

**NEW JERSEY HIGHLANDS WATER PROTECTION  
AND PLANNING COUNCIL  
MEETING OF JANUARY 18, 2007**

JOHN WEINGART	)	CHAIRMAN
TIM DILLINGHAM	)	COUNCIL MEMBERS
TRACY CARLUCCIO	)	
KURT ALSTEDE	)	
MIMI LETTS	)	
DEBBIE PASQUARELLI	)	
ERIK PETERSON	)	
JACK SCHRIER	)	
JANICE KOVACH	)	
MIKAEL SALOVAARA	)	

**PARTICIPATING VIA TELECONFERENCE:**

TAHESHA WAY )

**CALL TO ORDER:**

The Chairman of the Council, Mr. John Weingart, called the 43<sup>rd</sup> meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:21 a.m.

**ROLL CALL:**

The Chairman asked the members of the Council to introduce themselves.

**PLEDGE OF ALLEGIANCE:**

Chairman Weingart asked all who wished to join in the Pledge.

**OPENING 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 for circulation throughout the State.

**APPROVAL OF MINUTES:**

Chairman Weingart advised the Council that the minutes from the previous meetings would be carried forward to a future meeting.

**CHAIRMAN'S REPORT:**

Chairman Weingart stated that the packets for the members had been emailed the evening before (the 17<sup>th</sup>) and suggested that everyone read through this information.

He noted that the major events that had taken place were the public hearings on the Draft Regional Master Plan. Mr. Weingart mentioned that each Council member had attended at least one public hearing.

Mr. Weingart noted that the next scheduled Council meeting would be on February 15<sup>th</sup> at 4:00 p.m. He also noted that the Committee Chairs should be working with Mr. DiPirro and staff to schedule meetings over the next month for to work out goals and strategies over the next month.

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

Dante DiPirro noted that it had been a week since the last Council meeting, and that the Council and the Staff had all been very busy. There was a meeting yesterday in Hunterdon County which was attended by Council members Erik Peterson and Debbie Pasquarelli. The meeting included Hunterdon County planners, freeholders and municipal officials and covered their questions and concerns. The staff also met with Byram Township in a joint meeting with the Township Committee and Land Use Boards. Mr. DiPirro noted that the Voorhees hearing was well attended and the Sussex County hearing was scheduled for that evening.

Mr. Borden gave an update on the Builders Association lawsuit. He advised that there had been a court appearance and the Court took that matter under advisement. The Court should be a ruling by the end of the month. The Court noted the difference between documents used in the draft Plan and those documents under deliberation by the Highlands Council, and noted that the Council will receive more deference on the latter documents.

Mr. DiPirro stated that staff had indicated that all technical reports should be posted on the Council's website by the end of the day, with the exception of the Water Resources report which had not yet been completed. There have been numerous newspaper articles and these were being compiled by Patty Sly on a daily basis. The New Jersey Herald ran a large article on water, land conservation and environmental protection.

With regards to the technical reports, Ms. Letts stated that she would like hard copies rather than just having them on line. Mr. DiPirro said that any Council member who would like hard copies should let him know and staff will provide them. Mr. Alstede said he would also like hard copies.

Mr. DiPirro indicated, with regards to the release of GIS data relied upon in the draft Plan, that there will be more information by the next committee meeting.

#### **CONSIDERATION OF RESOLUTION ON SUSSEX COUNTY PETITIOIN PLAN ENDORSEMENT:**

Mr. DiPirro discussed the context of the Sussex County Resolution for Plan endorsement that was before the Council. In February 2006, Sussex County submitted their Strategic Growth Plan and in July, the Council submitted a letter seeking additional information and review. On December 14, 2006, the Plan endorsement report was released with a recommendation to the State Planning Commission. On December 18, 2006, the Plan Development Committee met and reviewed the matter.

Mr. Di Pirro noted the importance of coordination with State agencies and counties. He said that if time were not a factor, all parties would likely agree that it would be beneficial to have the Highlands Plan adopted before any State Plan Petitions were considered. He noted that the draft Highlands Plan contains data that was not available to Sussex when its original

plan was drafted and that everyone would benefit from the more current data that is contained in the Regional Master Plan. He noted, however, that with the Sussex Petition time is a factor, both for Sussex and for the State Planning Commission. He said that he and the Highlands staff had been working with Eileen Swan, Executive Director of the Office of Smart Growth, and her staff on approaches to address the mutual concerns.

Mr. DiPirro then introduced Ms. Swan. Ms. Swan thanked the Council for the invitation and opportunity to speak. She noted that it is a critical time for both the Highlands Council as well as other State agencies. She thanked the Council for the work that has been done and introduces Cory Borsecci, a planner from her agency. Ms. Swan then discussed the collaborative effort that has gone on between State agencies, and that these agencies are in a position now to better meet the State's goals.

Ms. Swan noted that the New Jersey Development and Redevelopment goals are to conserve resources and protect the environment with sound, integrated State planning. She stated that the State Plan was adopted in March of 2001 is looking to be re-written with adoption at the end of the year. The Highlands was recognized as a special resource area in 2001 and that the State has an interest in recognizing and sustaining the environmentally sensitive area.

Ms. Swan noted that when a plan is proposed for endorsement, such as Sussex County's plan, it must be submitted to the state within 60 days to check for consistency between agencies. Sussex County, which received a grant from Smart Growth for this re-development plan, had their plan adopted in 2004. Ms. Swan noted that Sussex County will coordinate with the Highlands on all relevant issues.

She noted that the Office of Smart Growth is recommending the endorsement of Sussex County's petition for endorsement. Ms. Swan stated that her office will recommend that Sussex County re-examine their plan at the time the Regional Master Plan is endorsed for consistency to State agencies and planning.

Mr. Weingart thanked Ms. Swan for her presentation. Mr. Salovaara asked whether the Highlands Council is being called on for endorsement of the Sussex County plan at this time and questioned whether not saying anything at this time would be inappropriate. Ms. Swan stated that all public and private entities have had an opportunity to comment, and that includes the Highlands Council.

The Council members and Ms. Swan then had a robust discussion of the issues regarding State Plan Endorsement, the Highlands Act, the timetable for endorsement, and the impact of not endorsing the Sussex plan, the issues of concern if towns choose not to conform, and the issue of the State requiring consistency with the Plan.

#### **DISCUSSION OF RESOLUTION ON THE SUSSEX COUNTY PETITION:**

The Council then discussed if it should take action concerning Sussex's Plan Endorsement Petition to the State Planning Commission. Staff had drafted a Resolution for consideration by the Council that would reiterate the Council's request that the State Planning Commission defer State Plan Endorsements in the Highlands until the Highlands Regional Master Plan is

adopted but provide that if the State Planning Commission proceeded with Sussex's Petition it should take certain actions.

Members had a robust discussion of the issues and made various suggestions as to potential modifications to the language of the proposed Resolution. Mr. Schrier made a motion to amend the staff Resolution to add the word "not" to the first paragraph-- thus providing that the Council would recommend that the State Planning Commission not defer State Plan Endorsements in the Highlands. The motion was seconded.

Some members spoke in favor of the State Planning Commission deferring on all endorsement petitions in the Highlands until the Highlands Plan is adopted. Others expressed concern that encouraging the State Planning Commission to proceed with the Sussex Petition would create a mixed message. Still others felt it was inappropriate to tell other State agencies what to do. Chairman Weingart then opened the issue up for public comment.

#### **PUBLIC COMMENTS:**

##### **Eric Snyder of Sussex County**

He indicated that there was an intention of fully complying with the State Plan and noted that the Highlands Plan had not yet been finalized. He noted that Sussex County had spent a great deal of effort in dealing with this particular plan and rejected concern that Sussex County had not used science.

##### **David Troast - Sparta Township**

He discussed the voluntary aspects of the Plan and State Plan and noted the complexity of the workings within the State. He noted that there are issues of trust between the State, the counties and municipalities. He also noted the science of the RMP and questioned why the Highlands is not being fair with Sussex County given that the RMP is not complete.

##### **Scott Olson, Byram**

He favored the Resolution before the Council, but had a few concerns. He stated that at this time, the Resolution before the Council allows ironing out the conflicts between Sussex County and the Highlands Council. He noted that areas outside of the Highlands Region should be considered given the impact of Highlands water resources in densely populated areas.

##### **Wilma Frey, Highlands Coalition**

She urged the passage of the Resolution on Sussex County. Feels that there are some fundamental issues that are not addressed in the State plan and feels inclusion in the Resolution should be worded to note that New Jersey has designated the Highlands as a Special Resource Area. She noted that there is a need to incorporate the state wording to show that the implementation for the Highlands Plan is through the State supersedes the Planning Commission.

##### **Robin O'Hearn**

She supports the Resolution and would like to note that there are significant scientific areas that need to be incorporated.

**Helen Heinrich**

She mentioned that State Plan monitoring reports have included numerous agency coordination issues. She favors Mr. Schrier's suggestion on the resolution.

**Mike Kersen, Sierra Club**

The Resolution should point out the inconsistencies of the Sussex Plan and the Draft Regional Master Plan. This may be opening doors for developers and destroying habitats in this region. There are inconsistencies in water preservation/protection and the Sussex County Plan. He read a statement on behalf of the Sierra Club pertaining to this resolution.

**County Planner, Warren County**

He commented on the differential planning between a County and a municipality. He noted that the County planning is a guide and there is cooperation between the two.

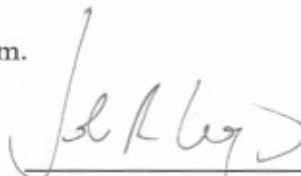
After public comment, Chairman Weingart asked for a roll call on the motion. The motion on the motion to table did not have the 8 votes necessary to pass. The vote was six in favor and three opposed.

The Chairman noted that the Council's Interagency Committee and the full Council would both have meetings before the Sussex Petition is considered by the State Planning Commission on February 21, 2007. The Council would therefore have time to take up the issue again before a decision by the State Planning Commission is made.

**ADJOURN:**

The council meeting was adjourned at 1:15pm.

Dated: 3/1/7



John Weingart, Chairman

Vote on the Approval of Minutes

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Recuse</u>
Councilmember Alstede	✓	—	—	—	—
Councilmember Calabrese	✓	—	—	—	—
Councilmember Carluccio	✓	—	—	—	—
Councilmember Dillingham	✓	—	—	—	—
Councilmember Kovach	✓	—	—	—	—
Councilmember Letts	✓	—	—	—	—
Councilmember Pasquarelli	✓	—	—	—	—
Councilmember Peterson	✓	—	—	—	—
Councilmember Salovaara	✓	—	—	—	—
Councilmember Schrier	✓	—	—	—	—
Councilmember Vetrano	✓	—	✓	—	—
Councilmember Way	✓	—	—	—	—
Councilmember Weingart	✓	—	—	—	—
Councilmember Whitenack	✓	—	—	—	—