

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF SEPTEMBER 23, 2021

PRESENT

VIA TELECONFERENCE:

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

ABSENT:

TIMOTHY P. DOUGHERTY)

CALL TO ORDER 184TH meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:03pm via Zoom videoconference due to COVID-19.

ROLL CALL

Roll call was taken. Member Dougherty was absent. All other Council Members were present via video conference. *The following staff members were present via videoconference: Lisa J. Plevin, James Humphries, Gabrielle Gallagher, Maryjude Haddock-Weiler, Corey Piasecki, Ranji Persaud, Steve Simone, Annette Tagliareni, Carole Ann Diction, Tom Tagliareni, Izzy Castiglioni, and Karen Castanbas. Also present via teleconference were Jeffry Nielsen, Associate 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

Chair Richko announced that Vice Chair Alstede was appointed in July to the New Jersey Board of Agriculture. The eight-member State Board of Agriculture has the important task of setting the agricultural policies of the New Jersey Department of Agriculture.

EXECUTIVE DIRECTOR'S REPORT

Ms. Plevin highlighted the following updates and staff activities:

COVID-19 Response

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF SEPTEMBER 23, 2021

Chester Office Closure/Remote Work

Ms. Plevin reported that staff continues to work in the office on a staggered schedule and full-time return to office is now scheduled for October 18. Ms. Plevin added that public meetings continue to be held virtually.

Plan Conformance Updates

Implementation

Ms. Plevin reported that Oakland Borough, Bergen County adopted their Water Use and Conservation Management Plan on August 12.

Ms. Plevin also reported that High Bridge Borough's Open Space and Recreation Plan was selected as a recipient of a 2021 New Jersey Planning Officials' Achievements in Planning Award. The plan was funded by the Highlands Council and adopted by the municipality in May of 2020.

Municipally Issued Exemptions

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

- Bethlehem Township, Hunterdon County: one (1) exemption #5.
- Chester Township, Morris County: one (1) exemption #2, 70 exemption #5s.
- Montville Township, Morris County: one (1) exemption #4.
- Ringwood Borough, Passaic County: one (1) exemption #1, one (1) exemption #2.
- West Milford, Passaic County: 12 exemption #5s.
- Hardyston Township, Sussex County: one (1) exemption #5.
- Vernon Township, Sussex County: one (1) exemption #2.

Project Review Updates

Ms. Plevin reported the following project review updates:

Planning Area Consistency Reviews

In Mahwah Township, Bergen County, an applicant is proposing to construct a 470,000 square-foot warehouse facility on a portion of the Crossroads Town Center site. Highlands Council staff determination: Consistent with Conditions.

In Hackettstown, Warren County, an applicant (Willow Grove, LLC) is proposing development of a warehouse, including manufacturing and office space as well as a contractor storage yard and associated parking. Highlands Council staff found the application package submitted was incomplete and sent a request for additional information to the town and applicant. This information was received and staff found this project Consistent with Conditions.

Highlands Preservation Area Approval (HPAA) Reviews

In Washington Township, Morris County, an applicant is seeking approval for a South Branch Raritan River Restoration project. Applicant is seeking an HPAA-General Permit #1 from NJDEP for a stream

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF SEPTEMBER 23, 2021

habitat improvement and enhancement project spanning approximately 4,800 feet of the South Branch of the Raritan River and Stony Brook. Highlands Council staff determined the project application was insufficient for review at this time and communicated this to NJDEP on September 2.

Highlands Applicability Determination (HAD) Exemption #11

In Vernon Township, Sussex County, an applicant is applying to NJDEP for an Exemption #11 in the Preservation Area for the replacement of a water main. Highlands Council staff review is in progress.

Agricultural Advisory Committee

The first Agricultural Advisory Committee meeting was held on August 30, 2021. Committee Chair Alstede reported to the full Council later in the meeting.

Personnel Update

Science Manager Keri Green has announced that she will be relocating to her home in Virginia. Keri has worked with the Council for 12 years in a leadership position and her professionalism and expertise will be missed. Keri's last day will be October 22nd.

Lastly, Ms. Plevin noted that the next Council Meeting is scheduled for October 21, 2021.

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

There were no Council comment/questions.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF JULY 15, 2021

Chairman Richko asked for a motion on the Council Minutes of July 15, 2021.

Member James made a motion to approve the Highlands Council Minutes of July 15, 2021. Member Holtaway seconded it.

A roll call vote was taken. The Highlands Council Minutes of July 15, 2021 were APPROVED 10-0.

At this time, Chairman Richko announced that the Council's first resolution is concerning the hiring of a new Chief Counsel and asked if any Council members would like to move into executive session to discuss the matter. Since no Council members requested this, Chairman Richko asked Personnel Committee Chair James to provide a brief report regarding the Committee's recommendation.

PERSONNEL COMMITTEE

Committee Chair James reported it was a very thorough process handled by Council staff. The Committee interviewed the top two (2) candidates, and the Personnel Committee unanimously made the decision of recommending Gabrielle Gallagher for the position of Chief Counsel.

Resolution – Appointment of Chief Counsel

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF SEPTEMBER 23, 2021

Chair Richko introduced the resolution to appoint Gabrielle Gallagher for the position of Chief Counsel with an annual salary of \$105,000.

Member James made a motion. Member Visioli seconded it.

Council Comment

Chair Richko commented that it was a unanimous decision.

Public Comment

There was no Public Comment.

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

Chairman Richko congratulated Ms. Gallagher.

BUDGET & FINANCE COMMITTEE

Resolution - Approval of Plan Conformance Grant Funding for Circulation Plan Element for Town of Phillipsburg, Warren County

Committee Chair Holtaway reported that Council considered this resolution last month, but it was not approved. Ms. Haddock-Weiler provided an update for Council.

Ms. Haddock-Weiler reported that the Council is reconsidering a request from the Town of Phillipsburg for grant funding to complete a municipal Circulation Plan element. The Council's Highlands Protection Fund is intended to pay for the reasonable expenses incurred in revising local master plans, development regulations, or other regulations needed to conform to the Highlands Regional Master Plan (RMP). The Circulation Plan element, as identified in the Municipal Land Use Law (MLUL), is a basic component of municipal master planning. Preparation and adoption of a municipal Circulation Plan element is an important planning tool in achieving and maintaining compliance with the Highlands RMP.

At this time, Ms. Haddock-Weiler gave a recap on the Town of Phillipsburg's request for grant funding to complete a Circulation Plan element as a component of their municipal master plan. Ms. Haddock-Weiler added that when the Town's request was considered at the July 15 Council meeting, an issue was brought up by members of the public about a separate project for a proposed development along the riverfront. Staff did not immediately have answers to the questions that Council raised regarding that project.

Potential Development Concept along the Riverfront

Ms. Haddock-Weiler provided information regarding the proposed development. Ms. Haddock-Weiler noted that on July 22nd Highlands Council staff was asked to comment on a Permit Readiness Checklist from the NJDEP's Office of Permitting & Project Navigation for a project in Phillipsburg known as the Peron Warehouse. The Permit Readiness Checklist is typically the beginning of a pre-application meeting process for any NJDEP permits. From that Permit Readiness Checklist, Highlands staff obtained specific

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF SEPTEMBER 23, 2021

information about the project. It was noted that Council staff spoke with a representative of the Town to gather additional information.

The proposed project is a 420,000 square foot warehouse to be located at 170 Howard Street. The site is adjacent to the Delaware Riverfront Park which is a municipal park. Ms. Haddock-Weiler added that the current proposal does not include any incursion into the parkland, nor does it require the diversion of any preserved lands. The site on which the warehouse is proposed for construction is a former railyard and is listed on the NJDEP's "Known Contaminated Sites list. The site is also part of an Archaeological Grid and is adjacent to the historic Morris Canal, identified as the Morris Canal Port Delaware Boat Yard site. Vestiges of the canal are located within the municipally-owned Delaware River Park. According to the RMP, much of the property is Protection Zone and Existing Community Zone - Environmentally Constrained subzone. A portion of the site is designated Existing Community Zone. The site is within a designated Highlands Center, since the entire Town is a designated Center. The Town has not completed their center planning, nor have they adopted a center ordinance. The Town has, with Plan Conformance funding from the Highlands Council, adopted a Riverfront Redevelopment Plan in 2013 and amended it in 2017. That Plan includes these parcels. Both versions of the Redevelopment Plan designate the site for 'Riverfront Residential'. The adopted Redevelopment Plan is considered a component of the Town's Center planning and implementation.

Ms. Haddock-Weiler added that a recent amendment to the Redevelopment Plan was adopted by the Land Use Board and Town Council in March/April 2021. The amendment changed the designation of the subject parcels from Riverfront Residential to Riverfront Industrial. Ms. Haddock-Weiler noted that as a conforming municipality, the Town is required to submit any land use or zoning ordinance to the Highlands Council for a determination of consistency with the RMP. The change was not received by Council staff and the Town was notified of this requirement.

Ms. Haddock-Weiler noted that Highlands staff submitted comments regarding the project to NJDEP based on Highlands resources that may be impacted should the proposed project move forward and attend the preapplication meeting.

Ms. Haddock-Weiler also noted that municipalities regulate individual permitted land uses and traffic impacts. The Highlands Council can provide grant funding to provide for master plan revisions to better plan for these issues. The Circulation Plan element will help provide the Town with the information they need to make a decision at the local level.

Council Comment

Member Holtaway commented that there are certain areas of our jurisdiction that we are concerned about but we need to pay a little more attention to what we are doing to try to avoid overreacting.

Member Visioli commented that the Committee had an in-depth discussion on the pros and cons on the grant. Member Visioli added that the Highlands staff did a terrific job explaining it.

Member Holtaway made a motion. Member Visioli seconded it.

Public Comment

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF SEPTEMBER 23, 2021

Elliott Ruga, New Jersey Highlands Coalition – Mr. Ruga commented that the Highlands Act provides the Council with grant funding for municipalities to reimburse them for reasonable costs associated with conformance to the Highlands Regional Master Plan (RMP). Mr. Ruga does not think the Council should be funding Phillipsburg's planning that may be good for their municipality, but is not implementing the Highlands Act through voluntary conformance.

Julia Somers, Executive Director, New Jersey Highlands Coalition – Ms. Somers commented on an article she read regarding a Phillipsburg Town Council meeting held on July 20 when a resolution was passed for an industrial structure. Ms. Somers is concerned about this sensitive site as well as the Town's plan conformance efforts as noted by Mr. Ruga. Ms. Somers urged Council that any of the funding for this grant not be used to solve a problem being created by the developer and the Town.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp inquired if the Town of Phillipsburg has a sending district for the TDR Program to work. In his opinion, the Council is padding the pockets of the planners.

Council Comment

Member Sebetich appreciates the work of Highlands staff; however, he is still concerned regarding the comments made by the Highlands Coalition. Member Sebetich added that he still has doubts about the project and plans to vote "no" on this resolution.

Member Van Abs commented that the Council is considering a proposal for a planning study that deals with an entire town, which is separate from the question of whether a particular development/approval or redevelopment plan was legally done or what happens on a particular site. As a planner, member Van Abs noted that these kinds of studies take time, and a lot of things will happen between now and when the circulation plan is completed. Member Van Abs noted that the Council has a responsibility to follow through on the commitments it has made to fund municipal planning efforts. Simultaneously, the Council should work with staff to ensure that comments relevant to the RMP are provided to the NJDEP for development proposals subject to NJDEP's permitting requirements.

Member Holtaway agreed with Member Van Abs that it is a town-wide study to help the citizens get around the Town.

Chairman Richko agreed with Member Van Abs and Holtaway comments.

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

Resolution - Approval of Plan Conformance Grant Funding for Field Assessment and Engineering Design Plans for a Regenerative Stormwater Conveyance System in Witten Park for Hopatcong Borough, Sussex County

Member Francis recused himself from this resolution at 4:43pm.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF SEPTEMBER 23, 2021

Committee Chair Holtaway presented the description of the grant requested by Hopatcong Borough and introduced James Humphries to give the details.

James Humphries, Director of Planning, Science & GIS, reported that Hopatcong Borough is requesting funding for the design phase of a project to improve stormwater conveyance within Witten Park, a municipal park which drains to Lake Hopatcong. The project will stabilize and convert an eroding stream into a Regenerative Stormwater Conveyance system. The proposed system could remove up to 160 pounds of phosphorus per year. Work to be funded using the Highlands Council grant includes a Topographic Survey, Field Assessments, Engineering Calculations and Designs, Development of Plans, Identification of Required Permits, integration of the park design plans and a Final Report. The project is being used as a portion of the financial match for the recently awarded National Fish and Wildlife Foundation (NFWF) grant. The project was originally proposed in the Upper Musconetcong Watershed Implementation Plan, which is funded by the Highlands Council.

Committee Chair Holtaway commented that this is a design that can hopefully be duplicated for other streams that discharge into Lake Hopatcong.

Member Holtaway moved the resolution. Member Van Abs seconded it.

Council Comment

There was no Council Comment.

Public Comment

Elliott Ruga, New Jersey Highlands Coalition – Mr. Ruga commented that any project that helps Lake Hopatcong with stormwater issues is an important project, and that Council does their share to help the situation at the lake. Mr. Ruga added that this is a Plan Conformance grant, and it only makes sense that it be given with some assertion that Hopatcong Borough has an interest in conformance, and it should be a general standard with which the Council gives its funding to municipalities.

David Shope, Lebanon Township, NJ – Mr. Shope commented that in his opinion septic systems need to be addressed regarding the problems with the lakes.

Colleen Lyons, Administrator, Lake Hopatcong Commission – Ms. Lyons commented that the Commission supports Hopatcong Borough's request for funding. Ms. Lyons noted that the Commission received the NFWF grant implementation funds for this project. The current condition of this stream is very eroded, and the Commission anticipates that this area will be renewed as a public park and the project will improve water quality within the watershed. Ms. Lyons also noted that 40% of the phosphorus entering Lake Hopatcong can be attributed to stormwater.

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp asked if this has worked anyplace else or is it experimental. Mr. Klumpp added if it is improving the issue, he would approve it.

A roll call vote was taken. The resolution was APPROVED 9-0.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF SEPTEMBER 23, 2021

Resolution - Approval of Plan Conformance Grant Funding for Regional Lake Management Plan for West Milford Township, Passaic County

Committee Chair Holtaway presented the description of the grant requested by West Milford Township and introduced James Humphries to give the details.

James Humphries, Director of Planning, Science & GIS, reported that in October 2020, the Highlands Council awarded a grant for Phase I of a township-wide assessment of multiple watersheds surrounding more than 20 lakes in West Milford. Throughout 2020 and 2021, this first phase of the project was begun, and significant work was accomplished to complete historic data collection and the modeling of those watersheds. This proposed grant for Phase II will cover in-lake water quality monitoring, trophic state analyses and final reporting. Using the field data and the modelling conducted during Phase I, a general assessment report will be produced to discuss the data and observations compiled and will cover any water quality issues. The report will also provide in-depth review of all the water quality analyses and compare this with the model. The report will also identify watershed management improvement projects. Each recommended project will also come with a preliminary cost estimate for the implementation. A long-term water quality monitoring plan will be provided to demonstrate how each lake can continue to monitor conditions and parameters of concerns.

Member Holtaway moved the resolution. Member Van Abs seconded it.

Council Comment

There was no Council Comment.

Public Comment

There was no Public Comment.

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

OTHER BUSINESS

Resolution – Highlands Council Annual Meeting Schedule for 2022

Member Visioli made a motion, and Member James seconded it.

Council Comment

There was no Council comment.

Public Comment

David Shope, Lebanon Township – Mr. Shope inquired when the Council will have in-person meetings again.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF SEPTEMBER 23, 2021

Chairman Richko responded we will have in-person meeting again when it is appropriate.

Hank Klumpp, Tewksbury Township – Mr. Klumpp requested that the Council increase public comment time from 3 minutes to 6 minutes.

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

Member James left the meeting at 5:03pm.

OLD/NEW BUSINESS:

Vice Chair Alstede reported that the first Agricultural Advisory Committee meeting was held on August 30, 2021. Vice Chair Alstede complimented the staff for getting this together. Worked over 15 years to get this together. Committee members include: Michael Beneduce, Beneduce Vineyards, Pittstown; Greg Donaldson, Donaldson Farms, Hackettstown; Jamie Bourgeois, Riamede Farm, Chester; Peter Melick, Melick Farms, Oldwick; Michael Desiderio, Desiderio Tranquillity Farm, Chester; and Adam and Brendan Furlong; B.W. Furlong & Associates, Oldwick. The issues that the committee focused on pertain to the RMP and Highlands Act. Committee members focused on land use regulations that impact agriculture, grants for animal waste management and integrated pest management, and grants for local agriculture and tourism. The Committee meetings will be held quarterly.

Member Visioli inquired if the New Jersey League of Municipalities will convene in November. Ms. Plevin responded that the League will be going forward, however, Highlands Council staff will not have a table, but will be participating in a Stormwater workshop (pre-recording).

Member Van Abs commented that he was on the Highlands Council staff when Keri Green was hired and on his staff. Sad to lose her, but happy everything is going well for her. Best wishes to Keri.

Member Francis thanked the Council for their support. Member Francis noted that we take the commitment around Lake Hopatcong seriously. Member Francis noted that 40 lakefront septic are off-line and did not ask the Council for funding. When we do ask for planning it is serious. We are selective when we ask for grant funding and when we do it is appropriate.

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

Public Comment

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp inquired if the Agriculture Advisory Committee meetings are public.

Chairman Richko responded that the Agricultural Advisory Committee meetings are not public.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF SEPTEMBER 23, 2021

David Shope, Lebanon Township – Mr. Shope commented on the background noise in this meeting and the legality of it. Regarding Lake Hopatcong, there was no attempt to assess the environmental damage of the septic systems and these streams.

Julia Somers, New Jersey Highlands Coalition – Ms. Somers commented that communities can use help for flooding issues, but Highlands Council help should come with some strings attached. Plan Conformance is the way forward and should be part of the package.

Chair Richko asked for a motion to adjourn the meeting.

Member Visioli made a motion to adjourn the meeting. Member Holtaway seconded it. All were in favor. The meeting was adjourned at 5:16pm.

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: 10/22/2021

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			√			
Chairman Richko			√			