

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF FEBRUARY 18, 2021

PRESENT

VIA TELECONFERENCE:

CARL J. RICHKO)	CHAIR
KURT ALSTEDE)	VICE CHAIR
TIMOTHY P. DOUGHERTY)	COUNCIL MEMBERS
MICHAEL R. DRESSLER)	
MICHAEL FRANCIS)	
ROBERT HOLTAWAY)	
BRUCE JAMES)	
MICHAEL SEBETICH)	
DAN VAN ABS)	
JAMES VISIOLI)	
RICHARD VOHDEN)	
ROBERT G. WALTON)	

CALL TO ORDER 180th meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:01pm via Zoom videoconference due to COVID-19.

ROLL CALL

Roll call was taken. Member Dougherty was absent. All other Council Members were present via videoconference. *The following staff members were present via videoconference: Lisa J. Plevin, Christine LaRocca, James Humphries, Maryjude Haddock-Weiler, Keri Green, Corey Piasecki, Ranji Persaud, Herbert August, Annette Tagliareni, Carole Ann Diction, Kelley Curran, Karen Castanbas, and Tom Tagliareni. Also present via teleconference were Lauren Nathan-LaRusso, Senior Counsel, Governor's Authorities Unit; and Jason Kane, Deputy Attorney General (DAG).*

OPEN PUBLIC MEETINGS ACT was then recited.

PLEDGE OF ALLEGIANCE was then recited.

CHAIRMAN'S REPORT

Member Dougherty was present via videoconference at 4:06pm.

Chair Richko acknowledged the passing of Barbara Alstede, Vice Chair Alstede's wife. Chair Richko spoke on behalf of the Council and the Highlands Staff expressing deepest sympathy. Vice Chair Alstede thanked everyone for their condolences.

EXECUTIVE DIRECTOR'S (ED) REPORT

Ms. Plevin highlighted the following updates and staff activities:

COVID-19 Response

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Chester Office Closure/Remote Work

Ms. Plevin reported that staff continues to work remotely and are fully functional.

Project Highlights

State Plan Endorsement of Regional Master Plan (RMP)

As mentioned prior, Ms. Plevin reported that the State Planning Commission (SPC) has endorsed the Highlands Regional Master Plan (RMP). This long-awaited action means that any municipality or county deemed by the Highlands Council to be in conformance with the RMP (whether previously or in future), is equivalently deemed to have received Plan Endorsement from the SPC. Staff recently sent an outreach letter to our municipalities and counties – highlighting all the benefits of this coordination.

Plan Conformance Updates

Ms. Plevin noted that at today's meeting Council will consider Washington Borough's Petition for Plan Conformance and staff will provide a presentation.

Municipally Issued Exemptions

Since the prior report, the Highlands Council has been notified of nine (9) municipally issued exemptions.

- West Milford Township, Passaic County: six exemption #5s.
- Montville Township, Morris County: two exemption #5s.
- Byram Township, Sussex County: one exemption #4.

Project Review Updates

Ms. Plevin then reported on the following project review updates:

Water Quality Management Plan Amendment

Staff completed one (1) Water Quality Management Plan Amendment review for a proposed residential site in Jefferson Township, Morris County.

- The applicant is seeking a site-specific amendment to the Sussex County Water Quality Management Plan to convert the second floor of three existing office and retail buildings into 23 one-bedroom apartments. Because the project is located in the Lake Community Subzone of the Existing Community Zone, EO114 is not triggered and the project was determined to be not subject to Highlands Council Review.

Planning Area Consistency Reviews

Staff has reviewed two (2) Planning Area consistency reviews and began a third one.

- An applicant in Mahwah Township, Bergen County is planning to construct a parking storage area for an existing car dealership on an adjacent lot. Highlands Council staff found the project consistent with conditions.
- An applicant in Lebanon Borough, Hunterdon County is constructing 280 apartment units, 20% of which are affordable, in the designated Lebanon Borough Highlands Center. Highlands Council staff found the project consistent with conditions.
- An applicant in Clinton Town, Hunterdon County is proposing a residential development consisting of 56 units and 30,250 square feet of retail space divided into three pad sites. Highlands Council staff review is pending.

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Preservation Area Exemption HAD Review

Staff completed a Highlands Applicability Determination (HAD) for an Exemption 9 in the Preservation Area.

The project spans Bethlehem and Union Townships in Hunterdon County. The applicant is seeking an Exemption 9 to rehabilitate and improve safety on a portion of County Rt. 635 between Van Syckel Road and Mine Road in Bethlehem and Union Townships. Highlands Council staff found the project consistent with RMP.

Special Counsel Services RFQ

Ms. Plevin reported that on January 19, 2021 the Highlands Council issued a Request for Qualifications (RFQ) seeking qualified candidates to serve for a three-year period as Special Counsel for Highlands Act litigation. Proposals are being accepted through March 19, 2021. The RFQ is available on the Highlands Council website.

Ms. Plevin also mentioned that at the last Council meeting, the HDC Bank issued a request for proposals for technical assistance related to the establishment of a “municipal average value.” The deadline for responses is Friday, February 19th.

Personnel Updates

Ms. Plevin reported that the Highlands Council’s full-time Land Preservation Coordinator/Regional Planner position has been recently filled by Steven Simone. Steven comes to us from his recent position as Principal Planner for the County of Ocean Planning Department. He has over 8 years of experience in a wide range of planning responsibilities with the County. We are pleased to welcome Steve to our team and are excited to get him working on our Land Preservation programs as well as planning duties associated with plan conformance.

Additionally, Ms. Plevin reported that staff member Christina Petagna resigned her position as Resource Management Specialist in January. The position was posted to the Civil Service Commission and Highlands Council’s website and applications are being accepted through March 5.

Lastly, Ms. Plevin reported that the next Council Meeting is scheduled for March 18, 2021. *(Note: The March 18, 2021 meeting was cancelled after this meeting was held.)*

Chairman Richko asked Council members if they had any comments/questions regarding Ms. Plevin’s Report. The Council had no comments/questions.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF JANUARY 14, 2021

Chairman Richko asked for a motion on the Council Minutes of January 14, 2021.

Member Dressler made a motion to approve the Highlands Council Minutes of January 14, 2021. Member Francis seconded it.

A roll call vote was taken. The Highlands Council Minutes of January 14, 2021 were APPROVED 12-0.

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APPROVAL OF HIGHLANDS COUNCIL EXECUTIVE SESSION MINUTES OF JANUARY 14, 2021

Chairman Richko asked for a motion on the Council Executive Session Minutes of January 14, 2021.

*Member Dressler made a motion to approve the Highlands Council Executive Session Minutes of January 14, 2021.
Member Visioli seconded it.*

A roll call vote was taken. The Highlands Council Executive Session Minutes of January 14, 2021 were APPROVED 12-0.

PLAN CONFORMANCE COMMITTEE

Resolution - Approval of the Petition for Plan Conformance and Center Designation for the Borough of Washington, Warren County

Committee Chair Dressler reported that the Plan Conformance Committee met last week (February 10, 2021) and decided to move the Washington Borough Petition for Plan Conformance to the full Council.

At this time Corey Piasecki, Principal Planner, gave a presentation. The presentation may be found on Council website at the following link:

www.nj.gov/njhighlands/about/calend/2021/feb18/ppt_washington_boro.pdf

After the presentation, Mr. Piasecki asked if the Council had any questions. There were no questions at this time.

Chair Richko announced that Matt Hall, Washington Borough's Administrator, was present to make a comment.

Matt Hall, Borough Administrator, Washington Borough, Warren County – Mr. Hall thanked the Council for considering Washington Borough's Petition. Mr. Hall commented that the Borough is excited to come into conformance with the Highlands RMP and appreciates staff's assistance through this process.

Chairman Richko asked for a motion on the resolution.

Member Dressler made a motion. Member Van Abs seconded it.

Council Discussion

There was no Council discussion.

Public Comment

Julia Somers, New Jersey Highlands Coalition – Ms. Somers supported Washington Borough's Petition for Plan Conformance, but noted that there is a Superfund site in the town, which should be addressed.

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Hank Klumpp, Tewksbury, NJ - Mr. Klumpp asked if Washington Borough has a TDR receiving zone. Chair Richko responded that there is no receiving zone in the Borough. *[Editorial note: Mr. Klumpp actually spoke of a “sending district,” but it is understood that a municipality such as Washington Borough would be a receiving zone, not a sending area in a TDR program.]*

Council Comment

Member Walton asked why there isn't a receiving zone in Washington Borough. Ms. Plevin noted that the Borough is considering the potential for a TDR receiving zone. Mr. Piasecki added that included in the Borough Implementation Plan and Schedule (IPS) is funding for a Phase 1 TDR Analysis.

A roll call vote was taken. The resolution was APPROVED 11-1.

Resolution - Determination on Application for Highlands Redevelopment Area Designation for Township of Rockaway, Morris County, Block 22103, Lot 16

At this time, Keri Green, Science Manager, gave a presentation. The presentation may be found on Council website at the following link:

www.nj.gov/njhighlands/about/calend/2021/feb18/ppt_redev_cibao.pdf

After the presentation, Ms. Green asked if the Council had any questions.

Member Visioli asked how close the proposed project is to the C1 designated stream. Ms. Green responded that the project is outside the 300 foot buffer.

Committee Chair Dressler commented that the Plan Conformance Committee voted unanimously on the project to approve it and this project is an exact example for why we have waivers. The project results in de minimis disturbance to the area and provides additional jobs.

Member Vohden commented that this applicant is going through considerable expense to meet the standards required. Mr. Vohden added that it is a good application. Chair Richko agreed and indicated his support for the use of solar panels.

Chair Richko announced that professionals from T&M Associates were present to make a comment.

Ken Smith, Design Engineer, T&M Associates - Mr. Smith commented that Ms. Green did a great job explaining the project and its benefits and he had nothing to add.

Ericka Naklicki, T&M Associates - Ms. Naklicki reiterated that Ms. Green did a fabulous job presenting the overall project.

Chairman Richko asked for a motion on the resolution.

Member Dressler made a motion. Member Vohden seconded it.

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Council Comment

Member Van Abs commented that the reason the project is a good fit for the redevelopment area process. Member Van Abs added that the timeline for this project moved at lightning speed and wanted to commend the staff for their work with the applicant.

Public Comment

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented that there is one other benefit and that is the easement that will be placed over most of the environmental resources on the site. Ms. Somers added that the Coalition supports this redevelopment area proposal.

Council Comment

Member James asked Christine LaRocca, Chief Counsel, to phone him regarding a potential conflict of interest with this project.

At this time Ms. Plevin thanked staff members Corey Piasecki and Keri Green for their presentations.

Member James returned to the meeting and recused himself due to a possible conflict of interest on this particular resolution.

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

AUDIT COMMITTEE

Resolution – Acceptance of Audit Report

Committee Chair Walton reported that the audit report had no deficiencies and everything was in order. Committee Chair Walton added that it was recommended by the Committee to have a different vendor conduct future audits for a second set of eyes and also noted that Mercadien does change its auditors each year. Committee Chair Walton concluded that the books are in proper order for Council's consideration.

Chairman Richko asked for a motion on the resolution.

Member Walton made a motion. Member James seconded it.

There was no Council discussion.

There was no Public comment.

A roll call vote was taken. The resolution was APPROVED 12-0.

OLD/NEW BUSINESS:

Member Vohden followed up on last month's discussion regarding receiving zones and the TDR program. Mr. Vohden said he was encouraged to participate in a briefing/informational session regarding the TDR

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program with other Council members. Member Vohden attended that meeting and commented on a few points that he made at the last meeting. Member Vohden expressed his concerns with the current status of the Highlands Council's TDR program and that no receiving zones have been established.

Chair Richko noted that it is not mandatory for towns to have receiving zones in the Highlands, as it is in the Pinelands.

Ms. Plevin added that briefings were held with several Council members to bring them up to speed on the TDR Program.

Christine LaRocca, Chief Counsel clarified that the Council has met its obligations under Highlands Act with respect to TDR.

Member Walton offered additional comments on Member Vohden's statements.

At this time, Member James indicated he would be leaving the meeting.

Member James left the meeting at 5:05pm.

Ms. Plevin suggested that the appropriate committee to discuss this issue is the RMP Amendment Committee.

Member Vohden indicated that he had not finished with his comments and continued. Member Vohden then made a motion to instruct the Executive Director to have staff recommend and identify 4% of the planning area as receiving zone.

There was no second and discussion continued.

Member Dressler suggested that Member Vohden's written statement be presented to the Council so a satisfactory decision may be made. Chair Richko asked Member Vohden to forward his comments to Ms. Plevin.

Member Van Abs referred to the Highlands Act and expressed his belief that going into committee is appropriate for a report back to the Council on next steps.

Vice Chair Alstede observed that Members Dressler and Vohden are on the RMP Amendment Committee and added that it is healthy to do a review and report back to Council.

Member Vohden noted that he will submit his comments for the record.

Chair Richko noted that this discussion will continue with the RMP Amendment Committee.

On another topic, Member Francis gave an update of the Harmful Algal Blooms (HABs) issue on Lake Hopatcong. Member Francis noted that he has a virtual meeting with new NJDEP leadership on February 23rd. Member Francis stated that he will continue to keep the Council posted on the largest lake in New Jersey.

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Chair Richko noted that Greenwood Lake is also working with Lake Hopatcong Commission on this issue.

Member Walton commented on how the Council has always worked well together and expressed his dissatisfaction with Member James's departure from the meeting.
Chairman Richko opened the meeting to the public for any other comments.

Public Comment

Hank Klumpp, Tewksbury, NJ - Mr. Klumpp expressed his condolences to Vice Chair Alstede on his wife's passing. Mr. Klumpp also acknowledged the passing of Deborah Post. Chair Richko responded that the Council was aware of Ms. Post's passing, her obituary had been forwarded to the Council by the Executive Director and they will hold her in our thoughts. Mr. Klumpp also commented on Member Vohden's comments regarding the TDR Program and asked how much has been spent to get Washington Borough to where they are today. Mr. Klumpp submitted (via hard mail) his January 14 comments for the record.

David Shope, Lebanon Township – Mr. Shope commented on the SPC Endorsement and if they said anything about the TDR Program. Mr. Shope also inquired if Highlands applicants can provide developers with funds necessary to have a level playing field.

Mike Inganamort, Chester Township - Mr. Inganamort thanked Ms. Plevin for her response to his request for a policy change regarding swapping impervious surface limits between municipally owned lands and confirmed that the policy change needs to come from the NJDEP.

Council Comment

Vice Chair Alstede noted that he raised Mr. Inganamort's comment to Council's Executive Director in the past and perhaps the RMP Amendment Committee can discuss this as well.

Chair Richko asked for a motion to adjourn the meeting.

Member Dressler made a motion to adjourn the meeting. Member Walton seconded it. All were in favor. The meeting was adjourned at 5:37pm.

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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: 04/15/2021

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

Vote on the Approval of Minutes	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			√			
Councilmember Dougherty			√			
Councilmember Dressler			√			
Councilmember Francis			√			
Councilmember Holtaway	√		√			
Councilmember James			√			
Councilmember Sebetich			√			
Councilmember Van Abs			√			
Councilmember Visioli		√	√			
Councilmember Vohden			√			
Chairman Richko			√			