

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF FEBRUARY 16, 2017

**PRESENT**

JIM RILEE	)	CHAIRMAN
KURT ALSTEDE	)	VICE CHAIR
TRACY CARLUCCIO	)	COUNCIL MEMBERS
MICHAEL R. DRESSLER	)	
MICHAEL FRANCIS	)	
BRUCE JAMES	)	
CARL RICHKO	)	
MICHAEL SEBETICH	)	
JAMES VISIOLI	)	
RICHARD VOHDEN	)	

**VIA-TELECONFERENCE**

TIMOTHY P. DOUGHERTY	)
ROBERT HOLTAWAY	)
MICHAEL TFANK	)

**ABSENT**

ROBERT G. WALTON	)
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**CALL TO ORDER** 151<sup>ST</sup> meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:02pm.

**ROLL CALL**

Roll call was taken. Members Dougherty, Holtaway, and Tfank was present via tele-conference. Member Walton was absent. All other Council Members were present. *The following staff members were present: Margaret Nordstrom, John Maber, James Humphries, Corey Piasecki, Kim Ball Kaiser, Carole Ann Diction, Chris Ross, and Tom Tagliareni. Also present were Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit, and Matthew Kelly, Deputy Attorney General.*

**OPEN PUBLIC MEETINGS ACT**

Ms. Tagliareni announced that the meeting is being held in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. The Highlands Council sent written notice of the time, date, and location of this meeting to pertinent newspapers of circulation throughout the State and posted notice on the Highlands Council website.

**PLEDGE OF ALLEGIANCE** was then recited.

**APPROVAL OF HIGHLANDS COUNCIL MINUTES OF JANUARY 19, 2017**

Chairman Rilee asked for a motion on the Minutes of January 19, 2017.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF FEBRUARY 16, 2017

*Member James made a motion to approve the Minutes of January 19, 2017. Member Richko seconded it.*

*A roll call vote was taken. The Minutes of January 19, 2017 were APPROVED 13-0.*

## **CHAIRMAN'S REPORT**

Chairman Rilee reported that the RMP Update Committee will be renamed to RMP Amendment Committee. Chairman Rilee added that the committee will continue their work in the RMP process.

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

Ms. Nordstrom highlighted some of Council staff's activities.

### Plan Conformance Implementation

- Clinton Town, Hunterdon County
  - Highlands Referral Ordinance: Municipal adoption 12/13/16
- Hackettstown, Warren County
  - Exemption Determination Authorization: Municipal adoption 12/8/16

Ms. Nordstrom also reported that a GIS Specialist has been hired and will start the end of the month.

## **COMMITTEE REPORT**

### Regional Master Plan Update

Committee Chair Alstede reported on comments made at Council's last meeting regarding the Procedures to Consider Proposed Amendments (the Procedures) to the Regional Master Plan (RMP).

- 30-day public comment period – The intent is to have a minimum of 30 days, with the Council having an option to extend the period up to 60 days. The language will be revised in the Procedures. The committee expects to recommend the Monitoring Program Recommendation Report (MPRR) have a comment period of 60 days.
- Requirement for public comments submitted – A rationale is requested when submitting public comments. The Procedures will be clarified.
- Public hearings – We are taking into consideration having public hearings outside the region.
- Recommendations for amendments to the RMP – This is the time for all Council members to share with Council staff any recommendations for RMP amendments.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF FEBRUARY 16, 2017

Committee Chair Alstede noted that members of the public will have the chance to make such recommendations for RMP amendments during the public comment period following release of the MPRR.

Other Business:

**Resolution Approving Petition for Highlands Redevelopment Area Designation, Borough of Bloomsbury, Hunterdon County**

Ms. Nordstrom noted to Council that this is an application to make sure the site is suitable for redevelopment as described in the Highlands Act and RMP, rather than a full blown site plan approval process.

*Member Alstede made a motion on the Resolution. Member Francis seconded it.*

Staff member James Humphries gave a presentation regarding the proposed Highlands Redevelopment Area Designation in Bloomsbury Borough. The presentation may be found on the Council's website at the link below:

[www.nj.gov/njhighlands/about/calend/2017\\_meetings/feb16/feb16\\_meeting\\_preso.pdf](http://www.nj.gov/njhighlands/about/calend/2017_meetings/feb16/feb16_meeting_preso.pdf)

**Council Comment**

Member Sebetich, referring to the slide entitled "Resource Analysis," asked who determines that the proposed use for the property does not present a "significant" risk of discharge of pathogens and degradation of ground water. Mr. Humphries explained that the risk level is determined by a list of potential uses of properties that have presented a significant potential of discharge (i.e., gas stations, chemical storage). Such uses are identified by industrial/commercial use category codes; a fast food restaurant does not fall into any of the uses that present a significant potential for discharge.

Ms. Carluccio asked when the Carbonate Rock Area Geotechnical investigation would take place. Ms. Ross responded that the geotechnical investigation would be part of the Highlands Preservation Area Approval (HPAA) application process with New Jersey Department of Environmental Protection (NJDEP).

Vice Chair Alstede commented that the plan was previously approved in 1997 and doesn't qualify for an exemption, but does qualify for redevelopment designation under the 70% impervious provisions in the Act. Mr. Humphries responded that the redevelopment guidelines ensure the site is suitable for and can support the redevelopment in question.

Member Carluccio asked if any perc tests were conducted. Ms. Ross responded that no perc tests were conducted as it is not a requirement. There was also discussion regarding the current septic system and prime ground water recharge area (PGWRA).

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF FEBRUARY 16, 2017

Vice Chair Alstede reminded Council members that all they doing at this point is designating the redevelopment area as a planning tool as set forth in the RMP, and that detailed engineering and environmental reviews will take place later.

**Public Comment**

**George Stafford, New Jersey Highlands Coalition** – Mr. Stafford spoke in opposition of the proposed redevelopment area designation regarding a fast food restaurant vs. use of farmland.

**Wilma Frey, New Jersey Conservation Foundation** – Ms. Frey spoke in opposition of the proposed redevelopment area designation because there was no data on karst and septic system conditions.

**Guliet Hirsch, Archer & Greiner, P.C., represents applicant** – Ms. Hirsch commented that the property is an Existing Community Zone (ECZ) of Bloomsbury and is properly designated ECZ for the three-step process. Ms. Hirsch commented that Council’s approval will give her client the opportunity to go to NJDEP.

**Elliot Ruga, New Jersey Highlands Coalition** – Mr. Ruga suggested that Council order the applicant to provide a geotechnical report as it would be useful to have an understanding of the carbonate rock area. Mr. Ruga also suggested that going forward, the Council track/compile all such reports required of applicants in the Highlands Region to begin creating a database or GIS layer with this information.

**Monique Purcell, Department of Agriculture** – Ms. Purcell clarified that the property is not a working farm and is leased to the farmer.

**Robert Fry, Warren County** – Mr. Fry asked if Bloomsbury has a wastewater management plan (WMP). Mr. Humphries responded that Bloomsbury does not currently have a WMP.

**Council Comment**

Member Dressler stated that he was not satisfied with the information currently received on this application and plans to vote “no” at this time.

There was also Council discussion regarding the waivers being considered (NJDEP waiver for >3% impervious surface and Council waiver for PGWRA) and if Council would vote on those waivers.

Member Carluccio commented that this is a good site for restoration and she cannot vote yes on this resolution.

Vice Chair Alstede read several excerpts from the RMP Chapter 4, Part 6, Subpart D Redevelopment, emphasizing that redevelopment designation is a “planning tool” to locate additional development and redevelopment in close proximity to existing development in the Region. Member Carluccio stated that Vice Chair Alstede missed one reference that the designation must support “sustainable development.”

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF FEBRUARY 16, 2017

*All members present voted on the Resolution. The vote was 6 in favor, 7 opposed. 8 votes are required for Council action under N.J.S.A. 13:20-5.f. Accordingly, the Council did not take final action on the application.*

Following the vote, Vice Chair Alstede asked what basis the Council has for failing to approve the application. Member James stated he did not want to discuss legal issues in a public session and that the Council should go into closed session if necessary. Chairman Rilee responded that he will work with staff to formalize a response.

Chairman Rilee opened the meeting to the general public for comments.

**Public Comment**

**George Stafford, New Jersey Highlands Coalition** – Mr. Stafford commented that he visits governing bodies to ask them to consider a resolution requesting the Governor’s office and NJDEP to release an update regarding the State Water Supply Plan. Mr. Stafford urged the Council to do the same.

**David Shope, Lebanon Township, NJ** – Mr. Shope commented on the New Jersey Water Supply Authority rate review. Mr. Shope also questioned Council on its rationale for the current RMP.

**Hank Klumpp, Tewksbury, NJ** – Mr. Klumpp commented on the affordable housing obligations and legal shield that towns originally conformed to and if there is any recourse now due to recent obligations.

**Council Comment**

Member Richko commented on the State Water Supply Plan update and why the data is not being released. Member Richko urges Council to consider a resolution for the Governor’s office and NJDEP to release this data. Chairman Rilee responded that the Legislature is currently taking up this charge.

Member Dressler stated that he intends to present a resolution at the next meeting calling for the Council to conduct its meetings in accordance with Robert’s Rules of Order.

*Member Alstede made a motion to adjourn the meeting. Member Francis seconded it. All were in favor. The meeting was adjourned at 4:56pm.*

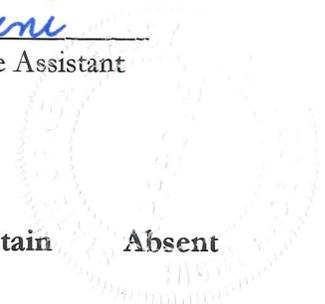
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF FEBRUARY 16, 2017

**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: 3-3-17

Name: Annette Tagliareni  
Annette Tagliareni, Executive Assistant



**Vote on the Approval of  
These Minutes**

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			✓			
Councilmember Carluccio			✓			
Councilmember Dougherty			✓			
Councilmember Dressler			✓			
Councilmember Francis	✓		✓			
Councilmember Holtaway			✓			
Councilmember James			✓			
Councilmember Richko			✓			
Councilmember Sebetich			✓			
Councilmember Tfank			✓			
Councilmember Visioli		✓	✓			
Councilmember Vohden			✓			
Councilmember Walton			✓			
Chairman Rilee			✓			