

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 18, 2012

**PRESENT**

JIM RILEE ) CHAIRMAN  
KURT ALSTED ) COUNCIL MEMBERS  
TRACY CARLUCCIO )  
TIMOTHY P. DOUGHERTY )  
MICHAEL R. DRESSLER )  
MICHAEL FRANCIS )  
ROBERT HOLTAWAY )  
JAMES MENGUCCI )  
MICHAEL TFANK )  
CARL RICHKO )  
MICHAEL SEBETICH )  
JAMES VISIOLI )  
RICHARD VOHDEN )  
ROBERT G. WALTON )

**ABSENT**

BRUCE JAMES )

**CALL TO ORDER**

Chairman Rilee called the 118<sup>th</sup> meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:01pm.

**ROLL CALL**

Roll call was taken. Council Members Alstede, Dressler, James and Tfank were absent. All other members were present.

**OPEN PUBLIC MEETINGS ACT**

Ms. Tagliareni announced that the meeting is being held in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6. The Highlands Council sent written notice of the time, date, and location of this meeting to pertinent newspapers or circulation throughout the State and posted notice on the Highlands Council website.

**PLEDGE OF ALLEGIANCE** was then recited.

**APPROVAL OF MINUTES AND EXECUTIVE SESSION MINUTES OF SEPTEMBER 20, 2012**

*Mr. Vobden introduced a motion to approve the minutes. Mr. Richko seconded it. All members present voted to approve. The minutes were APPROVED 9-0, with abstentions by Messrs. Holtaway and Walton. Members Carluccio and Mengucci abstained from the Executive Session minutes and Mr. Vobden abstained from the Hopatcong Borough portion of the minutes.*

*Mr. Alstede was present at 4:04pm.*

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 18, 2012

**CHAIRMAN'S REPORT**

Chairman Rilee announced the appointment of Greg Romano as the Garden State Preservation Trust appointee to the Highlands Development Credit Bank Board. Mr. Romano will replace Ralph Siegel. Chairman Rilee also announced that Highlands Council staff plans to meet with NJDEP on October 26, 2012 to discuss the Highlands Exemption Delegation Program. Chairman Rilee hopes to have a report for Council at next month's meeting.

**COUNCIL REPORT**

Council Member Richko announced that he attended the Governor's Town Hall Meeting in West Milford, New Jersey and the Governor mentioned that his new appointments will address the landowner equity issues. Mr. Richko further commented that Council has discussed this topic at previous meetings and indicated that a meeting would be scheduled. Mr. Richko asked about the status of this issue. Chairman Rilee responded that it will be an on-going discussion at all Council meetings and it will be brought to the Council.

*Mr. Dressler was present at 4:07pm.*

Chairman Rilee acknowledged that landowner compensation has been an open issue with this Council since 2004. Highlands Council staff is working on this issue and trying to find solutions.

Mr. Vohden commented that the Act says property owners will be compensated where appropriate. Mr. Vohden added that the only method Council has currently is the TDR program which is underfunded. Mr. Walton added that it is also understaffed. Mr. Vohden concluded Council needs to recommend ideas to the Legislature.

Mr. Richko summarized what he sees as three ways to address compensation: 1) TDRs; 2) a direct budget line item in the State budget as a Legislative tool; and 3) a surcharge on Highlands water.

Chairman Rilee stated he has not spoken to the Governor about his recent comments nor did he hear what the Governor said and asked for a transcript, if it is available.

Mr. Dressler commented that Council should address compensation for property owners in a step-by-step process and the TDR program is where Council should start. Mr. Dressler commented that the Executive Director and Deputy Executive Director are doing a tremendous amount of work in this regard, and he met with them recently to discuss working with Bergen County in the TDR program. Mr. Dressler added that if the program is not addressed properly it has the potential to become a political football.

*Mr. Tjank was present at 4:11pm.*

Chairman Rilee agreed with Mr. Dressler's comments and thanked him for acknowledging Highlands Council staff who is currently working on the TDR program. Chairman Rilee invited Council members to share suggestions they have for the TDR program.

Mr. Alstede stated that Council needs receiving areas.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 18, 2012

**COMMITTEE REPORTS**

**Budget and Finance Committee**

Mr. Holtaway reported on the Budget and Finance Committee. Mr. Holtaway reported that the budget has been prepared for FY2013, Council has some expectations of revenues that are slightly increased. Reviewed with staff member Ranji Persaud and recommends that Council approve this budget.

Mr. Holtaway also reported on the Capital Fund Budget of FY 2013. Mr. Holtaway reported that the protection fund budget has been prepared for FY2013. It is an estimated budget based on what has come in and what is available and grants are done on a one by one basis as Council does approvals. Mr. Holtaway added that it is a very controlled budget and he went over it with staff member Herb August. Mr. Holtaway recommends that Council approves this budget.

**Resolution – Approval of Fiscal Year 2013 General Operating Budget**

Chairman Rilee introduced the Resolution.

*Mr. Sebetich made a motion on the Resolution. Mr. Mengucci seconded it.*

Chairman Rilee opened the meeting to the public for comment.

**Public Comment**

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers commented that the resolution was posted to the website, but not the operating budget summary page.

There was no comment made by Council.

*All members present voted on the resolution. A roll call was taken. The resolution was APPROVED 13-1.*

**Resolution – Approval of the FY2013 Highlands Protection Fund Capital Budget**

Chairman Rilee introduced the Resolution.

*Mr. Francis made a motion on the Resolution. Mr. Mengucci seconded it.*

Chairman Rilee opened the meeting to the public for comment.

**Public Comment**

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers commented that the resolution was posted to the website, but not the protection fund capital budget summary page.

There was no comment made by Council.

*All members present voted on the resolution. A roll call was taken. The resolution was APPROVED 14-0.*

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 18, 2012

**COMMITTEE REPORTS** (cont'd)

**Bylaw Committee**

Mr. Vohden provided an update on the Bylaws Committee and read his report for public record:

At the May 17<sup>th</sup> regular meeting, Council Member Visioli presented a prepared sheet for the Council's review and discussion. In response to his comments, the Bylaws Committee met at Highlands Council administrative offices on Friday, July 27<sup>th</sup> and on Tuesday, October 16<sup>th</sup>.

Mr. Visioli suggested that: "In order to obtain more Highlands Council authority and accountability relative to supporting our Executive Director we could, at this time, require a resolution that certain conditions are embraced "such as..." and then recommends that we consider a list of revisions to the bylaws. These recommended revisions relate mainly to the interview and employment of new personnel and oversight of the staff organizational chart. There was also the suggestion that, "There shall be no Deputy Attorney General overseeing the Highlands Council, but rather a full time Chief/Deputy Executive Director."

At the July meeting of the bylaws committee we reviewed and discussed each item in the bylaws that was suggested for revision and several other possible changes that were suggested by committee members. To better understand the current process and procedures the committee requested a copy of the Councils organizational chart, a copy of the original 2004 Council bylaws and any subsequent changes.

Prior to our October 16<sup>th</sup> meeting the committee members received this requested information and we again reviewed and discussed each proposed revision to the bylaws.

We were informed that there will be changes made to the organizational chart that will be considered by the personnel committee and presented to the full Council in accordance with current bylaws. We were also informed that the Council and personnel committee will be conducting a search to employ a Chief Council. After a discussion and consideration of all the suggested bylaw revisions, the Committee agrees that the current Bylaws need not be revised. As committee member Mike Francis stated, "If it isn't broke, don't fix it", and we all agreed.

Special thanks are extended to Highlands Council Board members Tim Dougherty, Michael Francis, Bruce James and Michael T'ank.

Chairman Rilee opened discussion to Council. There was no comment by Council. Chairman Rilee thanked all the committee members.

**EXECUTIVE DIRECTOR'S REPORT**

Executive Director Feyl reported that Highlands Council staffing is currently down three full-time employees (an attorney; a GIS team member and a Planner). Council staff has approval and is currently seeking qualified candidates for these positions. Mr. Feyl hopes to fill these vacancies within the next month or so. Mr. Feyl announced that Cindy Tonczos, who has been serving as the Highlands Council receptionist as a temporary employee for over five years, is now a full-time, regular employee of the State of New Jersey.

Mr. Feyl reported that plan conformance continues with 60 petitions received, of which 43 are approved, 14 are complete and in review; and 3 are incomplete. Regarding Municipal Implementation, there is 1 new Planning Area Petition Ordinance (Pohatcong); 2 new ERIs (Glen

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 18, 2012

Gardner, Vernon); and 1 new Highlands Master Plan Elements (Glen Gardner). To date Council has Draft Wastewater Management Plans (WMP) for 31 conforming municipalities and 4 WMP consistency reviews for non-conforming municipalities.

Mr. Feyl also updated Council on his outreach to municipalities, counties and different organizations. There were a total of 26 different meetings since the last meeting. Some of those meetings include: Hunterdon County's Planning Board Meeting, Six County Coalition Meeting, New Jersey Sustainable Communities Consortium, State Planning Commission, and Passaic County Economic Development to discuss opportunities for partnerships of mutual benefit including the TDR program. Mr. Feyl also added that Highlands staff attended the New Jersey Highlands Coalition Policy Committee Meeting and welcomed that opportunity.

This concluded Mr. Feyl's Executive Director's report.

Mr. Feyl turned the meeting over to Chris Danis, Director of Planning and Science and Chris Ross, Senior Resource Management Specialist and Highlands Council staff lead on redevelopment projects, to present for Council's consideration a resolution on a Highlands Redevelopment Area Designation.

**Highlands Redevelopment Area Designation, 700 Bartley Chester Road, L.L.C., Block 6800, Lot 10, Township of Mount Olive, Morris County**

Ms. Danis recognized the work of 700 Bartley Chester Road, L.L.C. and Uncommon Carrier in Mt. Olive for bringing forward a redevelopment application that recognizes the nature of the Highlands Preservation Area. Ms. Danis reported that the property encompasses 19.6 acres. The parcel is owned by 700 Bartley Chester Road, L.L.C. who leases the property to Uncommon Carrier, a company specializing in warehousing and transportation, and is a prime subcontractor of the Givaudan Company in Mt. Olive in the International Trade Zone, which previously received a Redevelopment Area Designation from the Council. The business model for commercial property typically includes parking. In this case in particular, the parking lot is an essential part of the business model for the tractor trailers that Uncommon Carrier needs to move goods. Ms. Danis was pleased to present this project to Council and introduced staff member Ms. Ross to present the details of the project.

Ms. Ross commented that at Council's last meeting she presented the procedures for the redevelopment process and as she mentioned then, this is a two step process with the applicant first seeking a Redevelopment Area Designation from the Highlands Council, then applies to NJDEP for a Highlands Preservation Area Approval with redevelopment waiver. Ms. Ross acknowledged representatives present at the meeting: Project Attorney, Richard Stein, Esq., Project Engineer, Mark Denisiuk and applicant John Post.

Ms. Ross then gave a presentation outlining the project details:

**Project Overview**

- 700 Bartley Chester Road, L.L.C.
- Block 6800 Lot 10, Mount Olive Township
- Existing commercial property with attendant parking lot
- Proposed project to reconfigure existing parking area to accommodate tractor trailers

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 18, 2012

**Site Qualifications**

- Impervious surface requirement (70%):
  - Existing Impervious Surface = 299,997 sq ft
  - Allowable Redevelopment Area = 428,567 sq ft
  - Proposed Redevelopment Area = 428,567 sq ft

Ms. Ross presented a map to show the parcel boundaries, proposed redevelopment and impervious areas.

**Resource Analysis**

- Highlands Open Waters Buffers
  - Current data show no encroachment.
- Carbonate Rock Area
  - Site engineer confirms no karst features.
- Vernal Pool Buffer
  - Non-habitat conditions and existing development creates barrier to migration.
- Tier II Wellhead Protection Area
  - Proposed project does not pose discharge concern.
  - Applicant proposing bioretention facility.

Ms. Ross presented another map showing the vernal pool buffer.

**Smart Growth & Sustainable Economic Development**

- Incorporates low-impact development techniques
- Provides beneficial public use
- Promotes economic investment and community development
- Maintains existing land use patterns
- Balances economic development and resource protection

**Public Comment & Response**

Ms. Ross commented that written public comment period was between October 2, 2012 and October 15, 2012. Comments were received from Erica Van Auken, Campaign and Grassroots Coordinator, Highlands Coalition. Comment/Response Document provided detailed responses to all public comments received and posted to Highlands website on 10/16/12.

**Staff Recommendation - Approve with conditions**

- Secure NJDEP waiver regarding Preservation Area rules regarding the maximum 3% impervious surface.
- Letter of Interpretation (LOI) from NJDEP confirming wetland boundaries identified by applicant.
- Adherence to stormwater regulations in the project design.

**Resolution – Designation of Highlands Redevelopment Area, 700 Bartley Chester Road, L.L.C., Block 6800, Lot 10, Township of Mount Olive, Morris County**

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 18, 2012

Chairman Rilee introduced the Resolution.

*Mr. Holtaway made a motion on the Resolution. Mr. Vobden seconded it.*

Chairman Rilee opened the meeting to the public for comment.

**Public Comment**

**Ericka Van Auken, New Jersey Highlands Coalition** – Ms. Van Auken commented that in general the Coalition supports redevelopment in the Highlands. There is no reasonable way that anyone can consider this proposal a redevelopment as it is clearly an expansion of existing impervious coverage. The Coalition will support appropriate redevelopment projects, but will not support expansion proposals incorrectly labeled as redevelopment projects such as this one.

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers commented on the Coalition's comment regarding the belief that the "RMP standards are being put to use as an excuse for an expansion in the Preservation Area," the response given was "the comment is acknowledged". Ms. Somers suggests Council should come up with another term besides redevelopment, such as waiver for additional growth. The only project the Coalition considers redevelopment project is the Fenimore Landfill, this project is an expansion of use.

**David Shope, owns property in Lebanon Township** – Mr. Shope asked if anyone knows how many people will be employed at this facility. Mr. Shope claims that this property was owned by a company, that applied for an expansion on their parking lot, employed approximately 200 people and left the state for Pennsylvania. Mr. Shope would like to congratulate the State of New Jersey for losing 180 jobs at minimum to an adjoining state. Mr. Shope also mentioned that the NJDEP does not issue a letter of interpretation (LOI) until Council gets something done before. Why not? This is a perfect example of a step by step process equivalent to running the gauntlet to get anything done in this state. Mr. Shope hopes that Council approves this project simply because it's a useful use of this building although not as useful as the former owners who employed approximately 200 people.

**Richard Stein, Esq., represents the application** – Mr. Stein thanked the Highlands Council staff for their very prompt and efficient review of the application and their recommendation to Council to approve. Mr. Stein commented that the number of employees would be about 20. Mr. Stein said he feels the project before the Council has a lot of merit and requests that Council vote favorably so the applicant can proceed to the next step and apply to NJDEP. Mr. Stein added that he and his representative would be happy to answer any questions regarding the application.

**Council Discussion**

Mr. Dressler questioned whether the project was in fact a redevelopment or an attempt to backdoor an increase in the impervious area of the parking lot. Mr. Dressler commented that he plans to vote "no."

Mr. Sebetich asked if the additional runoff water would go to the bioretention facility. Ms. Danis confirmed that it will. Mr. Sebetich asked what the difference is between redevelopment v. expansion of development, which was the concern of the Highlands Coalition. Ms. Danis clarified

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 18, 2012

that parking is a component of a business model for this applicant, which is a warehousing/shipping company. She also explained that commercial development must address parking and clarified the project is for tractor trailer usage.

Mr. Sebetich further asked if this Council votes “no” what would be the impact on this company. Mr. Feyl responded that he did not know what impact there would be. Mr. Francis commented that that when a project comes before a planning board, especially one dealing with a property that has been vacant for years, if the planning board gets sticky with their vocabulary of redevelopment/expansion the applicant just goes away, it is the history of New Jersey. Mr. Francis commented that this project was seeking to convert nothing into something.

Mr. Feyl added that one of the principles of good planning is to consider whether or not the proposed development fits the character of the existing area and Mr. Feyl added that this project meets that test. Mr. Sebetich concurred it fits the character of the area, but was concerned about the tractor trailers going in and out. Mr. Feyl commented that the Mt. Olive Planning Board on September 22<sup>nd</sup> heard this proposal and is adopting a resolution of approval project, with the anticipation that this Council would approve.

Mr. Tfank commented that he didn't have any issues on this because of the area in which the property is located.

Ms. Carluccio agreed with Mr. Shope regarding NJDEP's Letter of Interpretation (LOI) and feels Council should ask NJDEP to provide the LOI prior to the Council's review. Ms. Carluccio also had concerns with the vernal pools and asked what NJDEP said about this. Ms. Ross commented that it is a certified vernal pool in the Preservation Area. Ms. Carluccio stated that Council should follow the RMP. Ms. Carluccio asked how core habitat is being defined. Ms. Danis responded that the definition came from the vernal pool technical report. Ms. Carluccio says Council is making a guess and is not satisfied that the vernal pool is being protected the way the RMP said it is suppose to be protected. Ms. Danis added that critical habitat plan will be townwide for Mt. Olive as has been specified in their Implementation Plan and Schedule and will recognize all the habitat resources. Ms. Carluccio added that she would like to see that plan before Council approves this project and Council needs expert advice on this matter.

Ms. Carluccio also expressed concern about the karst features in the carbonate rock and asked who reviewed the borings on those features. Ms. Ross acknowledged Mark Denisiuk to answer Ms. Carluccio's question. Mr. Denisiuk responded that soil logs were provided to the Mt. Olive Township planning board and did test pits to a depth of about 10 feet and the previous engineer did some boring and Mr. Denisiuk did not review those, but he did not see any karst conditions. Mr. Denisiuk added that his office did soil test sites in the borings and in the retention basin and did not see any karst conditions. Ms. Carluccio had further questions about the stormwater management system and Mr. Denisiuk provided a description of the bioretention basin to treat the entire site. Ms. Carluccio then asked about the man-made steep slopes in the bioretention basin and asked if that would be changed. Mr. Denisiuk responded that the steep slope will remain the same but pushed back to make the basin wider. Ms. Carluccio asked how hydrocarbons, oil and gas will be addressed with bioretention run off. Mr. Denisiuk responded that it is in accordance with NJDEP standards, which are to provide 80% TSS removal. NJDEP has simplified the pollutant removal criteria by only looking at TSS removal.



NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 18, 2012

Chairman Rilee asked Ms. Carluccio why she didn't ask these questions prior to the meeting. Ms. Carluccio responded that redevelopment in the Preservation Area is an important issue in the Highlands.

Ms. Carluccio asked if the flood prone area is mapped and does it infringe in the riparian area. Ms. Ross responded since it is in the eastern area of the property the flood prone zone will not infringe upon the riparian area.

Ms. Carluccio asked how the Tier 2 well head will be protected from oil and gas and satisfy the requirements in the RMP to protect the aquifer areas. Ms. Danis responded that this type of use is not a major or minor potential contaminant source and that the bioretention facility should be recognized to be the containment system for this type of runoff. Ms. Carluccio asked how many trucks would be parked in the area during a length of time. Ms. Danis responded that this is an area for tractor trailers to come in and out. Mr. Stein clarified that it is the trailers not the trucks. The applicants are looking to start with 10 trailers, and increase to 20.

Mr. Tfrank asked if there is an increase or decrease of pollutants in the area. Ms. Denisiuk responded that there will be a decrease of pollutants because the parking capacity is less than previous use.

There was further discussion about Ms. Carluccio's concerns regarding how Policy 6F3 will be met. Ms. Danis read Policy 6F3 "To ensure that development activities with the Existing community Zone are subject to standards and criteria which ensure that development and redevelopment incorporate smart growth principles and do not adversely affect natural resources." Ms. Danis responded that "do not adversely affect natural resources" is recognized and that there are thresholds. Ms. Danis added that from a regional planning perspective, the project meets smart growth standards and helps to support Mt. Olive on many levels. Ms. Danis further added that when there is redevelopment in the Highlands there may be an effect on natural resources but this process ensures the effect will be minimized.

Mr. Alstede complimented Council staff and noted that this project supports the economic viability of a business, which is one of the goals of the RMP. Mr. Alstede added that the character of the area is completely compatible. Mr. Alstede stated that the stream for this area is the Raritan Basin. Ms. Carluccio noted that it says the Morris Canal on the application and this should be corrected.

Mr. Visioli commented that he wrestled with this application, but complimented Council staff and it does support economic development and he will vote to support it.

Mr. Holtaway commented that most people think that redevelopment is a massive development. Redevelopment is where you have development that is required for adapted use and a repurpose for the environment. Mr. Holtaway supports this project.

Mr. Dougherty commented that Ms. Carluccio hit on many issues. Mr. Dougherty feels the proposed project is not a redevelopment, it is an expansion. Mr. Dougherty asked if the project includes enough sustainability components to warrant a yes vote. Mr. Dougherty asked about the buffer to the property line and who will do the plantings. Ms. Danis responded that the applicant will do the plantings. Mr. Dougherty asked Mr. Feyl who from Council's office makes that judgment. Mr. Feyl responded that we will work with Mt. Olive. Mr. Dougherty asked if there will be more plant species than there is now. Mr. Stein indicated that the landscape plans include

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 18, 2012

replacement of more trees than are currently on the site now. Mr. Dougherty was concerned with the precedent setting impact this application may have. Ms. Danis responded that Redevelopment Area Designations are done on a case-by-case basis as resources are different in each situation. Mr. Dougherty also commented on the karst features and asked if a condition can be put on the approval on this application that Council gets a report to confirm that no karst features exist in the area of the proposed project. Ms. Danis and Ms. Ross indicated that the confirmation of no karst features on site may be added as a condition.

There was Council discussion on landscape planting plans for the site. Members Carluccio and Dougherty requested a copy of the planting plans for the site.

*All members present voted on the resolution. A roll call was taken. The resolution was APPROVED 11-3.*

**Resolution – Approval Of A Water Use And Conservation Management Planning Grant For The Township of Sparta, Sussex County**

Chairman Rilee introduced the Resolution.

Mr. Feyl introduced Ms. Danis to give a brief overview of the resolution. Mr. Feyl reminded Chairman Rilee that he needed to leave the meeting and indicated that Ms. Nordstrom was available for any Council questions.

*Mr. Walton left the meeting at 5:49pm.*

*Mr. Dougherty temporarily left the meeting at 5:49pm.*

Ms. Danis reported that this resolution to assist Sparta Township with a Water Use Conservation Management Plan (WUCMP) was identified as part of the Township's Petition for Plan Conformance and Highlands Implementation Plan and Schedule, which Council approved on September 15, 2011. At the time Council recognized that the Township was interested in decommissioning the antiquated White Deer Plaza Sewerage Treatment Plant, and connecting it to the Sussex County MUA. Council staff has met with the Township and will work with them to determine the scope of work and assist with the decommissioning of this plant.

*Mr. Dressler temporarily left the meeting at 5:50pm.*

*Mr. Holtaway made a motion to approve the Resolution. Mr. Visioli seconded it.*

**Council Comments**

Mr. Tfrank asked if it is a packaged plant. Ms. Danis confirmed.

Chairman Rilee opened the meeting to the public for comment.

**Public Comment**

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers asked if the decommissioning requires Sparta Township to get an Exemption 11, which requires that the township have a

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 18, 2012

WUCMP. Ms. Danis responded that this would be an amendment to the Water Quality Management Plan. Ms. Somers asked if there would be anything in the WUCMP to address the three HUC 14s that are all in a deficit. Ms. Danis confirmed that the WUCMP addresses the net water availability of the HUC 14s that are associated with the decommissioning of this plant. Ms. Somers commented that it would be very helpful to have more information provided to the public because we are left guessing as to what the WUCMP will address and that is why she is asking these questions. Ms. Somers asked when the public will be get some idea of what will be included in the WUCMP that resulted from all the work of this Council. Chairman Rilee responded that the Executive Director should be answering this question.

**David Shope, owns property in Lebanon Township** – Mr. Shope is presuming that the water source for this packaged plant is from the three HUC 14 areas. Ms. Danis confirmed that three HUC 14 will be influenced by the recharge of this plant into the ground versus going into the ground to Sussex County MOU. Mr. Shope suggests Council use the rainfall data other than the Legislature’s wisdom and determine the real capacity of these HUC 14 areas before Council goes any further. Mr. Shope objects to this resolution.

*Messrs. Dressler and Dougherty returned to the meeting at 5:54pm.*

*All members present voted on the resolution. A roll call was taken. The resolution was APPROVED 14-0.*

**Resolution – Annual Meeting Schedule For 2013**

Chairman Rilee introduced the Resolution.

*Mr. Alstede made a motion to approve the Resolution. Mr. Dougherty seconded it.*

Chairman Rilee opened the meeting to the public for comment.

There was no public comment. There was no comment made by Council.

*All members present voted on the resolution. A roll call was taken. The resolution was APPROVED 12-1.*

Chairman Rilee opened the meeting for public comment.

*Mr. Tjank temporarily left the meeting at 5:56pm*

**Public Comment**

**Deborah Post, property owner in Chester Township** – Ms. Post commented that the \$6 billion of Highlands Act lost property values is a burden borne by the farmers and other good stewards of the open space who saw their net worth vaporize on the passage of the most egregious regulatory taking ever to happen in American, a nation with a Fifth Amendment that clearly states “nor shall private property be taken for public use without just compensation.” Ms. Post submitted her comments for the record.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 18, 2012

*Mr. Tjank returned to the meeting at 6:00pm.*

**Pat Moffitt, Peapack** - Mr. Moffitt commented that there are no solutions but trade-offs. Mr. Moffitt added that old stormwater systems do not remove nitrates. There will be a new system with less impact. Council needs to look at the trade-offs, sustainable development and it is a perfect place. Mr. Moffitt concluded to say that Council needs to be careful with karst.

**David Peifer, Association of New Jersey Environmental Commission** – Mr. Peifer suggests that when dealing with applications such as the 700 Bartley Chester Road, Council should refer to the RMP. The first item is that the project information Council provided by staff needs to be accurate. Regarding karst, we have had other redevelopment applications on karst in the history of this organization. There is a section in the RMP on karst which states that Highlands Council will develop a geotechnical reports for carbonate rock areas, which will contain requirements for a multi-phase study to locate any mulit-karst features and ground water qualities. Council needs to set up the professional framework with good and accurate information.

**Helen Heinrich, New Jersey Farmers Bureau** – Ms. Heinrich asked if there is some way she can track the Plan Conformation and Implementation process. Ms. Heinrich also asked if Council could improve the lighting in the parking light since meetings will be later in the evening. Ms. Nordstrom responded that the lighting problem is being addressed and also mentioned that the front bridge will be replaced.

**Julia Somers, New Jersey Coalition** – Ms. Somers thanked Ms. Nordstrom and Ms. Danis for attending the Coalition's meeting last week. Ms. Somers commented that Council can support the Keep It Green campaign in compensating landowners. Ms. Somers also noted that the tracking reports on the website need to be updated. Ms. Somers suggests that an appropriate time between the close of public comment and the Council takes action should be at least eight days. Chairman Rilee responded that Council will take it under consideration, but that sometimes it is a timing issue with Council's meeting schedule and the municipality.

**David Shope, owns property in Lebanon Township** – Mr. Shope commented that he would not like to see an independent Counsel for the Highlands Council. Chairman Rilee clarified that Council will still continue to us the DAG's office. Mr. Shope questioned why Council Executive Director attended the New Jersey Coalition meeting. Chairman Rilee responded that the meeting was for informational purposes only.

*Mr. Tjank returned to the meeting at 6:25pm.*

**Mary Lee Fulcher, Boonton Township** – Ms. Fulcher expressed her continued opposition to the DEP proposal for a concrete boat ramp at Split Rock Reservoir in Rockaway Township. Ms. Fulcher commented on Jersey City's management and protection strategy, the mini-survey taken, as well as the conversation with a kayak fisherman who explained the source of the large, jagged rocks the at the launch shoreline. Ms. Fulcher asked, if Council does not take care of this reservoir, who will. Ms. Fulcher noted that Rockaway Township is opposed to this. Fulcher submitted her comments for the record.

Mr. Dougherty acknowledged Wilma Frey, explaining that the New Jersey Highlands Coalition recently established the New Jersey Highlands Volunteer Award named in her honor. He also

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF OCTOBER 18, 2012

explained that at the organization's annual meeting on October 10, 2012 Ms. Frey was the first recipient of the award in recognition of her longstanding work to preserve and protect the Highlands region.

*Mr. Mengucci left the meeting at 6:30pm.*

*Mr. Holtaway made a motion to adjourn the meeting. Mr. Sebetich seconded it. The meeting was adjourned at 6:32pm.*

**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: 1/18/13

Name: Annette Tagliareni  
Annette Tagliareni, Executive Assistant

**Vote on the Approval of These Minutes**

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede						✓
Councilmember Carluccio						✓
Councilmember Dougherty						✓
Councilmember Dressler						✓
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember James			✓			
Councilmember Mengucci						✓
Councilmember Richko			✓			
Councilmember Sebetich			✓			
Councilmember Tfrank			✓			
Councilmember Visioli		✓	✓			
Councilmember Vohden			✓			
Councilmember Walton	✓		✓			
Chairman Rilee			✓			