

# Highlands Council Monthly Report

May 2023

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# Highlands Council Monthly Report

*Summary of Activities* | May 1-31, 2023

## Executive Director Priority Spotlight



*Smoke from Canadian Wildfires obscures the view from Highlands Ridge Park in Chester, NJ.*

As this report is being issued the Highlands region is encountering threats to the important resources that the Highlands Act charged the Council to responsibly protect and steward. Some are old such as continued sprawling land development, and some are new in the form of climate change-related disruptions to temperature and precipitation patterns. Despite these hazards, it is imperative that the region remain the reliable source of adequate clean drinking water for 70% of the state's residents, the home to local agriculture that helps to define the "Garden State," and the host to a myriad of important environmental resources

where the state's residents can enjoy all types of outdoor recreation. The Highlands region is also the key to the overall long-term climate resilience of New Jersey.

With each passing year, the implications of climate change are becoming more apparent. The Summer of 2022 was the hottest on record in the Highlands Region, which was followed by record low snowfall totals for the Winter of 2022-23. In early June, smoke from the unprecedented Canadian wildfires clouded the air of the region. The Highlands experienced a significant wildfire in West Milford Township that burned approximately 1,000 acres of high-quality forest in April. For the second time in as many years, a significant drought threatens both the water supply of the state and the agricultural industry in the Highlands. Meanwhile, development pressure in the Highlands Planning Area for warehousing, large-scale solar projects and new housing has returned with renewed vigor. The Highlands Council is working hard to anticipate and meet these challenges. The Council's priorities are designed to tackle these issues head-on to ensure a secure future for the region and for the entire state that is so reliant on Highlands resources.

**Affordable Housing Contract.** At the May public meeting the Highlands Council [approved a contract with Colliers Engineering & Design](#) to develop affordable housing guidance for the Highlands Region. The project will begin this summer and is expected to be completed in 2024, but local officials in the Highlands region should not wait to reach out for assistance. Highlands municipalities have a constitutional obligation to provide affordable housing and should be working toward meeting those commitments within the context of the Highlands Regional Master Plan (RMP). The requirement to provide affordable housing is not an excuse to ignore good planning. The RMP provides a framework for sound planning, and must inform the number, location and

manner in which affordable units are built in the Highlands. The third-round settlements and plans that currently exist in the Highlands greatly exceed what the buildout analyses completed with the RMP indicate the resources of the region can handle. This cannot happen again in the fourth round and this project will be designed to help ensure it doesn't.

**Navigating Stormwater Permit Changes.** Another area where municipalities should not wait to reach out is regarding the new requirements for Municipal Separate Storm Sewer System (MS4) Permits. Roughly one-third of the municipalities in the state being reclassified from Tier B to Tier A are located in the Highlands. The requirements of the new permit are significant and while the funding available from the New Jersey Department of Environmental Protection (NJDEP) provides a solid starting place, more will be needed. The Highlands Council can provide additional funding for any of the planning components of the work. Staff have already begun receiving requests from municipalities and are currently developing materials including model scopes of work that breakout permit requirements into phases to help guide municipalities through this process. In addition, the Highlands Council has requested additional staff that includes a water resource engineer, which will allow the Council to directly assist Highlands municipalities with meeting these new stormwater requirements.

**Funding for Land Preservation.** The US Fish and Wildlife Service recently hosted a Highlands Conservation Act (HCA) Leadership Summit in the New Jersey Highlands at the Skylands Campus of Kean University in Jefferson Township. New Jersey is the only one of the four Highlands states – Pennsylvania, New Jersey, New York and Connecticut – to have established a state agency solely dedicated to protection of the Highlands region. Ironically, we are also the only state that has been unable to apply for land preservation grant funding through the HCA for the past four years due in large part to a lack of dedicated funding for Highlands Council land preservation programs. The Highlands Council has made a request to have a portion of the Corporation Business Tax directly allocated to the Highlands Council for land preservation efforts and is awaiting a response.

## **Municipal and County Regional Master Plan (RMP) Implementation**

Updates related to Highlands Council-funded projects that help implement the RMP.

- **Borough of Chester, Morris County**
  - Provided deliverables related to an Alternative Wastewater Evaluation project. The materials were reviewed and approved by staff.
- **Township of Boonton, Morris County**
  - Submitted a scope of work (SOW) and request for funding to complete an update to its 2005 Open Space and Recreation Plan. Staff reviewed and approved the SOW.
- **Holland Township, Hunterdon County**
  - Submitted SOW and request for funding to complete a Structural Conditions Survey, as part of the Township's Housing Element and Fair Share Plan. Staff have reviewed the SOW and found it to be acceptable.
- **Vernon Township, Sussex County**
  - Completed a Stormwater Management Plan which was reviewed and approved by staff.

- **West Milford, Passaic County**
  - Submitted a request for funding to support activities related to achieving compliance with the updated MS4 requirements. The submission is being reviewed by staff and may serve as a model for SOW templates that can be used by other Highlands municipalities.
- **Hunterdon County**
  - Submitted components of a revised Growth Management Plan. Highlands Council staff is currently reviewing.

## Project Reviews

The Highlands Council does not issue permits but is statutorily required to review certain proposed projects in the region for consistency with the Highlands Regional Master Plan (RMP). In some cases, the Highlands Council shares jurisdiction with the New Jersey Department of Environmental Protection (NJDEP).

- **Planning Area Consistency Review: Car Dealership, Mahwah Township, Bergen County.** Applicant seeks to construct a car dealership on a vacant parcel adjacent to an existing car dealership.  
*Highlands Council staff review is pending.*
- **Planning Area Consistency Review, Conditions Compliance: Bridge Point 78 Phase III, Lopatcong Township, Warren County.** Staff received additional materials from the project applicant to demonstrate compliance with the conditions of a Planning Area consistency review completed in November 2022. Staff reviewed the materials and found that five of the seven conditions have now been met and two remain pending. Additional guidance was provided to the project applicant to aid in meeting the remaining outstanding conditions.
- **Highlands Applicability Determination (HAD), Exemption #11 (w/NJDEP): Lake Glenwood Phase II Water Main Replacement Project, Vernon Township, Sussex County.** Veolia Water New Jersey is seeking an [Exemption 11](#) to install and replace a water main and related infrastructure. Highlands staff have reviewed the submitted materials and determined that the proposed disturbance associated with this project is minimal and will not result in any permanent impacts to Highlands resources.  
*Highlands Council staff finding: Consistent with the Goals and Purposes of the Highlands Act.*
- **Highlands Applicability Determination (HAD), Exemption #9 (w/NJDEP): Repair of Timber Brook Road and Culvert, Rockaway Township, Morris County.** The Township is seeking an [Exemption 9](#) to repair an existing road embankment over Timber Brook, which has washed out and is currently impassable. Included in the repair will be the replacement of the existing culvert pipes that have deteriorated and are not suitable for reuse.  
*Highlands Council staff review is pending.*
- **Highlands Applicability Determination (HAD), Exemption #11 (w/NJDEP): Allamuchy Water Storage Tank Replacement, Allamuchy Township, Warren County.** Allamuchy Township is requesting an [Exemption 11](#) to remove and replace an aging



groundwater storage tank. The existing 60,000-gallon tank was originally installed in 1969 and is nearing the end of its useful life.

*Highlands Council staff finding: Consistent with the Goals and Purposes of the Highlands Act.*

- **Highlands Applicability Determination (HAD), Exemption #11 (w/NJDEP): Washington Township Fawnridge Drive Water Main Replacement Project, Washington Township, Morris County.** The Washington Township Municipal Utilities Authority is seeking an [Exemption 11](#) to replace aging water main infrastructure. Staff reviewed the submitted materials and determined that the proposed disturbance will not result in any permanent impacts to Highlands Resources.

*Highlands Council staff finding: Consistent with the Goals and Purposes of the Highlands Act.*

- **Highlands Applicability Determination (HAD), Exemption #11 (w/NJDEP): Rehabilitation of Pequannock Aqueducts, West Milford, Butler, Kinnelon and Pequannock, Morris and Passaic Counties.** The City of Newark is seeking an [Exemption 11](#) to make improvements to existing infrastructure to ensure regulatory compliance and replace/update aging equipment.

*Highlands Council staff review pending.*

- **Preservation Area Consistency Review: Sussex Cultivation, LLC. Vernon Township, Sussex County.** Applicant is seeking to construct a New Jersey-licensed cannabis cultivation facility on a largely undeveloped, forested property adjacent to existing agricultural lands. Approximately 3 acres of the 80-acre site is proposed for development.

*Highlands Council staff review is pending.*

## Science Initiatives

- **Harmful Algal Blooms.** Staff members continued their Citizen Science team training for participation in the Montclair State University (MSU) [Traveling HAB Lab](#) Program. Field training will take place in June and sampling is anticipated to begin in July.

## Contract Projects

- **Affordable Housing Consulting Contract.** At its May meeting, the Highlands Council approved awarding a contract to Colliers Engineering & Design to develop guidance that will help the Council and its 88 constituent municipalities prepare for the 4th round of affordable housing obligations set to begin in 2025. The key objective of the project will be to ensure that the Highlands Regional Master Plan (RMP) guides decision making when it comes to affordable housing. The contracted project – not to exceed \$100,000 and expected to be completed in 2024 – will involve technical analysis and the development of policy and program recommendations that will simultaneously ensure compliance with the Fair Housing Act and effective implementation of the Highlands RMP. The team also includes Surenian, Edwards, Buzak & Nolan, one of the preeminent law firms in the state on matters of municipal compliance involving affordable housing policy and related litigation.

## Open Space and Highlands Development Credit (HDC) Program Updates

- **Highlands Open Space and Recreation Plan.** In May the Highlands Council was notified by US Fish and Wildlife Service of a Capacity Building grant award. The funding will be used to develop a New Jersey Highlands Region Open Space and Recreation Plan. The purpose of the plan will be to identify and assess land preservation opportunities throughout the region and determine how best to work with property owners as well as public and private partners to complete land and easement acquisition projects. The Highlands Council is currently developing a Request for Proposals seeking expertise to develop the plan.
- **HDC Allocation.** Highlands Council reviewed an HDC Allocation application for a property in Independence Township. An HDC Allocation was issued on May 15, 2023 for 77.75 HDCs.

## Staffing and Staff Development

- Staff members attended the following professional development events and meetings in May: Northeast/Mid-Atlantic Forests & Water Forum; NJDEP Regulatory Update; Spring 2023 Stormwater Management Design Review training.

## Outreach and Education

- **Interactive Environmental Resource Inventory (ERI) Training for Raritan Headwaters Association.** On Tuesday, May 23, the Highlands Council led an online training and demonstration of the Highlands Interactive ERI application for members of the Raritan Headwaters Association. Representatives from 12 Highlands municipalities attended the event. A recording of the event is available on the Raritan Headwaters Association [website](#).
- **Municipal & County RMP Implementation Meetings.** The Highlands Council met with five municipalities and three counties to discuss RMP implementation projects: Borough of Peapack & Gladstone in Somerset County; Town of Clinton in Hunterdon County; Roxbury Township in Morris County; White Township in Warren County; Sparta Township in Sussex County; and Hunterdon, Morris, and Warren counties.
- **Municipal Exemption Certification Training.** The Highlands Council is offering a Municipal Exemption Certification training session on Thursday, June 29, 2023 from 10 a.m. – 12 noon. This training is intended for individuals who have been identified by a municipality to make determinations regarding certain Highlands Act exemptions. For more information, please contact Planning Manager [Maryjude Haddock-Weiler](#).
- **Constituent Assistance.** The Highlands Council received and responded to 33 inquiries from constituents in May.

## Agency & Organization Collaboration

- **Inter-Agency Coordination.** In May, the Highlands Council met with the Office of Planning Advocacy, the New Jersey Business Action Center, and the NJDEP Division of Water Quality.
- **SCORP Review.** As a stakeholder participant in the development of the NJDEP Green Acres 2023 – 2027 Statewide Comprehensive Outdoor Recreation Plan (SCORP), the Highlands Council provided comments on the draft plan. The SCORP is expected to be finalized and released by the end of 2023.
- **Coordination with Professional Organizations, Nonprofit Community, Academia.** In May, the Highlands Council met with the New Jersey Destination Marketing Organizations (NJDMO), and the Highlands Coalition.

## Council and Committee Meetings

- **The Highlands Council** held its monthly public meeting on Thursday, May 18, 2023. Four resolutions were passed including the approval of grant funding to support projects in the [Town of Clinton](#), [Town of Belvidere](#), [Jefferson Township](#), and [West Milford](#). The Council also approved a Highlands Land Use Capability Zone [map adjustment for Chester Township](#) to accommodate a 100% affordable housing project, and a contract with Colliers Engineering & Design for [affordable housing consultation](#). Complete information including a recording of the meeting is available on the [calendar page](#) of the Highlands Council website.
- **Committee Meetings.** Two Council committees met in May: Affordable Housing and Budget and Finance.

## Looking Ahead

- **Public Council Meetings.** The June Highlands Council meeting has been cancelled. The July Meeting is scheduled for Thursday, July 20. All meetings are held at 4 p.m. at the Highlands Council office in Chester, NJ. Complete details are available on the [calendar page](#) of the Highlands Council website.