

**NEW JERSEY HIGHLANDS WATER PROTECTION  
AND PLANNING COUNCIL  
MINUTES OF THE MEETING OF DECEMBER 13, 2007**

**VIA TELECONFERENCE**

JOHN WEINGART	)	CHAIRMAN
KURT ALSTEDE	)	COUNCIL MEMBERS
TRACY CARLUCCIO	)	
TIM DILLINGHAM	)	
JANICE KOVACH	)	
MIMI LETTS	)	
ERIK PETERSON	)	
GLEN VETRANO	)	
SCOTT WHITENACK	)	

**PRESENT**

BILL COGGER	)
JACK SCHRIER	)

**ABSENT**

ELIZABETH CALABRESE	)
DEBBIE PASQUARELLI	)
TAHESHA WAY	)

**CALL TO ORDER**

The Chairman of the Council, John Weingart, called the 60<sup>th</sup> meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:05 pm.

**ROLL CALL**

The members introduced themselves.

**OPEN PUBLIC MEETINGS ACT**

Chairman Weingart announced that the meeting was called in accordance with the Open Public meetings Act, N.J.S.A. 10:4-6 and that the Highlands Council had sent written notice of the time, date, and location of this meeting to pertinent newspapers or circulation throughout the State and posted on the Highlands Council website. Chairman Weingart announced that the Council had provided for a public teleconference and had posted public materials on the website due to the weather conditions.

**PLEDGE OF ALLEGIANCE** was then recited.

**CHAIRMAN'S REPORT**

Chairman Weingart asked for a motion for the Minutes of November 8, 2007. Mr. Schrier moved the Minutes and the Motion was seconded by Mr. Cogger. Ms. Letts noted the need to correct the list of Members that were present. Mr. Dillingham abstained and the Motion was APPROVED with nine Members voting in favor. Chairman Weingart asked for a motion for the Minutes of November 19, 2007. Mr. Schrier moved the Minutes and the Motion was seconded by Mr. Cogger. The Motion was APPROVED with ten Members voting in favor.

Mr. Weingart noted that the Agenda item regarding Huntington Knolls would be deferred to the next Council meeting. He also advised the Council that the Council had received a letter alleging that the Council had improperly hired the firm of Siemon and Larson to provide professional planning services because the firm did not have a New Jersey licensed professional planner. The Council's legal staff reviewed the matter and Mr. Weingart sent a responding letter rejecting the claims. Mr. Weingart asked if other Members had anything to report and hearing none he asked for the Executive Director's Report.

### **EXECUTIVE DIRECTOR'S REPORT**

Ms. Swan announced that the Regional Master Plan (Final Draft, November 2007) was printed and sent to all eighty-eight (88) municipalities in the Highlands Region. She also advised the Council that the Council Staff was printing copies for the seven Highlands Counties, the New Jersey Legislators representing the Highlands Region and other interested State agencies and entities. In addition, the Council Staff prepared a CD version that included the Regional Master Plan, the Technical Report Addenda, and the Land Use Capability Zone Map Atlas.

Ms. Swan indicated that the Regional Master Plan had been finalized to include the language amendments approved by the Council. Of particular note was the clarification that the extension of water and wastewater infrastructure or approval of treatment systems in the Preservation Area was prohibited and the only exceptions were those that could be approved in accordance with the limiting provisions of the Highlands Act.

### **NATURAL RESOURCES COMMITTEE REPORT**

Mr. Dillingham reported that the Natural Resources Committee met on December 6, 2007 to discuss two proposed Water Quality Management Plan (WQMP) amendments and a proposed method to identify impervious surfaces for the identification of redevelopment areas in the preservation Area.

The Committee reviewed the proposed WQMP amendment for Heritage 55 in Randolph Township. The project had been granted both State and local approvals and significant site disturbance has occurred on site. The Committee heard from the applicant and from representatives from Randolph Township, who described the efforts to cluster, preserve open space, and remediate on-site contamination. As a result of the discussions at the Committee meeting, the applicant's attorney agreed to deed restrict additional Open Water Protections Areas that had not been disturbed and construct monuments to demarcate these areas. The Committee also asked staff to address water deficit matters through Randolph Township. As a result, the Committee voted to recommend approval conditioned upon these two matters. Mr. Borden advised the Council that the Council staff met with the applicant's representatives and conceptually resolved the areas for conservation restrictions and the placement of monuments.

Mr. Borden then suggested language for the Council's draft Resolution that the Executive Director be authorized to submit a letter recommending approval of the proposed WQMP with the following conditions: 1) the applicant prepare, perfect, and file a conservation easement for the Highlands Open Water Protection Area not already disturbed to preserve these lands and 2) to require the Township of Randolph to remedy the water deficits for the water use of this project in accordance with the standards in the Regional Master Plan. Mr. Dillingham moved the Resolution with these conditions and the Motion was seconded by Mr. Schrier. Ms. Carluccio stated that while the protections for the project have improved, she remained concerned regarding the water deficit matter. Mr. Whitenack stated that he



supported the project with these conditions given the local approvals, remediation and site disturbance. Mr. Peterson joined the meeting. Ms. Letts and Mr. Dillingham asked that Council staff provide additional details for towns to resolve water deficit matters and Ms. Swan committed to advance this issue.

Mr. Weingart asked if members of the public had any comments. Mr. Shope commented that there was a need to explain how there are water deficits in the Highlands which provides water for half of the State. Mr. Weingart asked for a roll call vote. The Resolution was approved with ten in favor and one opposed.

Ms. Swan introduced the Resolution of the approval of a Memorandum of Understanding (MOU) among the Highlands Council, the State Planning Commission (SPC), and the Office of Smart Growth (OSG). Ms. Swan noted that the Executive Director of OSG, Ben Spinelli, and Corey Piasecki, a regional planner from his office, were in attendance. Ms. Swan provided an overview of the MOU which was reviewed by the State and Federal Agency Coordination Committee on October 4, 2007. The draft MOU was posted on the Council website on October 12<sup>th</sup> and distributed at the Council meeting on October 18<sup>th</sup>. At the October Meeting the Council and public were advised that the MOU was available on the website. Thereafter, the draft MOU was reviewed by the SPC's Planning Implementation Committee on October 24<sup>th</sup> where the Committee agreed to add waiver provisions for the Council regarding Plan Endorsement of the RMP. Those waivers were in the ED report to the Council at its November meeting. The State Planning Commission approved the MOU at its meeting on December 5<sup>th</sup> authorizing the ability to make nonsubstantive revisions. Mr. Schrier moved the Motion and Ms. Kovach seconded the Motion.

Mr. Schrier introduced Mr. Spinelli who described the cooperative process where the SPC, OSG and the Council would share information and use the best available information and science in planning. Mr. Dillingham expressed concern and questioned how the recent science would be used in the Planning Area, how the Council would resolve potential conflicts between housing and the environment, and how designated centers would be addressed. Ms. Letts agreed with these concerns. Ms. Swan noted that the MOU was a process for coordination and any conflicts between the agencies would be resolved where necessary. Mr. Spinelli added that the new Plan Endorsement process takes into account new information.

Mr. Weingart asked for public comment on the Motion. Julia Somers sought clarification on the MOU regarding designated centers. Tony Soriano from Morris County Planning Department asked for notice of the final document, stated that science and policy are distinct, and noted the voluntary nature of Plan Conformance. Ned Ward expressed concern regarding mandating Plan Conformance where it is voluntary. Susan Buck expressed concern that it undermined the intent of the Highlands Act that Plan Conformance is voluntary. David Shope wanted to ensure that agricultural and equity matters were properly addressed. Dave Peifer asked that municipalities receive guidance in the distinction between Plan Conformance and Plan Endorsement.

Council Members discussed a clarification in the MOU regarding designated centers. The Council discussed the use of various terms to clarify the matter and decided to use the phrase to "reestablish or modify" designated centers. Mr. Weingart asked for a roll call vote on the Motion. The Motion was APPROVED with ten members in favor and one opposed.

Mr. Weingart asked for a motion on the Resolution for the 2008 meeting schedule. The Motion was made by Mr. Schrier and seconded by Ms. Letts. Ms. Swan clarified that the schedule includes a meeting on February 28<sup>th</sup>. The Motion was APPROVED with all members in favor.

## PUBLIC COMMENTS

### Ned Ward, Harding

He sought clarification on density in agricultural areas, smart growth standards, lake community zone standards, land preservation funding.

### Susan Buck, Oxford

Ms. Buck stated that the new version of the RMP is more confusing than the prior draft. She asked that additional mapping and specifics be made available to the public and to Highlands municipalities.

### David Shope

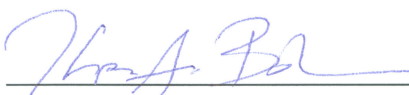
Mr. Shope commented that he had read the letters regarding the matter involving the requirement for a licensed professional planner and commented that he disagreed with the Council's position and that the matter was ripe for resolution.

The meeting was adjourned at 5:20 pm.

## 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: January 25, 2008

Signed:   
Thomas A. Borden, Esq.  
Deputy Executive Director and  
Chief Counsel

### Vote on the Approval of the

### December 13, 2007 Minutes   Yes   No   Abstain   Absent

Councilmember Alstede	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Calabrese	<u>      </u>	<u>      </u>	<u>✓</u>	<u>      </u>
Councilmember Carluccio	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Cogger	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Dillingham	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Kovach	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Letts	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Pasquarelli	<u>      </u>	<u>      </u>	<u>✓</u>	<u>      </u>
Councilmember Peterson	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Schrier	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Vetrano	<u>      </u>	<u>      </u>	<u>      </u>	<u>✓</u>
Councilmember Way	<u>      </u>	<u>      </u>	<u>✓</u>	<u>      </u>
Councilmember Whitenack	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Weingart	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>