



# State of New Jersey

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*Executive Director*

## HIGHLANDS REGIONAL MASTER PLAN MONITORING PROGRAM MUNICIPAL SOUTH STAKEHOLDER MEETING

**DATE:** January 14, 2015  
**TIME:** 3:00PM – 5:00PM  
**LOCATION:** Oldwick Fire Company Social Hall  
162 Oldwick Road  
Oldwick, NJ

### ATTENDEES:

First Name	Last Name	Organization
Thomas	McKee	Lebanon Township
Mike	Bolan	Lebanon Township
Ken	Carberry	Clinton Township
Gary	Dos Santos	
John	Higgins	Clinton Township
Bruce	Hirt	Union Township
John	Jimenez	Bethlehem Township
Marvin	Joss	Clinton Township
Michael	Keaby	Milford Township
Andrea	Malach	
Dave	Maski	Van Cleef Engineering Associates
Tom	McKay	Stewartsville Township
Mary	Moody	
Paul	Muir	Bethlehem Township
Marc	Pasquini	Oxford Township
Joe	Pryor	Town of Phillipsburg
George	Ritta	
Shaun	VanDoren	Milford Township
Garreti	VanVliet	Town of Phillipsburg
Margaret	Nordstrom	NJ Highlands Council - Staff
Keri	Benscoter	NJ Highlands Council - Staff
Andy	Davis	NJ Highlands Council - Staff

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Chris	Danis	NJ Highlands Council - Staff
Maryjude	Haddock-Weiler	NJ Highlands Council - Staff
James	Hutzleemann	NJ Highlands Council - Staff
Judy	Thornton	NJ Highlands Council - Staff
Corey	Piasecki	NJ Highlands Council - Staff
Courtenay	Mercer	Regional Plan Association
Janani	Shankaran	Regional Plan Association

## MEETING PURPOSE:

To provide an overview of the Highlands Regional Master Plan Monitoring Program and process; brainstorm topics and data availability for ongoing monitoring; identify potential technical advisory committee members; and discuss next steps.

- 1) Introductions
- 2) Overview of Monitoring Program Process
- 3) Discussion Items:
  - a) Thoughts on the current state of RMP utilization and collaboration by the municipalities.
  - b) Thoughts on opportunities for improvement to the RMP.
  - c) How can outreach and education from the Highlands Council be improved?
  - d) What RMP topics/information are most appropriate for ongoing monitoring?
  - e) Do you have access to and/or relevant information about data that can be used for the ongoing monitoring of the RMP?
- 4) Identification of Potential TAC Members
- 5) Wrap up/Next Steps

## MEETING SUMMARY:

The meeting opened with welcome remarks by Courtenay Mercer, New Jersey Director at Regional Plan Association (RPA), the project consultant. Attendees introduced themselves. Ms. Mercer gave a short PowerPoint presentation with background on the Highlands Regional Master Plan (RMP) Monitoring Program and process. Key points included:

- The RMP is continually updated as new factual information is made available, but the Monitoring Program evaluates progress toward achieving the goals of the RMP by identifying and measuring indicators and milestones.
- Stakeholder meetings are being conducted now to identify potential indicators and data sources that may not be readily available. Public outreach stakeholder meetings were held in mid-December and January.
- Two series of technical advisory committee (TAC) meetings will take place, the first to review draft indicators and the second to review the baseline analysis and determine milestones.
- The process will result in the Monitoring Program Recommendations Report (MPRR) and a science and research agenda.

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- A Fiscal Impact Assessment (FIA) will be conducted concurrently to measure the economic state of the Highlands region as well as provide comparisons to other regions.

Participants then engaged in discussion, facilitated by Ms. Mercer, about local experiences with the Highlands Council and RMP, and opportunities for improvement.

In response to questions about land subdivision in the Highlands region, Ms. Mercer provided background on the differences between the planning and preservation areas. In the preservation area, development typically requires 25-88 acres, and conformance is required. Planning area conformance, however, is optional. One participant conveyed that the Highlands Act and associated restrictions has infringed on property rights in Union Township. Highlands Council staff explained that the monitoring program is intended to be a productive process that factually evaluates the Highlands RMP and progress toward goals. As such, staff welcome suggestions from participants about implementation, indicators and milestones.

Bethlehem Township land is primarily contained within the preservation area. Municipal representatives explained that the township is increasingly learning to work with the Highlands Council staff within the framework of the Act and RMP. Though the township prefers less regulation, local officials are trying to attract business in innovative ways, and are grateful for collaboration with Highlands Council staff.

In response to a comment about the Highlands Act restricting property rights, Council staff elaborated on regulations within the Highlands. Three entities are responsible for Highlands-related regulation, including the NJ Legislature, the NJ Department of Environmental Protection (NJDEP) and the Highlands Council. The 2004 Highlands Act delineated planning and preservation area boundaries, and as such, changing these boundaries requires an act of the NJ Legislature. The Act conferred to NJDEP nearly complete control over the preservation area. NJDEP adopted rules that govern the extent of development in the preservation area that differ from statewide standards. The Highlands Council has greater control over the planning area, where conformance is voluntary. Because the Highlands Council is a regional planning entity and not a regulatory body, there are limitations as to the roles and responsibilities of Highlands Council members and staff.

Though the Council is not a regulatory body, participants conveyed that there are nevertheless numerous layers of bureaucracy – such as permit-related procedures and applications – with which municipalities must contend. Council staff replied that a municipality is required to deal with the Council only if it opts to voluntarily conform in the planning area. While zoning is a voluntary component, consistency with water and wastewater requirements is required by the Act. Council staff asked participants to share thoughts on how duplication in regulation may result in unintended complications.

In Phillipsburg, participants expressed that local goals are consistent with the RMP. Participants conveyed that the Highlands Council was attentive while the town participated in the map amendment process.

In terms of the preservation area, participants expressed that the 25 to 88-acre zoning requirement seems arbitrary. This presents a challenge to development in Lebanon Township, which is 80%

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forested. Participants asked whether there has been any discussion with NJDEP to resolve the issue. Ms. Mercer replied that as part of the monitoring program, meetings have been held with other state agencies. While the Highlands Council cannot necessarily compel NJDEP to change these regulations, it can offer factually-based recommendations in the MPRR.

Participants then discussed the nitrate dilution model, expressing that the model should be applied across property boundaries. Bethlehem Township officials would like to see development around the I-78 corridor, but are restricted by the nitrate dilution model. In response, Council staff conveyed that there are a number of exemptions whereby a single-family home could be built. In addition, depending on septic density and land use capability, a municipality can leverage non-contiguous clustering for commercial development. Council staff emphasized that staff liaisons are willing to work with the communities to resolve issues or determine the best course of action, particularly if there is a specific property of interest.

Approximately 13% of Holland Township is contained within the preservation area, but the township has chosen to fully conform. A local official conveyed that there is little, if any, local opposition to the Highlands Act, because most land owners took advantage of dual appraisal to sell their development rights and preserve farmland. Holland Township residents prefer limited development and clustering, because it maintains rural character.

Participants conveyed the need to gauge the true fiscal impact of the Highlands Act. New Jersey has always had regulation, and while it may be difficult to work within a regulatory framework, working with the Highlands Council need not be a negative experience. Unlike other state agencies and entities, the Highlands Council offers grant funding to complete planning studies. Participants also expressed the importance the long-term benefits of regulation in the Highlands, including a preserved and healthy environment for future generations.

Ms. Mercer provided further background on the FIA, expressing that the assessment will compare various regions: preservation vs. planning area, Highlands region vs. northern NJ, and even the Highlands vs. bordering areas in NY and PA. The comparative analysis will enable better understanding of the true economic impacts of the Highlands Act, exclusive of the impacts of the recession and demographic shifts.

In response, one participant conveyed how the Hunterdon Comprehensive Economic Development Strategy (Hunterdon CEDS) recently revealed that the county is losing competitiveness; not necessarily because of Highlands regulations, but because of demographic shifts. Younger cohorts are increasingly leaving rural and suburban areas for more urban places. At the same time, many communities in the Highlands do not seek growth or intensification, and instead wish to maintain rural character. Nevertheless, it is important for these areas to remain economically competitive. Businesses along NJ Route 173 in Bethlehem Township are struggling. Highlands regulations have presented an additional challenge, yet Highlands Council staff have been helpful.

Regarding the timeframe for completion, Council staff stated FIA and MPRR are on parallel tracks, with both drafts expected in summer 2015.

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In response to a question about Council on Affordable Housing (COAH) rules, Council staff expressed that like the rest of the state, they are waiting on the final rules to be released. If municipalities have submitted a build-out and supporting materials, then they are currently consistent with Highlands Council requirements. In the past, a memorandum of understanding (MOU) between COAH and the Highlands Council has helped to ensure that COAH will conform with the Highlands endorsed build-outs. Once COAH releases the final rules, the Council will provide grant funding for municipalities to update housing plans.

In response to a question about the status of the transfer of development rights (TDR) program, Ms. Mercer conveyed that the monitoring program will evaluate TDR, and that the MPRR may offer related recommendations. Council staff explained that the Council is still working to establish receiving zones, and is providing municipalities with grant funding to examine feasibility. A TDR program can also be intra-municipal; for example, a split community can send from its preservation area to a receiving area in its preservations. One participant conveyed that the main challenge to TDR is not necessarily administrative, but the market: the market is not competitive enough for developers to want to pay an extra fee when there are plenty of opportunities to develop otherwise. Additionally, municipalities like Phillipsburg that are seeking additional development will take what is offered by developers.

One participant asked whether Union Township could develop preserved land and forest located within the township and owned by NJDEP. Ms. Mercer responded that municipalities cannot develop state-owned land.

Ms. Mercer then asked participants to comment on the conformance process and exemption delegation. In Lebanon Township, exemption delegation has worked well. In Tewksbury Township, municipal staff are hesitant to take on exemption delegation for fear of making errors. Highlands Council staff explained that the goal of the MOU between NJDEP and the Highlands Council is to expedite the exemption process for “easier” exemptions, such as single-family home constructions or minor expansions. A municipal exemption carries the same weight as NJDEP’s exemptions. Municipalities have the option to undertake delegation authority for only certain exemptions, and can turn away authority for exemptions later on.

In response to a question about the difference between exemptions and waivers; Council staff expressed that if an exemption is issued, then the Act does not apply, and local zoning prevails. A waiver entails that some Highlands regulations are still in place, though resource standards may be relaxed. These are typically issued in the preservation area, and cannot be issued by municipalities.

One participant expressed that a challenge with exemption delegation is knowing what was on the ground in 2004; this specifically applies to exemption 4, whereby up to a 25% increase in footprint is permitted. In Lopatcong, there has been some confusion about what materials qualify as impervious cover. Participants expressed that the exemption delegation process has worked reasonably well, though a uniform source of property information from 2004, as well as a better understanding of impervious cover standards, would be helpful.

In terms of grants, participants expressed the need to continue local grant pilot studies and guidance documents ensure that municipalities stay interested in planning. One participant thought that the

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Highlands could better relay that municipalities are not necessarily bound to Highlands templates, and are welcome to customize documents as needed.

Participants expressed the need to better support economic development. For example, the Highlands Council could provide a document about the economic development tools that are available to Highlands communities. Ms. Mercer conveyed that the staff and project team have heard a great deal about economic development throughout the stakeholder outreach process, and understand the significance of this topic. Another participant conveyed that municipalities should be responsible for engaging developers through outreach and educational materials, to which Ms. Mercer suggested a participatory inventory of economic development opportunity sites, similar to the NJ Brownfields Sitemart. One participant conveyed that Somerset County also has a good model for this type of inventory.

Ms. Mercer asked participants to share thoughts about the proposed indicator topics and sources of data. In response to a question about the TAC process, Ms. Mercer explained that the TACs will have approximately 15-20 participants and will meet in two series. The first set of meetings will include discussion about draft indicators, while the second set of meetings will include discussion of the baseline assessment and milestones.

As the meeting concluded, Ms. Mercer remarked that participants are encouraged to send further feedback on indicators and data via email and through the online comment portal. Participants are also encouraged to identify potential TAC members. Interested stakeholders should send resumes.

### Next Steps/Action Items

- Participants should submit via email: additional feedback on indicators, additional feedback on data sources, and TAC member suggestions/resumes.