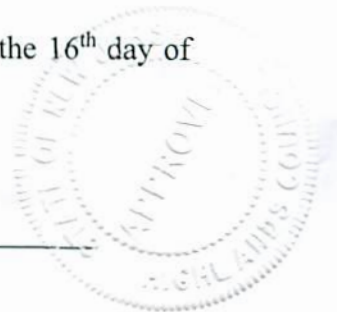
**NOW, THEREFORE, BE IT RESOLVED**, that the Council may enter into closed session at its public meeting of January 16, 2020 for that purpose. It is anticipated at this time that the nature of the closed session will be made public upon completion or resolution of the issues to be discussed, except any matter protected by the attorney-client privilege will not be disclosed.

This Resolution shall become effective upon a roll-call vote of the Council.

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Highlands Water Protection and Planning Council at its regular meeting held on the 16<sup>th</sup> day of January 2020.

  
\_\_\_\_\_  
Carl J. Richko, Chairman



**RESOLUTION 2020-04**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**EXECUTIVE SESSION**

**Vote on the Approval of  
This Resolution**

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

**RESOLUTION 2020-05**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**EXECUTIVE DIRECTOR SALARY**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act) empowers the Highlands Water Protection and Planning Council (Highlands Council) to appoint, retain and employ personnel as it may require without regard to the provisions of Title 11A of the New Jersey Statutes but within the limits of funds appropriated or otherwise made available for those purposes; and

**WHEREAS**, the Highlands Act authorizes the Highlands Council to conduct its business as needed, subject to the statute, to effectuate the purposes of the enabling legislation; and

**WHEREAS**, Section 5.g. of the Highlands Act provides for the Highlands Council's appointment of an Executive Director to serve, at the pleasure of the Council, as its chief administrative officer; and

**WHEREAS**, pursuant to the Highlands Act, the Highlands Council has adopted bylaws which provide for the appointment of an Executive Director whose duties are enumerated in said bylaws and who shall serve at the pleasure of the Council; and

**WHEREAS**, on July 19, 2018, the Highlands Council appointed Lisa J. Plevin as its Executive Director at an annual basis of \$116,000 by Resolution 2018-6; and

**WHEREAS**, in recognition of her high level of performance in the execution of her duties as Executive Director, the Highlands Council is increasing Ms. Plevin's salary to an annual basis of \$125,000; 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 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.

**NOW, THEREFORE, BE IT RESOLVED** that the Highlands Council hereby increases the Executive Director salary to an annual basis of \$125,000.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 16<sup>th</sup> day of January 2020.

  
\_\_\_\_\_  
Carl J. Richko, Chair





**RESOLUTION 2020-05**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**EXECUTIVE DIRECTOR SALARY**

**Vote on the Approval of  
This Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			√			
Councilmember Carluccio						√
Councilmember Dougherty			√			
Councilmember Dressler			√			
Councilmember Francis	√		√			
Councilmember Holtaway			√			
Councilmember James		√	√			
Councilmember Sebetich						√
Councilmember Visioli						√
Councilmember Vohden			√			
Councilmember Walton			√			
Chair Richko			√			



PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

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CARL J. RICHKO  
*Chairperson*

LISA J. PLEVIN  
*Executive Director*

## MEMORANDUM

**To:** Plan Conformance Committee  
**From:** Lisa J. Plevin, Executive Director *LJP*  
**Subject:** Committee Meeting Minutes— January 8, 2020  
**Date:** January 15, 2020

A Plan Conformance Committee meeting was held on Wednesday, January 8, 2020 at 2:00pm in the Highlands Council office in Chester.

Committee Members present via phone were: Council Chair Richko, Committee Chair Dressler, and Committee Member Vohden

Staff Members present: Lisa J. Plevin, Christine LaRocca, James Humphries, Maryjude Haddock-Weiler, Corey Piasecki, Carole Ann Dicton, and Annette Tagliareni.

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

*Ms. Plevin opened the meeting at 2:10pm.*

### Chester Borough Amended Petition for Plan Conformance

Corey Piasecki gave a presentation on Chester Borough's Amended Petition for Plan Conformance providing history, noting that the Borough received Plan Conformance approval in July 2016, and that the Borough is now seeking to amend their Petition for Plan Conformance for Center Designation.

Mr. Piasecki noted that a public comment period was held from November 15 – December 16, 2019. No comments were received. Mr. Piasecki also noted that during the comment period, the Highlands Council amended the Borough's Implementation Plan and Schedule to include funding for a study of the Borough's public lands. Specifically, this study will focus on the removal of invasive species and regrowth of critical habitat in the area of 50 North Road.



After the presentation, Mr. Piasecki asked if anyone had questions.

Council Chair Richko asked for clarification regarding an area in the Protection Zone that was excluded from the Highlands Environmental Resource Zone (HERZ), as well as the allowance of wastewater service extension into another area. Mr. Piasecki responded that one area, Mill Ridge Lane, was excluded from the HERZ to recognize development that occurred prior to Plan Conformance. The extension of wastewater service will be to permit the outfall from the replacement of the Borough's wastewater treatment facility.

There were no other questions.

*Committee Chair Dressler asked for a motion to add Chester Borough Amended Petition for Plan Conformance to the Council's January 16, 2020 Agenda*

*Council Chair Richko made a motion and committee Member Vohden seconded it. All were in favor.*

#### Takings Waivers

James Humphries informed the committee that there are three takings waivers Highlands staff are currently discussing with NJDEP staff.

Committee Member Vohden asked if these waivers are to avoid a taking. Mr. Humphries confirmed they were.

Council Chair Richko asked if the committee may know where these properties are located. Mr. Humphries responded that the properties are located in:

- Independence Township – commercial property
- Bloomingdale Borough – residential property
- Montville Township – residential property

In closing, Mr. Humphries noted that as Council staff receives more information, the committee will be updated.

*The meeting was adjourned at 2:25pm.*

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 17, 2019

**PRESENT**

CARL J. RICHKO	)	CHAIR
KURT ALSTED	)	VICE CHAIR

MICHAEL R. DRESSLER	)	COUNCIL MEMBERS
MICHAEL FRANCIS	)	
ROBERT HOLTAWAY	)	
BRUCE JAMES	)	
JAMES VISIOLI	)	
MICHAEL SEBETICH	)	

**VIA TELE-CONFERENCE**

TRACY CARLUCCIO	)
TIMOTHY P. DOUGHERTY	)
RICHARD VOHDEN	)

**ABSENT**

ROBERT G. WALTON	)
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**CALL TO ORDER** 171<sup>ST</sup> meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:02pm.

**ROLL CALL**

Roll call was taken. Members Alstede, Dougherty, Dressler, and Walton were absent. Members Carluccio, and Vohden were present via tele-conference. All other Council Members were present. *The following staff members were present: Lisa J. Plevin, Christine LaRocca, James Humphries, Annette Tagliareni, Maryjude Haddock-Weiler, Keri Green, Herbert August, Ranji Persaud, Owen Selles, Carole Ann Dicton, and Tom Tagliareni. Also present via tele-conference were Lauren Nathan-LaRusso, Senior Counsel, Governor's Authorities Unit; and Jennifer Moriarty, Deputy Attorney General (DAG).*

**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.

**APPROVAL OF HIGHLANDS COUNCIL MINUTES OF SEPTEMBER 19, 2019**

Chair Richko asked for a motion on the Highlands Council Minutes of September 19, 2019.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
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*Member Visioli made a motion to approve the Highlands Council Minutes of September 19, 2019. Member Holtaway seconded it.*

*Vice Chair Alstede was present at 4:04pm.*

*Member Dougherty was present via tele-conference at 4:04pm.*

*A roll call vote was taken. The Highlands Council Minutes of September 19, 2019 were APPROVED 10-0.*

## **CHAIRMAN'S REPORT**

Chair Richko announced that he will need to leave early and Vice Chair Alstede will take over the meeting in his absence.

## **EXECUTIVE DIRECTOR'S REPORT**

*Member Dressler was present at 4:09pm.*

Ms. Plevin highlighted the following updates and staff activities:

### **Harmful Algal Bloom (HAB) Update**

Since the last report in September, improvements to conditions at Lake Hopatcong have continued; 87% of the lake is reopened. Water advisories have recently been lifted for the northern portion of the NJ side of Greenwood Lake, which is approximately 41% of the lake, and recent sampling indicates that trend will continue south. Lake Musconetcong in Stanhope has reopened to water contact, but Budd Lake in Mount Olive continues to be closed to water contact.

Staff met with representatives of the two lake commissions to discuss possible grant funding for lake projects, both near-term and long-term planning initiatives that could be funded through municipalities and/or counties and their Plan Conformance grants. Staff continues to coordinate with NJDEP on lake grants and funding opportunities. A regularly scheduled HAB coordination call between staff and NJDEP occurs each month.

On Tuesday, the Draft Upper Musconetcong River Watershed Implementation Plan was presented to the Lake Hopatcong Commission at the Commission's public meeting. The draft WIP focuses on projects which, when implemented, can reduce total phosphorus loading in both Lake Hopatcong and Lake Musconetcong and in the Musconetcong River. The Highlands Council awarded Lake Hopatcong Commission a grant of \$109,000 to develop the WIP, and this was recognized at the presentation.

### **Plan Conformance Updates**

#### Outreach Activities

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Since the prior report, staff met with Harmony Township (Warren County) and Mountain Lakes Borough (Morris County) and just last night with Union Township's (Hunterdon County) Township Committee and Planning Board. Upcoming meetings are scheduled with Warren County, Morris County, and Greenwich Township (Warren County).

Hunterdon County Economic Sustainability Planning

Ms. Plevin announced that the Highlands Council has been working with Hunterdon County for a few years now to support their 3-phase county-wide tourism study. We recently attended a Hunterdon County Economic Development Summit where we received a lot of positive recognition. They announced that the county had just completed the last phase of the 3-phase study, which was paid for by the Highlands Council, and as a result of that study – they launched a Hunterdon Co. Tourism Partnership with the goal of marketing Hunterdon County and its many attractions as tourism destinations.

Municipally Issued Exemptions

Since the prior report, the Highlands Council has been notified of the following municipally issued exemptions:

- Mahwah Township, Bergen County issued one exemption #4.
- Washington Township, Morris County issued six exemption #5s.
- Montville Township, Morris County issued one exemption #5.

**Project Review Updates**

Preservation Area Consistency Review

The Land Conservancy of New Jersey is proposing a project in West Milford to do stream restoration work in the West Brook Preserve. Highlands Council staff reviewed the project for consistency with the Regional Master Plan and found it consistent.

Planning Area Consistency Review

Stryker Road Associates submitted plans for a proposed warehouse in Lopatcong Township, Warren County. Staff review for consistency with the RMP is in progress.

TDR/HDC Update

Since the prior report, we've had one HDC closing on a residential property in Tewksbury Township, Hunterdon County. The 46-acre property was allocated 44 HDCs, which were sold to the HDC Bank for a consideration of \$708,000.

In addition, staff completed HDC Allocation determinations in two municipalities:

- Ringwood Borough – 3 lots totaling almost 16 acres with a determination of 30 HDCs total
- Tewksbury Township, Hunterdon County – 2 lots totaling over 57 acres with a determination of almost 28 HDCs

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## **Training**

### Stormwater Management

The Highlands Council hosted a training session on stormwater management compliance for Highlands municipalities and counties. Our colleagues from NJDEP were onsite to lead a hands-on session, highlighting their ArcGIS-based mapping and inventory application. The event was very well attended, with 42 individuals representing 34 Highlands municipalities and counties present.

### Highlands Interactive Mapping/ANJEC event

The Highlands Council led a training session for Environmental Commissioners on the use of the Highlands Interactive Map, at the Association of New Jersey Environmental Commissions (ANJEC) annual Congress. Attendees provided significant positive feedback on the usefulness of our mapping and its application to municipal work.

### Complete Streets

On October 24 the New Jersey Highlands Council is partnering with the North Jersey Transportation Planning Authority (NJTPA), the Voorhees Transportation Center (VTC) at Rutgers University, the New Jersey Department of Transportation, and Sustainable Jersey to bring a free Complete Streets training to the Highlands.

Complete Streets are roads designed for all users, all modes of transportation, and all ability levels. This training will provide an overview of complete streets and the many resources available to assist local officials and community members in advancing complete streets initiatives.

Council members welcome/encouraged to attend. We believe if Highlands municipalities/counties are interested in pursuing plan conformance dollars to implement the planning side of this – would be eligible.

## **General Public Outreach**

Last Saturday, the Council had an information table at the Sussex Harvest, Honey, and Garlic Festival. This is the 9th year the Council has participated in this event. The event has grown in size tremendously and now draws several thousand visitors. Our table was very well visited this year, with about 100 people stopping to speak with staff.

On September 28th, staff attended the 7th Annual Warren County Preservation Day, which was an excellent opportunity to meet with Warren County residents to share our maps and literature and discuss Highlands issues. Continuing to make inroads into Warren Co.

### Interagency Coordination

NJDOT Resiliency 3rd Party Stakeholder Meeting – Highlands staff participated on an advisory committee, convened by NJDOT, for a new climate-change initiative. With catastrophic storm-events on the rise, DOT is looking for stakeholder input to better define a state-wide resiliency plan that takes into account not only DOT assets (roadways and travel corridors), but also looks for a more holistic approach to resource preservation in instances of natural and man-made disaster scenarios.

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Lastly, Ms. Plevin noted that the next Council Meeting is scheduled for December 5, 2019.

**Budget & Finance Committee**

Committee Chair Holtaway reported that Council will consider five resolutions. Two require member recusals:

**Resolution – Approval of Fiscal Year 2020 General Operating Budget**

Committee Chair Holtaway explained that the Highlands Council received the same state appropriation of \$2,315,000 as in previous years. Carryover bank balance of \$165,614 from FY19 to FY20. Unexpended salary balance of \$148,125 due to staff separation and hiring delays; returned to Council and used to fund the RMP account. Salary line item increased to address rising cost of salary expenses and to ensure available funds for future salary adjustments. There was some movement between budget line items for this increase (mobile phone, travel expense, legal expenses, and vehicular maintenance).

Chairman Richko asked for a motion on the resolution.

*Member Francis made a motion. Member Visioli seconded it.*

Vice Chair Alstede asked for clarification that it has been a long time staff received raises without promotion. Ms. Plevin responded that staff received a slight raise last year.

**Public Comment**

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp spoke in opposition of all budgets since there is no dedicated funding source for landowners in the Highlands.

**Deborah Post, Chester Township** – Ms. Post reiterated Mr. Klumpp's comments.

There was no Council comment.

*A roll call vote was taken. The resolution was APPROVED 11-0.*

**Resolution – Approval of Fiscal Year 2020 Highlands Protection Fund Capital Budget**

Committee Chair Holtaway explained that the Highlands Protection Fund Capital Budget received the same appropriation as previous years: \$2.2 million. Funds will be used for:

- Plan Conformance and Petition Implementation
- Lake Management Plans
- Watershed Management Plans
- County Plan Conformance

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Estimate \$200,000 of grant closures, and approximately \$1 million in grant expenditures over the course of the fiscal year.

Chairman Richko asked for a motion on the resolution.

*Member James made a motion. Member Holtaway seconded it.*

There was no Public comment.

Council Comment

Vice Chair Alstede asked if reallocating funding from one grant program to another grant program within this budget would require Council approval, or if that could be done with the executive director's authority. Herb August, Grants Manager, responded that staff would ask the Council to pass a resolution for any changes or increases within this budget.

*A roll call vote was taken. The resolution was APPROVED 11-0.*

**Resolution – Approval of Fiscal Year 2020 Highlands Protection Fund Budget for Plan Conformance Funding**

Committee Chair Holtaway explained that staff have been working with municipalities and counties to develop Scopes of Work that satisfy Plan Conformance requirements. With those approved Scopes of Work, staff believes it's appropriate to direct Treasury to encumber \$580,000 of the budgeted Plan Conformance dollars for specific projects that include two counties and up to 14 municipalities. Range of awards is between \$5,000 and \$150,000 based on service area and the scope of the projects. Projects may include:

- Wastewater Plans
- Lake Management Plans
- Habitat Plans
- Center/Economic Development Plans
- Transportation/Trails Plans
- Open Space Plans

Figures in the resolution are not-to-exceed amounts.

Chairman Richko asked for a motion on the resolution.

*Member Holtaway made a motion. Member James seconded it.*

Public Comment

**David Shope, Lebanon Township, NJ** – Mr. Shope noted that one of the items in the resolution was related to trails. Mr. Shope spoke in opposition of this resolution since there is no adequate study for impact of trails.



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Council Comment

Member James commented that trails encourage economic activity in towns.

*A roll call vote was taken. The resolution was APPROVED 11-0.*

**Resolution – Approval of Fiscal Year 2020 Highlands Protection Fund Budget for Plan Conformance for Passaic County**

*Member James recused himself regarding this resolution for Passaic County funding and left the meeting temporarily at 4:29pm.*

Chairman Richko asked for a motion on the resolution.

*Member Francis made a motion. Member Holtaway seconded it.*

There was no Public comment.

There was no Council comment.

*A roll call vote was taken. The resolution was APPROVED 10-0.*

*Member James returned to the meeting at 4:30pm.*

**Resolution – Approval of Fiscal Year 2020 Highlands Protection Fund Budget for Plan Conformance for Hopatcong Borough**

*Member Francis recused himself regarding this resolution for Hopatcong Borough funding and left the meeting temporarily at 4:30pm.*

Chairman Richko asked for a motion on the resolution.

*Member Visioli made a motion. Member Holtaway seconded it.*

There was no Public comment.

There was no Council comment.

*A roll call vote was taken. The resolution was APPROVED 10-0.*

*Member Francis returned to the meeting at 4:32pm.*

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**OTHER BUSINESS**

**Resolution – Highlands Council Annual Meeting Schedule for 2020**

Chairman Richko asked for a motion on the resolution.

*Member Holtaway made a motion. Member Visioli seconded it.*

**Public Comment**

**Hank Klumpp, Tewksbury, NJ** - Mr. Klumpp requested that Council increase the public comment speaking time from 3 to 5 minutes.

**George Stafford, New Jersey Highlands Coalition** - Mr. Stafford commented he has attended many public meetings and has observed that the timeframe for public comment at most is 3 minutes.

**Deborah Post, Chester Township** - Ms. Post urged Council that there needs to be a landowner advocate for landowner compensation. Ms. Post also commented on paid lobbyists who attend meetings.

There was no Council comment.

*A roll call vote was taken. The resolution was APPROVED 11-0.*

**Resolution – Highlands Development Credit (HDC) Bank Meeting Schedule for 2020**

Chairman Richko asked for a motion on the resolution.

*Member Holtaway made a motion. Member James seconded it.*

There was no Public comment.

There was no Council comment.

*A roll call vote was taken. The resolution was APPROVED 11-0.*

**Staff Presentation – Highlands Region Ecosystem Valuation Model and Forest Conservation (FEV) Guidance**

At this time Keri Green, Highlands Council Science Manager, gave a presentation regarding Highlands Region Ecosystem Valuation Model and Forest Conservation (FEV) Guidance. The presentation may be found on Council's website at the link below:

[www.nj.gov/njhighlands/about/calend/2019/oct17/octmtgpreso.pdf](http://www.nj.gov/njhighlands/about/calend/2019/oct17/octmtgpreso.pdf)

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
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Council Comment

Member Sebetich asked who was on the consultant team who drafted the methodology. Ms. Green responded that they were consultants, not scientists from universities. Member Sebetich asked who staff expects to respond to this RFP. Ms. Green noted that we cannot allow any of the previous consultant team to respond to this RFP. Member Sebetich asked if universities would be made aware of this RFP. Ms. Green responded that the RFP will be posted on Council's website and staff can extend that reach to universities.

Member Francis asked how will Council staff select their target areas. Ms. Green responded that this would be used under development scenarios for applicants to establish and give a value for habitat/habitat mitigation. Ms. Green added that it can also be used for conservation and restoration reasons as well.

Member James asked where this methodology had been used, as it is newly developed. Ms. Green responded that it has not yet been used, which is why it needs to be field tested.

Vice Chair Alstede asked if staff anticipates that one firm or multi-disciplinary firms will respond and adequately address the RFP. Ms. Green responded that she expects individual firms and also teams could respond to the RFP.

*Member Dressler left the meeting temporarily at 4:52pm.*

Member James asked if the RFP encourages responses from teams. Ms. Plevin responded that there is nothing prohibiting a team from responding. Ms. Plevin also added that the RFP hasn't been released so we can insert language to encourage teams to respond.

At this time, Ms. Green gave some examples of how the FEV methodology could be used.

*Member Dressler returned to the meeting at 4:55pm.*

**OLD/NEW BUSINESS:**

There was no old/new business

*Chairman Richko turned the meeting over to Vice Chair Alstede and left the meeting at 4:58pm.*

Vice Chair Alstede opened the meeting to the public for any other comments.

**Public Comment**

**Deborah Post, Chester Township** - Ms. Post urged Council to direct the HDC Bank to act on the municipal average approach. Ms. Post also commented on the New Jersey Preservation Act, which replaced the Green Acres Act, and which has set up funding to deed restrict valuation for critical habitat.

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*Member James left the meeting at 4:59pm.*

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp commented on companies who had interest in buying his property until the Highlands Act. Mr. Klumpp asked if Council staff reached out to the Legislature to discuss funding for landowner compensation. Mr. Klumpp urged Council to make the HDC Bank do their job. Mr. Klumpp submitted his comments for the record.

**David Shope, Lebanon Township, NJ** – Mr. Shope objected to the way Chairman Richko runs his meetings, and in his opinion, ignores Robert's Rules of Order. Mr. Shope submitted New Jersey Farm Bureau's October 11, 2019 "This Week in Farm Bureau" for the record.

**Wilma Frey, New Jersey Conservation Foundation** – Ms. Frey had some questions regarding the RFP. Ms. Plevin responded that Ms. Frey can send her questions via email.

**George Stafford, Wharton, New Jersey** – Mr. Stafford commented on a reference earlier regarding his salary.

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers was delighted to hear about Hunterdon and Warren Counties. Ms. Somers gave an overview on the Coalition's annual meeting. Ms. Somers lastly spoke about the FEV and encouraged staff to talk to the State of New Jersey.

**George Cassa, New Jersey Highlands Coalition** – Mr. Cassa added further to Ms. Post's comments as it is his opinion that there is more information that should be investigated on the availability of funding alternatives that Council has addressed, but Mr. Cassa added hearing from other organizations that an important federal source of funding is no longer willing to recognize the dual appraisal method. Mr. Cassa recommends that Council include in their evaluation the availability of funding partners for acquisition programs.

Council Comment

Member Holtaway complimented Ms. Plevin on her presentation at the New Jersey Highlands Coalition's annual meeting.

Vice Chair Alstede asked Highlands staff to provide an update at the next Council meeting on the municipal average discussions and a pathway/timeline as to where we are.

Member Francis added to the Executive Director's report regarding Lake Hopatcong and noted that there is a lot of work to be done regarding water, forests, and lake management issues throughout the State.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 17, 2019

*Member Visioli made a motion to adjourn the meeting. Member Francis seconded it. All were in favor. The meeting was adjourned at 5:18pm.*

**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: 1-17-20

Name: Annette Tagliareni  
Annette Tagliareni, Executive Assistant

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 OCTOBER 17, 2019



My name is Hank Klumpp - I own 150 Acres in the Highlands Preservation Area.

Both Tall Brothers and Solore Enterprises once expressed interest in my property in Lewksbury. However, The Highlands Act ended that saying there was no interest until Highlands regulations are relaxed or removed.

Now, not only is the property value gone - but so is my equity. There is nothing in sight to compensate me.

I have paid the ultimate price and still NO ONE can show me the scientific study that put my property into the Highlands Preservation.

I have the right to see it - but I know it does not exist - It was

POLITICAL - Never SCIENTIFIC

with my property. Now it is  
15 years!

Hank Klumpp

24 Longview Rd  
Lebanon NJ 08833

# Toll Brothers

America's Luxury Home Builder™

Henry & Joan Klumpp  
24 Longview Road  
Lebanon, NJ 08833

Dear Mr. & Mrs. Klumpp:

I am a Land Acquisition Manager for Toll Brothers Inc. searching for land to purchase that is suitable for building 30 or more luxury residential homes.

Land values are below their recent peaks and are likely to continue to decline. Today your land may be worth more than it will be worth tomorrow. Many major home builders have stopped purchasing land.

## **TOLL BROTHERS IS STILL PURCHASING LAND**

*If you are considering selling your property, I am interested in speaking with you.*

Toll Brothers Inc., a Fortune 500 company listed on the New York Stock Exchange, builds luxury homes in 22 states. We have the experience to navigate New Jersey's increasingly challenging and complex maze of regulations confronting an owner of raw land who is interested in developing it.

Many people may claim they have the ability to buy your property, although frequently the sale is subject to financing by a third party, such as a bank. The only way to determine if a purchaser is truly capable of buying a property is for the seller to require the purchaser to provide a **Certified Financial Statement** prepared by a Certified Public Accountant. Enclosed is a copy of our annual report; we have the financial resources required to purchase the property.

If you have an interest in selling, you may contact me at 215-938-8206 or [dkirk@tollbrothersinc.com](mailto:dkirk@tollbrothersinc.com).

Sincerely,

*David Kirk*

David Kirk  
Land Acquisition Manager

Hunterdon - Tewksbury Twp  
Block 11, Lot 38  
October, 2006

# ***Toll Brothers***

*America's Luxury Home Builder™*

October 12, 2006

Henry Klumpp  
24 Longview Road  
Lebanon, NJ 08833-4501

**Re: Tewksbury Township, Hunterdon County, NJ  
Block 11, Lots 38 & 38.01**


Dear Mr. Klumpp,

Thank you for recently expressing interest in selling your Tewksbury Township property on the Cokebury Road.

After evaluating the property, Toll Brothers has decided to pass on any further consideration. I have confirmed that your property lies entirely within the Highlands Preservation District. Since we are only interested in properties where we can build a minimum of 20 single family homes, the restrictions imposed by the Highlands zoning regulations prevent us from proceeding.

Thank you for giving us the opportunity to evaluate the property and good luck with any eventual sale.

Sincerely,



David Kirk  
Land Acquisition Manager

# Solore Enterprises L.L.C.

P.O. Box 661  
Millburn, N.J. 07041

Telephone 973-467-3303  
Fax 973-467-3386

August 18, 2006

Henry Klumpp  
24 Longview Rd.  
Lebanon NJ, 08833-4501

Re: 22 LONG VIEW ROAD, Tewksbury Twp., Lot 12 Block 11 – 39.09 acres  
554 COKESBURY RD, Tewksbury Twp., Lot 38 Block 11 – 80.95 acres  
24 LONGVIEW RD, Tewksbury Twp., Lot 38.1 Block 11 – 25.72 acres

Dear Hank:

It was a pleasure speaking with you this week about the potential sale of your property in Tewksbury. As discussed, we are seeking property for residential and commercial development and had preliminarily identified your property as a site with potential for development.

As a rule, we generally look to develop property consistent with the land use plan of the local municipality. Your property has great potential if developed within the constraints of the existing land use ordinance thereby maximizing your land value and providing the community with housing that meets their plans.

Usually we would be very interested in discussing a purchase of your property for this purpose. However, since your property is located within the Highland Preservation area there is limited potential for development. Consequently the value of your land is diminished. Since the Highland commission has not issued there permanent rules, we have no way of objectively analyzing the property's development potential. Additionally, based on the information that is available it is difficult to rationalize that your property will ever be able to be developed consistent with the land use plan of Tewksbury Township.

We would be interested in discussing the purchase of your property if the Highland regulations are relaxed or removed. Until then, we will have no interest in your property.

If you would like to discuss this matter further, please feel free to contact me by email or by phone.

Very truly yours,



Roger Gore

Email: rogergore@teamahd.com  
Direct line: 973.467.8474 x16



Because Agriculture Matters!

# THIS WEEK IN FARM BUREAU

To receive a copy of "This Week in Farm Bureau" electronically, please send your request to [opt-in@njfb.org](mailto:opt-in@njfb.org)

Ryck Suydam, President  
Peter Furey, Editor

Volume LXII No. 40  
October 11, 2019

Phone: 609-393-7163  
Fax: 609-393-7072

**GOV'S STAFF:** Governor Murphy's key advisors appeared as a panel before a breakfast meeting of the state's two largest business trade groups on Thursday this week. It was an opportunity to have the staffers explain their outlook on governance, touting as expected the not quite two year track record of the new governor. Speaking separately and then taking questions were: Kathleen Frangione, chief policy advisor; Joe Kelly, deputy chief of staff for economic growth; and Matt Platkin, chief counsel to the governor. Hosting the panelists before a packed room of business people including a Farm Bureau representative were Tom Bracken, president and CEO of the NJ State Chamber of Commerce, as well as Michele Siekerka, Esq., President and CEO of the NJ Business and Industry Association. The event was held at the Crowne Plaza Princeton Conference Center in Plainsboro.

Straight out of the chute ... New Jersey Transit! This administration spends a lot of time on this issue and the complaints arising from this commuter constituency. The panelists also reminded the audience that this governor says economic growth must be accompanied by the principle of fairness and equity to the middle class. There was some acknowledgement of the rift with the legislature, but they also gave an assurance that there was plenty of agreement on issues like paid family leave, sick leave, minimum wage and equal pay for women. Education spending is a Murphy administration priority ... Pre-K, public schools, community colleges, and a plan for Higher Education. Worker training is a big topic, especially "industry partnerships" through the Department of Labor. As with most administrations, state budget/fiscal management is a top priority: "found \$800 mil. in savings ... invested \$1 bil. in new priorities."

But there was nary a word said about small business, agriculture, open space, rural New Jersey or topics related to natural resources. Q&A dealt with transportation, trust fund/gasoline tax, EDA incentives and cannabis bills during lame duck session in Nov.-Dec., the energy master plan, the need for a millionaire's tax and segregation in New Jersey schools. Frozen budget items, including five items for agriculture? Nada. That needs a push: Kathleen Frangione, governor's office: [Kathleen.frangione@nj.gov](mailto:Kathleen.frangione@nj.gov) or State Treasurer Elizabeth Maher Muoio: PO Box 002, Trenton, NJ 08625.

**WHOLESALE VEGETABLES:** Once again, slumping wholesale prices since August have prompted a number of growers to contact Farm Bureau in frustration. With upward cost pressures ever-present, including the prospect of next year's increase in the state minimum wage, what is the outlook for the vegetable deal? Is there any promise for the Jersey Fresh program to lift demand for New Jersey produce in a way that also increases prices received by growers?

Looking at the 2017 Ag Census data, this is a very large business. For the year 2017, there was \$222 mil. in sales among 1,390 farms in vegetables, which included melons, potatoes and sweet potatoes. The wholesale market operations are concentrated in South Jersey counties: Cumberland-\$47.7 mil.; Salem-\$43.6 mil.; Gloucester-\$41.5 mil.; and Atlantic-\$29.5 million. That's \$162.3 mil., or 73% of the state total in just those four counties. Are they making a profit? Or, "just paying bills?"

**CORN AND SOYBEANS:** The demand for biofuels, a key factor in the price of corn and soybeans, got a boost last Friday by the Trump administration. The EPA and USDA jointly proposed new rules that would increase ethanol consumption beyond the current mandate of 15 billion gallons annually. The rules would also ease the retail sale of E-15, and boost export trade of ethanol to foreign markets. Growth Energy, a Washington based biofuel advocacy group, praised the action. It said in a statement: "This is a victory for rural America, and we are grateful to our champions in Congress, USDA Secretary Perdue, and governors across the heartland. We also thank President Trump for hearing the voices of farmers and biofuel producers."

**CONGRESSMAN VAN DREW-ESTATE TAX:** NJFB is supporting the efforts of Rep. Jeff Van Drew who has expressed an interest in drafting legislation to eliminate the federal estate tax for farms. Congress enacted a law in 2017 that temporarily doubles the estate tax exemption to \$11 million per person through the year 2025. The legislation also preserves stepped-up basis and continues to allow the transfer of any unused exemption to a surviving spouse. However, unless the changes are made permanent, farmers will continue to divert resources to pay for estate planning and life insurance. Farm Bureau supports making the \$11 million estate tax exemption permanent as a step toward the eventual repeal of estate taxes.