

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF DECEMBER 3, 2020

**PRESENT**

**VIA TELECONFERENCE:**

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

**ABSENT:**

MICHAEL SEBETICH )

**CALL TO ORDER** 178<sup>th</sup> meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:03pm by teleconference due to COVID-19.

**ROLL CALL**

Roll call was taken. Members Sebetich and Visioli were absent. All other Council Members were present via teleconference. *The following staff members were present via teleconference: Lisa J. Plevin, Christine LaRocca, James Humphries, Maryjude Haddock-Weiler, Keri Green, Judy Thornton, Gabrielle Gallagher, Herbert August, Annette Tagliareni, Carole Ann Diction, 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**

Chairman Richko announced that on November 4, 2020 the State Planning Commission approved a resolution to endorse the Highlands Regional Master Plan. Chairman Richko added that what this means for our municipal and county partners is that any master plan or development regulations adopted as part of the plan conformance process are now deemed equivalent to having endorsement by the State Planning Commission.

Chair Richko also announced a recent decision made by our colleagues at NJDEP. The NJDEP was denying the renewal of a permit for the Bellemead project, a proposed commercial development in Tewksbury Township that would have a NJPDES permit renewal. Staff had previously issued a

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF DECEMBER 3, 2020

determination that the Water Quality Management Plan NJPDES Permit renewal for the development would be inconsistent with the RMP.

On a somber note, Chairman Richko acknowledged the passing of Tom Gilmore who was instrumental in the preservation and protection of New Jersey's precious natural treasures, including the Highlands.

Lastly, Chairman Richko thanked his colleagues on the Council for their patience and understanding during this year and thanked Ms. Plevin for her leadership, and staff for their hard work.

## **EXECUTIVE DIRECTOR'S (ED) REPORT**

Ms. Plevin highlighted the following updates and staff activities:

### **COVID-19 Response**

#### Chester Office Closure/Remote Work

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

### **Project Highlights**

#### State Plan Endorsement of RMP

Ms. Plevin reported that she was very happy the RMP has been endorsed by the State Planning Commission. Ms. Plevin thanked her staff who worked on this, specifically Judy Thornton, Lead Principal Planner, who spearheaded the effort, working closely with the Office of Planning Advocacy.

#### New Jersey Water Works Conference 2020

Ms. Plevin reminded and encouraged attendance by members of this year's New Jersey Water Works Conference which will be held virtually on December 9-11, 2020. Registration is free.

### **Plan Conformance Updates**

Ms. Plevin announced that the Washington Borough, Warren County Petition for Plan Conformance was deemed complete in late October and was posted for public comment on November 23. Public comment period will continue through December 23 and it is anticipated that the petition will come before Council in January or February 2021.

#### Municipally Issued Exemptions

Since the prior report, the Highlands Council has been notified of 13 municipally issued exemptions.

- West Milford Township in Passaic County issued 8 Exemption #5s.
- Montville Township in Morris County issued 3 Exemption #5s.
- Byram Township in Sussex County issued 1 Exemption #4 and 1 Exemption #5.

### **Project Review Updates**

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

- Staff conducted one (1) Water Quality Management Plan Amendment Review for a proposed project in Chester Borough, Morris County. Applicant is seeking a site-specific amendment to the Upper Raritan Water Quality Management Plan to accommodate a combination of residential and commercial development, including a portion of affordable housing. Highlands Council staff

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF DECEMBER 3, 2020

finding: consistent with the RMP.

- Staff also conducted two (2) Preservation Area Highlands Applicability Determination, Exemption 11 Reviews
  - Oxford Township, Warren County - NJ American Water Company is seeking a Highlands Applicability Determination, Exemption 11, to update a groundwater contamination treatment facility. Highlands Council staff finding: consistent with the goals of the Highlands Act
  - West Milford Township, Passaic County - Tennessee Gas Pipeline is seeking an Exemption 11 to construct a new compressor station that will support TGP's existing "300 Line." Highlands Council staff finding: consistent with the goals of the Highlands Act

### **Open Space/HDC Update**

Ms. Plevin reported that the HDC Bank Board met November 5, 2020 to discuss work of the Municipal Average Subcommittee. The Subcommittee agreed to move forward with plans to issue a Request for Proposals (RFP) to hire a consultant to calculate a municipal average for use in property valuation in the Highlands. The RFP is being finalized.

### **Personnel Update**

Ms. Plevin announced that the position of Regional Planner/Land Preservation Coordinator, which was vacated earlier this year, had been posted. Staff received over a dozen applications and are currently reviewing them.

Lastly, Ms. Plevin reported that the next Council Meeting is scheduled for January 14, 2021.

Chairman Richko asked Council members if they had any comments/questions regarding Ms. Plevin's ED Report.

There were no Council comments.

*Member Visioli was present at 4:18pm.*

### **APPROVAL OF HIGHLANDS COUNCIL MINUTES OF OCTOBER 15, 2020**

Chairman Richko asked for a motion on the Council Minutes of October 15, 2020

*Member Visioli made a motion to approve the Highlands Council Minutes of October 15, 2020. Member Holtaway seconded it.*

*A roll call vote was taken. The Highlands Council Minutes of October 15, 2020 were APPROVED 11-0.*

### **APPROVAL OF HIGHLANDS DEVELOPMENT CREDIT (HDC) BANK MINUTES OF NOVEMBER 5, 2020**

Chairman Richko asked for a motion on the HDC Bank Minutes of November 5, 2020.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF DECEMBER 3, 2020

*Member Walton made a motion to approve the HDC Bank Minutes of November 5, 2020. Member Holtaway seconded it.*

*A roll call vote was taken. The HDC Bank Minutes of November 5, 2020 were APPROVED 11-0.*

## **PLAN CONFORMANCE COMMITTEE**

Committee Chair Dressler turned the meeting over to Planning Manager, Maryjude Haddock-Weiler to provide an update on the Parsippany-Troy Hills Petition for Plan Conformance.

Ms. Haddock-Weiler reported that the Parsippany-Troy Hills Petition for Plan Conformance was originally discussed at the September Council meeting. As a result of that discussion, the Township amended their Petition and the Council will consider the approval of their updated Petition. The amended Petition includes consideration of center designation for one or more areas of the Township and evaluation of the potential for a Transfer of Development Rights (TDR) receiving area within the Township.

At this time Ms. Haddock-Weiler gave a brief overview of the Township's demographics and provided a timeline for the Petition.

In conclusion, Ms. Haddock-Weiler stated that Staff's recommendation is that the Petition for Plan Conformance be approved with conditions requiring action on specific implementation tasks, including the two (2) items added since the September meeting. The Township will be considering the potential for Highlands designated centers, as well as the potential feasibility of a TDR receiving area. Also, all of the tasks outlined in the Consistency Review and Recommendations Report and listed in the Implementation Plan and Schedule would be approved as part of the Petition.

### **Resolution – Approval of the Petition for Plan Conformance for the Township of Parsippany-Troy Hills, Morris County**

Chairman Richko asked for a motion on the resolution.

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

### **Council Comment**

Several Council members offered comments on the Petition. Vice-Chair Alstede acknowledged his prior concerns and noted he was satisfied with the revised Petition. Member Walton and Member Van Abs had a discussion regarding the importance of the TDR program to the Highlands Act. Ms. Haddock-Weiler acknowledged their concerns.

Chair Richko invited Parsippany-Troy Hills Mayor Michael Soriano to address the Council regarding the Petition for Plan Conformance. Mayor Soriano thanked the Council and offered comments on the Petition on behalf of the Township.

*Chairman Richko noted that Ms. Plevin was recused from this agenda item.*

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF DECEMBER 3, 2020

After the conclusion of Council discussion, Chairman Richko opened the meeting to public comment on the Petition.

Public Comment

**Elliott Ruga, New Jersey Highlands Coalition** – Mr. Ruga supports the Parsippany-Troy Hills Petition for Plan Conformance. Mr. Ruga added that it is an excellent effort on the part of their planning staff. Mr. Ruga spoke in opposition of a condition of the Petition approval to include a TDR feasibility study when it should be voluntary.

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers thanked Mayor Soriano for moving the Parsippany-Troy Hills Petition along in the process.

*A roll call vote was taken. The Resolution was approved 10-1.*

**BUDGET & FINANCE COMMITTEE**

**Resolution - Approval of Plan Conformance Funding for Sewer Study for Chester Borough**

Committee Chair Holtaway reported that Chester Borough is requesting \$97,200 for a comprehensive planning and engineering scope of work that will result in an NJDEP-approved Water Quality Management Plan Amendment and the design of an expanded sewage collection and treatment system to serve existing and future wastewater needs in a manner that is consistent with Chester Borough's Highlands Center designation.

*Vice Chair Alstede recused himself regarding the Chester Borough Plan Conformance funding.*

Chairman Richko asked for a motion on the resolution.

*Member Holtaway made a motion. Member Visioli seconded it.*

Council Comment

Member Walton asked a question concerning the grant, to which Mr. Humphries responded.

Public Comment

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers supports the resolution to address some of the failing septic systems in the town on environmentally sensitive lands.

*A roll call vote was taken. The resolution was APPROVED 9-1.*

**Resolution - Approval of Plan Conformance Funding for Economic Corridor Planning for Hopatcong**

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF DECEMBER 3, 2020

Committee Chair Holtaway reported that the Borough of Hopatcong requests \$32,700 to conduct a redevelopment study for several areas in the community that it wishes to designate as Areas in Need of Redevelopment under the Local Redevelopment and Housing Law (NJSA 40:12A-1 et seq., LRHL). These include areas within the Borough's designated Highlands Center.

*Member Francis recused himself regarding the Hopatcong Borough Plan Conformance funding.*

Chairman Richko asked for a motion on the resolution.

*Member Visioli made a motion. Member Dougherty seconded it.*

There was no Council discussion.

Public Comment

**Elliott Ruga, New Jersey Highlands Coalition** – Mr. Ruga commented that as a member of the public he was unable to determine if the Economic Corridor Planning will be undertaken in such a way that it would be consistent with the goals and objectives of the Highlands Act and with applicable provisions of the Highlands RMP because he was unable to find the necessary documents or information on Council's website.

*A roll call vote was taken. The resolution was APPROVED 10-0.*

**Resolution - Approval of Plan Conformance Funding for Economic Sustainability Planning for Ringwood Borough**

Committee Chair Holtaway reported that the Borough of Ringwood requests \$50,000 to assist in the development of a municipal trail system intended to provide linkages between commercial corridors, tourism sites, and public facilities throughout the community. This project would build on the Borough's existing trail system to further bicycle and pedestrian accessibility and to assist in sustainably promoting tourism and economic development.

*Member James recused himself regarding the Ringwood Borough Plan Conformance funding.*

Chairman Richko asked for a motion on the resolution.

*Member Visioli made a motion. Member Holtaway seconded it.*

Council Comment

Several Council members had questions and comments regarding the grant. Mr. Humphries and Chairman Richko offered responses.

Public Comment

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers is very excited that Ringwood Borough is doing this for the future of the community's economy.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF DECEMBER 3, 2020

*A roll call vote was taken. The resolution was APPROVED 9-1.*

**OLD/NEW BUSINESS:**

Vice Chair Alstede suggested, in light of our discussions regarding TDR receiving zones, whether Council could add this item to January's meeting as a discussion item to review the receiving areas/TDR Program. Chairman Richko responded that he would consider this request. Ms. Plevin recommended scheduling a time for a conversation to discuss the best way to proceed with this discussion.

Member Francis reported that he forwarded the Crescent Cover Report to Ms. Plevin for review and to share. Member Francis noted that HABs are a serious issue and he hopes the Council pays attention to its lakes.

Vice Chair Alstede also asked for an update on the new work for the municipal average. Ms. Plevin responded that Council staff is still working on a draft Request for Proposal (RFP) and getting input from Council and Bank Board members and will be re-circulating to the SADC and Municipal Average committee for final approval as soon as possible.

Vice Chair Alstede also asked if the HDC Bank expects to have additional funds for acquisition projects. Ms. Plevin responded that the HDC Bank recently received \$1M remaining of the Bank's initial appropriation and does anticipate a portion will go towards the Municipal Average RFP. It is expected that some funds will remain.

Chairman Richko opened the meeting to the public for any other comments.

Public Comment

**Jim Duffy, Concerned Citizens of Chester Township** – Mr. Duffy asked for Council support regarding opposition to Chester Township's potential synthetic turf fields installation. Mr. Duffy asked for Council support to: 1) not allow Chester Township to install impervious synthetic turf fields; 2) should the Township prevail in installing synthetic fields and lights, please encourage it to conduct an environmental impact statement to be done by a 3rd party; and lastly 3) please encourage Chester Township to renovate Black River Fields properly to allow for improved recharge.

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers spoke favorably about the endorsement of the Highlands RMP by the State's Office of Planning Advocacy and hopes the Council will share that information with all Planning Area communities. Ms. Somers also spoke favorably about the Parsippany-Troy Hills Petition and Ringwood Borough's grant resolution.

Council Comment

Vice Chair Alstede asked if there is any type of DEP policy regarding synthetic turf and whether the Highlands Council has a policy regarding synthetic turf. Ms. Plevin responded that staff will look into this and respond.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF DECEMBER 3, 2020

*Member James made a motion to adjourn the meeting. Member Holtaway seconded it. All were in favor. The meeting was adjourned at 5:25pm.*

**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: 1/14/2021

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				√			
Councilmember Walton				√			
Chairman Richko				√			