

Highlands Council Monthly Report

July 2024

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Wyanokie High Point Vista, Norvin Green State Forest, Ringwood Borough, Passaic County

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Highlands Council Monthly Report

Summary of Activities | July 1 – 31, 2024

Executive Director Priority Spotlight

- **20th Anniversary of the Highlands Act.** Saturday, August 10th will mark the 20th anniversary of the passage and signing of the Highlands Water Protection & Planning Act. Governor McGreevy signed the Act in 2004 at a ceremony overlooking the Wanaque Reservoir attended by the bill's sponsors and long-time supporters. There was a great deal of energy and enthusiasm along with a fair amount of opposition to the Act's provisions. However, it is important to remember that the legislation passed with bi-partisan support. In the context of rapid suburban expansion into the Highlands, adoption of the Highlands Act was widely viewed as a victory for sound long-term planning.

A lot has happened since then. There have been five different governors (McGreevy, Codey, Corzine, Christie, & Murphy), 33 different members of the Highlands Council, and seven different executive directors of the Highlands Council. The Highlands Council produced a comprehensive Regional Master Plan (RMP) in 2008 that continues to serve as a guide for land use management in the region. The Council has distributed millions of dollars in planning aid to municipalities and counties and provided countless hours of expertise and guidance.

Although support for the work of the Council has ebbed and flowed, the commitment of the Highlands Council and its professional staff to the mission of protecting the vital resources of the region and to work cooperatively with the 88 municipalities and 7 counties that make up the Highlands has remained constant.

And the importance of protecting these resources increases with each passing year. One of the least appreciated values is the problem avoided. The state still has a reliable supply of plentiful, clean drinking water. The pressure of sprawl development that was threatening the region has been substantially reduced. The Highlands Act has managed to forestall the threats that led to its passage and prevent the consequential issues that would have resulted. Avoiding problems is where the true value of the Act lies.

However, there are threats to the region that persist, and vision that brought the Highlands Act to fruition remains both relevant and vital to the future well-being of the state. Challenges to maintain water quality, improve forest health and areal forest coverage, support agriculture and foster economic activity that is consistent with the Act and the RMP will drive the work of the Highlands Council as we start the next 20 years of implementation. The Highlands Act was visionary in its intentions. It is our responsibility to make that vision a reality for everyone living in our great state, but more importantly, for the next generation of New Jersey residents.

- **Conforming Municipalities.** The Highlands Act is implemented in three main ways: by ensuring the RMP is reflected in state and local policies; by applying the NJDEP Highlands Rules throughout the region; and by integrating Highlands Act principals into local planning and zoning measures. The municipal role in implementing the Highlands Act cannot be understated.

For lands in the Preservation Area of the region, the Highlands Act requires municipalities to conform their local zoning and planning with the Highlands RMP. The Act leaves conformance voluntary in the Planning Area. The consequence of this division is that the municipal role in implementing the RMP and the Highlands Act is strictly voluntary in nearly half of the region's towns and nearly half the region's land remains vulnerable to the kind of development that threatened the Highlands in 2004 and led to the passage of the Highlands Act.

To date, the Highlands Council has had mixed success in persuading towns to voluntarily conform with the RMP. However, there has been some recent progress. Some of the resistance to voluntary conformance dates back to the initial antipathy towards the Highlands Act from municipalities that resented interference with local land use control. This push back has begun to wane as local officials begin to realize that their local land use goals are likely aligned with the vision of the RMP. Add to this the technical assistance available from Highlands Council staff and the ability to assist in navigating issues with other state agencies, and the Highlands Council becomes a valuable ally and advocate for municipalities. When combined with the financial benefits that are available and the legal protection for local land use decisions that come with conformance it becomes clear that not only are there no drawbacks to conformance, but that it actually strengthens local control over the future of these towns.

As more of the region's municipalities investigate the requirements of conformance, they realize how minor the changes to their current course need to be and how beneficial conformance is for the town. The recent Affordable Housing legislation that distinguishes between conforming Highlands municipalities and all other towns in the state is just a part of the evidence of those benefits. This realization has led to a number of Planning Area only towns seeking plan conformance over the past year. We encourage all 88 municipalities to take advantage of the benefits of conformance and that our role here at the Highlands Council is to protect the region's resources by supporting and partnering with local government.

- **Affordable Housing Policy.** As has been discussed here before, the new Affordable Housing legislation passed earlier this year has changed how municipal "Mount Laurel" obligations will be calculated and administered. The law includes provisions that require consideration of the Highlands Act, the Highlands RMP and the accompanying municipal build-out calculations to be factored into the process.

The new legislation contains an aggressive timeline for implementation of its provisions. This means that the 88 Highlands towns, just like the rest of the state's 565 municipalities, are "on the clock" when it comes to assessing and planning for meeting their Round 4 Affordable Housing obligations that will commence in 2025. The Highlands Council is taking measures right now to

support and assist our communities with completing these requirements in a manner that is both consistent with the new law and consistent with the Highlands Act.

The first step, the adoption of an amendment to the RMP has been completed. In September, three additional measures will be available. The first will be guidance on how Round 4 Affordable Housing Plans should be created. This document will essentially be an instruction manual for municipal planners on how to create a housing plan that is consistent with the RMP. The second will be instructions on how to calculate each municipality's build-out. The overall development potential for each town is the foundation for determining the affordable housing unit count that must be incorporated into each plan. A GIS-based tool to calculate the build-out is being created by Highlands staff and will be available to every town. A training session for municipal planners and officials will be conducted early in the Fall. The third is a round of grant funding to pay for this planning work. These grants will be open to all Highlands municipalities, however, priority for this limited funding will be given to conforming towns.

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.

- **Town of Clinton, Hunterdon County.** Zoning Map Updates.
- **Harding Township, Morris County.**
 - Master Plan Reexamination Report
 - Water Use and Conservation Management Plan
- **Hope Township, Warren County.** Municipal Zoning Analysis
- **Hunterdon County.**
 - County Tourism, Digital Marketing and Advertising Campaign (partial completion).
 - Quality Assurance Project Plan for Watershed Management Plan Development for the Musconetcong Watershed in Hunterdon County.
- **Morris County.** Mount Arlington Boulevard Stormwater Analysis and Improvements in Roxbury Township
- **West Milford, Passaic County.** Marshall Hill Road Redevelopment Study
- **Wharton Borough, Morris County.** Lake Management Plan, Washington Forge Pond.

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.

- **Alexandria Township, Hunterdon County.** Stormwater/MS4 Compliance.
- **Bethlehem Township, Hunterdon County.** Stormwater/MS4 Compliance.
- **Bernards Township, Somerset County.** Initial Assessment.

- **High Bridge Borough, Hunterdon County.** Highlands Land Use Ordinance.
- **Hope Township, Warren County.** Stormwater/MS4 Compliance.
- **Hunterdon County.** Watershed Management Plan for the Musconetcong Watershed.
- **Jefferson Township, Morris County.** Lake Hopatcong Trout Habitat Study: Phase 3.
- **Mendham Township, Morris County.** Initial Assessment (amended).

Scopes/Funding Requests

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

- **Hamburg Borough, Sussex County.** Stormwater/MS4 Compliance.
- **High Bridge Borough, Hunterdon County.** Highlands Land Use Ordinance.
- **Hopatcong Borough, Sussex County.** Stormwater/MS4 Compliance.
- **Lopatcong Township, Warren County.** Stormwater/MS4 Compliance. (Revised per Highlands Council comments)
- **Sparta Township, Sussex County.** Municipal Master Plan Update.
- **Union Township, Hunterdon County.** Stormwater/MS4 Compliance.

Other Notable Implementation Activities

- **Bernardsville Borough, Somerset County.** Passed a resolution indicating the borough’s intent to conform with the Highlands RMP.
- **Highlands Region Branding and Marketing project.** Highlands Council Planning Manager Maryjude Haddock Weiler coordinated a comprehensive tour of the Highlands region for representatives from the project consulting team, North Star, during the week of July 8. The consulting team met with local business owners, as well as county tourism, chamber and other economic development professionals across the region.

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 – Flanders-West Wharton Structure 477 (w/NJDEP)**
Jefferson Township, Morris County
Jersey Central Power & Light Company (JCP&L) is seeking an [Exemption 11](#) to replace five wooden utility poles with one steel monopole on an existing foundation in Jefferson Township.
Highlands Council staff review in progress.
- **Highlands Applicability Determination (HAD), Exemption #11 – Mahwah Well 18A Improvements (w/NJDEP)**
Mahwah Township, Bergen County

Mahwah Township is seeking an [Exemption 11](#) 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 review in progress.*

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

Washington Township, Morris County

Washington Township, Morris County is seeking an [Exemption 11](#) 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 review in progress.

- **Highlands Applicability Determination (HAD), Exemption #11 – City of Newark, Department of Water and Sewer Utilities, Pequannock Water Treatment Plant (w/NJDEP)**

West Milford, Passaic County

The City of Newark is seeking an [Exemption 11](#) to make improvements to a water treatment facility the city owns in Pequannock. The proposed project involves upgrades to the filtration system that will enhance performance, reliability and resiliency of the treatment plant.

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

- **Planning Area Consistency – Rockaway Home Townhomes**

Rockaway Township, Morris County

The applicant is proposing the redevelopment of a residential parcel, replacing an existing single-family home with four townhomes in two separate structures.

Highlands Council staff review: Due to limited development impact the project was returned to municipality for local review.

- **Planning Area Consistency – 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: Incomplete application; Additional information requested.

- **Planning Area Exemption (#4) – Clinton House Renovation**

Town of Clinton, Hunterdon County

The proposed project consists of site improvements including minor grading and landscaping and modifications to the building.

Highlands Council staff finding: Exempt

Land Preservation Program Updates

- **Highlands Region Open Space and Recreation Plan.** Following a kick-off meeting in June, Highlands Council staff met with the project consultant to discuss stakeholder outreach and formation of a steering committee.

Staffing and Staff Development

- **Welcome Elizabeth Ward.** In July, the Highlands Council welcomed Elizabeth Ward, PP, AICP to fill the vacant Regional Planner position. Elizabeth joins the Highlands Council most recently from NV5 where she was directing the Warren County Complete Streets initiative.
- **Administrative Assistant Position.** Interviews were conducted with five applicants for the vacant Administrative Assistant position. An offer is in progress.

Outreach & Education

- **Constituent Assistance.** The Highlands Council received and responded to 19 inquiries from constituents in July.

Agency & Organization Collaboration

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

- **State Agencies.** In July, Highlands Council staff met with the State Agriculture Development Committee (Statewide Formula Value Technical Advisory Committee meeting) and NJDEP (Failing Septic Systems in the Highlands).
- **NGOs.** In July, Highlands Council staff met with the New Jersey League of Conservation Voters and the New Jersey Highlands Coalition regarding stormwater utilities.

Council Committee Meetings

- In July, the following Highlands Council committees met: Budget and Finance, RMP Amendment, Plan Conformance.

Looking Ahead

- **Public Council Meetings.** The August Highlands Council public meeting has been cancelled. The September public meeting is scheduled for Thursday, September 19. 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.