

**New Jersey Highlands Council
Chair Report for Plan Development Committee
Meeting of October 14, 2005**

On October 14, 2005, the Plan Development Committee held a meeting at the Highlands Office in Chester. Notice of the meeting was provided to the public on the Highlands Council's web site. Council members present at the meeting were: John Weingart, Chair, Jack Schrier (via conference), Tim Dillingham, Lois Cuccinello, and Debbie Pasquarelli. Council staff members present were: Adam Zellner, Dante DiPirro, Tom Borden, Steve Balzano, and Maryjude Haddock-Weiler.

The agenda items were mandatory versus voluntary elements of the plan and the plan conformance process and the handout included a draft of an abstract entitled "Second Round Partnership – Update on development of regional master plan." Chairman Weingart called the meeting to order at 9:30 am.

Discussion of draft abstract

Chairman Weingart explained that the agenda items had been discussed at previous Plan Development Committee meetings. Two approaches for proceeding had been proposed included the preparation of a resolution for the full Council to consider or a discussion document, a white paper or abstract, for public comment on these issues before Council action. The staff had been asked to prepare both an abstract and a resolution on the policy issues.

Debbie Pasquarelli asked confirmation whether the purpose of the abstract was to satisfy both the need for a white paper that the Council requested as well as a discussion piece for the upcoming Partnership meeting to seek public discussion. John Weingart confirmed this and stated that he favors the draft abstract to solicit discussion on issues. He stated that such working documents are not final policy decisions and final policy decisions will come in the Regional Master Plan.

Tom Borden proceeded to give an overview of the document. The first issue involves the distinction between the Preservation Area, where conformance with the Regional Master Plan ("RMP") is mandatory, and the Planning Area where conformance with the RMP ("Plan Conformance") is voluntary. The second issue involves the standards in the RMP which are required during Plan Conformance and three types of standards were presented: required standards which will be identified based on the results of the resource assessment; flexible standards where there would be alternate choices during conformance; and discretionary standards which will be included in the RMP but would be voluntary elements of Plan Conformance. The abstract also addressed the proposed layout out the RMP as including zoning overlay districts reflective of the resource assessment and standards developed for the overlay districts would be included in the land use ordinances. The policy issues for process of Plan Conformance include the need to have a process to reconcile conflicts between the RMP and the existing plans where there are vested rights or development commitments. In addition, Plan Conformance issues must address the question whether a municipality in the Planning Area may submit

a petition for only a portion its geographic region – partial Plan Conformance. Lastly, the abstract addressed the issue of mechanisms to ensure that the public process for Plan Conformance is open and transparent.

Chairman Weingart asked for the expansion of the last paragraph of the abstract in order to fully describe the policy issues and seek public input on the issues.

Mikael Salavaara initiated a discussion of partial Plan Conformance stating that of the 88 Highlands municipalities, 47 are partially in the Preservation Area and thus the Legislature did not appear to have a problem with partial inclusion of towns in preservation. He discussed how the Highlands Act appears to give the Council discretion to allow such a process and suggested that it would be mutual process where the municipality submits a petition and the Council would have to agree. This gives the Council the ability to make the final decision as to whether the municipal petition is adequate to conform with the RMP.

A lively discussion followed, with numerous Council members participating, regarding the policy implications of allowing partial Plan Conformance including discussions whether this policy would encourage additional conformance, would result in additional protection of critical resources, would have to address the issue of contiguity of land, and whether such a policy would accomplish the goals of the Act. Discussions ensued regarding the legal authority for such a process, whether to pose the legal issue in the abstract and it was agreed to remove the issue from the abstract and have a legal briefing on this issue at the next Council meeting.

A discussion followed regarding the use of meeting affordable housing obligations as a good example of a flexible standard of the RMP. It was agreed to that this example may not be beneficial and that the use of the term flexible standards should be removed and described as a range of options. Various other suggestions for language changes were discussed including a need to be clear that the abstract is a discussion document rather than a memorialization of policy decisions. Given that, it was agreed that there would not be a need for a resolution on these issues for the next Council meeting.

Public Comment

Scott Olsen, from Byram Twp. stated that the Council should only allow Plan Conformance for the entire portion of the municipality. He stated that there confusion on these issues and there is a need to make it clear to public that Planning Area municipalities do not have to adopt Preservation Area standards. This misconception is leading towns to concern over the RMP. In order to obtain regional planning for the entire region, there is a need to dangle a carrot to get full conformance and the Highlands Council should not settle for only portion of town conforming.

Wilma Frey agreed with Mr. Olson that Plan Conformance must be for the entire municipality. She stressed the need to get the abstract out to municipal officials in

advance of the Partnership meetings. She suggested a visual representation of what the region might look like after Plan Conformance.

Bill O'Hern stated that he was concerned over the prospect of only addressing a portion of the town and that it should not be allowed. Mikael Salavaara clarified that the issue under discussion would encourage municipal conformance officials when there is concern.

Wilma Frey stated that the State Planning Commission changed its rules regarding this issue to move away from the use of centers in isolation and require Plan Endorsement for the entire town. She stated that this process provides the benefits of regional planning to make the entire area come in. Debbie Pasquarelli stated that many towns refuse to come into conformance with the State Plan and don't seek plan endorsement. After the close of public comment, she also stated that the resolution should be modified to address the linkages to other state agencies such as COAH and would provide staff with suggested language changes for consideration the next Committee meeting.

Chairman Weingart adjourned the meeting at 11:30 am.