

Highlands Council Monthly Report

August/September 2024

Released October 9, 2024



View of Delaware River from Thomas F. Breden Preserve, Milford Borough, Hunterdon County

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Highlands Council Monthly Report

Summary of Activities | August 1 – September 30, 2024

Executive Director Priority Spotlight

- **Climate Change.** The Highlands Council is in the process of finalizing guidance that will help Highlands municipalities craft, adopt, and implement the Climate Change Related Hazard Vulnerability Assessment (CCRHVA) now required by the Municipal Land Use Law (MLUL). The guidance will be accompanied by a standardized Scope of Work that provides a framework for developing a request for funding and project scope that incorporates all the required elements of the CCRHVA in the context of the Highlands Regional Master Plan. The two documents will be finalized and released later this month. Following this guidance will be vital to the well-being of the region and the state as the challenges posed by a changing climate become more evident in the years ahead.

The impacts of climate change in the context of the Highlands have big implications both inside the region and for the state at large. The region's role in statewide resilience has been discussed here before. Reliability of the state's drinking water supply, food production capacity and benefits of floodwater retention and temperature mitigation will affect everyone in New Jersey. However, there are internal hazards that will become increasingly frequent that every Highlands community will need to anticipate and plan for, which is the point of providing this guidance at this time.

The Highlands is projected to experience a disproportionate increase in extreme precipitation events. There has already been an uptick in the frequency of severe storms and tornadoes. The recent events in western North Carolina have similarities with what the Highlands region experienced during Sandy and Ida when these tropical systems spread high winds and torrential rains far from the coastal areas. Flooding, damage to the power grid, thousands of downed trees, and impacts that last for days or even weeks will likely occur in the region again. The time is now for Highlands municipalities to take measures to plan for these incidents and implement steps to mitigate their consequences.

A comprehensive set of Climate policies for the Highlands region, contained in a formal RMP amendment, will follow these documents in the coming months.

- **Affordable Housing.** The Affordable Housing legislation (A4/S50) passed earlier this year contained provisions that account for the Highlands Act and the Highlands Regional Master Plan (RMP) in determining both the municipal obligations and the way affordable units are created in conforming Highlands municipalities. This is an important provision that seeks to balance the necessity of protecting the region's vital resources with the Constitutional requirements for municipalities to provide meaningful affordable housing opportunities.

The legislation contained very short timelines for municipalities to respond to their Round 4 obligations. The Department of Community Affairs is expected to release municipal obligations later this month and municipalities are required to begin adopting new Fair Share Plans early in 2025. Conforming Highlands municipalities will have their anticipated obligations calculated differently from both non-conforming Highlands municipalities and municipalities in the remainder of the state.

In response to the imminent deadlines, the Highlands Council moved quickly to help Highlands municipalities navigate the complex issues around meeting multiple, and sometimes seemingly incompatible, planning goals. An amendment to the Highlands RMP was adopted by the Council in July. An accompanying guidance document explaining how conforming municipalities should draft their new Affordable Housing Plans, along with a GIS-based tool to determine each municipality's buildout potential is expected to be released by the Council in October. A training session for municipal officials and planners is planned for November 1, 2024.

There is a rational way forward and conforming municipalities will have an easier path ahead along with the legal protections that come with conformance.

- **Annual Budget.** The Highlands Council is preparing to adopt both its operational budget and its grant budget for Fiscal Year 2025. As has been the case in past years, both the operational budget, which is primarily reflected in staffing levels, and the grants budget, which provides direct support to Highlands municipalities, are inadequate for realizing the Council's important mission. The lack of operational funds means that the Council will continue to be understaffed. Current vacancies leave important policy areas like agriculture, climate change, resource protection and restoration and management of water resources, less than fully supported.

The Highlands grant budget was cut in half during the Christie Administration and has not been restored to its original \$4.2 million level since that time. The necessity of funding stormwater planning and affordable housing plans for Highlands municipalities has nearly exhausted the Council's available funding, leaving little for the ongoing work of implementing the Highlands RMP. Requests for funding for Municipal Separate Storm Sewer System (MS4) stormwater planning alone exceed available funding (see the lengthy list of requests later in this report from just August and September). This work is essential to the mission of protecting water resources in the Highlands. However, as much as it would benefit the region and the state to fully fund these requests, prioritization of applications for conforming municipalities is necessary, meaning that non-conforming municipalities will likely not be funded.

This insufficient financial support is accompanied by the Council operating with only 11 of its statutorily mandated 15 members. Operating with a shortage of members resulted in the cancellation of both the August and September Council meetings due to an inability to assemble a quorum. These issues need to be addressed.

- **20 Years of Highlands Protections.** On September 6th, the Highlands Council commemorated the 20th anniversary of the passage of the Highlands Act (Act) by hosting an event at the Frelinghuysen Arboretum in Morris Township. The day featured a panel discussion between the Council's first chairman, John Weingart, the two primary sponsors of the Act, Senators Bob Smith and John McKeon and the former executive director of the New Jersey Conservation Foundation, Michele Byers. The result was a fascinating discussion about the politics and policy concerns that influenced the drafting of the Act and the compromises that had to be made to ensure its passage. It was also clear that the effort to protect the region's resources was visionary in nature and required a great deal of forward thinking to become reality. Additional details about the program and photos from the day appear later in this report.

It was a unique opportunity for those who have worked on the issues facing the Highlands for the past 20 years or more to visit, reminisce, and discuss strategies for ensuring ongoing protections of this important region.

Municipal and County Regional Master Plan (RMP) Implementation

Updates related to Highlands Council-funded projects that help implement the RMP.

Completed Projects

The following municipalities/counties have submitted project deliverables that were reviewed by Highlands Council staff and found to be consistent with the approved scopes of work and eligible for reimbursement.

- **Alpha Borough, Warren County.** Open Space and Recreation Plan Update
- **Bernardsville Borough, Somerset County.** Initial Assessment Report
- **Boonton Township, Morris County.** Open Space and Recreation Plan
- **Byram Township, Sussex County.** Lakes and Watersheds Management Plan
- **Denville Township, Morris County.** Open Space and Recreation Plan Update
- **Hunterdon County.** County Tourism, Digital Marketing and Advertising Campaign (partial completion)
- **Milford Borough, Hunterdon County.** Fair Share Plan (partial completion)
- **Mount Arlington, Morris County.** Initial Assessment Report
- **Passaic County.** County Transportation Analysis: Ringwood and Bloomingdale Boroughs; Historic Preservation Plan
- **Tewksbury Township, Hunterdon County.** Green Infrastructure Implementation Plan

Deliverables Received

The following municipalities have submitted project deliverables that are currently being reviewed by Highlands Council staff for consistency with the approved scopes of work.

- **Mount Arlington, Morris County.** Initial Assessment Report
- **Borough of Netcong, Morris County.** Highlands Center Designation Report

Approved Scopes

Highlands Council staff have approved scopes of work for the following projects in the specified municipalities/counties. With approved scopes, project work may begin.

- **Chester Borough, Morris County.** Stormwater, Sewer Infiltration & Inflow Investigation
- **Mahwah Township, Bergen County.** Stormwater Management/MS4 Permit Compliance
- **Roxbury Township, Morris County.** Stormwater Management Planning, Basin Retrofit
- **Washington Borough, Warren County.** Housing Element and Fair Share Plan

Scopes/Funding Requests

The following municipalities submitted scopes of work for the specified projects. The scopes are currently being reviewed by Highlands Council staff.

- **Town of Boonton, Morris County.** Highlands Center Designation
- **Mount Olive, Morris County.** Restoration project (Mine Brook dam removals)
- **Warren County.** Warren Heritage Scenic Byway Corridor Management Plan Update

- The following municipalities submitted funding requests/scopes of work to complete stormwater management work related to **MS4 Permit Compliance**.

- **Bergen County**
 - Oakland Borough
- **Hunterdon County**
 - Bloomsbury Borough
 - Clinton Township
 - Lebanon Borough
 - Tewksbury Township
- **Morris County**
 - Chester Borough
 - Chester Township
 - Jefferson Township
 - Mine Hill Township
 - Mount Olive Township
 - Randolph Township
 - Rockaway Township
 - Washington Township
- **Passaic County**
 - Borough of Pompton Lakes
 - Ringwood Borough
 - West Milford Township
- **Somerset County**
 - Borough of Bernardsville
 - Far Hills Borough
- **Sussex County**
 - Byram Township
 - Hardyston Township
 - Ogdensburg Borough
 - Vernon Township
- **Warren County**
 - Allamuchy Township
 - Town of Belvidere
 - Frelinghuysen Township
 - Town of Hackettstown
 - Mansfield Township
 - White Township

Other Notable Implementation Activities

- **Bernardsville Borough, Somerset County.** The borough passed a resolution indicating its intent to revise its master plan and development regulations to align with the Highlands Act, Highlands RMP, and the Highlands Plan Conformance Guidelines.

Project Reviews

The Highlands Council does not issue permits but is statutorily required to review certain proposed projects in the region for consistency with the Highlands RMP. In some cases, the Highlands Council shares jurisdiction with the New Jersey Department of Environmental Protection (NJDEP).

- **Highlands Applicability Determination (HAD), Exemption #11 (w/NJDEP). Jersey Central Power & Light Company (JCP&L) Flanders-West Wharton Structure 477**

Jefferson Township, Morris County

JCP&L is seeking an [Exemption 11](#) from the NJDEP to replace five (5) wooden utility poles with one (1) steel monopole.

Highlands Council staff determination: Consistent with the goals and purposes of the Highlands Act

- **Highlands Applicability Determination (HAD), Exemption #11 (w/NJDEP). Lake Glenwood Water Treatment System Upgrades**

Vernon Township, Sussex County.

The Township is seeking an [Exemption 11](#) from the NJDEP to complete upgrades to the existing treatment system for the Lake Glenwood Public Community Water Supply (PCWS) system to improve filtration and disinfection.

Highlands Council staff determination: Consistent with the goals and purposes of the Highlands Act

- **Highlands Applicability Determination (HAD), Exemption #11 (w/NJDEP). Springtown Pump Station Improvement Project**

Washington Township, Morris County

Washington Township, Morris County is seeking an [Exemption 11](#) from the NJDEP to replace an aging pump station that is a critical component of the sanitary sewer system in the Township. The project will improve reliability and resiliency against flooding.

Highlands Council staff determination: Consistent with the Goals and Purposes of the Highlands Act.

- **Highlands Applicability Determination (HAD), Exemption #11 (w/NJDEP). SM-10 and SM-17 PFAS Treatment Improvements**

Washington Township, Morris County

The Township is seeking an [Exemption 11](#) from the NJDEP to construct new buildings to house the necessary equipment to filter PFAS from groundwater supply wells.

Highlands Council staff determination: Consistent with the Goals and Purposes of the Highlands Act.

- **Highlands Applicability Determination (HAD), Exemption #11 (w/NJDEP). Mahwah Well 18A Improvements**

Mahwah Township, Bergen County

Mahwah Township is seeking an [Exemption 11](#) from the NJDEP to complete upgrades and improvements to an existing municipally-owned well, to achieve compliance with state and federal standards, and to ensure a reliable and efficient water distribution system with higher water quality for the public.

Highlands Council staff determination: Consistent with the Goals and Purposes of the Highlands Act

- **Highlands Planning Area Exemption Determination, Exemption #9. Fardale Avenue Culvert Replacement**

Mahwah Township, Bergen County

The Township of Mahwah is seeking an [Exemption 9](#) to replace an aging culvert on Fardale Avenue that conveys an unnamed tributary of Ho-Ho-Kus Brook. The project does not include expansion of the roadway, and tributary flow will be maintained throughout construction via bypass.

Highlands Council staff determination: Consistent with the Goals and Purposes of the Highlands Act

- **Highlands Planning Area Exemption Determination, Exemption #16. Picatinny Arsenal Inflow and Infiltration Repairs Phase 1.**

Rockaway Township, Morris County

The applicant is requesting an [Exemption 16](#) for the removal and in-kind replacement of sanitary infrastructure in previously disturbed, maintained transition area and sanitary sewer lining for pipes through wetland areas with manhole access from previously disturbed transition areas.

Additionally, the project involves the removal of and in-kind replacement of water mains, the

abandonment of existing water mains in transition areas, and installation of new water mains in paved portions of the transition areas and outside transition areas.

Highlands Council staff finding: Exempt

- **Planning Area RMP Consistency Review – Mindray DS USA Inc.**

Mahwah Township, Bergen County

Applicant is seeking to construct an additional warehouse building in an unused parking area and lawn of an existing warehouse and office complex.

Highlands Council staff finding: Full review deferred to Township. Recommendations made for proposed landscaping and stormwater management facilities.

- **Conditions Compliance – Warehouse Development, 2 Hilton Court**

Parsippany Township, Morris County

Applicant submitted final approved site plans and verification of NJDEP permit to meet conditions of a consistency review originally completed by Highlands Council staff in 2021.

Highlands Council staff finding: All conditions have been met.

- **Conditions Compliance – Willow Grove (Block 44, Lot 3.02)**

Hackettstown, Warren County

Applicant submitted additional information regarding a consistency determination originally issued in 2021, and subsequent comments from Highlands Council staff in August 2024.

Highlands Council staff finding: Submission of 1) approving resolution and 2) post-construction photographs to illustrate completion of all conditions are both required to complete conditions compliance.

- **Conditions Compliance – Bergen County United Way (BCUW)/Madeline Housing Partners, LLC (Block 56, Lot 74)**

Mahwah Township, Bergen County

Applicant provided revised site plans and additional information to satisfy the conditions of a Highlands Council consistency determination made in 2021.

Highlands Council staff finding: Submission of the final site plans required to complete conditions compliance.

- **Municipal Referral – Ridge Road Multifamily Development**

Mahwah Township, Bergen County

Applicant is proposing a 100% affordable housing residential building with associated parking including both EV make-ready and EV charging station spaces and incorporating permeable pavement in a portion of the parking area, along with a small-scale bioretention basin, which will be managing stormwater generated onsite.

Highlands Council staff finding: Consistent subject to specified conditions.

- **WQMP Update - Amendment to the Upper Delaware and Upper Raritan WQMPs incorporating the Glen Gardner Borough Municipal Chapter into the Hunterdon County Wastewater Management Plan (WMP)**

Glen Gardner Borough, Hunterdon County

The Highlands Council received notification that this amendment has been adopted.

Land Preservation Program Updates

- **Expansion of Eligibility for Federal Highlands Conservation Act Grants.** As a result of the most recent reauthorization of the federal Highlands Conservation Act, additional New Jersey Highlands municipalities are now included in the federal Highlands region boundary. These

municipalities were informed and asked to pass a resolution making them eligible for land preservation funding authorized through the [Highlands Conservation Act Grant Program](#). Bedminster Township subsequently passed a resolution indicating the municipality's support of being included in the federal boundary.

- **Notice of Funding Opportunity for the Federal Highlands Conservation Act (HCA) grant program.** As the lead state agency for the HCA, the Highlands Council shared information with potential project partners regarding an open funding round for land conservation projects in the New Jersey Highlands. If you have not received information and believe you may have an eligible land preservation project, please [contact Liz Ward](#), Highlands Council Land Preservation Coordinator, for additional information.
- **Highlands Development Credit (HDC) Updates.**
 - Credit Allocation: Block 24, Lots 1 and 32, Hampton Borough, Hunterdon County. 36 HDCs allocated.

Staffing and Staff Development

- **Welcome Diana Swiderski.** In September, the Highlands Council welcomed Diana Swiderski to the role of Administrative Assistant. Diana recently worked for Middle-Brook Regional Health Commission as Administrative Assistant/Certifying Officer/Deputy Registrar and has also held roles with the Hunterdon County Department of Health.

Outreach & Education

- **What makes the New Jersey Highlands so great? YOU know best!** As part of a larger economic sustainability plan for the Highlands region, a project is underway to create a regional identity or “brand” for the region. The first step in this process is gathering input and insights from those who know best – the local community.

In addition to conducting one-on-one interviews and focus groups, a community survey is open through October to hear from residents, business owners, local leaders and other stakeholders interested in helping define the character of this great community. The survey is available at authenticnjhighlands.com where you can learn more about the project.

- **Highlands Act 20th Anniversary Summit.** In recognition of the 20th anniversary of the passage of the New Jersey Highlands Water Protection and Planning Act, the Highlands Council hosted a summit on Friday, September 6, at the Frelinghuysen Arboretum in Morris Township.

Among the more than 100 attendees were current and former council members and staff, county and municipal representatives, non-governmental environmental group representatives, and several key players instrumental in the adoption of the Act. The day opened with a plenary discussion featuring New Jersey State Sens. Bob Smith and John F. McKeon, Michele Byers, retired executive director of the New Jersey Conservation Foundation and moderated by the Highlands Council's first chairman, John



Weingart. The lively discussion touched on the political climate and the struggles in 2004 to bring the act to fruition, implementation of the Act over the past 20 years and what the future might hold for the Highlands region.

Following the plenary, guests could choose from several sessions and activities. Marc Saluk, Director of Economic Development and Tourism of Hunterdon County, along with Hunterdon County Commissioner John Lanza, and Mayor Paul Muir of Bethlehem Township hosted a session spotlighting Highlands Act implementation success stories in Hunterdon County. Frank Pinto, president of Pinto Consulting LLC, led a session focusing on the agricultural industry in the Highlands. Guests could also visit a showcase featuring exhibits on *The Highlands Trail* (hosted by the NY-NJ Trail Conference), *20 Years of Mapping the Highlands* (hosted by Highlands Council GIS staff), and *Protecting Lake Hopatcong*, (hosted by Highlands Council science staff, Princeton Hydro LLC, Lake Hopatcong Commission and Lake Hopatcong Foundation.) For those interested in enjoying the nice weather, Highlands Council science staff offered guided nature walks to explore the variety of plant species found throughout the beautiful grounds of the Arboretum.



Photos Top to Bottom: 1) Panel discussion, l to r: Senator Bob Smith; John Weingart, first Highlands Council Chairman; Michele Byers, retired executive director of the New Jersey Conservation Foundation; Senator John F. McKeon. 2) Haggerty Education Auditorium at the opening of the event. 3) Highlands Council Executive Director Ben Spinelli presenting insights regarding “the State of the Highlands.”

After lunch, Highlands Council Executive Director Ben Spinelli shared his thoughts on the *State of the Highlands* and Will Ketchum, president of NorthStar Place Branding + Marketing, updated attendees on the status of the initiative by the Highlands Council to create a cohesive identity for the region to protect and enhance its many assets. Materials from the day are available on the [Highlands Council website](#).

- **Constituent Assistance.** The Highlands Council received and responded to 30 inquiries from constituents in August and 23 in September.

Municipal & County Coordination

Highlands Council staff frequently meet with our constituent municipalities and counties to discuss their priorities and how they intersect with implementation of the Highlands RMP.

- During August and September, Highlands Council staff met with several municipalities including Bloomsbury Borough, Hunterdon County (septic systems); Clinton Township, Hunterdon County (RMP Implementation); Lebanon Borough, Hunterdon County (proposed project); Lopatcong Township, Warren County (Redevelopment Area WQMP); Oxford Township, Warren County (Proposed project).

Agency & Organization Collaboration

Highlands Council staff often meet with sister state agencies to ensure effective coordination; professional and non-governmental organizations to learn and collaborate; and other entities that have a stake in protecting the New Jersey Highlands.

- During August and September, Highlands Council met with several entities including: USDA (quarterly meeting); EPA (septic systems in the Highlands); City of Newark (forestry); SADC (Statewide Formula Value TAC meeting)

Council Committee Meetings

- The following committees met in September: Budget & Finance, Plan Conformance, Affordable Housing. There were no committee meetings in August.

Looking Ahead

- **Public Council Meetings.** The October Highlands Council public meeting is scheduled for Thursday, October 17, 2024. There is no scheduled Highlands Council meeting in November. The December public meeting is scheduled for Thursday, December 12. All meetings are held at 4 p.m. at the Highlands Council office in Chester, NJ. Complete details are available on the [calendar page](#) of the Highlands Council website.

