



State of New Jersey

Highlands Water Protection and Planning Council
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Executive Director

MEMORANDUM

To: Plan Conformance Committee

From: James Humphries, Director of Planning, Science & GIS
Maryjude Haddock-Weiler, Planning Manager

Subject: Committee Meeting Minutes – November 19, 2020

Date: November 27, 2020

A Plan Conformance Committee meeting was held on Thursday, November 19, 2020 at 3:00pm via Zoom video/audio conference call.

Committee Members present via Zoom video/audio platform were: Committee Chair Dressler, Council Chair Richko, Committee Member Vohden and Committee Member Van Abs

Staff Members present via Zoom video/audio platform were: Lisa J. Plevin, Christine LaRocca, James Humphries, Maryjude Haddock-Weiler, Keri Green, Gabrielle Gallagher, Carole Dicton, Annette Tagliareni and Karen Castanhas.

Committee Chair Dressler opened the meeting at 3:09pm.

Liberty Square (Independence Township) Project Review:

James Humphries, Director of Planning, Science & GIS, reported that Council staff is being asked to comment on a potential Highlands Preservation Area Approval (HPAA) permit by New Jersey Department of Environmental Protection (NJDEP) in accordance with the Highlands Act (NJSA 13:20-17) which states that the Highlands Council has call up authority for projects in the Preservation Area. Council staff is asking for informal feedback and advice from the Plan Conformance Committee on how best to comment on this potential HPAA.

Mr. Humphries gave an overview of the project, which dates back to 1989. A site plan and project timeline were shared with the committee members in their packets and viewed on the Zoom call.

There were discussions regarding the project's history as it relates to local approvals, mitigation, and potential litigation (takings waiver).

Council Chair Richko and Committee Chair Dressler were not in favor of this project.

Committee Member Van Abs had a layered view of the project. He did not believe the project should move forward, however, if NJDEP forced the question, he noted the NJDEP should approve only the minimum level of development necessary to mitigate a taking.

Committee Chair Dressler called for a roll call asking Committee members if they are in favor of this project moving forward.

Council Chair Richko – no

Committee Chair Dressler – no

Member Vohden – yes

Member Van Abs – no

Ms. Plevin thanked the members for their informal feedback.

At this time, Ms. Plevin recused herself regarding the next agenda item.

Ms. Plevin left the meeting at 3.25pm

Update of Parsippany-Troy Hills Petition for Plan Conformance

Maryjude Haddock-Weiler, Planning Manager, gave an update on the Parsippany-Troy Hills' Petition for Plan Conformance. The Petition was discussed at the September 17, 2020 Highlands Council meeting. Based on that discussion and follow-up conversations with representatives from Parsippany-Troy Hills, the Township chose to amend their Petition to include consideration of a potential Highlands Center(s) and a feasibility study for a Transfer of Development Rights (TDR) receiving zone.

As a result of the revisions, a second public comment period was held between October 13 and November 13, 2020. Two additional public comments were received during this second comment period.

The Implementation Plan and Schedule (IPS) has also been revised to include funding for Highlands center planning and a TDR feasibility analysis. Given the approval by the Governor of the FY2021 State budget, the Council will be able to approve the funding outlined in the IPS as part of the Petition.

On the basis of the components of the Conformance Petition, outlined in the Revised Final Draft Consistency Review and Recommendations Report, Highlands Council Staff recommends that the revised Petition for Plan Conformance and IPS for the Township of Parsippany-Troy Hills be approved.

Committee Chair Dressler asked if there were any questions.

Committee Member Vohden questioned the difference between voluntary Plan Conformance in the Planning Area and mandatory Plan Conformance in the Preservation Area. Specifically, he inquired if the decision by a municipality to conform will also make the Planning Area lands subject to the NJDEP Highlands Rules. He noted that the language of the Highlands Act, sections 14 and 15, are worded the same. Ms. Haddock-Weiler acknowledged the language in the Act and explained that the conformance outlined in those sections is for conformance with the Highlands Regional Master Plan (RMP). The NJDEP Highlands Rules apply in the Preservation Area and any Major Highlands Development in the Preservation Area is subject to those Rules. When our Council makes a decision about approving a Petition, we are making that decision only for the Regional Master Plan (RMP) standards and not the NJDEP Highlands Rules.

Ms. Haddock-Weiler further clarified that the septic densities that apply in the Preservation Area do not apply in the Planning Area. Additionally, Mr. Humphries noted that another key difference is no new sewer extensions are allowed in the Preservation Area.

Committee Member Vohden questioned the applicability of 300-foot buffers in the Planning Area. Ms. Haddock-Weiler explained that much of the development/redevelopment in the Township like Parsippany-Troy Hills would be exempt from those buffers. She noted specifically that exemption 4 allows for redevelopment within 125% of the existing footprint, as long as it stays under ¼ acre of new impervious.

Committee Member Vohden referred to comments made by the non-profit Wildlife Preserves and questioned whether they would be able to develop their parcels. Ms. Haddock-Weiler explained that Wildlife Preserves is interested in developing an environmental education center on a parcel that has existing development and they would likely be able to proceed under an exemption #4.

Committee Chair Dressler asked if any other questions.

Committee Member Van Abs asked about the staff recommendation for the approval with conditions listed in the memo. Specifically, he questioned whether the Township will be held to implementation of all the tasks listed, including the Center planning and TDR feasibility analysis. Ms. Haddock-Weiler replied that all the items listed in the memo are proposed as conditions of Petition approval.

Committee Member Van Abs suggested a revision to the format of the Consistency Review and Recommendations Report to clarify the intent. Ms. Haddock-Weiler agreed that would be a good revision and future reports will be modified to reflect this.

Committee Chair Dressler asked if there were any other questions.

Chairman Richko stated when a municipality comes to the Council to conform with the RMP, he supports the conforming municipality.

There were no other comments/questions.

Committee Chair Dressler asked all committee members if they were in favor of moving the revised Parsippany-Troy Hills Petition to the full Council for consideration at its meeting on December 3, 2020. All were in favor.

The meeting was adjourned at 3:44pm.