

**NEW JERSEY HIGHLANDS COUNCIL
INTERAGENCY COMMITTEE**

**CHAIR REPORT
For the Meeting of August 3, 2005**

Introduction

On August 3, 2005, the Interagency Committee was held at as a joint meeting of the State Planning Commission (SPC) Plan Implementation Committee (PIC) at NJDCA Conference Room 129 located at 101 S. Broad Street, Trenton, NJ. Notice of the meeting was provided to the public on the Highlands Council's web site. Council members present at the meeting were: Janice Kovach; Ben Spinelli and Glenn Vetrano. Council staff members present were: Adam Zellner, Steve Balzano, Tom Borden, Beth Crusius and Chris Danis. This was the second meeting of the Committee. The meeting was called to order at 1:40 p.m. by SPC PIC, Committee Chair Mr. John Eskilson. The agenda was as follows:

Plan Implementation Committee Chair's Remarks

Highlands Council Interagency Committee Chair's Remarks

Presentation from Highlands Council staff on Regional Master Plan process

Presentation from Office of Smart Growth staff on Cross Acceptance update

Discussion of Coordination of cooperative relationship between SPC and the Highlands Council, including potential Memorandum of Understanding

Public Comments

Adjournment

Plan Implementation Committee Chair's Remarks

John Eskilson opened the meeting explaining that it is important that the SPC and the Highlands work together in support of the State Plan and the Regional Master Plan as the SPC will ultimately endorse the Regional Plan.

Highlands Council Interagency Committee Chair's Remarks

Ben Spinelli, the Interagency Committee Vice Chair, stated the role of the Interagency Committee is to coordinate state agency actions affecting Highlands communities. Coordination with agencies such as Department of Transportation, the Council on Affordable Housing and the Office of Smart Growth is a critical aspect of the Regional Master Plan. The Council and staff have been communicating with various agencies in an effort to better inform local decision making. The purpose of today's meeting is to meet with the SPC to communicate the importance of the Regional Master Plan serving as a comprehensive planning document. In order for that to happen it is important that the Council and the SPC coordinate during the development of the Regional Master Plan.

Presentation from Highlands Council staff on Regional Master Plan process

Adam Zellner introduced the Highlands Council members and staff that were in attendance. He also recognized Mike Cerra from the League of Municipalities and the July 27th letter from Bill Dressel to the Highlands Council and OSG regarding a Memorandum of Understanding (MOU) between the two agencies. A brief overview of the time frame for development of the Regional Master Plan in accordance with the Highlands Act was discussed. Working backward from June 2006 it is important that the resource and constraints analysis be completed by February or January 2006. Mr. Zellner explained that the Council has completed the first set of Municipal Partnership meetings, is currently conducting the first round of Technical Advisory Committee meetings and involved in the scoping phase of the Regional Master Plan. A special meeting of the Council has been scheduled for August 4th to address contracts and agreements with agencies for development of technical data in support of the Regional Master Plan and grant programs for municipalities and counties. The Council is aware of the fact that it is very important to work with municipalities and counties in development of the Regional Master Plan and beyond. The Planning Area communities as stated in the Act are voluntary therefore in order for a regional plan to work, it is important that municipalities understand the importance of opting into the Regional Master Plan.

Presentation from Office of Smart Growth staff on Cross Acceptance update

John Eskilson indicated that it is critical for Planning Area towns to understand the implications and protocols for the Plan Endorsement process. There has been a lot of discussion from Planning Area towns that there is a "back door" mandatory compliance issue and it is important that the MOU between the Highlands and SPC dispel that myth and avoid that type of thinking as we proceed. For example, it is important to define how we will coordinate SPC Plan Endorsement, the Regional Master Plan and COAH Third Round Substantive certification process.

Maura McManimon indicated that the Highlands Council will be included in the county negotiation process and OSG will work with the Council to align schedules. It is important that municipalities understand the "voluntary" and "mandatory" differences of the process.

Ben Spinelli indicated that that it will be challenging to address the needs of both the Preservation and Planning Areas and that is why it is so important for the Council to work with its agency counterparts as they develop the Regional Master Plan.

John Eskilson indicated that there about 20 Designated State Plan Centers in the region and it is important to recognize good local planning.

Adam Zellner indicated that a resource and constraint analysis will be performed by the Council and that contracts have been put in place with the US Geological Survey and others to support these analyses. A capacity analysis will be performed and related to existing Designated Centers as well as other areas throughout the Highlands Region that may be determined to be appropriate for growth based on local and regional conditions. The data that is utilized by the Council will be made available to the public.

John Eskilson asked if the data analyses would be performed using existing or new data sets. Mr. Zellner indicated that it would be a combination of both. The Council would like to build upon and update existing data sets and generate new data sets in support of the Regional Master Plan. This will not be the last Highlands Plan and therefore the Council will continue to gather and update data as necessary. Mr. Spinelli indicated that the Plan will need to address 800,000+ people and 20,000+ businesses as well as major transportation corridors within the metropolitan region. It will be difficult to address all of the issues by June 2006. The Council will do the best that it can and allow for a sense of predictability in evaluation.

John Eskilson indicated that it is important for the Council to coordinate with the SPC, jointly review data and avoid conflicts. Michelle Byers indicated that it is very important that the Council perform a capacity analysis and the SPC is aware that one of the weaknesses of the State Plan is the infrastructure and capacity analysis. This is a great opportunity to evaluate what the Council does and take the State Plan up a notch. The Council may serve as an example for others throughout the state. Ben Spinelli agreed and indicated that the Plan will evaluate for appropriate density and it is vital that Planning Areas be involved because these are voluntarily entities in the Plan.

Michelle Byers indicated that the Highlands Task Force, during its discussions with the five county coalition, addressed the concern of voluntary versus mandatory growth. The Task Force was clear about the issue on forced growth and indicated that it was not appropriate for the Highlands Region. John Eskilson agreed and indicated that the process needs to be transparent and include public involvement. At the Plan Development meeting held this morning, our county partners were here and indicated that it is important and vital to get them involved in order to achieve a regional perspective. For example, in Sussex County there is concern that growth pressures may extend into the county beyond the Highlands Region.

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Mr. Zellner indicated that the Executive Director's of both the OSG and the Council will work together to draft a joint letter regarding the partnership and work together to develop a Memorandum of Understanding between the Highlands Council and the State

Planning Commission. Maura McManimon indicated that OSG will identify Highlands municipalities that are currently in the Plan Endorsement process. For example, Morris County is currently involved with a BEIP grant that is driving the Plan Endorsement process. Other communities may be involved because of COAH substantive certification requirements. John Eskilson also indicated that some towns were placed into the Plan Endorsement process by the SPC as part of their Center designation requirements. Mr. Zellner indicated that the Council is aware of this and that the Council needs time to perform data development in support of the capacity analysis and that it is important not to rush into decisions with towns that may conflict with the findings of the regional Master Plan. Michelle Byers indicated that it may be best for Highlands towns to just wait until the Regional Master Plan is complete and in the interim address the special case towns individually.

John Eskilson stated that it is important to address COAH. Maura McManimon indicated that the COAH 12/20/05 Substantive Certification deadline is pending and that needs to be addressed. Adam Zellner stated that the Council is working on the COAH concern and has been in discussion with COAH regarding a similar Memorandum of Understanding and an approach for municipalities to use as they complete their December substantive certification process. John Eskilson stated that it may be important to have a three party agreement between the SPC, COAH and the Council particularly in respect to the Letter of Inquiry from the League of Municipalities. Adam Zellner agreed and stated that first it is important to address the December COAH deadline and then work on the MOU's. Ben Spinelli indicated that it is important to evaluate our affordable housing needs in the Highlands and find a balanced approach that permits affordable housing to be built in areas appropriate areas.

Action Items/Next Steps

John Eskilson stated that we need to define the process by which we will move forward. Maura McManimon indicated that OSG had presented a draft MOU on the website but that it did not address COAH and would need to be more specific as to how the coordination would work for both Planning and Preservation Areas. Adam Zellner stated that staff from the Council would work with OSG staff to draft a MOU and a schedule for working together and bring COAH into the discussion. Once the details have been worked out the information will be shared with the public.

Janice Kovach stated that it is important for municipalities to understand the implications of Planning and Preservation Areas and the coordination process for the Council, COAH and the SPC. The Planning Areas are voluntary and it is important that in order for the Regional Plan to be as effective as possible that all municipalities work together in a concerted effort.

Glenn Vetrano stated that buy in from municipalities is important and that we protect centers during the process because they are important resources for the region.

John Eskilson opened the meeting to questions from the public.

Christine Marion from Morris County Planning Board stated that it is important to have the Highlands Council involved in the County negotiation process and that the MOU address how conflicts will be resolved between the SPC, the Council and the Counties. Maura McManimon indicated that there will be staff to staff to staff meetings and that the Highlands Counties will most likely be scheduled later in the negotiation process.

Mike Cerra made reference to the Letter submitted by the League of Municipalities and that the League was neutral during the legislation process. However, the issue of mandatory growth or a concern about a back door to growth exists amongst our constituents and we felt it was important at this time to document the concerns. The League will be scheduling forums for municipalities regarding the Highlands and will participate in the Highlands Regional Master Plan process. Mr. Zellner thanked Mr. Cerra and indicated that the Council appreciates the assistance from the League.

Bob Bzik stated that the Somerset Hills area is in the Planning Area of the Highlands and that the Council is collecting new information on C-1 streams and recharge areas. Currently, the County is using existing information from DEP and others for the county Strategic Smart Growth Plan and that means that a portion of the county will have updated information due to the Highlands Act and the rest of the county will be out of date. It is important the agencies update all of this information for the Highlands Region and throughout the state in order to allow for better planning and decision making. I think it is important that the SPC, and the Council get these MOU's discussed today together quickly. Mr. Zellner agreed with Mr. Bzik and indicated that as they work with agencies on data development they will express concern about the importance of this data for the surrounding region and counties.

Chris Sturm stated that it is important that the Regional Master Plan and the State Plan do not create a conflict for municipalities and that the agencies be sure to work in concert with their schedules and decision making. John Eskilson indicated that he did not foresee that occurring because the SPC will adopt the Regional Master Plan.

Jeff Tittel indicated that he did not think we could go slow. The Sierra Club has concern over what may happen in the Planning Areas. Since the Highlands are already identified as a special resource area perhaps all Planning Areas in the interim could be designated as PA-4 or 5.

Maura McManimon and Adam Zellner indicated that the staffs would work together and that the next meeting may be held at the Council office in Chester, NJ.

No additional questions from the public were received.

John Eskilson adjourned the meeting.