

**WARREN COUNTY PLANNING DEPARTMENT
WAYNE DUMONT, JR. ADMINISTRATION BUILDING
165 COUNTY ROAD 519, SOUTH
BELVIDERE, NEW JERSEY 07823-1949**

DAVID K. DECH
PLANNING DIRECTOR



Telephone: (908) 475-6532
Fax: (908) 475-6537
planningdept@co.warren.nj.us

**AMENDED AGENDA
WARREN COUNTY PLANNING BOARD**

Monday, February 28, 2022

8:00 p.m.

In-Person and Via Electronic Communication

Development Review Committee meets at 7:00 pm

CALL TO ORDER

INTRODUCTORY STATEMENT:

Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act by forwarding a notice of the date, time and location of the meeting to THE STAR-LEDGER, THE DAILY RECORD and the Warren County Clerk and by posting a copy thereof on the bulletin board of the Warren County Courthouse and Administration Building. The meetings will be conducted in person. The public may attend the meeting in person or view the meeting virtually through electronic communications equipment to preserve the health, safety and welfare of the public in conformance with N.J.S.A. 10:4-6, et seq. [the Open Public Meetings Act]. Public comments may be made in person at the time of the meeting or submitted in advance by email or written letter. Formal action will be taken.

**SELECTED SUBDIVISION AND SITE PLAN MAPS TO BE ACTED ON AT THIS
MONTH'S MEETING MAY BE VIEWED AT**

<https://warrencountynj.maps.arcgis.com/apps/Shortlist/index.html?appid=84bb354d75dc4868a66480fde8124c4c>

The public is invited to attend this meeting by calling:

1-877-309-3457 (toll free) or 1-404-397-1516

When prompted for Meeting Number (access code) press 2339 544 5589 and the # sign.

When prompted for Attendee Number press the # sign.

OR

JOIN WEBEX

<https://warrencountynj.webex.com/warrencountynj/j.php?MTID=m10f6b41b3b0818813cd3a5df2f1eed8f>

Meeting number (access code): 2339 544 5589

Meeting password: 8evMYSS2WN3

ROLL CALL

SALUTE TO THE FLAG

REORGANIZATION

Report of Nominating Committee

- Election of Officers:
 - Chairman
 - Vice Chairman
 - Secretary
- Appointment of Attorney
- Appointment of Recording Secretary
- Committee Appointments:
 - Development Review Committee (4)
 - Open Space Committee (3)
- Liaison Designees:
 - Municipal and Charitable Conservancy TF Committee
 - Lackawanna Cutoff Designee
 - Morris Canal Committee
 - Agriculture Development Board
 - Board of Recreation Commissioners
 - Solid Waste Advisory Council

MEETING SCHEDULE – MARCH 2022 TO JANUARY 2023

APPROVAL OF MINUTES OF PREVIOUS MEETING(S)

- December 20, 2021

PUBLIC COMMENTS

SUBDIVISION & SITE PLAN REPORT

Subdivisions

21-002 (P)	Jaindl Land Company	White Township
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Site Plans

21-007-SP	Jaindl Land Company	White Township	
21-006-SP	Jaindl Land Company	White Township	
21-024-SP	Greenwich Dumont Urban Renewal Assoc.	Greenwich	
21-016-SP	PN Restaurants Inc. c/o Phillips Dev LLC	Phillipsburg	Time Extension Request
20-002-SP	Becrett of White Township	White	Time Extension Request
18-006-SP	LMR Disposal, LLC	Harmony	Time Extension Request

CORRESPONDENCE:

- Agriculture Development Board – Minutes of November 18, 2021 and December 16, 2021
- New Jersey Planner - November/December 2021

DIRECTOR'S REPORT

Warren County Planning Dept. Project Report January/February 2022

COMMITTEE REPORTS

LIAISON REPORTS

OLD BUSINESS

- Adoption of Amendments to Bylaws

NEW BUSINESS

OTHER BUSINESS

PUBLIC COMMENTS

ADJOURNMENT

**Members Who Do Not Plan To Attend the Meeting
Please Notify the Planning Department**

WARREN COUNTY PLANNING BOARD

165 County Road 519, South
Belvidere, NJ 07823-1949

RESOLUTION

On a motion by _____, seconded by _____, the following resolution was adopted by the Warren County Planning Board at a meeting held on February 28, 2022.

**RESOLUTION AWARDING CONTRACT WC2168FO FOR
A PROFESSIONAL SERVICES
AGREEMENT TO APPOINT MATTHEW C. MOENCH OF KING MOENCH HIRNIAK
& MEHTA, LLP, TO PROVIDE LEGAL SERVICES TO THE WARREN COUNTY
PLANNING BOARD FOR THE YEAR 2022**

WHEREAS, there exists a need for legal services to assist the Warren County Planning Board in the performance of its responsibilities; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq) requires that the resolution authorizing the award of contracts for professional services without competitive bidding must be publicly advertised; and

WHEREAS, the County Planning Act (N.J.S.A. 40:27-3) enables the County Planning Board to employ experts and pay for these expenses as may be deemed necessary for the making of the master plan and carry out other duties as prescribed in the County Planning Act; and

WHEREAS, adequate funds are available in Account #011800-5009; and

NOW, THEREFORE, BE IT RESOLVED by the Warren County Planning Board as follows:

1. The proposal dated December 1, 2021, with King Moench Hirniak & Mehta LLP, to appoint Matthew C Moench, Esq. as Warren County Planning Board Attorney and to provide legal services for the year 2022 is approved and shall be entered into by the Warren County Planning Board. A copy of the agreement is on file in the office of the County Planning Board, Administration Building, 165 County Road 519, South, Belvidere, New Jersey, and is made a part hereof by reference.
2. The fees for these services shall be Three Hundred Twenty Dollars (\$335) for each meeting attended, commencing with the meeting on February 28, 2022. Additional legal work - \$165/hr. Partner; \$125 Associates; \$65 Paralegals/Law Clerks.
3. This contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts law because the services are to be performed by a person or persons authorized by law to practice a recognized profession.
4. Notice of this action shall be published in **THE STAR-LEDGER**, as required by law, within ten (10) days of its adoption.

Roll Call Vote:

Mr. Baker—

Mr. Kern —

Mr. Piazza—

Mr. Hopkins (alt 2)—

Ms. Dunn—

Mr. Norton -

Mr. Sarnoski—

Mr. Urfer (alt 1.) —

Mr. Gleba —

Ms. Pasquarelli —

Mr. Smith-

I hereby certify the above to be a true copy of a resolution adopted by the Warren County Planning Board on the date above mentioned.

Secretary

Warren County Planning Board
Meeting Schedule
2022 - 2023

	Submission Due Date
▪ February 28	11 th
▪ March 28	11 th
▪ April 25	8 th
▪ May 23	6 th
▪ June 27	10 th
▪ July 25	8 th
▪ August 22	5 th
▪ September 26	9 th
▪ October 24	7 th
▪ November 28	11 th
▪ December 19	2 nd (moved due to holiday)
▪ January 23, 2023	6 th

Development Review Committee – TBD

Planning Board Conference Room, Warren County Administration Building, Belvidere, NJ

County Planning Board Meeting - TBD

Freeholder's Meeting Room, Warren County Administration Building, Belvidere, NJ

DYKSTRA WALKER DESIGN GROUP

ENGINEERING, ENVIRONMENTAL SERVICES, PLANNING, SURVEYING

February 10, 2022

Albert Krouse, GISP
Senior Planner
Warren County Planning Department
Wayne Dumont, Jr. Administration Building
165 County Route 519 South
Belvidere, NJ 07823

RECEIVED

FEB 10 2022
20-002-SF
WARREN COUNTY
PLANNING BOARD

Reference: Conditional Site Plan Approval
Becrett of White Township
Block 62, Lots 15, 17 & 17.01
NJ State Highway Route 46 and County Route 618
White Township, Warren County

Dear Mr. Krouse:

Please accept this letter as a formal request for a ninety (90) day extension to the above referenced conditional site plan approval. The applicant and his professionals are working with White Township to address the conditions listed in the June 29, 2021 conditional approval for this project. The agreement for the municipality to own and maintain the sanitary sewer facilities is under review by White Township. Once the agreement has been formalized, a copy will be sent to the County for your records. Additionally, revised site plans and sanitary sewer and bridge maintenance easement documents will be submitted. The site plans will be revised to include notes on sewer construction per your October 7, 2021 email. The easements will also include the necessary language from your October 7th email. Confirmation from the White Township engineer will also be provided confirming that the stormwater management plan, system and maintenance responsibilities for the site have been unconditionally approved by the White Township Planning Board.

Should you have any questions, or require any additional information, please contact our office at your convenience.

Regards,

DYKSTRA WALKER DESIGN GROUP



Mark Gimigliano, P.E.

encl.

cc: Keith Beccia
Amanda Curley, Esq.

RECEIVED

February 2, 2022

Via Email
akrouse@co.warren.nj.us

FEB - 3 2022
21-016-SP
WARREN COUNTY
PLANNING BOARD

Albert Krouse, GISP
Senior Planner
Warren County Planning Board
165 County Road 519 South, Suite 111
Belvidere, NJ 07823

RE: Proposed Arby's Restaurant with Drive-Thru
and Popeyes Restaurant with Drive-Thru
680 Memorial Parkway (NJSH Route 22)
Block 1004; Lot 3
Town of Phillipsburg
Warren County, New Jersey
BENJ# JS200708
County File No. 21-016-SP

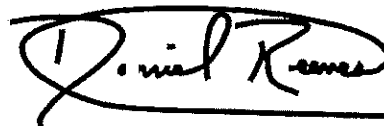
Dear Mr. Krouse:

As we discussed on February 1, 2022, the above-referenced project has received its local municipal approval as well as NJDOT "Letter of No Interest". While we are putting together a formal response letter to your office, please accept this letter as a formal 60-day extension request on the conditional approval. We appreciate your time and effort and understanding of the extension.

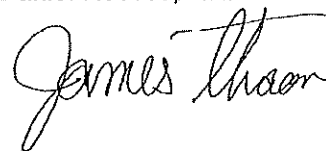
Should you have any questions or require any additional information, please do not hesitate to contact our office.

Sincerely,

BOHLER ENGINEERING NJ, LLC



Daniel Reeves P.E.



James F. Thaon, P.E.

DR/arc G:\2020\JS200708\Admin\Letters-OUT\County 03.doc

cc: Lawrence BenBassett, PN Restaurants, Inc. (via email)



STEINHARDT
CAPPELLI
TIPTON &
TAYLOR LLC

235 Broubalow Way
Phillipsburg, NJ 08865

o 908.454.8300
f 908.454.5827

Donald E. Souders, Jr., Esq. | Partner
610.691.7900 x 1026
dsouders@floriolaw.com

February 24, 2022

VIA HAND DELIVERY

Deborah A. Pasquarelli, Chair
Warren County Planning Board
Wayne Dumont, Jr.
Administration Building
165 County Route 519 South
Belvidere, NJ 07823-1949

RE: LMR Disposal, LLC: Request for an Extension to Satisfy Conditions for Approval of Site Plan Application; File No. 18-006-SP

Dear Ms. Pasquarelli:

As you are aware, this Firm represents LMR Disposal, LLC ("LMR"). On September 24, 2019, LMR's preliminary/final application for site plan, File No. 18-006-SP, Block 4, Lot 3.02, located on Roxburg Station Road (CR 622) and South Foul Rift Road (the "Property") was reviewed and approved by the Warren County Planning Board (the "Board") by way of letter, with certain conditions ("Conditional Approval"). LMR has been diligently working to complete the conditions for full approval of its site plan for the Property since LMR's last extension request, which was approved by the Planning Board and provided LMR until March 11, 2022 to complete the remaining condition. Due to conditions entirely outside the control of LMR, LMR respectfully requests a three-month extension of to fulfill the same, **or until June 11, 2022.**

The sole remaining condition for site plan approval, as set forth by the letter from Senior Planner Albert Krouse dated September 23, 2021, is that LMR must provide a copy of the agreement/easement between Block 4, Lots 3.01 and 3.02 related to stormwater management to the County for review. LMR has been unable to secure such an agreement/easement because it does not own either lot. Instead, RMK Associates, LLC ("RMK") owns both Block 4, Lots 3.01 and 3.02 and, to date, has been unwilling to sign the draft agreement LMR provided them. Moreover, LMR and RMK are currently involved in contentious litigation related to RMK's failure to deliver the deeds to Block 4, Lots 3.02 and 3.03 in Harmony Township, New Jersey pursuant to LMR's exercise of an option to purchase said lots. Accordingly, RMK has, to date, refused to cooperate with LMR in the execution of the stormwater management easement.

Despite LMR's diligent efforts in preparing the requested easement for the County and working in good faith to get the agreement/easement signed by the owners of Lots 3.01 and 3.02, it has been unable to do so for reasons entirely outside its control. Accordingly, LMR respectfully requests an additional three months to fulfill the remaining condition for site plan approval.

Please do not hesitate to contact me with any questions.

Very truly yours,

FLORIO PERRUCCI STEINHARDT
CAPPELLI TIPTON & TAYLOR, LLC



Donald E. Souders, Jr., Esquire

DES/skp

cc: David Dech, Planning Director (*Sent via email: ddech@co.warren.nj.us*)
Albert Krouse, Senior Planner (*Sent via email: akrouse@co.warren.nj.us*)
Courtney Morrow, Secretary/Clerk (*Sent via email: harmonyoffice@ptd.net*)

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation
P.O. Box 179
500 Mt. Pisgah Avenue
Oxford, NJ 07863

**Meeting Minutes
November 18, 2021**

The regular monthly meeting was held virtually by the Department of Land Preservation via Webex. The meeting was called to order by Chairman Schnetzer at 7:33 p.m. An announcement was read as required by the Open Public Meetings Act, N.J.S.A. 10:4-6-21.

Members present: Tim Bodine, Bradley Burke, Matthew Hood, Rene Mathez, Jason Menegus, Joel Schnetzer, Melissa Watters

Members absent: none

Others present: T. Kaminski, C. Tierney, Staff; Katrina Campbell, County Counsel; Timothy Wilmont, SADC; Kelley Smith, Harmony Township.

Minutes of the meeting held on October 21, 2021 were approved on a motion by Mr. Mathez and seconded by Mr. Burke. Motion carries. Mr. Mathez had brought to the Board's attention that the minutes were stating that the monthly meetings were being held at the office of the Land Preservation when they have been held virtually. A correction will be made for the October minutes to note that.

Correspondence: Noted

Public Input (Non-agenda Items): None

Old Business:

Pipers Hills Farms, LLC, TLC-NJ Non-Profit, BL48 L72, Washington Township, approx. 28 gross acres

All of the Engineering's requests were found to be sufficient on this property and the closing was held on November 8th.

Deed of Easement Compliance—Plainview Growers, BL 105 L 8, Allamuchy Township

The SADC Attorney requested requirements for outstanding title issues for a small triangle piece across the street from the property (was not included in Deed when purchased, but part of the Division of Premises). The ROW road realignment does not appear to be an issue, but the Township drainage easement over the preservation easement is an issue. Mr. Tierney is awaiting guidance from Attorney Aaron Culton as per SADC and there has been no contact to our department from the landowner.

Update to County farmland Plan/Target List (TLCNJ)

Mr. Tierney had stated that the Commissioners approved the agreement with The Land Conservancy of New Jersey for the target analysis of farms under 40 acres. Ms. Heskins will be working on the preliminary mapping and lists of farms at 20 and 30 acres and plan to meet with the subcommittee in December.

Deed of Easement Compliance—Kero, BL 29 L 1 & 1.01, Knowlton Township

Mr. Tierney stated that he has not heard from Mr. Kero, but that the Township Mayor and Attorney inquired about the farms being Certified. We have not yet received an application for Certification of Commercial farm from Mr. Kero. Mr. Tierney recently viewed the property from the road and saw water pooling in the lower depression area in which the fill was being brought in to raise to the field level. No additional material is being brought in at this time and the landowner appears to be complying with the Department's cease and desist letter. Mr. Tierney stated that neither Eikon nor Mr. Kero has supplied our department with the results from the tests. The Township is pursuing their soil importation violation with the landowner.

Brunkhorst Land Donation, BL 301 L29, 30, 31.01 & BL 805 L 19.01 Mansfield

Mr. Tierney had forwarded the Deed of Easement with additional language regarding forest conservation to Sandy Urgo of The Land Conservancy of NJ to discuss with the landowner. He is waiting to hear back regarding the restrictions.

New Business:

Formal Complaint Hearing – Krouse vs. Skoog (Sarepta Farms)

This matter will not be heard this evening and will be tabled until further notice from Substitute Counsel Aaron Culton. Both parties have submitted written argument to SADC regarding conflict to transfer this matter to another County Agriculture Development Board and we are waiting for a response.

Certification of Commercial Farm Applications

Kelrick Farms, LLC, BL 4 L 3, Harmony Township

Pat and Kelley Smith owners of Kelrick Farms, LLC in Harmony Township have applied for a Certification of Commercial Farm on BL 4 L 3. They have provided to the Board for review, the required documents for farms that are 5 acres or more: (1) Current Farmland Assessment Form showing eligibility for differential property taxation pursuant to the Farmland Assessment Act of 1964 (2) Income from 2020 tax return showing a gross income of over \$2,500 from the sale of agricultural and/or horticultural products (3) Tax Map of subject property location that is in an area as of December 31, 1997 or thereafter where agriculture has been a permitted use under the municipal zoning ordinance and master plan.

Star D Farm, LLC, BL 7 L 1 & 1.03, Harmony Township

Pat and Kelley Smith owners of the Star D Farm, LLC in Harmony Township have applied for a Certification of Commercial Farm on BL 7 L 1 & 1.03. They have provided to the Board for review, the required documents for farms that are 5 acres or more: (1) Current Farmland Assessment Form showing eligibility for differential property taxation pursuant to the Farmland Assessment Act of 1964 (2) Income from profit or loss from 2020 tax return showing a gross income of over \$2,500 from the sale of agricultural and/or horticultural products (3) Tax Map of subject property location that is in an area as of December 31, 1997 or thereafter where agriculture has been a permitted use under the municipal zoning ordinance and master plan.

Chairman Schnetzer stated that the applications supplied the sufficient documentation requested and met the criteria for Certification of Commercial Farm. A motion was made by Mr. Mathez to grant certification to both Kelrick Farms, LLC and Star D Farm, LLC of Harmony Township as Commercial Farms. Mrs. Waters seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine –yes; Mr. Burke – yes; Mr. Hood –yes; Mr. Mathez – yes;
Mr. Menegus- yes; Mrs. Waters – yes.

Administrator's Report

Mr. Tierney stated that J&J Smith farms will be closing this month.

Oberly Farm

Mr. Tierney stated that he talked to Cliff and Sheila Oberly regarding the additional deed of easement language additional restrictions under the US Fish and Wildlife. This farmland application is within the PVCA and was given a Highlands Grant. The landowners were concerned about the restricted language as they had concerns that their property is located near the Pohatcong Creek. They are concerned with run off issues from cows regarding the hydrology language by the US Fish and Wildlife. The SADC also has concerns with this language. Mr. and Mrs. Oberly asked if there were any other funding sources available (the SADC not participating in cost-share for farms that are located in the Pohatcong Valley Contamination Area). Mr. Tierney stated that at this time, he was not aware of any other partnering agencies for cost-share.

Mr. Bodine made a motion to recommend to the Commissioners that the County pursue 100% funding on the Oberly farm in Greenwich and Franklin Townships. Mr. Menegus seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mr. Mathez – abstain;
Mr. Menegus- yes; Mrs. Waters – yes.

New Applications:

County Applications

- **Ferri** – Washington Township (Approx. 65 acres) Appraisers are currently updating the appraisals for this application.

Total Applications: 1 Total Acres: 65

Municipal Applications

Total Applications: 0 Total Acres: 0

SADC applications

Total Applications: 0 Total Acres: 0

Awaiting Green Light Approval:*County Applications*

Total Applications: 0 Total Acres: 0

Municipal Applications

- **Rick Smith Farm** – White (Approx. 25 acres)

Total Applications: 1 Total Acres: 25

Received Green Light Approval:*County Applications*

- **McEvoy #1** – White Township (Approx. 102 acres) Appraisals underway.

Total Applications: 1 Total Acres: 102

Municipal Applications

- **Hoh** – Knowlton (Approx. 31 acres) Received Green Light Review Letter.

Total Applications: 1 Total Acres: 31

Non-profit applications

- **Shotwell Family Partnership, LP** – Blairstown Township (Approx. 154.5 acres)
- **Silver Pine Farm, LLC** – Frelinghuysen Township (Approx. 33.23 acres)
- **Watercress** – Frelinghuysen Township (Approx. 117 acres)

Total Applications: 3 Total Acres: 304.73

Received CMV & Offer Made:*County Applications*

- **McEvoy #2** – White Township (Approx. 20 acres) \$5,200. On SADC Agenda for final approval. SADC requested another confirmation from landowner regarding exception area being located in wetlands buffer area.

Total Applications: 1 Total Acres: 20

Municipal Applications

Total Applications: 0 Total Acres: 0

SADC applications

- **Gardner** – Franklin Township (Approx. 91.5 acres)
- **Riggs** – Franklin Township (Approx. 34 acres)

Total Applications: 2 Total Acres: 125.5

Non-profit applications

- **Giordano** – Frelinghuysen Township (Approx. 33.98 acres) CMV \$4,000
- **Mt. View Farms** – Franklin Township (Approx. 55.30 acres) \$4,250 CMV.
- **Santini Home Farm** – Franklin Township (Approx. 39.905 acres) \$4,750 CMV.

- **Stecker**— Harmony Township (Approx. 18,988 acres) \$5,175 CMV

Total Applications: 4 Total Acres: 148.173

Under Contract (Title Search & Survey):

County Applications

- **Anema, Ralph** — Washington Township (Approx. 123 acres) Landowner proceeding with Township to subdivide 6 acres severable exception. Received signed contract. Survey underway.
- **Khan (7 Old Orchard Road)** — Hardwick Twp. (Approx. 75 ac.) CMV \$3,400. Hardwick Township to cost-share at \$600/acre. Received draft survey and title work underway.

Total Applications: 2 Total Acres: 198

Municipal Applications

- **Gugel** — Hope Township (Approx. 48.5 acres) CMV \$4,000.
- **Vass** — Knowlton Twp. (Approx. 100 ac.) CMV \$4,700. Landowner confirmed location of exception area to 3.3 acres. Received contract. Received draft survey. Ordered title work.

Total Applications: 2 Total Acres: 148.5

Non-Profit Applications

- **Campgaw Farm** — Hope/Blairstown Townships (Approx. 135.54 acres) Received title work.
- **Kimball** — White Twp. (Approx. 45 ac.) CMV \$4,200. TLC-NJ has signed contract, draft survey and title. Sent draft survey and title to Engineering for their review. Waiting to receive from surveyor Engineering's requested revisions.
- **Promised Land (M. Santini)** — Franklin Twp. (Approx. 58 ac.) CMV \$4,650. Received title and survey.

Total Applications: 3 Total Acres: 238.54

SADC applications

- **Moyer**— Pohatcong Township (Approx. 128.3 acres)

Total Applications: 1 Total Acres: 128.3

Waiting to Close (Final Legal Review):

County Applications

- **Beatty South** — Greenwich Twp. (Approx. 57 ac.) CMV \$9,500. Mrs. Beatty has died, estate being settled.
- **Beatty North** — Greenwich Twp. (Approx. 86 ac.) CMV \$8,800. Mrs. Beatty has died, estate being settled.
- **Dykstra** — Mansfield Twp. (Approx. 209 ac.) CMV \$3,900. Received completed survey revisions and sent to SADC.
- **Haydu** — Harmony Twp. (Approx. 46 ac.) CMV \$4,900. Waiting to close.
- **Smith, John & Jean #1** — Harmony/White Twps. (Approx. 82 ac.) CMV \$4,600. Waiting to close.
- **Smith, John & Jean #2** — Harmony Twp. (Approx. 36 ac.) CMV \$6,000. Waiting to close.

Total Applications: 6 Total Acres: 516

Municipal Applications

- **Dokie's Acres (Thompson)** — White Twp. (Approx. 43 ac.) CMV \$6,000.
- **McLain** — Harmony Twp. (Approx. 140 ac.) CMV \$5,700. On hold pending resolution of erosion issue with SADC; Stefanie Miller to discuss with Susan Payne.

Total Applications: 2 Total Acres: 183

Non-Profit Applications

Total Applications: 0 Total Acres: 0

SADC applications

- **Shen** — Mansfield Township (Approx. 222 acres) Coordinating with County Engineering, SADC, and NRCS to facilitate drainage easements requested by Engineering.

Total Applications: 1 Total Acres: 222

Recent Closings:

- **Pipers Hill Farm (Gibb)** – Washington Twp. (Approx. 27 ac.) CMV \$5,500. Closed on 11/8/21!

Pohatcong Contamination Area Projects:

Seeking Highlands Council Open Space Funding cost-share

- **Pear Tree Realty** – Franklin Township (Approx. 62 ac.) Waiting for update to title.
- **Pereira** – Franklin Township (Approx. 30 ac.) Waiting for update to title.
- **Myers/Toretta #1** – Franklin Township (Approx. 38 acres) Waiting for update to title.
- **Myers/Toretta #2** – Franklin Township (Approx. 48 acres) Waiting for update to title.
- **Noel** – Franklin Township (Approx. 44 ac.) Waiting for update to title after surveyor sends out revisions.
- **Oberly** – Franklin/Greenwich (Approx. 96 ac.) Received Highlands Grant. Received appraisals. Need to talk to landowner about Highlands restrictions.
- **O'Dowd South** – Franklin & Greenwich Township – (Approx. 132 ac.) Received Highlands Grant. Warren County and Highlands to be Co-owners of DOE.

Total Applications: 7 Total Acres: 450

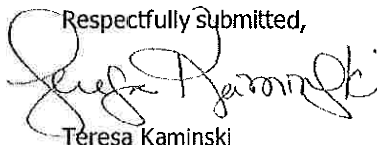
2021 Closings YTD: 9 farms totaling 686,673 acres

Program Totals: 310 farms totaling 27,108,1904 acres

Public Comment: Kelley Smith thanked the Board for the Certifications on her farms.

Adjournment: A motion for adjournment was made by Mr. Burke and seconded by Mr. Bodine. Motion carries. Chairman Schnetzer adjourned the meeting at 7:49 pm.

Respectfully submitted,



Teresa Kaminski

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation
P.O. Box 179
500 Mt. Pisgah Avenue
Oxford, NJ 07863

**Meeting Minutes
December 16, 2021**

The regular monthly meeting was held virtually by the Department of Land Preservation via Webex. The meeting was called to order by Chairman Schnetzer at 7:32 p.m. An announcement was read as required by the Open Public Meetings Act, N.J.S.A. 10:4-6-21.

Members present: Tim Bodine, Bradley Burke, Matthew Hood, Rene Mathez, Jason Menegus, Joel Schnetzer, Melissa Watters

Members absent: none

Others present: T. Kaminski, C. Tierney, Staff; Aaron Culton, Substitute County Counsel; Timothy Wilmont, SADC; Patrick & Kelley Smith, Harmony Township; Jacob Tanis, Elizabeth Sands, Franklin Township.

Minutes of the meeting held on November 18, 2021 were approved on a motion by Mr. Burke and seconded by Mr. Hood.

Correspondence: Noted

Public Input (Non-agenda Items): None

Old Business:

Deed of Easement Compliance— Plainview Growers, BL 105 L 8, Allamuchy Township

Mr. Tierney spoke with Mr. Van Vugt regarding entering into a written agreement that will specify what is expected for compliance and a time frame for completion of the outstanding issues and concerns for outstanding title issues for a small triangle piece across the street from the property (was not included in Deed when purchased, but part of the Division of Premises) and the Township drainage easement over the preservation easement.

Deed of Easement Compliance – Kero, BL 29 L 1&1.01, Knowlton Township

Mr. Tierney stated that he is still pursuing this matter pertaining to material that was brought in to fill depression on the preserved farm.

Update to County farmland Plan/ Target List (TLCNJ)

Mr. Tierney had stated that the State has passed a law withholding names on parcels and it has made getting information for the Target List.

Brunkhorst Land Donation, BL 301 L 29, 30, 31.01 & BL 805 L 19.01 Mansfield

Mr. Tierney had forwarded the Deed of Easement with additional language regarding forest conservation to Sandy Urgo of The Land Conservancy of NJ to discuss with the landowner. He is waiting to hear back regarding the restrictions and if it is acceptable.

New Business:

Resolutions for Certification of Commercial Farm Applications

Resolution#21-11 Kelrick Farms, LLC, BL 4 L 3, Harmony Township

A motion was made by Mr. Mathez to memorialize Certification of Commercial Farm Resolution #21-11, Kelrick Farms, LLC as presented. Mr. Bodine seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mr. Mathez – yes;
Mr. Menegus- yes; Mrs. Watters – yes.

Resolution #21-12 Star D Farm, LLC, BL 7 L 1&1.03, Harmony Township

A motion was made by Mr. Mathez to memorialize Certification of Commercial Farm Resolution #21-12 Star D Farm, LLC of Harmony Township. Mrs. Watters seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mr. Mathez – yes;
Mr. Menegus – yes; Mrs. Watters – yes.

SSAMP Right to Farm Hearing Star D Farm, LLC B17L 1.03, Harmony Township

Mr. Tierney had stated that the SSAMP Application was deemed complete. Attorney Culton swore in Patrick Smith to give testimony for the hearing. Mr. Culton stated that the SSAMP has been adequately published in the local newspaper and noticed of hearing served to all adjacent landowners, Township and other appropriate parties and may proceed. Mr. Smith stated that he would like to build a 180' L x 80' W x 24' H indoor riding arena with the 24' being a lean to that would, at some point, contain 13 stalls for horses and is seeking relief from Township Site Plan Approval.

Chairman Schnetzer asked what his plans were for the proposed building and asked about the horses. Mr. Smith stated that there it would be for boarding horses and that there is no training, but has one personal horse for his daughter. Mr. Smith said that there are currently 12 horses on the farm and proposing 13 stalls at some point.

Mr. Burke asked if the proposed building would meet local ordinance for setback. Mr. Smith replies yes and stated that they would be aligned with the other building on the property which is also within the setback.

Mr. Culton stated that they weren't seeking any other relief than a site plan review regarding local ordinances. Mr. Culton stated that the NJ regulations for the AMP for equine is listed under NJ 2:76-2A.10 (e) are:

(e) The standards for riding and training areas are as follows:

1. Riding and training areas include, but are not limited to, indoor and outdoor arenas, racetracks, training tracks.
2. Riding and training areas shall be located in a well-drained area of the farm.
3. Arenas shall be maintained as follows:

i. Manure, shavings and straw shall not be placed in arenas, as these materials can increase the amount of dust in the arena and serve as a breeding area for flies, vectors, and other fomites.

ii. The arena surface, and the area immediately outside the arena, shall be maintained to prevent weeds, unmowed grass, and an accumulation of debris, which can impede the flow of rainwater out of the arena, and serve as habitat for insects and rodents.

4. Dust management requirements shall be as follows:

i. The goal of dust management shall be to minimize dust, as dust can never be completely eliminated.

ii. Farm operators shall take all reasonable and economically feasible measures to minimize dust production and dissemination, including, but not limited to, applying water, applying other recommended products in accordance with manufacturer guidelines, and establishing and maintaining vegetative buffers or windbreaks.

iii. Water application standards are as follows:

(1) Water is the most effective dust control and bonding agent in indoor and outdoor arenas.

(2) The frequency of watering shall depend upon weather conditions, the type of arena footing, and the intensity of arena use.

(3) Water shall be applied to riding and training areas and driveways in the evening, as it allows a deeper absorption of water, and less water is lost due to wind and evaporation.

(4) If dust is a persistent problem, water shall be applied additional times during the day.

Mr. Smith stated that he has a manure and storm water management plan and had submitted that to the Board and that this activity meets these requirements.

Mr. Tierney asked Mr. Smith if he was not proposing any changes to driveway access to Route 622 or 519? Mr. Smith replied no that he was not changing any driveway access on those roads. Mr. Tierney asked Mr. Smith if he was not proposing to modify existing parking area and no proposing of any grading in County ROW. Mr. Smith replied that he was not. Mr. Tierney stated that any grading isn't permitted in the County ROW and that the storm water needs to be diverted

away from ROW. Mr. Tierney stated that County Planning noticed a typo in the calculation for the storm water management amount and that the dimension was calculated for 74' x 80' which is not the measurement of the proposed building. Mr. Smith will get that corrected and contact the Engineer tomorrow to represent the building drainage calculation at 104' x 180'.

Mr. Mathez asked why they are seeking a Site Plan Review from the Board and not going through the Township. Chairman Schnetzer had stated that they basically were asking the Board for a Site Specific to protect and arm themselves with the Site Specific. Mr. Smith confirmed that was correct. Mr. Culton agreed, but the Board would grant them site plan approval. Mr. Mathez was concerned to override the Township's wish. Mr. Tierney said that the Township was noticed and had an opportunity to come before the Board if it had any concerns.

Chairman Schnetzer stated that the applicant has gone well above what we usually receive from SSAMP applicants.

Chairman Schnetzer asked if there was anyone from Harmony Township present. No one replied. Chairman Schnetzer stated to let the record show that no one from Harmony Township was with us.

Mr. Bodine made a motion to approve the SSAMP for the proposed construction of the 180' L x 80' W x 24' H indoor riding arena with 13 horse stalls under the 24 foot lean-to on condition that the drainage calculations are updated. Mr. Mathez seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mr. Mathez – yes;
Mr. Menegus- yes; Mrs. Watters – yes.

Division of Premises for Oostdyk Farm, BL 57 L 23, 24, 25, 26, 27.02

Mr. Tierney stated that our office was contacted by Mrs. Elizabeth Sands inquiring about approval for addition to her house on the preserved farm and that she was referred to us by Franklin Township. When the file was looked at, it was apparent that this farm was subdivided as Mrs. Sands owns BL 57 L 23, 24 & 25 and Mr. Tanis owns BL 57 L 26 & 27.02. These block and lots were preserved 20 years ago as one farm unit and now has two separate owners. Mr. Culton stated that these five lots are subject to one Deed of Easement and was preserved in 1997. Prior to preservation 3 lots were owned by one owner, Oostdyke (now Sands) and two lots by Mr. Tanis then transferred under common ownership between Oostdyk and Tanis, but immediately after 2 lots taken out of common ownership and 3 lots sold to a third party 25 years later is a violation of the deed of easement. One deed of easement to seek after the fact farm division with two separate conveyable interests. Mr. Culton stated that the Board should determine that each separate ownership would still have agriculture viability and agriculture purpose which could be more difficult to demonstrate.

Mr. Tanis stated that his father-in-law John Oostdyk was encouraged to preserve a large piece for preservation so Mr. Tanis entered his two block and lots into joint ownership with Mr. Oostdyk for preserving in 1995. Mr. Tanis stated that his father-in-law was told that it was better to have more property than less property put into preservation. They were always two viable farms on their own before the preservation. Mr. Tanis stated that the closing for the preservation and the deed transfer all happened at one sitting. Mrs. Sands never intended to violate easement and wasn't trying to do anything.

Mr. Tanis stated that 40-50 tillable acres on BL 57 L 23, 24 & 25 and 26 & 27.02 and over 60+ acres tillable. Ms. Kaminski did a GIS measure and has BL 23, 24 & 25 at 48.36 tillable acres (approx.) including small pastureland and BL 57 L 26 & 27.02 at 67.130 tillable acres (approx.) including small pastureland. Mr. Tanis provided a tax map that shows the division and soils maps and an aerial map were provided to the Board. The soil log for BL 57 L 23, 24 & 25 has 43.320 acres for Prime Soils, 2.432 acres for Statewide Soils out of 67.819 total acres. The soil log for BL 57 L 26 has 59.032 acres for Prime Soil out of 73.766 total acres. Ronald Sigler currently farms all the lots and grows corn for grain and applies on Tanis farm, L 26 & 27.02 and corn for grain on L 23, 24 & 25.

Chairman Schnetzer asked if Ron Sigler's driveway was included in the preservation and Mr. Tanis stated that it was taken care of where that triangle piece at the top of Lot 23 was transferred to Mr. Sigler prior to preservation in 1994, but the Township has not updated that portion of the tax map and that is why it still appears to have that configuration.

Mr. Culton said that it Board for a Division of Premises was to concern the viability of each parcel ad has enough to support its own viability and also to weight the agricultural purpose for the division should be a concern. Not sure we need to justify the viability, believe viability is established for 3 decades. The uses are in question.

Mr. Mathez stated that he would like to find a solution.

Chairman Schnetzer stated that this was a very unique situation. Might be a challenge to increase use, but very valuable to sell for cropland is enough reason. Chairman Schnetzer believes that these are 2 viable, sellable pieces of property.

Mr. Culton stated that the Board would need to provide the SADC with an ag purpose. The ag viability is easy to demonstrate. Ag purpose is to create diverse products. It is a SADC policy now. He would like to talk to Katrina Campbell to make additional findings.

The Board discussed these issues. Ms. Kaminski stated that in 1997, the program was different than it is now and that to become preserved, a larger farm would rank higher for the funding that was limited at that time in the State and that there was not the proper guidance or education to landowners at that time. Chairman Schnetzer agreed that farms that were preserved early on were not offered exceptions at that time.

Mr. Burke made a motion to approve this Division of Premises based on the fact that these two individual farms are saleable, viable and marketable farm parcels. The motion was seconded by Mr. Mathez.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mr. Mathez – yes;
Mr. Menegus- yes; Mrs. Watters – yes.

Oberly Farm

Mr. Tierney went over the two independent appraisals for the before, easement and after values with the Board for the Oberly Farm in Greenwich and Franklin Townships. Mr. Menegus made a motion to approve the \$5,100 per acre amount for the development easement on the farm. This value is the average of the two appraisals. Mr. Bodine seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mr. Mathez – yes;
Mr. Menegus- yes; Mrs. Watters – yes.

Mannon Farm, Mansfield Township

This farm is on our Target List and has been on our yearly outreach letters, however, we have not had a response for preservation by the landowners. Mr. Tierney had looked into the listing and drove by the farm. It is listed at \$1.3 million. He compared it with Wattle's value from 10 years ago, but that was a unique situation where part was for green acres. Mr. Tierney believes that the landowners are looking for an outright sale as proposed to a development easement. The Board expressed that they were very interested in preserving this farm and did not want to see it fall to solar panels like an nearby farm on the same road.

Mr. Burke asked about the County expenditure. Chairman Schnetzer stated that the County would recoup the after value, but spend the easement value for the farm.

Mr. Mathez made a motion to for Mr. Tierney to approach the realtor with a possible outright sale because of Township's redevelopment, warehouse pressure and fallacy of solar panels and to be subject to the agreement between the realtor and the landowner, and if the landowner was agreeable, proceed with appraisals. Mr. Burke seconded the motion.

Roll Call: Mr. Schnetzer – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mr. Mathez – yes;
Mr. Menegus- yes; Mrs. Watters – yes.

Administrator's Report

Mr. Tierney stated that the BJ Smith farms have closed and expect to be closing Myers/Toretta #1 by the end of the year.

New Applications:

None at this time

Awaiting Green Light Approval:

County Applications

- **Ferri** – Washington Township (Approx. 65 acres) Appraisals have been updated for this application.

Total Applications: 1 Total Acres: 65

Received Green Light Approval:

County Applications

- **McEvoy #1** – White Township (Approx. 102 acres) Appraisals underway.

Total Applications: 1 Total Acres: 102

Municipal Applications

- **Hoh** — Knowlton (Approx. 31 acres) Received Green Light Review Letter.
- **Rick Smith Farm** — White (Approx. 25 acres)

Total Applications: 2 Total Acres: 56

Non-profit applications

- **Shotwell Family Partnership, LP** — Blirstown Township (Approx. 154.5 acres)
- **Silver Pine Farm, LLC** — Frelinghuysen Township (Approx. 33.23 acres)
- **Watercress** — Frelinghuysen Township (Approx. 117 acres)

Total Applications: 3 Total Acres: 304.73

Received CMV & Offer Made:

County Applications

- **McEvoy #2** — White Township (Approx. 20 acres) \$5,200. Received SADC final approval on 12/2. SADC staff requested another confirmation from landowner regarding exception area being located in wetlands buffer area.

Total Applications: 1 Total Acres: 20

SADC applications

- **Gardner** — Franklin Township (Approx. 91.5 acres)
- **Riggs** — Franklin Township (Approx. 34 acres)

Total Applications: 2 Total Acres: 125.5

Non-profit applications

- **Giordano** — Frelinghuysen Township (Approx. 33.98 acres) CMV \$4,000. Received contract.
- **Mt. View Farms** — Franklin Township (Approx. 55.30 acres) \$4,250 CMV.
- **Santini Home Farm** — Franklin Township (Approx. 39.905 acres) \$4,750 CMV.
- **Stecker** — Harmony Township (Approx. 18.988 acres) \$5,175 CMV

Total Applications: 4 Total Acres: 148.173

Under Contract (Title Search & Survey):

County Applications

- **Anema, Ralph** — Washington Township (Approx. 123 acres) Landowner proceeding with Township to subdivide 6 acres severable exception. Received signed contract. Survey underway.

Total Applications: 1 Total Acres: 123

Municipal Applications

- **Gugel** — Hope Township (Approx. 48.5 acres) CMV \$4,000.
- **Vass** — Knowlton Twp. (Approx. 100 ac.) CMV \$4,700. Landowner confirmed location of exception area to 3.3 acres. Received contract. Received title work and draft survey and sent to Engineering for review

Total Applications: 2 Total Acres: 148.5

Non-Profit Applications

- **Campgaw Farm** — Hope/Blirstown Townships (Approx. 135.54 acres) Received title work.
- **Kimball** — White Twp. (Approx. 45 ac.) CMV \$4,200. TLC-NJ has signed contract, draft survey and title. Sent draft survey and title to Engineering for their review. Waiting to receive from surveyor Engineering's requested revisions.
- **Promised Land (M. Santini)** — Franklin Twp. (Approx. 58 ac.) CMV \$4,650. Received title and survey.

Total Applications: 3 Total Acres: 238.54

SADC applications

- **Moyer** — Pohatcong Township (Approx. 128.3 acres)

Total Applications: 1 Total Acres: 128.3

Waiting to Close (Final Legal Review):

County Applications

- **Beatty South** – Greenwich Twp. (Approx. 57 ac.) CMV \$9,500. Mrs. Beatty has died, estate being settled.
- **Beatty North** – Greenwich Twp. (Approx. 86 ac.) CMV \$8,800. Mrs. Beatty has died, estate being settled.
- **Dykstra** – Mansfield Twp. (Approx. 209 ac.) CMV \$3,900. Received completed survey revisions and sent to SADC.
- **Haydu** – Harmony Twp. (Approx. 46 ac.) CMV \$4,900. Waiting to close.
- **Khan (7 Old Orchard Road)** – Hardwick Twp. (Approx. 75 ac.) CMV \$3,400. Hardwick Township to cost-share at \$600/acre.

Total Applications: 5 Total Acres: 473

Municipal Applications

- **Dokie's Acres (Thompson)** – White Twp. (Approx. 43 ac.) CMV \$6,000.
- **McLain** – Harmony Twp. (Approx. 140 ac.) CMV \$5,700. On hold pending resolution of erosion issue with SADC.

Total Applications: 2 Total Acres: 183

SADC applications

- **Shen** – Mansfield Township (Approx. 222 acres) Coordinating with County Engineering, SADC, and NRCS to facilitate drainage easements requested by Engineering.

Total Applications: 1 Total Acres: 222

Recent Closings:

- **Smith, John & Jean #1** – Harmony/White Twps. (Approx. 82 ac.) CMV \$4,600. Closed 11/23!
- **Smith, John & Jean #2** – Harmony Twp. (Approx. 36 ac.) CMV \$6,000. Closed 11/23!

Pohatcong Contamination Area Projects:

Seeking Highlands Council Open Space Funding cost-share

- **Pear Tree Realty** – Franklin Township (Approx. 62 ac.) Waiting for update to title to move forward to close. BCC approved 100% County funding.
- **Pereira** – Franklin Township (Approx. 30 ac.) Waiting for update to title to move forward to close. BCC approved 100% County funding.
- **Myers/Toretta #1** – Franklin Township (Approx. 38 acres) Waiting for update to title to move forward to close. BCC approved 100% County funding.
- **Myers/Toretta #2** – Franklin Township (Approx. 48 acres) Waiting for update to title to move forward to close. BCC approved 100% County funding.
- **Noel** – Franklin Township (Approx. 44 ac.) Waiting for update to title to move forward to close. BCC approved 100% County funding.
- **Oberly** – Franklin/Greenwich (Approx. 96 ac.) Received appraisals. CADB recommended 100% County funding.
- **O'Dowd South** – Franklin & Greenwich Township – (Approx. 132 ac.) CADB Recommended 100% County funding.

Total Applications: 7 Total Acres: 450

2021 Closings YTD: 11 farms totaling 808.003 acres

Program Totals: 312 farms totaling 27,229.5204 acres

Public Comment: Kelley Smith thanked everyone for the SSAMP on her farm. Commissioner Ciesla thanked the Board for the hard work for preserving farmland in the County. The Board thanked Commissioner Ciesla for her attendance to the meetings and for her support.

Adjournment: A motion for adjournment was made by Mr. Bodine and seconded by Mr. Burke. Motion carries. Chairman Schnetzer adjourned the meeting at 8:57 pm and everyone wished each other a Merry Christmas.

Respectfully submitted,


Teresa Kaminski

Warren County Planning Dept. Project Report January-February 2022

1. Development Applications Submitted 12/3/2021 to 2/11/2022 (Board Meeting Cut-Off)

Application #	Applicant	Municipality	Road	Use
21-001-SP	Warren Business Park, LLC	Pohatcong	New Brunswick Ave and Edge Rd	Warehouse
21-002	Jaindl Land Company	White Twp	CR #519 and Foul Rift Rd	Warehouse
21-006-SP	Jaindl Land Company	White Twp	CR #519 and Foul Rift Rd	Warehouse
21-007-SP	Jaindl Land Company	White Twp	CR #519 and Foul Rift Rd	Warehouse
21-015	Belvidere Urban Renewal(Summit at Belvidere	Belvidere	Manukachunck Road	Residential
21-041-SP	Belvidere Urban Renewal(Summit at Belvidere	Belvidere	Manukachunck Road	Residential
22-001-SP	Chamberlain East Solar Farm	White Twp	Pequest Rd	Solar Farm
22-002-SP	Chamberlain West Solar Farm	White Twp	CR #623 and Pequest Rd	Solar Farm
22-004-SP	Sal Toscana	Hackettstown	Rt 46, Main St	Resturant
22-002	Ralph and Deanna Anema	Washington Twp	Rymon Rd	Residential
20-002-SP	Beckett of White Township	White Twp	US Rt 46	Retail/Commercial
17-0-11-SP	White Town Realty (Edible Garden)	White Twp	CR #519	Retail/Commercial
22-003-SP	Gary Cicero/Hummer Farm Solar Farm, LLC	White Twp	CR #519 and Foul Rift Rd	Solar Farm
21-026-SP	Skoog Holdings LLC	White Twp	Upper Sarepta Rd	Self Storage

2. Municipal Ordinance Review & Update Report

12/10/2021 Franklin Twp. Ordinance 2021-10 Amending Chapter 90 to Revise Section 90-54 with Respect to the Keeping of Farm Animals Adopted December 6, 2021

12/29/2021 Liberty Township Ordinance 2021.007 to amend Section 205-75H and 80D to delete Warehouse, and to amend 77 B 12 to add All Storage Uses First reading December 2, 2021. Adopted December 23, 2021.

01/25/2022 Hope Township Comprehensive Farmland Preservation Plan Public hearing scheduled for February 7, 2022

Stormwater Control Ordinances - The County is responsible for reviewing and approving municipal stormwater control ordinances (SCO) as they are updated pursuant to NJDEP revised rules. One (1) municipality has not submitted an ordinance.

3. Development Review Online Applications – February 2022 development applications are in process of being uploaded into the story map

<https://warrencountynjmaps.arcgis.com/apps/Shortlist/index.html?appid=84bb354d75dc4868a66480fde8124c4c>

4. Public Information Requests – Addressed/processed six requests in January and through February 22, 2022

5. Demographics/US. Census –The New Jersey 2020 Census data is on the NJ Data Center web page at https://nj.gov/labor/lpa/census/2020/2020census_index.html. The Board of County Commissioners will be considering a resolution requesting the the Office of Management and Budget classify Warren County in the New York-Newark Metropolitan Statistical Area instead of the Allentown-Bethlehem-Easton MSA.

6. Open Space and Trails – Reviewing a request from Washington Twp Recreation Committee to use a vacant area off of CR 647 for parking that may be owned by the county.

7. Warren Highlands Trail- A spur of the trail is being blazed through Harmony Township. Signage is being considered on CR 519 in Harmony Twp where the trail will cross.

8. Morris Canal – French and Parrello was contracted for engineering services for the design for construction of trails on six segments of the Morris Canal. Application to the NJDEP Land Use Regulation program was submitted. NJDEP has some questions about the application which F&P provided responses to. The NJDEP is requiring that stormwater mitigation be addressed because the area being disturbed is over 1 acre and because a crushed stone and stone dust trail is considered impervious material. To advance the project the material used for the trail will be changed to meet the definition of a pervious material. It will likely be ¼ inch to 3/8 inch stone. F&P addressed the revisions as requested by the NJDEP.

A public information meeting is required before the plans are finalized. It will likely be in mid to late March and probably in WebEx or similar format.

It is now more likely that the project will be ready to be advertised sometime in the Spring and construction to begin in the Summer of 2022

Reviewed plans by Aqua Water Company to directionally drill a water line under Strykers Road bridge and the Morris Canal.

9. Warren Heritage Scenic Byway— A workgroup meeting was held on November 30 to discuss the potential byway extensions in Pohatcong. The workgroup agreed that the byway should also include an extension that begins at the intersection of CR 519 and NJ 122 and follow CR 519 through Alpha Borough to CR 627 to Riegelsville. It will continue north on River Road to Carpentersville Road to NJ 122 at Greens Bridge. The full committee endorsed the extensions at the meeting on January 31, 2022. As a result Alpha Borough Council was contacted seeking its endorsement of the route. The nomination applications are being drafted for the Southern Extension to Union Square and the Northern Extension to Waterloo Village.

10. Rt 57/CR 519 -A letter was emailed to NJDOT requesting an update meeting on a number of roadways under NJDOT jurisdiction affecting Warren county. Projects of interest are; Rt 22/CR 519, Rt 57/CR 519, Rt 46/CR 519, the I-80 Interchange in Columbia, the Rockfall and Fix the S Curve projects, and NJDOT funding for local projects.

11. I-80 Rockfall Project- A letter was sent to the FHWA and NJDOT requesting that the County of Warren become a "Participating Agency" in the review process. "Participating Agency" status puts the County on the list of agencies that will be consulted and asked to review documents when they are drafted. A letter was received from FHWA basically rejecting Warren County's request to be a "participating agency" stating that a participating agency status is activated when a project goes into the Environmental Impact Study phase. Currently, an "Environmental Assessment" is being conducted. Furthermore, the FHWA letter stated that there are adequate opportunities for County involvement according the NJDOT's public involvement plan. The current schedule projects construction to start in 2025 and complete 2029.

12. Pilot Freight Concept Development Program- Drainage Culvert Replacement Project in Hackettstown —

13. Transportation Plan — The Report was completed final reports printed and delivered to the Department. Additional edits were required and they have been addressed. It will be transmitted to the Planning Board for review.

14. County Transportation Advisory Council- Attended the meeting on February 10,.

15- NJTPA- Attended the January 10 Board of Trustees, February 14 RTAC and February 22 PEDC/PPC and Freight Committee meetings. At the January 10 meeting heard a presentation from Sharevc Coalition on status of and opportunities for local and county governments to institute an electric vehicle program. Also on January 10, Commissioner Jason Sarnoski was appointed as 3rd Vice Chair of the NJTPA.

2nd quarter, quarterly reports and financials were sent to the NJTPA.

16 EV Vehicles - Working with NJTPA to locate more Electric Vehicle chargers throughout the county.. We are assisting the County's Public Works Director is exploring the possibilities of converting the County motor pool to EV and identify locations throughout the county where charging stations may be installed for county and for public use. Ideally they should be installed in locations throughout the county to ensure adequate coverage and reliability.

17. Lackawanna Cutoff

18. Raritan Valley Line-

19. Transportation Improvement Program -

20. CR 519/521 Weight Restriction – Under review by NJDOT.

21. Economic Development Council – Attended the January 13, 2022 meeting. At the previous EDC meeting, they had request that I attend the January 13 meeting and speak about the Metropolitan Statistical Area that Warren County is included in. Through my research I found the Warren County has been classified within the Allentown Bethlehem Easton MSA since 1950, when the OMB first started the classification, except for the decade of the 1990's. One of the problems with the ABE MSA classification is that it places Warren County's hospitals and nursing homes in a lower reimbursement bracket for medicare qualified services. During the 1990's WC was in the New York–Newark MSA and federal reimbursements were more generous. Looking at the criteria the OMB will be using for the 2023 review, A resolution requesting that Warren County be placed in the New York-Newark MSA is on the Commissioners agenda for February 23.

22. Musconetcong River Management Council – Attended this meeting on February 15, 2022. New Business Wild and Scenic Film Festival, council is excited about this year because the film made on the WestPortal Brook is being shown. Also discussed was the New Zealand Mudsail press release and the boat cleaning stations that are being installed at six fishing access points on the Musconetcong River.

23. Solid Waste and Recycling- Weekly education advertisements about recycling continue to run in the Express Times and/or Warren Reporter. Solid Waste Advisory Council met on February 3. The SWAC reorganized

The NJDEP released the REA Grant Application and the application must be submitted by the end of March.

Attended the virtual County Recycling Coordinators meeting on February 15. Some of the topics discussed were the requirements in the REA grant application, the ability for Counties to conduct virtual tours of Class A Recycling Centers, and the status of several recycling bills that are pending.

Received correspondence from the NJDEP certifying the September 8, 2021 Solid Waste Management Plan amendment to remove the Resource Recovery Facility, Covanta, and Natures Choice Composting facility from the plan. The Plan also outlined the short and long term disposal strategies for ID 10 waste disposal.

24. County Road Map- The narrative and photos need to be added to the backside of the map.

25. **Park Locator App and Parks Story Map-** The app is still a work in progress and will be able to deploy from any mobile device. The link for "Warren Parks Locator and Story Map is <https://warrencountynj.maps.arcgis.com/apps/Shortlist/index.html?appid=493ae0539bc84ede9dcedab2e0ac8b84>.

26. **North Jersey Resource Conservation and Development—** Council meeting was held January 13, 2022. We heard presentations from staff about the major projects they are working on. Its website is <https://www.northjerseyrcd.org/>

27. **Assisting other Departments—**GIS map was done for Green Acres project reference map for Land Preservation and also did a Farm Preservation map for the application of Terpstra

28. **GIS**

29. **County Planners Association —** Attended the February 18 County Planners virtual meeting. The CPA approved a new more modern logo, heard a presentation from NJ Transit's Transit Friendly Team on "Transit Friendly Planning: A Guide for New Jersey Communities" which included the typical Transit Oriented Design and Transit Village recommendations. Hackettstown, Washington and Philipsburg could benefit from the recommendation. Specific implementation strategies are the likely next step in guidance. Also there was a presentation on "Bringing Planning into the Classroom – A case study of Weathering/Erosion curriculum tailored to specific campus stormwater management" - Andrew Llyod, Mercer County; Showed how we can start to interlace planning related curriculum into schools using mapping and analysis for school campus. Last the Office of Planning Assistance gave an update on initiatives including climate change adaptation and resilience

30. **Hazard Mitigation Plan —**The Hazard Mitigation Plan update has been prepared through the WC Public Safety Department and is now approved by the Board of County Commissioners.

31. **Highlands Sustainable Economic Plan —**It is available at: <https://www.nj.gov/njhighlands/master/economic-sustainability/>

32. **Regional Planning Meetings -**

33. **Highlands Plan Conformance -**

34. **County Website Update-** The new website is now live. County Departments are responsible for adding their own content to the site. This will allow us to provide the public with access to documents and links relevant to the planning and the department. The new web address to the County home page is <https://www.warrencountynj.gov/>

35. **Bylaws-** Draft revision that were discussed at Planning Board meeting on December 20 will be considered for final approval at the next Planning Board meeting.

WARREN COUNTY PLANNING BOARD

165 County Road 519, South
Belvidere, NJ 07823-1949

RESOLUTION

On a motion by _____, seconded by _____, the following resolution was adopted by the Warren County Planning Board at a meeting held on February 28, 2022.

**RESOLUTION ADOPTING REVISIONS TO THE WARREN COUNTY PLANNING BOARD
BYLAWS**

WHEREAS, the bylaws of the Warren County Planning Board were last amended on August 23, 2021; and

WHEREAS, according to the current bylaws, they may be amended by a two-thirds (6) vote of the entire membership at the next regular meeting following the meeting at which the proposed amendments were presented; and

WHEREAS, at the December 20, 2021 Planning Board meeting amendment to the bylaws were presented to the Planning Board under Article V Meetings to remove the specific day and time set for regular planning board meetings and Article VII, Committees and Liaisons, Section 6 pertaining to the Development Review Committee to limit the number of planning board members that may participate in the Committee to no more than the four (4) members, and to remove references that it be advertised as an open public meeting with a set meeting time and date.

NOW, THEREFORE BE IT RESOLVED that the Warren County Planning Board hereby approves the amended bylaws dated February 28, 2022.

BE IT FURTHER RESOLVED, that the bylaws shall become effective upon approval of the Board of Chosen Freeholders.

ROLL CALL:

Mr. Baker—
Mr. Kern
Mr. Piazza -
Mr. Hopkins (alt. 2)–

Ms. Dunn—
Mr. Norton -
Mr. Sarnoski —
Mr. Urfer – (alt. 1)

Mr. Gleba –
Ms. Pasquarelli—
Mr. Smith—

I hereby certify the above to be a true copy of a resolution adopted by the Warren County Planning Board on the date above mentioned.

Planning Board Secretary

Warren County Planning Board

By-Laws

Approved as amended November 23, 2015

Amended August 23, 2021

Amended February 28, 2022

Article I

Objectives

- Section 1. The objectives and purposes of the Warren County Planning Board are those set forth in Chapter 251, Laws of 1935 and amendments and supplements thereto.
- Section 2. It is the general objective of the Board to arrange for the orderly physical development of the County and, to that end, to seek the cooperation and goodwill of all local municipalities within the County.
- Section 3. According to the County Planning Act, the county planning board shall make and adopt a master plan for the physical development of the county. The master plan of a county, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the county planning board's recommendations for the development of the territory covered by the plan, and may include, among other things, the general location, character, and extent of streets or roads, viaducts, bridges, waterway and waterfront developments, parkways, playgrounds, forests, reservations, parks, airports, and other public ways, grounds, places and spaces; the general location and extent of forests, agricultural areas, and open-development areas for purposes of conservation, food and water supply, sanitary and drainage facilities, or the protection of urban development, and such other features as may be important to the development of the county.

The county planning board shall encourage the co-operation of the local municipalities within the county in any matters whatsoever which may concern the integrity of the county master plan and to advise the Board of County Commissioners with respect to the formulation of development programs and budgets for capital expenditures.

Article II

Membership

- Section 1. The Planning Board shall consist of nine (9) members. The members shall be the Director of the Board of County Commissioners, one member of the Board of County Commissioners to be appointed by the Director, the County Engineer, and six (6) other citizens of the County who may not hold any other County office and who shall be appointed by the Director of the Board of County Commissioners with the

approval of the Board of County Commissioners. All members of the County Planning Board shall serve as such without compensation but may be paid expenses that are incurred in the performance of duties.

Section 2 The Director of the Board of County Commissioners may, with the approval of that body, appoint: one of its members to serve as an alternate to the two County Commissioner Planning Board members; two citizen alternate members designated as "Alternate No.1" and "Alternate No.2" to serve in the absence or disqualification of any citizen member as determined by their selection rank; and the Assistant County Engineer to serve as an alternate to the County Engineer.

Section 3. The alternate citizen members shall be designated in the appointing Board of County Commissioners resolution as "Alternate 1" and "Alternate 2". An alternate member shall be entitled to sit with and participate as a member in any hearing before the board. The Alternate may make, second, amend and vote on motions only when he or she is participating in the absence or disqualification of any regular citizen member. When not participating in the absence or disqualification of any regular citizen member, the Alternate may participate in the discussion. Any alternate member who has attended a full hearing or hearings may participate in the board's decision during the absence or disqualification of any regular citizen member for whom he is an alternate.

Article III

Officers and their Duties

Section 1. The officers of the Planning Board shall consist of a Chairman, Vice Chairman and Secretary, and shall be held by regular citizen members only.

Section 2. The duties of Chairman shall be to preside at all meetings and hearings; appoint subcommittees; allocate duties to Board members; call special meetings he or she deems desirable or at the written request of three (3) Board members that details the proposed agenda; prepare, with the Planning Director, the agenda for meetings, sign correspondence of the Board and carry out such other duties as normally are those of a Chairman.

Section 3. The Vice Chairman shall act for the Chairman in his absence.

Section 4. The Secretary shall sign all resolutions that have been approved by the Board.

Section 5. In the event that the Chair and Vice Chair are not present, the Secretary shall act as Chairman in his absence. If the Secretary is not present, the Recording Secretary shall open the meeting and shall call for the election of a Chairman pro-tem to preside until meeting adjournment or until the Chair, Vice Chair, or Secretary arrive.

Article IV

Election of Officers

- Section 1. Nomination of officers shall be made by the Nominating Committee or from the floor at the annual organization meeting which shall be the first meeting in January in each year and the elections shall follow immediately thereafter.
- Section 2. A candidate receiving a majority vote of the quorum present shall be declared elected and shall serve for one(1) year or until his successor shall take office.
- Section 3. Any vacancy occurring among the officers of the Board shall be filled as soon as practicable upon the nomination from the regular membership by the affirmative vote of a majority of the entire membership of the Planning Board (5). Any officer elected to fill a vacancy shall serve for the unexpired term of his or her predecessor in office
- Section 4. Officers shall hold office for not more than two (2) consecutive terms.

Article V

Meetings

- Section 1. Regular meetings will be held at the Warren County Administration Building and the dates and times of such meetings shall be established by the Board at its annual reorganization meeting in January. In accordance with Open Public Meetings Act, annual notice shall be provided within seven days of the reorganization meeting in the following manner: (1) prominently posted in at least one public place reserved for such or similar announcements, (2) mailed, telephoned, faxed, or hand delivered to at least two newspapers one of which must be the official county newspaper, and (3) filed with the Warren County Clerk.
- Section 2. The majority of the entire membership of the Board, five (5), shall constitute a quorum and the number of votes necessary for approval or disapproval to transact business shall be by a majority vote of the quorum present unless noted otherwise herein. A roll call vote will be taken on any question when requested by a member of the Board and the record of such vote shall be kept as part of the minutes.
- Section 3. Additional meetings shall be called by the Chairman at his or her own initiative or at the written request of three (3) Board members. The written request must explain the proposed agenda topics. Written notice of such meeting shall be given by the Planning Director or his designee at least forty-eight (48) hours in advance, giving the time, date, location, and to the extent known, the agenda of any special or rescheduled meeting, which notice shall accurately state whether formal action may or may not be taken and which shall be (1) prominently posted in at least one public place reserved

for such or similar announcements, (2) mailed, telephoned, faxed, or hand delivered to at least two newspapers one of which must be the official county newspaper, (3) filed with the Warren County Clerk, (4) mailed, faxed, emailed, or hand delivered, as appropriate, to the county planning board members, and (5) mailed, faxed, or emailed to any person upon request.

Section 4. If less than a quorum shall be in attendance at the time for which a regular or special meeting shall have been called, the Chairman may open the meeting, and discussion may take place on items that do not require official action. No official action may be taken unless or until a quorum is in attendance. If the Chairman or three or more members are present, the meeting may be rescheduled to another time and date in accordance with Section 3 above. If members must leave during a meeting resulting in less than a quorum present, the remaining members present may discuss items on the agenda that do not require official action of the board. Nevertheless minutes of the meeting must be taken including a written record or summary of the portion of the meeting for which less than a quorum was present. Approval of minutes for which a quorum was present will be approved at a subsequent meeting. The summary for the portion of the meeting for which less than a quorum was present shall be approved by the Chair or the presiding officer present at the meeting.

Section 5. Committee meetings may be called by the Chairman or a Committee Chairman at any time or place mutually agreeable to those serving on the committee. Each committee shall determine its own meeting procedures.

Section 6. All Planning Board meetings at which official action is taken shall be open to the general public except committee meetings and executive sessions as provided for under the Open Public Meetings Act. Public participation will be permitted at the designated times stated in Article VI, the Order of Business, and at the discretion of the Chair.

Section 7. A regularly scheduled or special meeting of the Planning Board may be cancelled or postponed by the Chair for lack of business or inclement weather. When the meeting is cancelled the Planning Department staff shall notify the official newspapers and radio stations by facsimile and email, and post a note on the door of the County Administration Building to inform the public of the cancellation. The notice must include the reason for the cancellation or postponement and the date for the rescheduled the next or meeting. Planning Board members will be notified by planning department staff by telephone, facsimile and/or email as appropriate.

Section 8 Minutes shall be taken of all meetings and hearings. Minutes should be prepared in a timely manner and voted upon in a timely manner. Additional discussion on minutes is provided in Article 10 Section 3.

Article VI

Order of Business

Section 1. Items/topics to be included on the Agenda for discussion and/or approval must be transmitted to the Board Chair and Planning Director at least seven (7) calendar days prior to the regular meeting of the County Planning Board. Any items/topics brought to the Board that are not on the Agenda may only be considered for Planning Board action at the discretion of the Chair. The foregoing shall not be applied to prevent the County Planning Board from acting in its discretion upon a matter that is subject to the County Planning Act, N.J.S.A. 40:27-1 et seq. and/or the Development Review Regulations as adopted by the Board of County Commissioners (Board of Chosen Freeholders)

Section 2. The order of business at regular meetings shall be:

- (a) Call to Order
- (b) Open Public Meetings Act Statement
- (c) Roll call
- (d) Salute to the Flag
- (e) Approval of minutes of previous meeting(s)
- (f) Public Comments
- (g) Subdivision and Site Plan Report
- (h) Correspondence
- (i) Director's Report
- (j) Committee Reports
- (k) Liaison Reports
- (l) Old business
- (m) New business
- (n) Public Comment
- (o) Adjournment

Article VII

Committees and Liaisons

- Section 1. The types of committees shall be: (a) Standing Committees; and (b) Special Committees created, from time to time and at any time, by the Chairperson of the Board as he or she may deem advisable and as conditions may warrant.
- Section 2. The members of such committees of the Planning Board shall be appointed by the Chairperson from among its members to serve for the term provided by the Board subject to the provisions of applicable law and these bylaws. The Planning Board Chairperson shall appoint a committee chair who shall preside over meetings and be responsible for reporting the committee's work progress to the full planning board. Unless these bylaws otherwise specifically provide, each Standing Committee and Special Committee shall consist of three (3) members of the Board.
- Section 3. Any vacancy, occurring in any committee may be filled by the Chairperson of the Board from the remaining members of the Board. Any member appointed to fill a vacancy shall serve for the remainder of the calendar year in which such appointment is made and until his/her successor in office shall be appointed in the manner provided in these bylaws.
- Section 4. Members of each Standing Committee and each Special Committee shall be appointed for the calendar year in which their appointment is made and until their respective successors shall be appointed in the manner provided in these bylaws. The Chairperson of the Board shall be an ex-officio member of each Standing and Special Committee; The Chairperson shall be notified of committee meetings but does not have the right to vote. The Planning Director shall assign appropriate staff to serve at the committee meetings.
- Section 5. The Standing Committees shall include:
- Development Review Committee
- Section 6. Development Review Committee shall consist of the Warren County Engineer and three (3) other members for a total of four (4) members of the Board appointed annually by the Chairperson of the Board. The County Engineer or Assistant County Engineer shall act as the Committee Chair. It is the responsibility of the County Planning staff to present the development review report that contains the recommendations of the Development Review Committee concerning development applications pending before the board to the full Board.

Development Review Committee meetings will be held prior to the regularly scheduled Board meeting at a time and date to be determined monthly depending on the number and complexity of the applications being considered by the Board for that

month. To the extent that the Development Review Committee cannot agree on a meeting date and time, the Committee Chair shall designate the day and time..

Section 7. At the December meeting, the Chairman shall appoint three members of the Board to serve as the Nominating Committee. The Chairman will designate one of the members as the Chair. At the January reorganization meeting, the Nominating Committee shall confer and present a slate of nominees to the full Board for Chairman, Vice Chairman, and Secretary for the calendar year.

Section 8. The Chairman may designate Board members to serve as voting members, non-voting members, and liaisons to other County Agencies and to participate in or monitor special projects of interest to the Board. Nevertheless, the member serving on another board or liaison shall report to the full Board, the other agency's activities or project's progress. At least one but no more than two members of the Board shall serve as a liaison to any agency or project.

Section 9. Liaisons shall be designated for:

Municipal and Charitable Conservancy Trust Fund Committee

For the Municipal and Charitable Conservancy Trust Fund Committee the Board member is appointed as a voting member of the MCCTFC by the Board of County Commissioners as defined in the Board of Chosen Freeholders (County Commissioner) resolution of June 26, 1996.

Morris Canal Committee

The Morris Canal Committee does not have provisions to include voting or non voting members from the county planning board

Agriculture Development Board

For the Warren County Agriculture Development Board, N.J.S.A. 4:1C-14(a) states that the CADB shall consist of a non-voting a representative of the county planning board appointed by the Board of County Commissioners.

Solid Waste Advisory Council

The Solid Waste Advisory Council bylaws call for a member of the Planning Board to be a voting member and appointed by the Board of County Commissioners.

Board of Recreation Commissioners

The Board of Recreation Commissioners does not have provisions to include voting or non-voting members from the county planning board

Lackawanna Cutoff Passenger Rail Restoration Project

Article VIII

Employees

- Section 1. The Board may appoint a Recording Secretary that is not a member of the County Planning Department staff to attend regular and special planning board meetings, audio record the meeting, and prepare the written minutes for approval at a subsequent meeting of the Board. The appointed Recording Secretary may be paid a stipend that will be funded from the Planning Department's Budget funds. At the reorganization meeting or at one of its regular meetings if the position had been vacated, the Planning Board shall designate the recording secretary and affix the stipend subject to available budget funds and County Commissioner approval if necessary. In absence of an appointed Recording Secretary, a member of the County staff as designated by the County Planning Director will be assigned to attend the meetings audio record, and prepare the written minutes.
- Section 2. The Board may employ legal counsel to attend the regular planning board meetings and for additional legal matters that face the Board from time to time. Appointments shall be made by a majority vote of the quorum present.
- Section 3. The Board may recommend to the Board of County Commissioners the employment of consultants to supplement the work of the staff and for carrying out such other duties as the Board may direct. All employment of consultants by the Board is to be approved by a majority of the quorum present.
- Section 4. The Planning Department staff shall prepare the agenda of regular and special meetings subject to approval of the Chairman, provide the Annual Notice and "48 hour notice", provide notice of meetings to Board members, arrange proper and legal notice of hearings, attend to correspondence and reports of the Board as directed by the Board or Chairman, collect, assemble, and prepare information and data as may be required for presentation to the Board, prepare records, file same, and carry out other such secretarial and administrative duties that are normally performed.
- Section 5. The County Planning Director and County Engineer shall sign subdivision and site plan maps in accordance with the map stamping and signing procedures adopted by the Warren County Planning Board and attached hereto.

Article IX

Hearings

- Section 1. In addition to those required by law, the Board may, at its discretion, hold public hearings when it decides that such hearings will be in the public interest
- Section 2. Notice of such hearings shall be published in the official newspaper of the county and one of general circulation in the County at least twenty (20) days before the time of public hearing.
- Section 3. The matter before the Board shall be presented in summary by the designated member of the Board and/or the Planning Director and staff. Parties of interest shall have privilege of the floor at the discretion of the Chair. No record or statement shall be recorded or sworn to as evidence for any Court of Law without written notice to the parties.
- Section 4. Questions may be asked by any Board member present. Questions or comments from the public shall be addressed to the Chair during the public comment portion of the meeting or at the discretion of the Chair.
- Section 5. It is the intention of the Board to conduct hearings in a dignified manner, to establish matters of fact or of group sentiment. The Board reserves the right to close a hearing at any time if it is deemed by the Board that those objectives are not being attained in an orderly way.
- Section 6. A record, which shall include the name and address of those speaking before the Board, shall be recorded and included in the minutes.
- Section 7. The Board may vote on the subject matter of the hearing immediately following the close of the public hearing or may adjourn the vote to a subsequent meeting
- Section 8. Following a public hearing, the adoption of the plan or part or amendment thereof which was the subject of the public hearing shall be by resolution of the Planning Board carried by the affirmative vote not less than two-thirds (6) of the members of the entire Board.

Article X

Records

- Section 1. All papers and records pertaining to matters formally before the Board shall be maintained in its files maintained by the County Planning Department.

Section 2. Access to the Board's records shall be made available to its members and to the public according to the Open Public Records Act.

Section 3. Minutes of the Board meetings become official as soon as they are approved by the Planning Board. Copies of unapproved draft minutes shall not be distributed beyond planning department staff and board members subject to the rights of public to obtain such draft minutes under the Open Public Records Act. If such minutes are released, a statement shall appear at the top, stating that the minutes have not been formally approved and are subject to change or modification by the Planning Board at its next meeting.

Article XI

Budget and Expenditure of Funds

Section 1. The Planning Director shall prepare an annual budget for the Planning Department and shall be presented to the full Planning Board for endorsement at a regular meeting in September or October as appropriate.

Section 2. No funds shall be spent in excess of the amount appropriated by the Board of County Commissioners exclusive of gifts.

Section 3. Gifts may be spent upon authorization of the Chairman subject to any conditions of the donor.

Section 4. The Board must vote to accept any gift and reserves the right to refuse any gift where the conditions fixed by the donor are not in accord with the objectives of the Board.

Article XII

Amendments

These by-laws may be amended by a two-thirds (6) vote of the entire membership of the Planning Board at the next regular meeting following the meeting at which the proposed amendments are submitted.

Revised: September 29, 1975

Revised May 24, 1982

Revised July 26, 2010

Revised December, 17, 2012

Revised November 23, 2015

Revised August 23, 2021

Revised February 28, 2022

Warren County Planning Board

By-Laws

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Article I

Objectives

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Membership

- Section 1. The Planning Board shall consist of nine (9) members. The members shall be the Director of the Board of County Commissioners, one member of the Board of County Commissioners to be appointed by the Director, the County Engineer, and six (6) other citizens of the County who may not hold any other County office and who shall be appointed by the Director of the Board of County Commissioners with the

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Section 2 The Director of the Board of County Commissioners may, with the approval of that body, appoint: one of its members to serve as an alternate to the two County Commissioner Planning Board members; two citizen alternate members designated as "Alternate No. 1" and "Alternate No. 2" to serve in the absence or disqualification of any citizen member as determined by their selection rank; and the Assistant County Engineer to serve as an alternate to the County Engineer.

Section 3. The alternate citizen members shall be designated in the appointing Board of County Commissioners resolution as "Alternate 1" and "Alternate 2". An alternate member shall be entitled to sit with and participate as a member in any hearing before the board. The Alternate may make, second, amend and vote on motions only when he or she is participating in the absence or disqualification of any regular citizen member. When not participating in the absence or disqualification of any regular citizen member, the Alternate may participate in the discussion. Any alternate member who has attended a full hearing or hearings may participate in the board's decision during the absence or disqualification of any regular citizen member for whom he is an alternate.

Article III

Officers and their Duties

Section 1. The officers of the Planning Board shall consist of a Chairman, Vice Chairman and Secretary, and shall be held by regular citizen members only.

Section 2. The duties of Chairman shall be to preside at all meetings and hearings; appoint subcommittees; allocate duties to Board members; call special meetings he or she deems desirable or at the written request of three (3) Board members that details the proposed agenda; prepare, with the Planning Director, the agenda for meetings, sign correspondence of the Board and carry out such other duties as normally are those of a Chairman.

Section 3. The Vice Chairman shall act for the Chairman in his absence.

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Section 5. In the event that the Chair and Vice Chair are not present, the Secretary shall act as Chairman in his absence. If the Secretary is not present, the Recording Secretary shall open the meeting and shall call for the election of a Chairman pro-tem to preside until meeting adjournment or until the Chair, Vice Chair, or Secretary arrive.

Article IV

Election of Officers

- Section 1. Nomination of officers shall be made by the Nominating Committee or from the floor at the annual organization meeting which shall be the first meeting in January in each year and the elections shall follow immediately thereafter.
- Section 2. A candidate receiving a majority vote of the quorum present shall be declared elected and shall serve for one (1) year or until his successor shall take office.
- Section 3. Any vacancy occurring among the officers of the Board shall be filled as soon as practicable upon the nomination from the regular membership by the affirmative vote of a majority of the entire membership of the Planning Board (5). Any officer elected to fill a vacancy shall serve for the unexpired term of his or her predecessor in office.
- Section 4. Officers shall hold office for not more than two (2) consecutive terms.

Article V

Meetings

- Section 1. Regular meetings will be held ~~on the fourth Monday of each month, at 8:00 p.m.,~~ at the Warren County Administration Building and the dates and times of such meetings shall be established by the Board at its annual reorganization meeting in January. In accordance with Open Public Meetings Act, annual notice shall be provided within seven days of the reorganization meeting in the following manner: (1) prominently posted in at least one public place reserved for such or similar announcements, (2) mailed, telephoned, faxed, or hand delivered to at least two newspapers one of which must be the official county newspaper, and (3) filed with the Warren County Clerk.
- Section 2. The majority of the entire membership of the Board, five (5), shall constitute a quorum and the number of votes necessary for approval or disapproval to transact business shall be by a majority vote of the quorum present unless noted otherwise herein. A roll call vote will be taken on any question when requested by a member of the Board and the record of such vote shall be kept as part of the minutes.
- Section 3. Additional meetings shall be called by the Chairman at his or her own initiative or at the written request of three (3) Board members. The written request must explain the proposed agenda topics. Written notice of such meeting shall be given by the Planning Director or his designee at least forty-eight (48) hours in advance, giving the time, date, location, and to the extent known, the agenda of any special or rescheduled meeting, which notice shall accurately state whether formal action may or may not be taken and which shall be (1) prominently posted in at least one public place reserved

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Section 4. If less than a quorum shall be in attendance at the time for which a regular or special meeting shall have been called, the Chairman may open the meeting, and discussion may take place on items that do not require official action. No official action may be taken unless or until a quorum is in attendance. If the Chairman or three or more members are present, the meeting may be rescheduled to another time and date in accordance with Section 3 above. If members must leave during a meeting resulting in less than a quorum present, the remaining members present may discuss items on the agenda that do not require official action of the board. Nevertheless minutes of the meeting must be taken including a written record or summary of the portion of the meeting for which less than a quorum was present. Approval of minutes for which a quorum was present will be approved at a subsequent meeting. The summary for the portion of the meeting for which less than a quorum was present shall be approved by the Chair or the presiding officer present at the meeting.

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Order of Business

Section 1. Items/topics to be included on the Agenda for discussion and/or approval must be transmitted to the Board Chair and Planning Director at least seven (7) calendar days prior to the regular meeting of the County Planning Board. Any items/topics brought to the Board that are not on the Agenda may only be considered for Planning Board action at the discretion of the Chair. The foregoing shall not be applied to prevent the County Planning Board from acting in its discretion upon a matter that is subject to the County Planning Act, N.J.S.A. 40:27-1 et seq. and/or the Development Review Regulations as adopted by the Board of County Commissioners (Board of Chosen Freeholders)

Section 2. The order of business at regular meetings shall be:

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Committees and Liaisons

- Section 1. The types of committees shall be: (a) Standing Committees; and (b) Special Committees created, from time to time and at any time, by the Chairperson of the Board as he or she may deem advisable and as conditions may warrant.
- Section 2. The members of such committees of the Planning Board shall be appointed by the Chairperson from among its members to serve for the term provided by the Board subject to the provisions of applicable law and these bylaws. The Planning Board Chairperson shall appoint a committee chair who shall preside over meetings and be responsible for reporting the committee's work progress to the full planning board. Unless these bylaws otherwise specifically provide, each Standing Committee and Special Committee shall consist of three (3) members of the Board.
- Section 3. Any vacancy, occurring in any committee may be filled by the Chairperson of the Board from the remaining members of the Board. Any member appointed to fill a vacancy shall serve for the remainder of the calendar year in which such appointment is made and until his/her successor in office shall be appointed in the manner provided in these bylaws.
- Section 4. Members of each Standing Committee and each Special Committee shall be appointed for the calendar year in which their appointment is made and until their respective successors shall be appointed in the manner provided in these bylaws. The Chairperson of the Board shall be an ex-officio member of each Standing and Special Committee; The Chairperson shall be notified of committee meetings but does not have the right to vote. The Planning Director shall assign appropriate staff to serve at the committee meetings.
- Section 5. The Standing Committees shall include:
- Development Review Committee
- Section 6. Development Review Committee shall consist of the Warren County Engineer and three (3) other members for a total of four (4) members of the Board appointed annually by the Chairperson of the Board. The County Engineer or Assistant County Engineer shall act as the Committee Chair. It is the responsibility of the County Planning staff to present the development review report that contains the recommendations of the Development Review Committee concerning development applications pending before the board to the full Board.

~~The Development Review Committee meetings shall be advertised in an annual notice as an open public meeting in accordance with the Open Public Meetings Act. Accordingly, any member of the County Planning Board may attend any of the~~

~~advertised meetings of the Development Review Committee; however, no formal action shall be taken by the Committee.~~

~~Development Review Committee meetings will be held on the fourth Monday of each month, at 7:30 p.m., at the Warren County Administration Building prior to the regularly scheduled Board meeting at a time and date to be determined monthly depending on the number and complexity of the applications being considered by the Board for that month. and To the extent that the Development Review Committee cannot agree on a meeting date and time, the Committee Chair shall designate the day and time. the dates of such meetings shall be established by the Board at its annual reorganization meeting in January. In accordance with Open Public Meetings Act, annual notice shall be provided within seven days of the reorganization meeting in the following manner: (1) prominently posted in at least one public place reserved for such or similar announcements, (2) mailed, telephoned, faxed, or hand delivered to at least two newspapers one of which must be the official county newspaper, and (3) filed with the Warren County Clerk.~~

Section 7. At the December meeting, the Chairman shall appoint three members of the Board to serve as the Nominating Committee. The Chairman will designate one of the members as the Chair. At the January reorganization meeting, the Nominating Committee shall confer and present a slate of nominees to the full Board for Chairman, Vice Chairman, and Secretary for the calendar year.

Section 8. The Chairman may designate Board members to serve as voting members, non-voting members, and liaisons to other County Agencies and to participate in or monitor special projects of interest to the Board. Nevertheless, the member serving on another board or liaison shall report to the full Board, the other agency's activities or project's progress. At least one but no more than two members of the Board shall serve as a liaison to any agency or project.

Section 9. Liaisons shall be designated for:

Municipal and Charitable Conservancy Trust Fund Committee

For the Municipal and Charitable Conservancy Trust Fund Committee the Board member is appointed as a voting member of the MCCTFC by the Board of County Commissioners as defined in the Board of Chosen Freeholders (County Commissioner) resolution of June 26, 1996.

Morris Canal Committee

The Morris Canal Committee does not have provisions to include voting or non voting members from the county planning board

Agriculture Development Board

For the Warren County Agriculture Development Board, N.J.S.A. 4:1C-14(a) states that the CADB shall consist of a non-voting representative of the county planning board appointed by the Board of County Commissioners.

Solid Waste Advisory Council

The Solid Waste Advisory Council bylaws call for a member of the Planning Board to be a voting member and appointed by the Board of County Commissioners.

Board of Recreation Commissioners

The Board of Recreation Commissioners does not have provisions to include voting or non-voting members from the county planning board

Lackawanna Cutoff Passenger Rail Restoration Project

Article VIII

Employees

- Section 1. The Board may appoint a Recording Secretary that is not a member of the County Planning Department staff to attend regular and special planning board meetings, audio record the meeting, and prepare the written minutes for approval at a subsequent meeting of the Board. The appointed Recording Secretary may be paid a stipend that will be funded from the Planning Department's Budget funds. At the reorganization meeting or at one of its regular meetings if the position had been vacated, the Planning Board shall designate the recording secretary and affix the stipend subject to available budget funds and County Commissioner approval if necessary. In absence of an appointed Recording Secretary, a member of the County staff as designated by the County Planning Director will be assigned to attend the meetings audio record, and prepare the written minutes.
- Section 2. The Board may employ legal counsel to attend the regular planning board meetings and for additional legal matters that face the Board from time to time. Appointments shall be made by a majority vote of the quorum present.

Section 3. The Board may recommend to the Board of County Commissioners the employment of consultants to supplement the work of the staff and for carrying out such other duties as the Board may direct. All employment of consultants by the Board is to be approved by a majority of the quorum present.

Section 4. The Planning Department staff shall prepare the agenda of regular and special meetings subject to approval of the Chairman, provide the Annual Notice and "48 hour notice", provide notice of meetings to Board members, arrange proper and legal notice of hearings, attend to correspondence and reports of the Board as directed by the Board or Chairman, collect, assemble, and prepare information and data as may be required for presentation to the Board, prepare records, file same, and carry out other such secretarial and administrative duties that are normally performed.

Section 5. The County Planning Director and County Engineer shall sign subdivision and site plan maps in accordance with the map stamping and signing procedures adopted by the Warren County Planning Board and attached hereto.

Article IX

Hearings

Section 1. In addition to those required by law, the Board may, at its discretion, hold public hearings when it decides that such hearings will be in the public interest

Section 2. Notice of such hearings shall be published in the official newspaper of the county and one of general circulation in the County at least twenty (20) days before the time of public hearing.

Section 3. The matter before the Board shall be presented in summary by the designated member of the Board and/or the Planning Director and staff. Parties of interest shall have privilege of the floor at the discretion of the Chair. No record or statement shall be recorded or sworn to as evidence for any Court of Law without written notice to the parties.

Section 4. Questions may be asked by any Board member present. Questions or comments from the public shall be addressed to the Chair during the public comment portion of the meeting or at the discretion of the Chair.

Section 5. It is the intention of the Board to conduct hearings in a dignified manner, to establish matters of fact or of group sentiment. The Board reserves the right to close a hearing at any time if it is deemed by the Board that those objectives are not being attained in an orderly way.

Section 6. A record, which shall include the name and address of those speaking before the Board, shall be recorded and included in the minutes.

Section 7. The Board may vote on the subject matter of the hearing immediately following the close of the public hearing or may adjourn the vote to a subsequent meeting

Section 8. Following a public hearing, the adoption of the plan or part or amendment thereof which was the subject of the public hearing shall be by resolution of the Planning Board carried by the affirmative vote not less than two-thirds (6) of the members of the entire Board.

Article X

Records

Section 1. All papers and records pertaining to matters formally before the Board shall be maintained in its files maintained by the County Planning Department.

Section 2. Access to the Board's records shall be made available to its members and to the public according to the Open Public Records Act.

Section 3. Minutes of the Board meetings become official as soon as they are approved by the Planning Board. Copies of unapproved draft minutes shall not be distributed beyond planning department staff and board members. subject to the rights of public to obtain such draft minutes under the Open Public Records Act. If such minutes are released, a statement shall appear at the top, stating that the minutes have not been formally approved and are subject to change or modification by the Planning Board at its next meeting.

Article XI

Budget and Expenditure of Funds

Section 1. The Planning Director shall prepare an annual budget for the Planning Department and shall be presented to the full Planning Board for endorsement at a regular meeting in September or October as appropriate.

Section 2. No funds shall be spent in excess of the amount appropriated by the Board of County Commissioners exclusive of gifts.

Section 3. Gifts may be spent upon authorization of the Chairman subject to any conditions of the donor.

Section 4. The Board must vote to accept any gift and reserves the right to refuse any gift where the conditions fixed by the donor are not in accord with the objectives of the Board.

Article XII

Amendments

These by-laws may be amended by a two-thirds (6) vote of the entire membership of the Planning Board at the next regular meeting following the meeting at which the proposed amendments are submitted.

Revised: September 29, 1975

Revised May 24, 1982

Revised July 26, 2010

Revised December, 17, 2012

Revised November 23, 2015

Revised August 23, 2021

Revised February 28, 2022

THE NEW JERSEY PLANNIER

THE NEW JERSEY PLANNING OFFICIALS

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Here Come the Zombies!

By: Donna Holmqvist, PP, AICP

Maintaining community stability and preserving revenue are ongoing challenges posed by COVID 19. Another hurdle on the horizon is property tax delinquency and foreclosure, as moratoriums conclude. By the summer of 2022, all NJ homeowners will exit moratorium forbearance. Red flags exist as NJ has roughly double the number of units in foreclosure, as compared to the nation. Vacant, abandoned and deteriorated (VAD) properties, which can become Zombies, may increase if not addressed by local government.

Our State faces the following headwinds, adding to VAD and Zombie vulnerabilities:

- High Income Required for Home Ownership
- Lagging Wages
- High Median Sale Price
- Weak Job Creation
- Accelerating Outmigration

Natural disaster frequency and intensity has compounded the headwinds. Hurricanes, tornadoes, floods, fires and mudslides have added to pandemic related distress. The ongoing e-commerce shift and remote work preference complicate the situation.

These factors create an increase in VAD's and Zombies. These negative influences reduce property values, increase tax delinquency and exacerbate vacancy. This ignites a downward spiral which is

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difficult to correct, and can permanently damage communities.

To address this threat, municipalities should assess the degree of VAD and Zombie vulnerability in the community by generating quarterly data on vacancy and tax delinquency. Other useful indicators are police and fire calls, utility shut offs, nuisance complaints, neighborhood feedback, mortgage foreclosure filings and lis pendens (pending legal) notices by lenders. Collecting and analyzing this data

focuses attention on the VAD and Zombie pipeline. This pipeline forms a shadow inventory, leading to a loss of revenue and neighborhood decline.

VAD's become Zombies when abandoned by the lien holder or owner. The reasons a Zombie is created range from death, divorce, medical issues and other personal or financial difficulties. Lenders may choose not to pursue a foreclosure if the property requires extensive repairs, has high back property tax, there's an inventory surplus or high liability. Zombies are even more difficult to eradicate than VAD's.

Municipalities should inventory distressed properties to identify VAD's and Zombies. Abandoned properties, as defined by HUD, meet any of these conditions:

1. Either the mortgage or taxes are at least 90 days delinquent, or
2. A code enforcement inspection shows the property is not inhabitable, and no corrective action has been taken 90 days after notification, or
3. The property is subject to court ordered receivership, or nuisance abatement, relating to abandonment.

Funding can be obtained for municipal efforts supporting national planning objectives, such as foreclosure prevention and neighborhood stabilization. By creating and using an information system with ongoing data collection, municipal government can prevent abandonment, gain control of problem sites, collaborate to advance community goals and maintain revenue. This averts the destructive downward spiral created by VAD's and Zombies.



THE NEW JERSEY PLANNING OFFICIALS

*The Association of Planning Boards & Zoning Boards of Adjustment
Founded in 1938*

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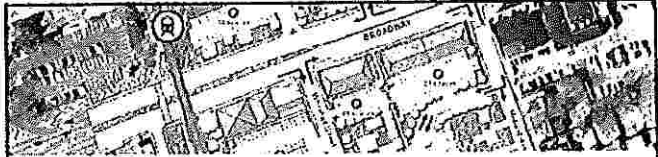
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Elected officials should coordinate various divisions including revenue, finance, planning, economic development, building and public safety to collect relevant data to head off VAD's and Zombies. The coordination should also incorporate community groups and the local Chamber of Commerce for "boots on the ground" input. Lining up reliable and trusted partners (nonprofits, local developers and private entities) can speed the intervention process.

The synergy of this integrated effort cultivates a process for foreclosure prevention, vacant land management and current data analytics. Local objectives can include prioritizing sites and neighborhoods for revitalization, updating the master plan and zoning, conducting feasibility studies for adoptive reuse, optimizing job creation strategies and boosting housing affordability programs. These proactive steps will avert the loss of confidence in a neighborhood due to rising crime, vacancy and instability triggered by VAD's and Zombies.

Other interventions to consider are as follows:

- **Vacant Property Inventory & Ordinance.** A Vacant Property Inventory can be a starting point to assess the magnitude of the VAD and Zombie problem. A Vacant Property Registration Ordinance is a method to keep current records on property contacts, liability insurance and conditions. This avoids local costs for safety, maintenance and code enforcement. It also alerts the municipality to notice of default or intent to foreclose. The municipality can implement requirements to deter board ups by requiring working windows and doors, or artistic treatments. The goal is to halt negative spillover to the neighborhood.



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- **Rehab Existing Units.** Most rental housing exists in one to four family units, and is typically 50 years of age or older. A distressed property can be bought, updated and sold faster than new construction and presents an opportunity to rebuild the urban core. Eliminating substandard housing and unsafe conditions promotes social equity, builds wealth and attracts investment to the neighborhood.

- **Repurpose Commercial Property.** Hotel, retail and office repurposing should be evaluated. Creativity and vision can yield revitalization plans for community facilities, municipal offices, recreation, urban agriculture and live/work units. It can also provide the opportunity to improve stormwater infrastructure and renewable energy.

If the municipality does not intervene to identify VAD's before they become Zombies, a distressed property may accrue increased debt from penalties


and interest, making it even less financially attractive to investors.

Tax lien sales, the traditional method of purging tax delinquent properties, can generate revenue immediately, but the investor may spend the bare minimum to maintain the property, rather than investing to strengthen the neighborhood. This can result in years of decline if the investor does not upgrade the property.

Two additional methods of intervention, that promote community goals and generate long term public benefits, are listed below:

- **Land Bank.** The tax liens can be conveyed to the municipality or land bank. There may be no public lien auction, or the land bank can obtain liens unsold after the auction. Land banks rely on clear municipal plans, promoting community goals, and are supported by reliable nonprofit and private sector partners.
- **Community Development Corporation (CDC).** The CDC can be a nonprofit dedicated to community support and revitalization. It can access grants, philanthropic funding and assistance from Community Development Financial Institutions.

Municipal intervention fortifies the community by identifying the shadow inventory and accelerating market potential. Promoting community goals and preventing the downward spiral created by a proliferation of VAD's and Zombies maintains revenue and affirms community identity. ♣


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The New Jersey Planning Officials thrives on the time, effort, and support of our volunteers. Due to the continuing health crisis of COVID-19, NJPO had all of its mandatory training classes virtually. This has reduced the number of overall volunteers, but our appreciation for these individuals has not been reduced. Over the past year, NJPO was fortunate to have the support of these fine individuals throughout the state; without their help, our programs would not be possible. Our greatest appreciation goes out to the following individuals:

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2022 Board of Directors
Meetings**

Jan. 31, 2022 (5th Monday– budget)
April 25, 2022 (4th Monday)
July 25, 2022 (4th Monday)
Sept. 29, 2022 (5th THURSDAY)
Nov. 16, 2022 (Wednesday – League)

All are welcomed to attend.

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A Message Worth Heeding

By: **Michele R. Donato,**
NJPO General Counsel

Commissioner Shawn LaTourette of the New Jersey Department of Environmental Protection found time in his pressing schedule to speak at the annual William M. Cox symposium in Atlantic City on November 18.

The Commissioner's message sounded loud and clear - Municipalities must rethink their approach to land use and land development in order to respond to the challenges of climate change.

Constructive responses to climate change come down to the need to reduce negative impacts and the need to respond to current challenges, referred to as resilience.

The Commissioner pointed out some hard facts. Most importantly, New Jersey is "ground zero for climate change." Extreme precipitation events and sea-level rise put our state at greater risk and affects our communities in many ways.

Stormwater is a critical component of solving and addressing these challenging issues. Since it is expected that rainfall intensities will increase significantly and that our infrastructure is currently not sized adequately to respond, regulatory solutions must address current and future climate impacts to help our communities become more resilient.

Implementing a watershed-based approach is part of the solution. Stormwater utilities provide a legislatively authorized mechanism to achieve better watershed management. As recent rainfall events such as the remnants of Hurricane Ida have demonstrated, stormwater does not abide municipal boundaries. Thus, responses should be geared toward cooperation with neighboring municipalities within the watershed.

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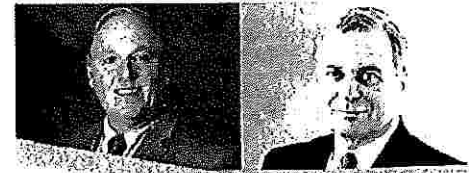
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Since 2014 Mr. Galvin has been the author of *Local Government Law, New Jersey Practice* (Vols. 34-35A), published by Thomson Reuters



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Resilience measures are cost-effective. For example, the Commissioner explained that for every dollar spent mitigating residential flood risk, six dollars will be saved. Grants are available to municipalities and he encouraged municipalities to seek such funding.

In addition to addressing stormwater management, State protection of wetlands and stream corridors is essential. Municipalities control local land use and can play a critical role in protecting communities by

limiting impervious coverage and protecting uplands and other natural resources. Such actions make communities more resilient. The Commissioner also emphasized that natural resources provide “free assistance” for resilience.

Another important consideration is to prevent development from externalizing costs that impose future remediation expenses on municipalities, the counties and the State. In the race for ratables, municipalities often ignore the externalization of costs of development.

The Commissioner further urged municipalities to ensure that development “stands the test of time.” There is “no silver bullet” and a network of solutions is necessary. He encouraged municipalities to cooperate with each other to have consistent plans for development and stormwater management, as well as other infrastructure needs. Limiting impervious coverage, protecting natural resources and assuring that development pays for itself are all tools within a municipality’s tool box. The goal is to assure that your community is not so densely developed that there is “no room for remedy.”



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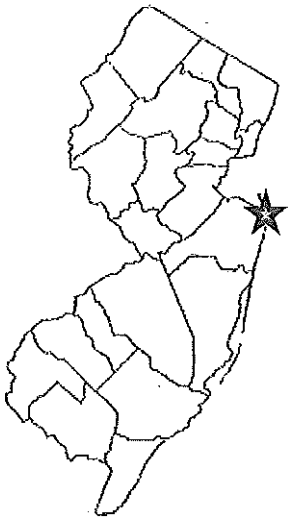
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The Commissioner was asked about a proposal presented to the Department of Community Affairs that is under consideration by the Site Improvement Advisory Board. The proposal would prohibit municipalities from implementing stormwater controls stricter than those required by RSIS or the DEP in connection with state permits. Many municipalities have enacted protective stormwater requirements, which are also encouraged by the Sustainable New Jersey Program. This proposal undermines those efforts.

The Commissioner did not respond to the question other than to explain that the DEP was meeting with the DCA about the proposal. As author of this article, I urge municipalities to stand up for their right to control stormwater as they have historically undertaken. The proposal to restrict municipal protections goes backwards in terms of climate change and allows development to externalize costs at the expense of the public. It appears that the proposal results from a misinterpretation of a case. More importantly, we must address these policy issues from the perspective of reducing negative stormwater effects that have the potential to exacerbate climate change. The Commissioner’s message sounded loud and clear - Municipalities must rethink their approach to land use and land development in order to respond to the challenges of climate change. ¶



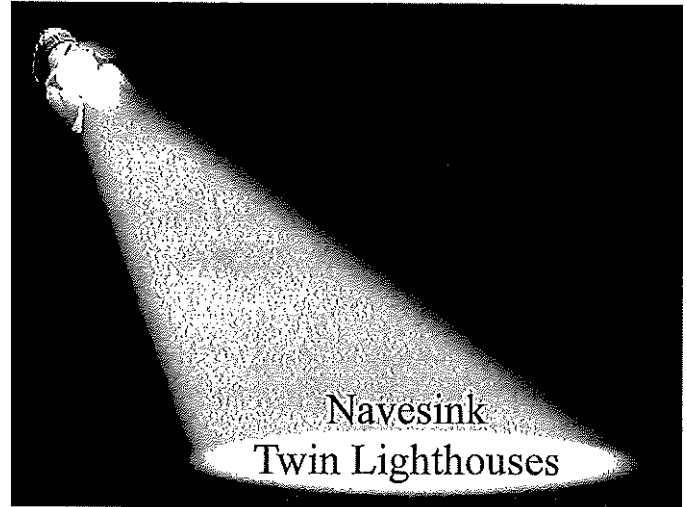
SPOTLIGHT ON:

Navesink Twin Lights

Overlooking the Sandy Hook Bay, the New York Harbor and the Atlantic Ocean, the Twin Lights, as the name implies, are a pair of beacons located 246 feet above sea level on the headlands of the Navesink Highlands. Currently the Navesink Twin Lights is a non-operational lighthouse and museum located atop Lighthouse road in Highlands, New Jersey.



The current lighthouse was constructed in 1862. The non-identical towers have two beacons - one flashing and one fixed - that would allow mariners an easy way of identifying the facility, allowing a rough determination of their location approaching the harbor. The lighthouse station is one of firsts and originality. The design of Navesink Light Station is that of a fortress. Although the U.S. Lighthouse Board began to standardize lighthouse designs in the 1850s, no other United States lighthouse repeats the design used at Navesink or even resembles its unique appearance.



In 1893 the Pledge of Allegiance is presented as the nation's oath of loyalty at a Liberty Pole dedication at this site. It marks the first time the Pledge is given at an official patriotic event. Furthermore, this was the first lighthouse in America to test a Fresnel lens and was also the site of a demonstration by Marconi of the wireless telegraph in 1899.

In 1935 the United States Army unveiled its "Mystery Ray" at the lighthouse which is a technology that we all now know as RADAR. In 1962, the State of New Jersey acquired Twin Lights. Twin Lights is listed on the State and National Register of Historic Places, and was designated a National Historic Landmark in 2006 for its architecture and its role in the development of lighthouse technologies. The Twin Lights State Historic Site is part of the New Jersey Coastal Heritage Trail Route.

The north tower light was discontinued in 1898; at the same time the south tower was electrified, one of the first lighthouses in the United States to do so. It was automated in 1949, but was discontinued in 1952 as the importance of the light diminished.

At the current museum facility, tours of the lighthouse, a climb of the North Tower and its expansive ocean view, and a view of the lighthouse equipment, await visitors. 🚶



RECENT CASE LAW

Columbia Fruit Farms, Inc. v. Dept. of Cmty. Affairs

This case revolves around a group of unaffiliated farms, each with their own commercial farm houses on site that during grow seasons would utilize these buildings for housing for their workers. These buildings are now being used for housing rather than storage of agricultural products; the buildings did not contain fire safety measures required for residential buildings by the Uniform Construction Code (UCC).

The director of the Department of Community Affairs (DCA) sent letters to the construction officials of these towns indicating that when farms failed to install fire suppression systems in buildings utilized for workers to reside in, a notice of violation should be issued. Furthermore, the director sent a follow up letter reminding officials to enforce change-of-use regulations and steps that local officials should require farms to take to comply with the UCC. The director also forwarded this letter to the New Jersey Secretary of Agriculture, who in turn distributed the letter to multiple farm operators.

The group of farmers then filed a lawsuit arguing that the director's letter to the secretary constituted a "new agency rule". The court dismissed plaintiffs' appeal, ruling that the letter merely conveyed information about local officials' responsibility to enforce the UCC and recommended actions that those officials should take. The court found that the letter lacked aspects of traditional rulemaking. ¶


Wainstein v. 8169 Holding Co., LLC

This case stems from a height variance request on four parcels of land located in North Bergen's Limited Mixed-Zone which allows for building height of sixty feet and eighty percent lot coverage.

In 2017, 8619 Holding ("Developer") applied to the Zoning Board of Adjustment for site plan approval and height variance to construct a thirteen-story mixed use commercial and residential building. The application proposed a 155-foot-tall building with two commercial units, 173 residential units, and 199 indoor parking spaces as well as 100% lot coverage. The Developer sought relief under NJSA 40:55D-70 (d)(3) conditional use variance, a (d)(5) density variance, and a (d)(6) height variance as well as several (c) or bulk variances.

The Developer's planner presented testimony that the proposed building's height, while exceeding the limits set in local ordinance, did not violate the purposes of the ordinances. The planner further testified that the height of the proposed building would create a focal point and diversity in the local skyline and would not block any scenic views or create excessive shadow effects on surrounding properties. The Developer later agreed to reduce the proposed height of the building and the number of units to be constructed. The board ultimately approved the amended site plan application, finding that the height variance did not create "substantial negative impairment" on the surrounding area and that the benefits of the variance outweighed any

detriment. The board also found that the proposed development would increase housing stock and add distinctive architecture to the area.

The court found that the board cited ample support in the evidentiary record to conclude that the proposed height variance satisfied the statutory requirements. The court therefore rejected arguments that the board failed to "give appropriate reasons" for its approval. 

Old Orchard Vill. Homeowners Ass'n. Inc. v. Municipality of Princeton

In 2019, in an effort to settle its municipal housing obligation, the municipality of Princeton amended its zoning ordinance and map to create new affordable-housing zones. The new zoning ordinance had the effect of rezoning a three acre vacant lot next to Old Orchard Village property from a Service District to a new Affordable Housing. Princeton eventually settled with and executed a settlement agreement with the Fair Share Housing Center. The construction of affordable housing units on the subject property was included in the compliance plan and trial court approved the settlement.

The homeowners association challenged the validity of the ordinance arguing that it constituted impermissible spot-zoning and was inconsistent with the Master Plan. The trial court found plaintiff failed to show defendant acted in an arbitrary, capricious or unreasonable manner and the ordinance created the possibility for beneficial development.

The Court identified that the Planning Board adopted a Third Round Housing Plan Element and Fair Share Plan in 2020 which plaintiff agreed amended the

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Master Plan to implement defendant's affordable-housing compliance plan. The court agreed the ordinance furthered the goals of the Master Plan and was substantially consistent with it, saw no procedural infirmity with Council's actions and rejected the spot-zoning argument. ♣

Idon Media-NJ, LLC v. Borough of Eatontown Zoning Bd. of Adjustment

Idon Media sought site plan approval and a conditional use variance to construct a new digital billboard. The Zoning Board of Adjustment held public hearings and eventually the application was denied. The board found that the proposed new digital billboard would be a detriment to neighboring residents due to bright lights; it was located within 1,000 feet of three existing billboards; and violated zoning ordinance buffer requirements.

The Board noted that while "a conditional use variance approval is technically required pursuant to the provisions of N.J.S.A. 40:55D-70(d)(3), ... the Board has no choice but to treat this application as a primary use variance pursuant to the provisions of N.J.S.A. 40:55D-70(d)(1).

The court, however, ruled that the billboard required a conditional use variance (N.J.S.A. 40:55D-70(d)(3)) rather than a standard use variance N.J.S.A. 40:55D-70(d)(1). The court further noted that the board had concluded that plaintiff's application would fail analysis for either variance. The court held that there was sufficient evidence for the board to find that the billboard would present an annoyance to neighboring properties and that the proposal did not meet several of the conditions set forth by the zoning ordinance. ♣

Minhal Academy of Turnersville, Inc. v. Township of Washington

Minhal Academy of Turnersville, Inc. ("MAT") filed a lawsuit against the Township of Washington ("Township") alleging violation of their rights under the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. §1983 (RLUIPA).

In 2014 MAT purchased an office condominium located in a "Neighborhood Commercial" zoning district. Houses of worship are not a permitted use within this zone. MAT received a certificate of occupancy from the Township to use the building as an "administrative office" at this time.

In 2018 MAT acquired three additional adjacent condominiums and sought and received a zoning permit as a "Wellness and Healing Center". According to the filed complaint, the other uses located within the complex were dentist offices, a chiropractor, a foot and ankle center, an insurance agent, an engineering firm, a cardiologist, a medical addiction counseling service and a medical lab.

In March 2019, the Township rescinded MAT's zoning permit and certificate of occupancy. Later in 2019, MAT applied to the Zoning Board for a variance which would allow MAT to operate the space as a mosque. The application indicated that MAT was willing to accept approval subject to any reasonable conditions. The Zoning Board voted to deny Plaintiff's use variance due to concerns over capacity and configuration of the parking lot for the complex where the mosque is located.

The Court found that MAT did not meet the threshold burden of establishing that the municipalities zoning laws constituted a substantial burden on their religious exercise. The Court ruled that "A mere inconvenience is not enough to meet the substantial burden requirement when a law operates to make the practice of religious beliefs more expensive. The burden has to make the religious exercise impracticable." The court

indicated that while renting a space to hold religious events may be expensive, this does not make it impracticable.

Furthermore, MAT argued that other facilities received favorable treatment. MAT identified other religious institutions which allegedly received favorable treatment but did not identify any non-religious institutions that were preferable. The Court found that this allegation was vague and conclusory and therefore the Court did not find a violation of the equal terms provision.

As to a nondiscrimination claim, MAT must show a facially discriminatory policy, neutral policy enforced in a discriminatory manner, or neutral policy purposely designed to favor some and burden others. MAT alleges that the Township discriminated against them based on their Muslim faith by failing to approve their application with conditions. However, MAT did not identify a land use law that explicitly singles out Muslim institutions. ¶

Old Tennent Cemetery Ass'n v. Twp. Of Manalapan Planning Bd.

The Old Tennent Cemetery Association ("Cemetery") sought preliminary and final site approval plan to expand an existing building on site that would be used as a crematorium on property that is already used for burial plots. At a Planning Board hearing, a non-for-profit group, "Stop the Manalapan Crematorium" (SMC) argued that the Board did not have jurisdiction to approve variances for expansion of nonconforming uses. The Cemetery argued that it already has a pre-existing nonconforming use status, and a crematorium is nothing more than an accessory use. The Cemetery further argued that the site plan application is all that is required and therefore the Planning board does have jurisdiction.

The Board's Attorney advised board members that the Zoning board has the authority to decide on matters regarding preexisting nonconforming uses and that the "nonconforming use status" was never certified by the Zoning Board. This resulted in the Planning board denying the initial site approval plan.

The Court ruled that Old Tennent Cemetery is a nonconforming use, and adding a crematorium would be considered an expansion of a non-conforming use. The main issue in this case revolves around the "Preexisting non-conforming use" status. Ultimately, it was ruled that the Zoning board has the authority. A crematorium is not permitted explicitly by any ordinance; they are considered accessories and therefore variances are required. It was determined a pre-existing non-conforming use existed in this case, but a crematorium is an accessory use that the Zoning Board of Adjustment has exclusive jurisdiction over. ¶

Seaview Harbor Realignment Comm., LLC v. Twp. Comm. of Egg Harbor Twp.

Egg Harbor is a municipality of approximately 43,000 residents. It is comprised of a seventy-five square-mile area primarily residential community in the southeast section of Atlantic County. The Seaview section of Egg Harbor is approximately 70.9 acres (around 1% of total) in size and 4.3 miles east of the mainland portion of the Township, separated by marshland and other municipalities. This section has a population of 102 residents with ninety-two residential homes, two vacant lots approved for residential use, a utility lot, a marina with 300 boat slips, a restaurant, and a beach with no public access.

Due to the non-contiguous configuration and the marsh that separates Seaview from Egg Harbor, the residents claimed that they rarely travel to the

mainland and did not feel that they were a part of that community. Instead, they rely primarily on Longport for most of their activities and services as the drive is much shorter than to the Township mainland.

This neighborhood filed a petition for deannexation under N.J.S.A. 40A:7-12. This petition sought to annex their community to the municipality of Longport. The township referred the petition to the Planning Board, which held multiple hearings and ultimately denied the petition.

N.J.S.A. 40:7-12.1 provides:

In any judicial review of the refusal of the governing body of the municipality in which the land is located . . . to consent to the annexation, the petitioners have the burden of establishing that [1] the refusal to consent to the petition was arbitrary or unreasonable, [2] that refusal to consent to the annexation is detrimental to the economic and social well-being of a majority of the residents of the affected land, and [3] that the annexation will not cause a significant injury to the well-being of the municipality in which the land is located.

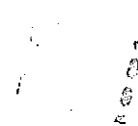
The Court found particularly persuasive that a petition under N.J.S.A. 40:7-12.1 may be appropriately denied where a court concludes that a municipality's decision was neither arbitrary nor unreasonable and that it would be detrimental to the majority of residents despite the undisputed fact that deannexation would produce considerable property tax savings for the petitioning homeowners, who seek to become part of a lower tax municipality. ♪

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New Jersey Just Got Smaller



The municipality of Pine Hill was created due to alcohol. Before its existence in 1929, it was a part of Pine Valley, which was a "Dry" municipality.

The Golf course was completed in 1919 and is currently listed as the best golf course in New Jersey and second best golf course in the country. In 1929, the golf course owners convinced the Legislature to de-annex it from its parent municipality so it may sell alcohol in its club house. Fast forward to modern day, a Borough of 21 residences is hard to manage.

The borough of Pine Valley in Camden County has voted to consolidate into Pine Hill starting in 2022. It's the first merger since 2011, when Princeton borough and township consolidated

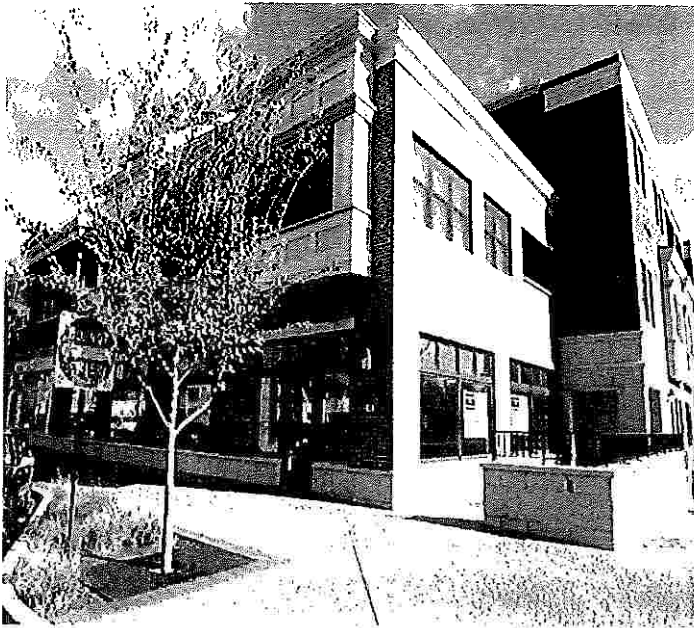


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