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## State of New Jersey

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*Executive Director*

### MEMORANDUM

**To:** Plan Conformance Committee  
**From:** Margaret Nordstrom, Executive Director  
**Subject:** Committee Meeting Minutes– December 7, 2017  
**Date:** December 21, 2017

A Plan Conformance Committee meeting was held on Thursday, December 7, 2017 at 2:30pm in the Highlands Council office in Chester. Committee Members Richko, Vohden, and Tfank (via phone) participated.

Staff Members present: Margaret Nordstrom, John Maher, James Humphries, Maryjude Haddock-Weiler, Keri Green, Carole Ann Diction, and Annette Tagliareni.

Also, present: Nicholas Kant, Assistant Counsel, Governor's Authorities Unit

#### Borough of Kinnelon

Ms. Nordstrom started the meeting by explaining that Council staff has a meeting with the NJDEP next week regarding the scheduling of the Kinnelon project.

Mr. Humphries then gave a brief project overview via a PowerPoint presentation and noted that:

- The project will consist of athletic fields, shelter and community center.
- Kinnelon has an approved petition for both the Planning and Preservation Areas.
- 97.4% of the Borough is located in the Preservation Area.
- The project is 10.6 acres in the Preservation Area.
- Existing Community Environmentally Constrained Subzone, with small portions of Existing Community Zone.
- 5 acres of total disturbance (1.35 acres of impervious) and 5.6 acres to be permanently preserved.

Mr. Humphries then gave an overview of the jurisdictional process for the project:

- NJ Attorney General's Office – takings finding
- NJDEP – HPAA w/ takings waiver and Water Quality Management Plan (WQMP) Amendment
- Highlands Council – Capital Project Review (N.J.S.A. 13:20-16)
  - Comment on NJDEP HPAA
  - Comment on NJDEP WQMP Amendment

Mr. Humphries gave an overview of a Highlands Capital Project Review:

- As noted in the Highlands Act (N.J.S.A. 13:20-16) – within the Preservation Area, any capital or other project of a State of local government that involves the ultimate disturbance of 2 acres or more of land or a cumulative increase in impervious surface by 1 acre or more shall be submitted to the Council for review. No such project shall proceed without the approval of the Council.

Mr. Humphries lastly explained a Highlands Council Waiver as noted in Regional Master Plan (RMP) Goal 7G2: A waiver may be issued by the Highlands Council on a case-by-case basis:

- if determined to be necessary in order to protect public health and safety;
- for redevelopment in certain previously developed areas as identified by the Highlands Council; or
- in order to avoid the taking of property without just compensation.

Mr. Humphries noted that the property is currently owned by a church, and Council staff will provide more details at a future committee meeting.

The following representatives from the Borough of Kinnelon attended the meeting:

- Mayor Robert Collins
- Linda Glosinski, Land Preservation Specialist (The Land Conservancy of New Jersey)
- Tom Boorady, Borough Engineer (Darmofalski Engineering Associates, Inc.)

Mayor Collins of Kinnelon Borough spoke about the project. He noted that the project is something the community needs and wants. The church property is the only suitable property for this project. After Superstorm Sandy, the Borough felt an urgent need to move forward with the church property to provide a multi-functional facility for the Borough to be used for emergency shelter, as well as provide recreational space for members of the community.

Ms. Glosinski then gave a brief overview of the application. Ms. Glosinski noted that the Borough and church submitted their application for a Highlands Preservation Area Approval (HPAA) with takings waiver to the NJDEP in May 2017.

**Project Needs:**

- Emergency Shelter (Sandy: many homes without power or water for extended period of time. No facility in town to house affected residents.)
- Community Center - Location for public events and recreational activities

- Additional Recreational Fields - Noted as far back as 1958 Master Plan - Current fields limited and heavily used.

It was noted that 97% of the Borough is located in the Highlands Preservation Area. No other suitable properties exist in the Borough for this project.

**Project Highlights:**

- Subject property bordered by residential areas and existing recreational facility.
- Roughly half the parcel will remain undeveloped.
- Proposed project includes:
  - Kinnelon Community Center and Shelter building (LEED certified per architect)
  - Natural grass turf multipurpose field
  - Appurtenant field structures
  - Parking facilities and stormwater management facilities.
- Site layout, including building location and position, parking/driveway layout, and field location/orientation are designed to minimize earthwork and disturbances.
- Stormwater: utilizing low impact development and maximizing infiltration beyond RMP requirements

**Site Selection:**

- Rationale for selected site:
  - Proximity to the current Borough ballfields
  - Large enough to accommodate project
  - Does not impact wetlands, riparian corridors and other environmentally sensitive lands
  - Willing seller

**Mitigation Parcel:**

- 63 Acre mitigation property acquired specifically for mitigation of the project.
- Reduces impact from 50%(5 acres of 10 acre property disturbed), to approximately 7% (5 acres of 72 acres preserved).
- Mitigation parcel has high ecological value and function; compensates at 12:1 ratio
- Proximity to other preserved lands maintains habitat integrity

The next steps and roles are as follows:

- Committee reviews consistency findings of staff
- Committee makes recommendation to Council
- Council votes on Capital Project Review

The NJDEP HPAA with takings waiver and Attorney General (AG) finding of a takings are required before this process can begin.

The committee members asked many questions regarding the project. Mr. Humphries noted that the project will come back to the committee again, once the takings waiver is completed.

Member Tfrank had questions regarding the chemicals used to maintain the new fields, the importance of having an ordinance in place, LEED certification, and impervious surface. Overall Member Tfrank felt it was a very well thought-out project.

Member Vohden emphasized that this project will come back to the committee once NJDEP and AG's review before going to the full Council.

Member Richko noted that Council is concerned about any kind of development in the Preservation Area, but he noted that the Borough of Kinnelon is a good steward for land preservation and has a good reputation of such.

*This portion of the meeting ended at 3:17pm.*

#### Lebanon Borough Amended Petition for Plan Conformance:

Mr. Humphries gave an update regarding Lebanon Borough's Amended Petition for Plan Conformance in the Planning Area via a PowerPoint presentation. It was noted that the Borough came to Council staff to amend their Petition in the Planning Area to incorporate a Highlands Center Designation. Ms. Nordstrom added that center designation is voluntary and the Borough came to us requesting it.

A public comment period was held between September 15-29, 2017. Two comments were received with four topics addressed in comments.

1. The Center Boundary is not consistent with the Regional Master Plan.
2. Center designation will not protect sensitive Highlands resources.
3. Center designation will not protect Lebanon Borough's Historic Districts.
4. Center planning should consider appropriate areas for economic development and planning for appropriate infrastructure.

Responses were discussed for each topic area and maps were provided for illustration.

#### Center Boundary

- Center Boundary has been amended.
  - Reduced from 0.802 square mile to 0.753 square mile to further emphasize the resource protections in the RMP.
- RMP encourages designation of Highlands Centers in alignment with the State Plan. Lebanon Borough is included in the State Plan as part of a larger proposed center (Clinton Area Regional Center).
- Center Boundary is consistent with RMP Goal 6K and Policy 6O2.

#### Highlands Resource Areas

- Center Boundary has been reduced to exclude areas of RMP Protection and Conservation zones.
- Borough has designated environmentally sensitive areas as Highlands Resource Areas (HRAs), in order to more explicitly depict where enhanced planning shall occur to be protective of these resources.

- Highlands resources that remain within the proposed Center will be protected in the same manner as equivalent resources outside of the Center.

#### Historic Districts

- Lebanon Historic District is listed with the State Historic Preservation Office (SHPO) and the National Register of Historic Places (2009).
- Historic Districts remain within the Center Boundary.
- Center Planning shall include enhanced protection of the historic resources within the Center.
- Center Planning shall be consistent with RMP Policy 4A4.

#### Infrastructure Capacity and Planning

- Infrastructure to support new development or redevelopment shall be evaluated through planning for water supply, wastewater management, water use and conservation management and stormwater management.
- Center Planning shall be consistent with RMP Goal 2K and Objectives 2J4c and 2K3e.

In conclusion, the Amended Petition for Plan Conformance in the Planning Area:

- Advances the goals, policies and objectives of the RMP.
- Enhances areas of the Borough that are appropriate for development, redevelopment and infill development.
- Encourages economic development within the Borough where access to water, sewer, rail and transportation infrastructure currently exists.
- Continues to protect important Highlands Resources and Resource Areas.

Member Richko asked if the Council would see specific planning. Ms. Green responded that the specific planning will occur over a span of at least two years during the development of the Center Plan.

Ms. Nordstrom asked for a motion to bring this project to the full Council.

Member Vohden made a motion and Member T'fank seconded it. All were in favor, but Member Richko noted the transition in January. Ms. Nordstrom responded that she anticipates bringing Lebanon Borough's Amended Petition to Council in February, at the earliest.

*The meeting was adjourned at 3:33pm.*