

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF MARCH 15, 2018

PRESENT

JIM RILEE)	CHAIRMAN
KURT ALSTEDDE)	VICE CHAIR
TIMOTHY P. DOUGHERTY)	COUNCIL MEMBERS
MICHAEL R. DRESSLER)	
MICHAEL FRANCIS)	
ROBERT HOLTAWAY)	
BRUCE JAMES)	
CARL RICHKO)	
MICHAEL SEBETICH)	
JAMES VISIOLI)	
RICHARD VOHDEN)	

VIA-TELECONFERENCE

TRACY CARLUCCIO)

ABSENT

ROBERT G. WALTON)
MICHAEL TFANK)

CALL TO ORDER 159TH meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:02pm.

ROLL CALL

Roll call was taken. Member Carluccio was present via tele-conference. Members Tfank and Walton were absent. All other Council Members were present. *The following staff members were present: Margaret Nordstrom, John Maher, James Humphries, Kim Ball Kaiser, Keri Green, Casey Ezyyske, Christina Petagna, Carole Ann Dicton, Drew Siglin, Rachel Posavetz, Ranji Persaud, Sabina Tighe, and Tom Tagliareni. Also present were Lauren Nathan-LaRusso, Associate Counsel, Governor's Authorities Unit, and Jennifer Moriarty, Deputy Attorney General.*

OPEN PUBLIC MEETINGS ACT

Ms. Tagliareni announced that the meeting was 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.

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APPROVAL OF HIGHLANDS COUNCIL MINUTES OF DECEMBER 7, 2017

Chairman Rilee asked for a motion on the Minutes of December 7, 2017.

Member Holtaway made a motion to approve the Minutes of December 7, 2017. Member Richko seconded it.

A roll call vote was taken. The Minutes of December 7, 2017 were APPROVED 12-0.

CHAIRMAN'S REPORT

There was no Chairman's report.

EXECUTIVE DIRECTOR'S REPORT

Ms. Nordstrom highlighted the following staff activities:

Municipal-Issued Exemptions:

- Clinton Township, Hunterdon County: Exemption 4 – 2 issued.
- Ringwood Borough, Passaic County: Exemption 2 – 1 issued.
- Byram Township, Sussex County: Exemption 4 – 1 issued.

HDC Bank Credit Allocation & Purchase Update

- HDC Allocations
 - Clinton Township, Hunterdon County, Block 68, Lot 3
 - 5 acres non-residential
 - Allocation application received: 12/26/2017
 - Determination 2/14/2018: 43.50 HDCs
 - Rockaway Township, Morris County, Block 11403, Lot 3
 - 0.3 acres residential
 - Allocation application received: 2/13/2018 P
 - Determination pending
 - Rockaway Township, Morris County, Block 11403, Lot 14
 - 26.28 acres residential
 - Allocation application received: 2/13/2018
 - Determination pending
 - Rockaway Township, Morris County, Block 11403, Lot 15
 - 2.29 acres residential
 - Allocation application received: 2/13/2018
 - Determination pending
 - Rockaway Township, Morris County, Block 20001, Lot 5
 - 574.81 acres residential
 - Allocation application received: 2/13/2018
 - Determination pending
 - Rockaway Township, Morris County, Block 20001, Lot 5.02

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- 41.16 acres residential
- Allocation application received: 2/13/2018
- Determination pending
- Rockaway Township, Morris County, Block 20001, Lot 5.04
 - 12.13 acres residential
 - Allocation application received: 2/13/2018
 - Determination pending
- Rockaway Township, Morris County, Block 20102, Lot 3
 - 0.57 acres residential
 - Allocation application received: 2/13/2018
 - Determination pending
- Rockaway Township, Morris County, Block 20103, Lot 10
 - 0.49 acres residential
 - Allocation application received: 2/13/2018
 - Determination pending
- Rockaway Township, Morris County, Block 20104, Lot 1
 - 0.30 acres residential
 - Allocation application received: 2/13/2018
 - Determination pending

Ms. Nordstrom then gave an affordable housing update and read the following statement:

“To date, three Highlands region municipalities (Bethlehem Township, Washington Township (Morris) and Kinnelon Borough) have settled affordable housing litigation with the Fair Share Housing Center by agreeing to send a portion of their affordable housing obligation to the Highlands Council for transfer elsewhere in the region. The Highlands Council is not a party to these cases. We were not consulted about the terms of these settlement agreements, and learned of them at the same time as the general public.

The Fair Housing Act gives the Highlands Council the discretion to establish a mechanism to transfer up to 50% of a municipality’s affordable housing obligation to another municipality in the region. The Council has no such mechanism in place. Such a program would first require the Council to identify towns in the region willing to accept additional affordable housing units. The program would then require an agreement between the sending and receiving towns, and a payment by the sending town to the receiving town for each unit of housing transferred.

We have been advised by the Attorney General’s office to continue to monitor the situation, and that there is no need to take any action at this time.”

Chief Counsel Maher stated that the terms of these settlement agreements were a surprise to us as they may have been to members of the Council. Staff did not learn of the settlement agreements until members of the public did. As far as a mechanism to transfer housing obligations within the region, the Fair Housing Act gives the Council the discretion (not mandatory) to establish such a program. No program has yet been established. If a program was established, it would require a willing seller and buyer, and the town transferring housing obligations would pay the receiving town to accept them. The Council’s role would be strictly as a matchmaker, and would review and approve any agreement between the two towns and determine whether the transfer agreement is

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consistent with the Regional Master Plan (RMP). It is unlikely that there are communities in the region that are willing to accept additional housing obligations. If the Council chose to move down this path and explore the possibility of a program, the first step would be to see if there are any municipalities in the region which would be interested in accepting additional affordable housing units.

At this time, there was some discussion among members regarding the settlement agreements. Per Member Dougherty's request, copies of the settlement agreements will be sent to members for their records.

On another topic, Ms. Nordstrom noted that when the Council approved the grant budget this year it included funding (\$200,000) for Lake Management Planning. The Lake Hopatcong Commission is requesting \$109,000 that would be used to revise their existing Upper Musconetcong Watershed Restoration Plan into a Water Implementation Plan (which then would enable access to USEPA and NJDEP grant funding). Council staff met with the Budget & Finance Committee and the committee agreed to move this forward. The committee wanted to emphasize on record that this does not involve capital projects; it is purely a planning reimbursement grant.

PLAN CONFORMANCE COMMITTEE

Staff Member James Humphries gave a PowerPoint presentation on Lebanon Borough's Amended Petition for Plan Conformance. The presentation may be found on Council's website at the following link: www.nj.gov/njhighlands/about/calend/2018/march15/031518ppt.pdf

After the presentation, Chairman Rilee acknowledged Lebanon Borough's Mayor, Michael Reino; Clerk, Karen Romano; and Planner, Darlene Green, who were present at the meeting.

Chairman Rilee asked for a motion on the resolution.

Resolution – Amended Petition for Plan Conformance, Lebanon Borough, Hunterdon County

Member James made a motion on the Resolution. Member Holtaway seconded it.

Chairman Rilee opened the meeting to public comment on the resolution.

Council Comment

Member Dressler asked what were the concerns regarding the historic district. Mr. Humphries responded that there was a concern that the center designation would allow increased development in the Borough and potentially impact historic resources. Mr. Humphries explained that the center designation has to be consistent with the historic resource protection standards in the RMP. It was noted Lebanon Borough's historic district is on the State and National Historic Registries.

Public Comment

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Elliot Ruga, New Jersey Highlands Coalition – Mr. Ruga appreciated Council’s responsiveness to comments reducing the center boundary to protect Highlands resources and recognizing the historic districts within the center. He noted that the Center Designation recognizes the 2001 State Plan, but stated that the plan is obsolete and the RMP hugely updates what the State Plan envisioned.

Wilma Frey, New Jersey Conservation Foundation – Ms. Frey appreciated that some of the sensitive areas have been removed from the center designation. Ms. Frey urged the Council to pay attention to the Route 22 area in the planning process to maintain the scenic resources and character of the area. Ms. Frey also commented on the 2001 State Plan and Council recognizing the RMP in the planning process.

David Peifer, Association of New Jersey Environmental Commission – Mr. Peifer complemented Council on the boundary changes and expressed his concern regarding the stormwater management. Mr. Peifer would be happy to work with Council and Lebanon Borough regarding stormwater.

Council Comment

Member Carluccio asked about the draft Wastewater Management Plan (WMP) that DEP is reviewing. Mr. Humphries responded that the WMP is not completed. He added that in late 2016 DEP adopted new WMP rules and we are working with them to update our template for the entire region. Ms. Carluccio is concerned that the WMP is not completed. She is also concerned about the wetlands, streams, forest, wildlife, redevelopment, new development, and farmland. Ms. Carluccio appreciated that the boundary line was changed but cannot support.

Mayor Reino thanked the Council and Council staff for their assistance.

A roll call vote was taken. The resolution was APPROVED 11-1.

Chairman Rilee then opened the meeting to the public for any other comments.

Public Comment

George Cassa, Tewksbury, NJ – Mr. Cassa thanked the Council for their position on affordable housing. Mr. Cassa feels that the information may be helpful to all municipalities. Mr. Cassa also asked if the new WMP rules by DEP affect the WMPs that have been adopted. Mr. Humphries responded that the new rules pertain to the municipalities that have submitted their WMPs but were not approved/adopted.

David Shope, Lebanon Township, NJ – Mr. Shope commented on Lebanon Township’s affordable housing obligation.

Elliot Ruga, New Jersey Highlands Coalition – Mr. Ruga brought to Council’s attention a municipal exemption project under the municipal exemption program in Bethlehem Township

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(Preservation Area) to re-invigorate a former quarry and has questions regarding impervious surfaces.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp commented on the TDR program and affordable housing obligations. Mr. Klumpp also commented on his concern regarding landowner compensation and keeping this in mind when meetings are cancelled.

Chairman Rilee announced his resignation and thanked the Council for serving. He feels there has been some progress in the right direction during his time with the Council. Chairman Rilee still empathizes with landowners' lack of compensation/lost equity.

Member Holtaway a motion to adjourn the meeting. Member James seconded it. All were in favor. The meeting was adjourned at 4:40pm.

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: 5-17-18

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

**Vote on the Approval of
The Minutes**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Carluccio			✓			
Councilmember Dougherty						✓
Councilmember Dressler			✓			
Councilmember Francis			✓			
Councilmember Holtaway	✓		✓			
Councilmember James			✓			
Councilmember Sebetich			✓			
Councilmember Visioli		✓	✓			
Councilmember Vohden						✓
Councilmember Walton			✓			
Chair Richko			✓			