

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF DECEMBER 4, 2014

**PRESENT**

JIM RILEE	)	CHAIRMAN
KURT ALSTEDDE	)	
TRACY CARLUCCIO	)	COUNCIL MEMBERS
MICHAEL R. DRESSLER	)	
TIMOTHY P. DOUGHERTY	)	
MICHAEL FRANCIS	)	
BRUCE JAMES	)	
MICHAEL SEBETICH	)	
MICHAEL TFANK	)	
RICHARD VOHDEN	)	
ROBERT G. WALTON	)	

**ABSENT**

ROBERT HOLTAWAY	)
CARL RICHKO	)
JAMES VISIOLI	)

**CALL TO ORDER** 136<sup>th</sup> meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:03pm.

**ROLL CALL**

Roll call was taken. Council Members Holtaway, Richko, and Visioli were absent. All other members were present. *The following staff members were present: Margaret Nordstrom, Andrew Davis, Chris Danis, Kim Ball Kaiser, James Humphries, Maryjude Haddock-Weiler, Corey Piasecki, Jim Hutzelmann, Herb August, Chris Ross, Keri Benscoter, Kelley Curran, Carole Dicton, Tom Tagliareni. Also present was Tyler Yingling, Assistant Counsel, Governor's Authorities Unit.*

**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 HIGHLANDS COUNCIL MINUTES OF OCTOBER 16, 2014**

Chairman Rilee asked for a motion on the Minutes of October 16, 2014.

*Mr. Dougherty introduced a motion to approve the Minutes of October 16, 2014. Mr. Walton seconded it.*

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*All members present voted to approve the Minutes of October 16, 2014. The minutes were APPROVED 8-0, with one abstention by Member James.*

**APPROVAL OF HIGHLANDS DEVELOPMENT CREDIT (HDC) BANK MINUTES OF NOVEMBER 6, 2014**

Chairman Rilee asked for a motion on the HDC Minutes of November 6, 2014.

*Mr. Walton introduced a motion to approve the HDC Minutes of November 6, 2014. Mr. Dougherty seconded it.*

*All members present voted to approve the HDC Minutes of November 6, 2014. The minutes were APPROVED 9-0*

**CHAIRMAN'S REPORT**

Chairman Rilee had no report. **COUNCIL MEMBER REPORTS**

There were no Council Member reports.

**EXECUTIVE DIRECTOR'S REPORT**

Ms. Nordstrom gave the Executive Director's report, and announced that in Plan Conformance Implementation Califon Borough, Hunterdon County was issued a Municipal Exemption Determination Authorization Certificate; Jefferson Township, Morris County Checklist Ordinance, Highlands Environmental Resources Inventory, and Master Plan Highlands Element were adopted, Jefferson's Municipal Exemption Determination Resolution Authorization was adopted and certificate was issued; Roxbury Township, Morris County Highlands Environmental Resource Inventory was adopted; Washington Township, Morris County their certificate issued for Municipal Exemption Determination Authorization; and in Hardyston Township, Sussex County a Municipal Exemption Determination Resolution and Authorization was adopted and certificate was issued.

Ms. Nordstrom also reported that under TDR Program Activities, Newton submitted their Phase II, Site Evaluation of their TDR Feasibility Study. Newton is prepared to move on to Phase III, Fiscal Analysis of the study.

Under personnel updates, Ms. Nordstrom welcomed staff member Kelley Curran as part-time Resource Management Specialist. Ms. Curran's start date was November 3, 2014.

**Fenimore Landfill Update**

Ms. Nordstrom reported that, per information received from DEP, the state is still on track to complete most of the installation of the geothermal lining by the end of year. Truck traffic has dropped significantly and there have been no odor complaints of late, and work is progressing well.

**Regional Master Plan Update**

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Ms. Nordstrom reported that Members Alstede, Vohden, Sebetich, and Chairman Rilee have attended the committee meetings. Ms. Nordstrom added that with all stakeholder meetings, consultants and staff try to be consistent by reviewing the monitoring program and what we hope to achieve and then there is a discussion on potential indicators and data sources. Ms. Nordstrom reported that there have been some side benefits and we have started to identify areas where we can partner with other state agencies and/or states entities such as lake management and temporary debris management areas. Also, participants of the real estate session are working with staff member Corey Piasecki to develop an educational program to present to boards of realtors.

## COMMITTEE REPORTS

### Budget & Finance Committee

#### Resolution – Approval Of FY2015 Highlands Protection Fund Capital Budget For Water Use And Conservation Management Plan, Stormwater Program, And Plan Conformance Petition Completion And Adoption Funding

Committee Member James reported that this resolution is for appropriations of the FY2015 Highlands Protection Fund Capital Budget Council approved last month.

*Mr. James made a motion on the Resolution. Mr. Vohden seconded it.*

*Member Carluccio was present at 4:11pm.*

### Public Comment

**Deborah Post, property owner in Chester Township** – Ms. Post asked Council to amend and clarify that Highlands landowners applying for Municipal Highlands exemptions are not asked to pay fees in connection with exemption determinations.

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers is in favor of these grants and hopes Council supports them.

**David Shope, owns property in Lebanon Township** – Mr. Shope commented that municipal exemption determinations should be exempt from fees.

**Helen Heinrich, New Jersey Farm Bureau (NJFB)** – Ms. Heinrich commented that during the NJFB's annual convention one of the policies approved was for the NJFB to work with the Council to have no fees for these exemptions.

**Hank Klumpp, owns property in the Highlands Preservation Area** – Mr. Klumpp asked for the total budget amount. Ms. Nordstrom responded that the total budget amount is for \$2,229,300.

### Council Comment

There was no Council Comment

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*All members present voted to approve the resolution. The resolution was APPROVED 9-1.*

**Land Owner Equity and Land Preservation Committee**

Member Walton reported that the committee had hoped to have a program for Council to review however the GAU is still reviewing, which Mr. Walton thought was a good sign. Member Walton also added that the committee met with the NJBA and that we need to find the right municipalities to work with and be careful how the funds are spent on the TDR program. Highlands staff is currently working on a list of towns to target for this program.

**Plan Conformance Committee**

Ms. Nordstrom gave a report and presentation on a checklist approach review for Franklin Township, Warren Township. The information presented to Council will be posted on Council's website on the calendar page <http://www.highlands.state.nj.us/njhighlands/about/calend/> and Council will consider a resolution at the next scheduled meeting to approve the minutes of the Plan Conformance Committee held on November 7, 2014.

**Council Comment**

Member Carluccio expressed her concerns regarding the checklist ordinance approach and what the impacts are on the resources.

*Members Dressler was present at 4:25pm.*

Member Sebetich asked how staff feels about Member Carluccio's comments. Ms. Nordstrom responded that the only difference between the checklist ordinance approach and the land use ordinance is who does the review. Ms. Nordstrom understands about Member Carluccio's concerns in regard to the resources and those concerns are very important, but Ms. Nordstrom also thinks that the way Council staff addresses them as an organization is through what member Walton talked about and that is Council's open space and preservation program that we hope to roll out next month.

Chairman Rilee commented that this matter will be on Council's agenda at the next scheduled meeting.

**Resolution – Determination On Application For Highlands Redevelopment Area Designation For Block 201, Lots 1 Through 6; Block 202, Lot 2. Borough Of Oakland, Bergen County**

Ms. Nordstrom gave an overview of the application and staff's recommendation to reject this application.

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Staff member Humphries then presented a map of the proposed redevelopment boundaries. Mr. Humphries also showed pictures taken during the site visit on October 27, 2014. The presentation may be found on Council's website:

[http://www.highlands.state.nj.us/njhighlands/about/calend/2014\\_meetings/dec04/presentation\\_dec7\\_redevelopment.pdf](http://www.highlands.state.nj.us/njhighlands/about/calend/2014_meetings/dec04/presentation_dec7_redevelopment.pdf)

Ms. Nordstrom acknowledged two representatives in attendance representing the applicant; Tibor Latincsics, engineer for the applicant, and Ben Cascio, Esq., attorney for the applicant.

Chairman Rilee noted that this application has been recommended by the staff to be rejected, and that given this recommendation, the applicant would be afforded an opportunity to make a brief presentation on this issue.

**Ben Cascio, Esq.** recited some of the history of the application of his client, dating back to 2009.

Mr. Latincsics interjected comments during this presentation, and he stated that the "moonscape" portion of the property was created during the construction of Route 287 and questions that "shot rock" is not deemed impervious surface.

*Ms. Carluccio made a motion on the Resolution. Mr. James seconded it.*

### **Council Comment**

Members Walton asked if the 70% impervious surface is a NJDEP or Highlands Council regulation. Staff member Humphries responded the 70% impervious surface is both an NJDEP and Highlands Council regulations. Member Walton asked who determined the threshold of 70%. Mr. Humphries responded that the Highlands Act determined the threshold.

Chief Counsel Davis noted a distinction that the "moonscape" area which Mr. Latincsics pointed to is not part of proposed redevelopment area, but was north of the proposed area.

Mr. Vohden commented that this recommendation for the denial is the 70% impervious. Ms. Nordstrom responded that it is not just the 70% impervious. Ms. Nordstrom emphasized that the area was not previously developed, so it would be a new development, not redevelopment.

Mr. Vohden questioned the definition of "shot rock" as impervious or pervious.

There was continued Council discussion regarding the definitions of impervious surface and Highlands Redevelopment Area.

*All members present voted to approve the resolution. The resolution was APPROVED 8-3.*

Chairman Rilee opened the meeting for general public comments.

*Member Walton left the meeting at 5:13pm.*

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**Public Comment**

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers introduced Juniper Leifer, Project Coordinator of the Lopatcong Creek Initiative.

**Juniper Leifer, Lopatcong Creek Initiative** - Ms. Leifer thanked Ms. Somers for the introduction and gave an overview of the Lopatcong Creek Initiative which covers 22 square miles within six Highlands municipalities. Ms. Leifer submitted a brochure for the record in hopes of working together on this initiative.

**Jerome Wagner, Wayne, NJ** – Mr. Wagner commented that he is part of a group called “Coalition to Stop the Pilgrim Pipeline.” This group is opposed to the pipeline and its impacts on Highlands resources. Mr. Wagner submitted his comments for the record.

*Member James left the meeting temporarily at 5:18pm.*

**Kathy Abbott, Chatham, NJ** - Ms. Abbott spoke in opposition of the Pilgrim Pipeline and its impact on Highlands resources.

**Ken Dolsky, Parsippany, NJ** – Mr. Dolsky spoke in opposition to the Pilgrim Pipeline.

**Monique Purcell, Department of Agriculture** – Ms. Purcell commented on the checklist ordinance approach in Franklin Township. Ms. Purcell commented that the checklist is appropriate in this Township as parcels for potential development are in the Preservation Area.

**Brendan Keating, Chatham, NJ** – Mr. Keating spoke in opposition to the Pilgrim Pipeline. Mr. Keating asked for Council’s support.

**Deborah Post, property owner in Chester Township** – Ms. Post commented on Council’s process. Ms. Post also commented on her objection to the impacted landowner stakeholder meeting agenda, the purpose of the monitoring program, and the briefing book for this process. Ms. Post submitted her comments for the record.

**Hank Klumpp, owns property in the Highlands Preservation Area** – Mr. Klumpp asked where the scientific study is that put his property in the Preservation Area and commented on the need for a dedicated funding source. Mr. Klumpp submitted his comments for the record.

*Member James returned to the meeting at 5:36pm.*

**David Pringle, Cranford, NJ** – Mr. Pringle spoke in opposition to the Pilgrim Pipeline.

**Dawn Ferguson, Chatham, NJ** – Ms. Ferguson spoke in opposition to the Pilgrim Pipeline.

**David Shope, owns property in Lebanon Township** – Mr. Shope commented on who plans to attend the December 10<sup>th</sup> meeting and staff’s response to his letter. Mr. Shope then commented on the definition of ag value, and also spoke about his dissatisfaction with RPA and Highlands staff.

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**Bob Bracken, representative of the New Jersey Builder's Association, and Former Mayor** – Mr. Bracken commented in regards to the checklist ordinance and feels it is being used illegally. Mr. Bracken then commented, as an individual and former mayor of Hardyston Township, on the October 23<sup>rd</sup> minutes of the Land Owner Equity and Land Preservation Committee minutes regarding a water fee and taxing people in the Highlands region.

Member Dressler responded that Mr. Bracken is incorrect regarding his water fee comment.

**Julia Somers, New Jersey Highlands Coalition** –Ms. Somers informed Council that the Dual Appraisal went passed the senate and is now in the assembly and should be back up this coming year for the Governor to sign.

*Mr. Dougherty made a motion to adjourn the meeting. Mr. Francis seconded it. The meeting was adjourned at 5:46pm.*

**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: 1/23/15

Name: Annette Tagliareni  
Annette Tagliareni, Executive Assistant

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**Vote on the Approval of  
The Minutes**

	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Dougherty	_____	_____	_____	_____	_____	✓
Councilmember Dressler	_____	_____	✓	_____	_____	_____
Councilmember Francis	_____	_____	✓	_____	_____	_____
Councilmember Holtaway	_____	_____	_____	_____	✓	_____
Councilmember James	✓	_____	✓	_____	_____	_____
Councilmember Richko	_____	_____	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tfanck	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	_____	✓	_____	_____	_____
Councilmember Vohden	_____	_____	_____	_____	_____	✓
Councilmember Walton	_____	✓	✓	_____	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____