

## COUNCIL MINUTES

### TOWNSHIP OF PARSIPPANY-TROY HILLS REGULAR TOWNSHIP COUNCIL MEETING OF APRIL 20, 2021

#### I. INTRODUCTION

Meeting was called to order at 7:00 pm by Municipal Clerk Khaled who read the following statement into the record:

Adequate notice of this meeting has been provided in accordance with the requirements of the Open Public Meetings Law by filing the notice in the Office of the Township Clerk and by posting the meeting notice on the bulletin board at the Municipal Building on December 18, 2020 where it has remained posted since that date. A legal notice appeared in the *Daily Record* and the *Newark Star Ledger* on December 22, 2020 and was forwarded by fax to other local newspapers and local radio stations on December 18, 2020.

A flag salute occurred followed by roll call with the following answering roll call; Council member Carifi, Council President dePierro, Council member Gragnani, Council member McCarthy and Council member Peterson. Other members of the administration present at the meeting; Mayor Michael Soriano, Business Administrator Frederick Carr, Township Attorney James Lott, CFO Juan Uribe, and Township Clerk Khaled Madin

#### UPCOMING MEETINGS:

- |                        |                 |
|------------------------|-----------------|
| 1. 5/4/21 @ 7:00 p.m.  | Agenda Meeting  |
| 2. 5/18/21 @ 7:00 p.m. | Regular Meeting |

#### APPROVAL OF MINUTES

1. Regular Meeting – 2/16/21
2. Agenda Meeting – 3/2/21
3. Regular Meeting – 3/16/21

Motion to approve the minutes above by Council member Carifi, seconded by Council member Peterson.

**ROLL CALL** with all Council members answering Yes

#### II. PRESENTATION(S)/REPORTS

- A. MAYOR – stated that Thursday is Earth Day, which will be acknowledged this Saturday with a town wide clean-up, including the Boonton Reservoir and Beverwyck Road. The Mayor stated that April was declared Sikh Awareness

Month at the Council Meeting in March at the behest of a Girl Scout, Nishka Singh, seeking her Gold Award. Miss Singh is hosting a Zoom Meeting re Sikh Awareness on April 26<sup>th</sup>.

1. Arbor Day Proclamation – Friday, April 30<sup>th</sup> is Arbor Day. To acknowledge Arbor Day, local restaurants will have seedlings available for pick-up with your take-out order. **Mayor Soriano** read the Arbor Day Proclamation into the record.

B. TOWNSHIP COUNCIL

**Ms. Gragnani** questioned Mr. Carr regards to unresolved Police Department issues, status update. **Mr. Carr** stated that a meeting occurred and we have a resolution. The next step is a conversation between the PBA Attorney and the Labor Attorney Ms. Roselli. Have not resolved three of the outstanding issues, awaiting formal adoption of the resolutions by the PBA.

**Ms. Peterson** commended the saplings being available at local restaurants. Asking Jim Lott for an update on the Carifi matter. Mr. Lott stated that an update can be given at the next closed session. Seeking an articulated payback plan for the \$5M budget loan being considered from the State. **Mr. Uribe** stated that there is not a specific amortized plan as it is the borrowing of a note to be amortized in 5 years, therefore every year \$1M plus interest is to be paid back. **Mr. Carr** stated that the Township is statutorily obligated to pay back the special emergency loan in 5 years.

**Ms. Gragnani** asked for a status update on in-person meetings. **Mr. Madin** spoke with Mr. dePierro regarding the Knoll charging a fee to utilize the facility for meetings, the PAL is an alternative that would be available to host the meetings. **Mr. dePierro** stated the fee is for the sound system not the rental of the facility. **Ms. McCarthy** commented that June would be acceptable. **Ms. Peterson** stated that when the Morris County Covid numbers start decreasing.

**Ms. McCarthy** asked when the enforcement of the plastic bag ban will resume. **Mr. dePierro** stated that retail workers will not handle customers reusable bags. Ms. Peterson suggested that the Health Officer reach out to other towns that are enforcing the bag ban for any health requirements related to the handling. **Mayor Soriano** stated that the Health Officer will look into any health-related information regarding the handling of bags.

C. TOWNSHIP ATTORNEY – No Report

D. BUSINESS ADMINISTRATOR – No Report

E. TOWNSHIP CLERK – No Report

F. TOWNSHIP OFFICES COMMITTEES/REPORTS – No Report

G. CORRESPONDENCE – None

**III. BIDS**

A. Taken

1. 3/10/21 – 2021 Road Resurfacing/Curb & Sidewalk Program
2. 3/11/21 – Repair of Seven Parsippany-Troy Hills Bridges
3. 3/17/21 – Furnishing and Installing Two Self Standing Waterproof Alutex Pergo-  
Louver Systems for Knoll West Country Club
4. 3/18/21 – Baldwin Road Sanitary Sewer Modifications
5. 3/19/21 – One New 2021 Type I Ford F450 4x4 Ambulance for EMS Squad

B. To Be Taken

1. 4/8/21 – One New 2021 Type III, Class I Modular Ambulance for Parsippany Volunteer Ambulance Squad
2. 4/15/21 – Edwards Road Improvements Program
3. 4/21/21 – One New Air Compressor for Water Department
4. 4/22/21 – Craftsman Farms White Cottage Phase I Rehabilitation
5. 5/13/21 – Lease of Public Property

C. Quotation(s)/Proposal(s)/Qualification(s) - None

**IV. PUBLIC HEARING**

**Mr. Madin entertained a motion to open the meeting to the public to speak on any topic, noting a five-minute time limit per speaker. A motion was made by Council Member Carifi, seconded by Council Member Peterson.**

**ROLL CALL with all the Council Members answering Yes**

**Christine Maraquin** – asking for the Township to implement a rent control ordinance, her landlord to raise rent 10% which is exorbitant. Only recourse is the state ordinance. Asking for the Township ordinance to be reinstated. **Mr. dePierro** responded that approximately 30 years ago there was a referendum to eliminate rent control and it

passed. Council decided to let market value dictate the rent. **Mayor Soriano** thanked the resident for the information and stated that this will be looked into.

**Bob Venezia – 102 Brooklawn Drive** – Questions regarding the budget and marijuana ordinance. How much money is Parsippany receiving as a result of the Federal Covid Stimulus Packages? And how much additional funds, if any, Parsippany will receive in the form of increased municipal aid from the State this year? Does the special emergency appropriations eliminate the transfer of funds from the Water/Sewer Utility to the General Budget permanently, or is this a one-time change? Has there been an official evaluation of the effect marijuana businesses would have on Parsippany? If so, what is the official estimate of the net revenue that marijuana related businesses would generate for the Township? **Mr. Carr** responded that the State aid is flat and that the Township has not received any municipal aid from the State. An evaluation has not been completed regarding marijuana related businesses.

**Angela Cosamano** – stated concerns over a neighbor near Old Dover Road that has produced excessive noise for the last 6-8 years. Industrial grade machines are being utilized to cut logs into firewood. Can anything be done about industrial equipment being utilized in a residential neighborhood? Zoning has cited the neighbor for selling firewood, however the noise continues. **Mr. Carr** responded by requesting the complainants contact information to further the dialogue regarding this issue.

**Ken Dolsky – 21 Winfield Drive** – stated he has concerns with the forestry management bills currently in the NJ Legislature. Status on request to pass a resolution opposing these bills. **Ms. McCarthy** responded that this is a concerning matter as municipality approval is not required for a forest stewardship plan. **Mr. dePierro** asked the Township Attorney to prepare a resolution, the other Council members agree. **Mr. Lott** stated that a resolution would be prepared for the next meeting.

**Nitin Shenoy – 58 Pinfold Court** – Glenmont Commons Association has raised concerns regarding roads, asking for a status update as to resolution. **Mr. Lott** responded that a legal analysis was provided to Council. There is an upcoming meeting between Township officials and the leadership of Glenmont Commons.

**Julie Peterson** – Board of Adjustment will be hearing a case for a proposed off-premise lighted sign at the Powder Mill Towing property. The proposal is for a 60-foot lighted sign which will be visible from residential neighborhoods. The case will be heard on June 23<sup>rd</sup>.

**Nick Homyak – 26 Oneida** – disappointed to see marijuana on the agenda for tonight. Plastic bag ban needs to be enforced. Litter is an issue and needs to be addressed every day.

**Ramkumar Sridharan – 4 Autumn Ridge Road** – questioning if the Glenmont Commons roads discussion will involve homeowners as well as townhome owners. **Mr. Lott** responded that the meeting is to occur between Township officials and the

leadership at Glenmont Commons initially and a decision will be made at that time, if additional meetings are necessary.

Seeing no one else come forward to speak, Mr. Madin entertained a motion to close the public hearing. A motion to close the public hearing was made by Council Member Carifi, and seconded Council Member McCarthy  
**ROLL CALL with all the Council Members answering Yes**

## **V. ORDINANCES**

### **A. INTRODUCTION**

#### **1. ORDINANCE 2021:10**

**ESTABLISHING CHAPTER 77 PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER 430 ZONING, OF THE CODE ADDING CANNABIS BUSINESSES TO THE LIST PROHIBITED USES IN ALL ZONE DISTRICTS – ON\***

#### **2. ORDINANCE 2021:11**

**AMENDING AND SUPPLEMENTING CHAPTER 290-4 AND A445-37 OF THE CODE RELATED TO KNOLL COUNTRY CLUB UTILITY FEES**

**BE IT RESOLVED** that the above Ordinances be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of Parsippany-Troy Hills held on **April 20, 2021** and that said Ordinances be further considered for second reading and final passage at a Meeting to be held on **May 18, 2021** at 7:00 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinances.

**BE IT FURTHER RESOLVED** that the Clerk be authorized and directed to advertise said Ordinances with the Notices of Introduction thereof being published in the official newspaper according to law.

Motion to approve the above Resolution for Ordinance 2021:10 by Council member Carifi, seconded by Council member Gragnani.

**ROLL CALL** with Council members Carifi, Gragnani and dePierro voting Yes and Council members McCarthy and Peterson voting No.

**Ms. Gragnani** stated that the concern is where some of the facilities will be located within the Township.

**Ms. McCarthy** stated that unclear as to the objections to these types of businesses producing a product that does not impact on the Township other than producing revenue for the town.

**Mr. Lott** stated that Ordinance 2021:10 is Land Use Ordinance in part and should be referred to the Planning Board.

Motion to approve the above Resolution for Ordinance 2021:11 by Council member Gragnani, seconded by Council member Carifi.

**ROLL CALL** with all Council members answering Yes.

**B. SECOND READING & PUBLIC HEARING**

**1. ORDINANCE 2021:05**

**CREATING NEW CHAPTER 205, HIGHLANDS REGIONAL MASTER PLAN REQUIREMENTS, ARTICLE I, HIGHLANDS REFERRAL ORDINANCE**

**WHEREAS**, the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.) was enacted by the State Legislature on August 10, 2004 for the purpose of protecting, enhancing, and restoring the natural resources of the New Jersey Highlands Region, in particular the water resources, which provide drinking water to over 5 million New Jersey residents; and

**WHEREAS**, the Highlands Act created the Highlands Water Protection and Planning Council (the “Highlands Council”) and charged it with crafting a comprehensive master plan for the New Jersey Highlands Region; and

**WHEREAS**, the Highlands Regional Master Plan was adopted by the Highlands Council through the adoption of Resolution 2008-27 on July 17, 2008, and became effective on September 8, 2008 as the product of a long-term, participatory, and region-wide planning effort; and

**WHEREAS**, Resolution 2008-27 included the adoption of Highlands Regional Master Plan as well as the adoption of various technical reports and guidelines that accompanied the Plan including the 2008 Plan Conformance Guidelines; and

**WHEREAS**, the Plan Conformance Guidelines provide an overview of the Highlands Act’s bifurcated system for municipal conformance with the Highlands Regional Master Plan – mandatory Plan Conformance for any portion (or if applicable, the whole) of a municipality located within the Preservation Area and voluntary Plan

Conformance for any portion (or if applicable, the whole) of a municipality lying within the Planning Area; and

**WHEREAS**, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may at any time voluntarily revise and conform its local master plan and development regulations, as related to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan; and

**WHEREAS**, the Plan Conformance Guidelines detail the requirements for Plan Conformance including amendments to the Environmental Resource Inventory, Master Plan, and Land Use Ordinance, which together are intended to achieve conformance with the Regional Master Plan and provide immediate protections to vital Highlands Resources; and

**WHEREAS**, the Plan Conformance Guidelines require conforming municipalities to adopt Initial Revisions as a first step of Plan Conformance; the initial revisions are revisions of the existing master plan and development regulations which are deemed necessary by the Highlands Council for prompt enactment by a petitioning local government in order to ensure the protection and enhancement of the resources of the Highlands Region; and

**WHEREAS**, the Plan Conformance Guidelines include the adoption of a Development Application Referral Ordinance as an Initial Revision in order to ensure that any Application for Development not be deemed complete until such time as certain documents have been submitted by the Applicant and to ensure that Applications for Development are consistent or revised to be consistent with the Regional Master Plan; and

**WHEREAS**, the Township of Parsippany-Troy Hills is located in the Highlands Region with lands lying within the Planning Area only, as defined by section 7 of the Highlands Act; and

**WHEREAS**, the Governing Body of the Township has, on behalf of the municipality, petitioned the Highlands Council for Plan Conformance with respect to Township lands located within the Planning Area portion of the Highlands Region; and

**WHEREAS**, the Petition filed with the Highlands Council contains proposed amendments to the municipal planning program, including amendments to the Environmental Resource Inventory, Master Plan, and Land Use Ordinance, which together are intended to achieve conformance with the Regional Master Plan and provide immediate protections to vital Highlands Resources located within the Township; and

**WHEREAS**, the Governing Body finds that the proposed changes to the municipal planning program are of broad and significant effect, are vital to the protection

of the Highlands resources of the municipal Highlands Area, and are compelling to the interests and general welfare of the community; and

**WHEREAS**, the Governing Body recognizes that the formal municipal adoption of each component of the revised planning program must take place, in sequential order in accordance with all statutory requirements, involving public hearings and deliberation by the Planning Board, and Governing Body; a process that will require an additional undetermined period of time; and

**WHEREAS**, the Governing Body is aware that lands within the Planning Area are not regulated by the New Jersey Department of Environmental Protection's Preservation Area Rules (N.J.A.C. 7:38-1 et seq.) and, with the exception of Wastewater Management Plans and Water Allocation Permits, would remain without the full suite of Highlands Regional Master Plan protections during the interim period between the date of filing of the Petition for Plan Conformance and the adoption of ordinances and regulations that will provide such protections; and

**WHEREAS**, an immediate level of protection to the resources located within the Highlands Region by adoption of revised submission requirements pertinent to Applications for Development therein is required by the Plan Conformance Guidelines; and

**WHEREAS**, the adoption of revised submission requirements pertinent to Applications for Development therein is essential to ensuring that Applicants achieve compliance with the standards and protections required under the Highland Regional Master Plan despite the interim status of the municipal Plan Conformance ordinances and regulations, this interim period not constituting an appropriate instance in which municipal approvals based upon existing municipal regulatory requirements, can appropriately be issued conditioned upon subsequent approval by the Highlands Council, as may occur under usual circumstances; and

**WHEREAS**, the Governing Body finds that the adoption of such submission requirements are important not only to provide such immediate resource protections, but to ensure the proper management of Applications for Development involving lands within the municipality; and

**WHEREAS**, the Highland Council deems the immediate protections ascribed by this Ordinance to lands in the Planning Area, which include the whole of the municipality, eligible for application of the provisions of the Highlands Act at N.J.S.A. 13:20-22 and N.J.S.A. 13:20-24 regarding legal representation to municipalities filing for Plan Conformance and regarding the strong presumption of validity and extraordinary deference afforded to such ordinances;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Township of Parsippany-Troy Hills, Morris County, New Jersey, as follows:

**SECTION 1.** Chapter 205, entitled “Highlands Regional Master Plan Requirements,” Article I, entitled “Highlands Referral Ordinance,” is hereby created to incorporate the following provisions:

**Article I Highlands Referral Ordinance**

**§ 205-1 Definitions**

For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

**AGRICULTURAL OR HORTICULTURAL DEVELOPMENT**

Construction for the purposes of supporting common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

**AGRICULTURAL OR HORTICULTURAL USE**

The use of land for common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

**AGRICULTURAL IMPERVIOUS COVER**

Agricultural or horticultural buildings, structures or facilities with or without flooring, residential buildings and paved areas, but not meaning temporary coverings.

**APPLICANT**

A developer submitting an Application for Development.

**APPLICATION FOR DEVELOPMENT**

The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permits pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).

**DISTURBANCE**

The placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

**DISTURBANCE, ULTIMATE**

The total existing or proposed area of disturbance of a lot, parcel, or other legally designated (or otherwise legally recognized) tract or subdivision of land, for the purpose of, and in connection with, any human activity, property improvement, or development, including the surface area of all buildings and structures, all impervious surfaces, and all associated land disturbances such as excavated, filled, and graded areas, and all lawn and landscape areas. Ultimate disturbance shall not include areas of prior land disturbance which at the time of evaluation: a) contain no known man-made structures (whether above or below the surface of the ground) other than such features as old stone rows or farm field fencing; and b) consist of exposed rock outcroppings, or areas which, through exposure to natural processes (such as weathering, erosion, siltation, deposition, fire, flood, growth of trees or other vegetation) are no longer impervious or visually obvious, or ecologically restored areas which will henceforth be preserved as natural areas under conservation restrictions.

**FARM MANAGEMENT UNIT**

A parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

**HIGHLANDS COUNCIL**

The New Jersey Highlands Water Protection and Planning Council.

**HIGHLANDS ACT**

The Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 *et seq.*

**HIGHLANDS AREA**

That portion of the municipality for which the land use planning and regulation are in conformance with, or are intended or proposed to be in conformance with, the Highlands Regional Master Plan. The Parsippany-Troy Hills Highlands Area shall be coterminous with the municipal boundaries.

**HIGHLANDS REGION**

All that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

**IMPERVIOUS SURFACE**

Any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, including, but not limited to, porous paving, paver blocks, gravel, crushed

stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

**IMPERVIOUS SURFACES, CUMULATIVE**

The total area of all existing or proposed impervious surfaces situated or proposed to be situated within the boundary lines of a lot, parcel, or other legally recognized subdivision of land, expressed either as a measure of land area such as acreage, or square feet, or as a percentage of the total lot or parcel area.

**MAJOR POTENTIAL CONTAMINANT SOURCES (PCS)**

Land uses and activities determined by the Highlands Council to pose a major risk of ground water contamination (see Appendix A).

**MINOR POTENTIAL CONTAMINANT SOURCES (PCS)**

Land uses and activities determined by the Highlands Council to pose a minor risk of ground water contamination (see Appendix B).

**MUNICIPAL LAND USE LAW (MLUL)**

The New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

**NJDEP**

New Jersey Department of Environmental Protection

**PLANNING AREA**

Lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

**PLAN CONFORMANCE**

The process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.

**PRESERVATION AREA**

That portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

**PUBLIC COMMUNITY WELL**

A well that provides water to a public water system serving at least 15 service connections used by year-round residents or regularly serving at least 25 year-round residents.

**PUBLIC NON-COMMUNITY WELL**

A well that is not a public community well and that provides water to a public water system regularly serving at least 25 individuals for at least 60 days in any given calendar year.

**REGIONAL MASTER PLAN (RMP)**

The Highlands Regional Master Plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

**SOLAR PANEL**

An elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array. (As defined by the Highlands Act, N.J.S.A. 13:20-1 et seq, as amended.)

**STRUCTURE**

A combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

**§ 205-2      Applicability**

This Ordinance shall apply to any Application for Development involving lands located within (or partially within) the Township Highlands Area, which is coterminous with the municipal boundaries of the Township, that seeks approval of a site plan, subdivision, or change in use, where approval of such Application would:

- A. For residential development, create three (3) or more dwelling units on any tax lot;
- B. For non-residential development on any tax lot:
  - (1) Result in the ultimate disturbance of one (1) acre or more of land;
  - (2) Produce a cumulative impervious surface area of one-quarter (1/4) acre, or more; or
  - (3) Introduce or expand on any of the following land uses/facilities:
    - (a) Landfills;
    - (b) Permanent storage or disposal of hazardous wastes, industrial or municipal sludge or radioactive materials, including solid waste landfills;
    - (c) Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous materials, and radioactive materials;
    - (d) Industrial treatment facility lagoons; or
    - (e) Any Major or Minor Potential Contaminant Source (as identified in Appendix A and Appendix B of this Ordinance, respectively) on lands located within 200 feet of the wellhead

of any public community well or public non-community well, as these are defined at Section 4 below.

All thresholds in A. and B., above, shall be interpreted to apply cumulatively over time, beginning as of the effective date of this Ordinance. If or when any one of the thresholds is reached, the Ordinance shall apply to any and all development in excess of that threshold. Where an application proposes a mixed use, the thresholds in B., for non-residential development shall apply to the whole of the project, while that in A., shall apply to the residential component. For purposes of this Ordinance, the phrases “Application for Development,” “Highlands Area,” “residential development,” “ultimate disturbance,” and “cumulative impervious surface area” shall be defined as provided at Section 205-1 above.

**§ 205-3 Administrative Completeness**

- A. Consistency Determinations Required. No Application for Development included in Section 205-2 above, shall be deemed complete or considered for review by the applicable Township land use Board until and unless the Applicant has obtained and provided a copy of:
  - (1) A Consistency Determination from the Highlands Council finding that the application is consistent with the Highlands Regional Master Plan; or
  - (2) A Consistency Determination from the Highlands Council finding that the application is not consistent with the Highlands Regional Master Plan, accompanied by a certification, as detailed in Section 205-3.B below, by the Applicant’s professional(s) of record that the application has been since review by the Highlands Council revised to achieve consistency with the Highlands Regional Master Plan.
- B. Findings of Inconsistency. Where a Highlands Council Consistency Determination finds that an Application for Development is inconsistent with the Highlands Regional Master Plan, no such application shall be deemed complete or considered for review by the applicable Township land use board having jurisdiction until or unless the Applicant has obtained from the professional engineer or registered architect of record responsible for preparation of the Applicant’s site plans, a certification indicating that to the best of their knowledge that the application has been revised to achieve consistency with the Highlands Regional Master Plan and specifically describing the revisions made to achieve such consistency.
- C. Referral Waiver. The Township may issue a waiver from the provisions of this Section where it can be established by the Applicant and can be verified by the designated representative(s) of the Township that:
  - (1) The activity, improvement or development proposed by the subject Application for Development has not yet been formally determined to be

exempt from the Highlands Act (see Section 3.B, below), but eligibility for an exemption has been sufficiently established by the Applicant; or

- (2) The activity, improvement or development proposed in the Application for Development will neither encroach upon a Highlands Resource or Highlands Resource Area, nor be of detrimental impact to any Highlands resource or Highlands Resource Area as these are identified and delineated in the Highlands Regional Master Plan. The Applicant's professional engineer or registered architect of record responsible for preparation of the Applicant's site plan, subdivision or change of use shall establish compliance of the above through a formal certification specifically addressing the Highlands Resources and Resource Areas and related policies and objectives as identified in Chapter 4 of the Highlands Regional Master Plan.
- D. Highlands Council Call-Up. All municipal waivers or findings of application completeness issued pursuant to this Section shall be issued in writing, inclusive of a statement indicating the rationale for the determination. All such determinations shall be subject to Highlands Council call-up review and shall specifically include conditions requiring same consistent with this paragraph. The municipality shall within five (5) calendar days of issuance of all such determinations, provide a copy of the decision to the Applicant and to the Highlands Council. The Highlands Council call-up review period shall expire 15 calendar days following its receipt of same. Upon determining to exercise this authority for call-up review, the Highlands Council shall transmit notice to the Applicant, the Township Zoning Officer and the Township Planner. Absent any such notification from the Highlands Council within that timeframe, the application shall be considered complete, with the date of the waiver or application completeness to be as of the date of first issuance by the municipality.

#### **§ 205-4 Exclusions and Exemptions**

- A. Exclusions. The following specific improvements and related applications shall be excluded from the provisions of this Ordinance:
- (1) The reconstruction, within the same footprint, of any building or other structure lawfully existing as of the effective date of this Ordinance, in the event of its destruction or partial destruction by fire, storm, natural disaster, or any other unintended circumstance.
  - (2) Any improvement or alteration to a building or other structure lawfully existing as of the effective date of this Ordinance, where such improvement or alteration is necessary for compliance with the provisions of the Americans with Disabilities Act, or to otherwise provide accessibility to the disabled.

(3) Any Agricultural or Horticultural Use or Development that would not result in either:

(a) An increase, since the date of enactment of the Highlands Act (August 10, 2004), either individually or cumulatively, of new agricultural impervious cover of greater than three percent (3%) to the total land area of a Farm Management Unit. Solar panels shall not be included in any calculation of agricultural impervious cover (all terms as defined in Section 4, below); or

(b) Construction of three (3) or more residential dwelling units (including accessory dwelling units) served by individual on-site septic system(s).

B. Exemptions. Any activity, improvement or development project listed and demonstrated to constitute a Highlands Act exemption shall be exempt from the provisions of this Ordinance. Formal demonstration of a Highlands Act exemption for an Application for Development involving lands located (or partially located) in the Highlands Area shall consist of one of the following:

(1) State Agency Determination. State Agency Determinations shall consist of a Highlands Exemption Determination issued by the Highlands Council indicating that the proposal qualifies as a Highlands Act Exemption.

(2) Municipal Determination. Upon adoption of the Highlands Area Exemption Ordinance, by the Township Council, for any application under this Ordinance involving Highlands Act Exemptions #4, #6, #7, or #8, the applicant may request and shall be deemed to have satisfied the evidentiary requirement by obtaining a Municipal Exemption Determination issued by the Municipal Exemption Designee, provided such Determination indicates that the proposal qualifies as a Highlands Act Exemption. The applicant may rely upon the findings of a Municipal Exemption Determination to the same extent and with the same protections as would apply in the case of a Highlands Exemption Determination issued by the Highlands Council.

**SECTION 2.** If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 3.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**SECTION 4.** This Ordinance shall take effect upon passage and publication in accordance with applicable law.

**APPENDIX A. MAJOR POTENTIAL CONTAMINANT SOURCES**

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Land uses and activities determined by the Highlands Council (based on New Jersey Safe Drinking Water Act regulations at N.J.A.C. 7:10 and NJDEP regulations) to be Major Potential Contaminant Sources include those listed below.

1. Underground fuel and chemical storage and oil tanks regulated by NJDEP under provisions of the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq.).
2. Above-ground storage facility for a hazardous substance or waste with a cumulative capacity greater than 2,000 gallons.
3. Automotive service center (repair & maintenance).
4. Dry cleaning processing facility.
5. Road salt storage facility.
6. Cemetery.
7. Highway maintenance yard.
8. Truck, bus, locomotive maintenance yard.
9. Site for storage and maintenance of heavy construction equipment and materials.
10. Site for storage and maintenance of equipment and materials for landscaping, excluding household storage and maintenance of such equipment.
11. Livestock operation containing 300 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] as defined by the NJ Department of Agriculture in its Criteria and Standards for Animal Waste Management, at NJAC 2:91.
12. Quarrying and/or mining facility.
13. Asphalt and/or concrete manufacturing facility.
14. Junkyard/auto recycling and scrap metal facility.
15. Residential or agricultural motor fuel in NJDEP exempted underground storage tanks (i.e., under 1,000 gallons).

**APPENDIX B. MINOR POTENTIAL CONTAMINANT SOURCES**

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Land uses and activities determined by the Highlands Council (based on New Jersey Safe Drinking Water Act regulations at N.J.A.C. 7:10 and NJDEP regulations) to be Minor Potential Contaminant Sources include the following:

1. Underground storage of hazardous substance or waste of less than 50 gallons.
2. Underground heating oil storage tank with a capacity of less than 2,000 gallons.
3. Sewage treatment facility regulated by a NJPDES permit granted under NJAC 7:14A.
4. Industrial waste line.
5. Septic system disposal field.
6. Facility requiring a ground water discharge permit issued by the NJDEP pursuant to N.J.A.C 7:14A et seq.
7. Stormwater retention-recharge basin on an industrial property receiving runoff from surfaces other than roof areas.
8. Dry well on an industrial property receiving runoff from surfaces other than roof areas.
9. Waste oil collection, storage and recycling facility.
10. Agricultural chemical bulk storage and mixing or loading facility including crop dusting facilities.
11. Above-ground storage of hazardous substance or waste in quantities of less than 2,000 gallons.
12. Livestock operation containing 8 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] or those receiving 142 or more tons of animal waste per year as defined by the NJ Department of Agriculture pursuant to its Criteria and Standards for Animal Waste Management, at NJAC 2:91.

2. **ORDINANCE 2021:06**

**AMENDING CHAPTER 205, HIGHLANDS REGIONAL MASTER PLAN REQUIREMENTS TO ESTABLISH THE HIGHLANDS AREA EXEMPTION ORDINANCE**

**WHEREAS**, the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.) was enacted by the State Legislature on August 10, 2004 for the purpose of protecting, enhancing, and restoring the natural resources of the New Jersey Highlands Region, in particular the water resources, which provide drinking water to over 5 million New Jersey residents; and

**WHEREAS**, the Highlands Act created the Highlands Water Protection and Planning Council (the “Highlands Council”) and charged it with crafting a comprehensive master plan for the New Jersey Highlands Region; and

**WHEREAS**, the Highlands Regional Master Plan was adopted by the Highlands Council through the adoption of Resolution 2008-27 on July 17, 2008, and became effective on September 8, 2008 as the product of a long-term, participatory, and region-wide planning effort; and

**WHEREAS**, Resolution 2008-27 included the adoption of Highlands Regional Master Plan as well as the adoption of various technical reports and guidelines that accompanied the Plan including the 2008 Plan Conformance Guidelines; and

**WHEREAS**, the Plan Conformance Guidelines provide an overview of the Highlands Act’s bifurcated system for municipal conformance with the Highlands Regional Master Plan – mandatory Plan Conformance for any portion (or if applicable, the whole) of a municipality located within the Preservation Area and voluntary Plan Conformance for any portion (or if applicable, the whole) of a municipality lying within the Planning Area; and

**WHEREAS**, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may at any time voluntarily revise and conform its local master plan and development regulations, as related to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan; and

**WHEREAS**, the Plan Conformance Guidelines detail the requirements for Plan Conformance including amendments to the Environmental Resource Inventory, Master Plan, and Land Use Ordinance, which together are intended to achieve conformance with the Regional Master Plan and provide immediate protections to vital Highlands Resources; and

**WHEREAS**, the Plan Conformance Guidelines require conforming municipalities to adopt Initial Revisions as a first step of Plan Conformance; the initial revisions are revisions of the existing master plan and development regulations which are deemed necessary by the Highlands Council for prompt enactment by a petitioning local government in order to ensure the protection and enhancement of the resources of the Highlands Region; and

**WHEREAS**, the Plan Conformance Guidelines include the adoption of a Development Application Referral Ordinance as an Initial Revision in order to ensure that any Application for Development not be deemed complete until such time as certain documents have been submitted by the Applicant and to ensure that Applications for Development are consistent or revised to be consistent with the Regional Master Plan; and

**WHEREAS**, the Township of Parsippany-Troy Hills is located in the Highlands Region with lands lying within the Planning Area only, as defined by section 7 of the Highlands Act; and

**WHEREAS**, the Governing Body of the Township has, on behalf of the municipality, petitioned the Highlands Council for Plan Conformance with respect to Township lands located within the Planning Area portion of the Highlands Region; and

**WHEREAS**, the exemption ordinance provides the ability for the municipality to review and provide exemptions as permitted by the Highlands Area Delegated Exemption Program and thus provides a level of administrative convenience and control for the Township with regard to certain Planning Area properties within the Township.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Township of Parsippany-Troy Hills, Morris County, New Jersey, that Chapter 205, entitled “Highlands Regional Master Plan Requirements,” of the Township Code be and hereby is amended to incorporate the following provisions:

**SECTION 1.** Chapter 205, entitled “Highlands Regional Master Plan Requirements” of the Township Code be and is hereby amended to create Article II, entitled “Highlands Area Exemption Ordinance,” as follows:

**Article II Highlands Exemption Ordinance**

**§ 205-5 Title**

This Article be known and cited as the “Township of Parsippany-Troy Hills Highlands Area Exemption Ordinance.”

**§ 205-6 Purpose**

The purpose of this Article is to set forth the procedural and substantive requirements by which the municipality will issue Highlands Act Exemption Determinations. Such determinations pertain only to Highlands Act Exemptions Nos. 1, 2, 4, 5, 6, 7, and 8. Highlands Act Exemption Determinations indicate whether proposed activities, improvements or development projects affecting lands located within the Township Highlands Area are exempt from the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.), and are therefore exempt from the Highlands Water Protection and Planning Council’s (“Highlands Council”) Regional Master Plan, the New Jersey Department of Environmental Protection’s (NJDEP) Highlands Water Protection and Planning Act Rules (“Preservation Area Rules,” N.J.A.C. 7:38-1 et seq.), and from any amendments to the Township’s Master Plan, development regulations, or other regulations adopted pursuant to the approval of the Township’s Petition for Plan Conformance by the Highlands Council.

**§ 205-7 Scope/Applicability**

The provisions of this Article pertain to activities, improvements and development projects involving lands located within the Township Highlands Area. The Highlands Area comprises that portion of the municipality for which the applicable provisions of the Township Master Plan, land use ordinances and other pertinent regulations have been deemed by the Highlands Council to be in conformance with the Highlands Regional Master Plan (RMP). The Parsippany-Troy Hills Highlands Area shall be coterminous with the municipal boundaries. The provisions of this Ordinance shall not be construed to alleviate any person or entity from the provisions and requirements of any other applicable ordinances, rules, or regulations of the Township , or from any other applicable law, regulation, or requirement of any county, state, or federal authority having jurisdiction. Nor shall the provisions of this Ordinance deprive any person or entity from seeking a Highlands exemption determination from the NJDEP or the Highlands Council.

**§ 205-8 Statutory Authority**

This Article is adopted under the authority of the Highlands Act and the New Jersey Municipal Land Use Law (“MLUL”, N.J.S.A. 40:55D-1 et seq.). In the Highlands Act, the Legislature identified numerous categories of activities that are exempt from the Act, the RMP, the Preservation Area Rules, and any amendments to a master plan, development regulations, or other regulations adopted by a local government to conform them to the RMP. See N.J.S.A. 13:20-28. The Legislature granted the Highlands Council the authority to administer the plan conformance process and to approve, reject, or approve with conditions municipal plan conformance petitions. See N.J.S.A. 13:20-14, -15. The Legislature, through the MLUL, granted authority to New Jersey municipalities

to govern land use and development within their borders and, through the Highlands Act, established requirements for Highlands municipalities to conform their land use and development regulations with the RMP. In a July 19, 2012 Memorandum of Understanding (MOU) between the Highlands Council and the NJDEP, the Council and the NJDEP recognized the circumstances in which it would be appropriate for conforming, Highlands Council-certified municipalities to make determinations regarding specified Highlands Act exemptions.

**§ 205-9 Definitions**

- A. Terms used in the body of this Article which are defined by the Highlands Act (N.J.S.A. 13:20-3) are intended to have the same definitions as provided in the Highlands Act. Unless expressly stated to the contrary or alternately defined herein, terms which are defined by the MLUL are intended to have the same meaning as set forth in the MLUL. For purposes of this chapter, the terms "shall" and "must" are indicative of a mandatory action or requirement while the word "may" is permissive.
- B. For purposes of this Article, the following definitions shall apply:

**AGRICULTURAL OR HORTICULTURAL DEVELOPMENT**

Construction for the purposes of supporting common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing. (N.J.S.A. 13:20-3).

**AGRICULTURAL OR HORTICULTURAL USE**

The use of land for common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing. (N.J.S.A. 13:20-3).

**AGRICULTURAL IMPERVIOUS COVER**

Agricultural or horticultural buildings, structures or facilities with or without flooring, residential buildings and paved areas, but not meaning temporary coverings. (N.J.S.A. 13:20-3).

**APPLICANT**

Any entity applying to the Board of Health, Planning Board, Zoning Board of Adjustment, Zoning Officer, Construction Official or other applicable authority of the municipality for permission or approval to engage in an activity that is regulated by the provisions of this Article.

**APPLICATION FOR DEVELOPMENT**

The application form and all accompanying documents required by Article for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).

**BUILDING PERMIT**

Used interchangeably with the term “Construction Permit;” see definition below.

**CONSTRUCTION PERMIT**

A permit issued pursuant to the New Jersey Uniform Construction Code, Chapter 23 of Title 5 of the New Jersey Administrative Code (N.J.A.C. 5:23-1 et seq.), providing authorization to begin work subject to the conditions and requirements established under the provisions therein.

**DEVELOPMENT**

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land, or extension of use of land, for which permission may be required pursuant to the MLUL. (N.J.S.A. 13:20-3; N.J.S.A. 40:55D-4).

**DISTURBANCE**

The placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation. (N.J.S.A. 13:20-3).

**DISTURBANCE, ULTIMATE**

The total existing or proposed area of disturbance of a lot, parcel, or other legally designated (or otherwise legally recognized) tract or subdivision of land, for the purpose of, and in connection with, any human activity, property improvement, or development, including the surface area of all buildings and structures, all impervious surfaces, and all associated land disturbances such as excavated, filled, and graded areas, and all lawn and landscape areas. Ultimate disturbance shall not include areas of prior land disturbance which at the time of evaluation: a) contain no known man-made structures (whether above or below the surface of the ground) other than such features as old stone rows or farm field fencing; and b) consist of exposed rock outcroppings, or areas which, through exposure to natural processes (such as weathering, erosion, siltation, deposition, fire, flood, growth of trees or other

vegetation) are no longer impervious or visually obvious, or ecologically restored areas which will henceforth be preserved as natural areas under conservation restrictions.

#### **ENVIRONMENTAL LAND USE OR WATER PERMIT**

A permit, approval, or other authorization issued by the Department of Environmental Protection pursuant to the "Freshwater Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et seq.), the "Water Supply Management Act," P.L.1981, c.262 (C.58:1A-1 et seq.), the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), "The Realty Improvement Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23 et seq.), the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.), the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), or the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.). (N.J.S.A. 13:20-3).

#### **FARM MANAGEMENT UNIT**

A parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise. (N.J.S.A. 13:20-3).

#### **FOREST MANAGEMENT PLAN**

A written guidance document describing the forest resources present on a property, the landowner's management goals and objectives, and the recommended practices or activities to be carried out over time on the land. This tool is used to evaluate a forest land's current state and provide a management process which, over time, meets the landowner's objectives, while maintaining health and vigor of the resource. Forest Management Plans are typically written for a ten year period. (RMP, Glossary).

#### **FARMSITE**

A Farm Management Unit as defined above.

#### **HIGHLANDS APPLICABILITY DETERMINATION**

A determination made by the NJDEP (pursuant to N.J.A.C. 7:38-2.4) indicating whether a project proposed for the Preservation Area is a major Highlands development, whether any such major Highlands development is exempt from the Highlands Act, and whether the project is consistent with the applicable Areawide Water Quality Management Plan

#### **HIGHLANDS AREA**

That portion of the municipality for which the land use planning and regulation are in conformance with, or are intended or proposed to be in conformance with, the Highlands RMP. The Parsippany-Troy Hills Highlands Area shall be coterminous with the municipal boundaries.

#### **IMMEDIATE FAMILY MEMBER**

A spouse, child, parent, sibling, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, or half-sister, whether the individual is related by blood, marriage, or adoption. (N.J.S.A. 13:20-3).

### **IMPERVIOUS SURFACE**

Any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, including, but not limited to, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements. (N.J.S.A. 13:20-3).

### **IMPERVIOUS SURFACES, CUMULATIVE**

The total area of all existing or proposed impervious surfaces situated or proposed to be situated within the boundary lines of a lot, parcel, or other legally recognized subdivision of land, expressed either as a measure of land area such as acreage, or square feet, or as a percentage of the total lot or parcel area.

### **MAJOR HIGHLANDS DEVELOPMENT**

Except as otherwise provided pursuant to subsection a. of section 30 of the Highlands Act (“Exemptions”): (1) any non-residential development in the Preservation Area; (2) any residential development in the Preservation Area that requires an environmental land use or water permit [from the NJDEP, *see definition above*], or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more; (3) any activity undertaken or engaged in the Preservation Area that is not a development but results in the ultimate disturbance of one-quarter acre or more of forested area or that results in a cumulative increase in impervious surface by one-quarter acre or more on a lot; or (4) any capital or other project of a State entity or local government unit in the Preservation Area that requires an environmental land use or water permit [from the NJDEP, *see definition above*], or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more. Major Highlands Development shall not include any agricultural or horticultural development or agricultural or horticultural use. Solar panels shall not be included in any calculation of impervious surface. (As defined by the Highlands Act, N.J.S.A. 13:20-1 et seq., as amended).

### **MASTER PLAN**

For purposes of this Article, all references to the “Township Master Plan,” “master plan,” or “Master Plan,” refer to the municipal master plan, as defined in the MLUL (N.J.S.A. 40:55D-5), as adopted by the Township Planning Board.

### **MASTER PLAN, HIGHLANDS REGIONAL (RMP)**

For purposes of this Article, all references to the Highlands Regional Master Plan (RMP), shall be by use of the words “Highlands Regional Master Plan,” “Highlands RMP,” “Regional Master Plan,” or “RMP.”

**MUNICIPAL LAND USE LAW (MLUL)**

The New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

**NJDEP** – New Jersey Department of Environmental Protection

**NJDEP PRESERVATION AREA RULES**

The regulations established by the NJDEP to implement requirements of the Highlands Act, titled “Highlands Water Protection and Planning Act Rules,” and codified at N.J.A.C. 7:38-1 et seq.

**PLANNING AREA**

Lands within the Highlands Region that are not located in that portion designated by the Highlands Act as the “Preservation Area” (see metes and bounds description at N.J.S.A. 13:20-7b).

**PRESERVATION AREA**

Lands within the Highlands Region that are located in that portion designated by the Highlands Act as the “Preservation Area” (see metes and bounds description at N.J.S.A. 13:20-7b).

**SOLAR PANEL**

An elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array. (N.J.S.A. 13:20-3).

**STRUCTURE**

A combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

**§ 205-10 Highlands Planning Area and Preservation Area**

The Highlands Act establishes the Preservation Area and Planning Area of the Highlands Region. It describes the varied attributes of each and sets forth the major land use planning goals that pertain to the lands located within each. The Act defines the geographic extent of the Highlands Region to include the aggregated land area making up its constituent municipalities (N.J.S.A. 13:20-7a). It provides a physical delineation of the Preservation Area by use of a specific metes and bounds description (N.J.S.A. 13:20-7b), designating all remaining lands within the Highlands Region as the Planning Area.

- A. Highlands Area. The Township Master Plan incorporates the Highlands Planning Area, inclusive of the goals applicable to it, as an integral component of the planning and land use policies of the municipality. For purposes of this Article, the Township Planning Area is coterminous with the boundaries of the Township.
- B. Applicability Specified. This Article applies specifically and solely to lands designated as the Township Highlands Area.

**§ 205-11 Highlands Act Exemption Determinations**

- A. Section 30 of the Highlands Act identifies as exempt, specific activities, improvements and development projects affecting lands within the Highlands Region. Such activities, improvements and projects may be proposed as a component of any type of land use application submitted to the municipality for approval, including but not limited to zoning permit applications, building permit applications, and Applications for Development (as defined herein). Any such qualifying activity, improvement or development project is exempt, with regard specifically to that activity, improvement or development project, from the requirements of the Highlands Act, the Highlands RMP, the NJDEP Preservation Area Rules, and any amendments to the Township's master plan, development regulations, or other regulations adopted pursuant to the approval of Township's Petition for Plan Conformance by the Highlands Council. Such an exemption specifically applies to any Highlands Area land use ordinance adopted by the Township pursuant to the Highlands Council's approval of the Township's Petition for Plan Conformance.

Where any application submitted to the municipality for approval proposes to rely upon a Highlands Act Exemption, the applicant must, as a condition of application completeness, and prior to review or approval of the application by the applicable municipal authority, provide sufficient evidence that the proposed activity, improvement, or development project in fact qualifies as a Highlands Act Exemption. Such evidence shall consist of either a State Agency Exemption Determination or a Municipal Exemption Determination (see Subsections B or C) indicating that the proposed activity, improvement, or development project qualifies for a Highlands Act Exemption.

- B. State Agency Exemption Determination. State Agency Exemption Determinations shall consist of a Highlands Exemption Determination issued by the Highlands Council for a Planning Area development proposal. State Agency Determinations may be requested with regard to any Highlands Act Exemption, however for applications involving any exemption not identified in § 205-12 below, a State Agency Exemption Determination is required. Any applicant seeking a formal exemption determination for a capital or other project of any State entity or local government unit, or for any other publicly-owned or controlled land or facility, also must request a State Agency Exemption Determination.
  
- C. Municipal Exemption Determination. For an application involving any of the specific exemptions listed in § 205-12 below, the applicant may request a Municipal Exemption Determination. The applicant may rely upon the findings of a Municipal Exemption Determination to the same extent as would apply to an exemption determination issued by the Highlands Council or the NJDEP.

**§ 205-12 Highlands Act Exemptions Eligible For Municipal Determination**

Effective as of the date on which the municipality receives written authorization from the Highlands Council to proceed, an applicant may seek a Municipal Exemption Determination for the Highlands Act Exemptions listed hereunder.

- A. Exemption No. 1. The construction of a single family dwelling, for an individual's own use or the use of an immediate family member, on a lot owned by the individual on the date of enactment of the Highlands Act (August 10, 2004) or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.
  
- B. Exemption No. 2. The construction of a single family dwelling on a lot in existence on the date of enactment of the Highlands Act (August 10, 2004), provided that the construction does not result in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more.
  - (1) A Municipal Exemption Determination indicating that an applicant qualifies under Highlands Act Exemption No. 2 shall require approval and filing of a Deed Notice along with a site plan delineating the total exempt area and the extent of the disturbance recognized in the Municipal Exemption Determination (see §205-14E below). Municipal Exemption Determinations in such instances shall not take effect until the applicant has provided proof of filing of the approved Deed Notice.

- C. Exemption No. 4. The reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more. This exemption shall not apply to the reconstruction of any agricultural or horticultural building or structure for a non-agricultural or non-horticultural use.
- (1) For purposes of this Article, this exemption shall not be construed to permit multiple 125% footprint expansions, but rather, to permit one or more reconstruction activities cumulatively resulting in a maximum 125% increase in the footprint of the impervious surfaces lawfully existing on the site, provided they do not cumulatively exceed the one-quarter acre limitation. Any determination of whether the expansion of impervious cover meets the statutory criteria for the exemption must account for the preexisting impervious cover, and such expansion must be contiguous to the location of the existing impervious cover. See In re August 16, 2007 Determination of NJDEP ex rel. Christ Church, 414 N.J. Super. 592 (App. Div. 2010), certif. denied, 205 N.J. 16 (2010).
- (2) For Planning Area determinations, the date of lawful existence shall coincide with the effective date of the municipally-adopted Highlands Area Checklist Ordinance or Highlands Area Land Use Ordinance, whichever is earlier.
- D. Exemption No. 5. Any improvement to a single family dwelling in existence on the date of enactment of the Highlands Act (August 10, 2004), including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool or septic system.
- E. Exemption No. 6. Any improvement, for non-residential purposes, to a place of worship owned by a nonprofit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on the date of enactment of the Highlands Act (August 10, 2004), including but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility.
- F. Exemption No. 7. An activity conducted in accordance with an approved woodland management plan pursuant to section 3 of the "Farmland Assessment Act," P.L.1964, c.48 (C.54:4-23.3) or a forest stewardship plan approved pursuant to section 3 of P.L.2009, c. 256 (C.13:1L-31), or the normal harvesting of forest products in accordance with a forest management plan or forest stewardship plan approved by the State Forester.

- G. Exemption No. 8. The construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.

**§ 205-13 Exemption Designee(s)**

Municipal Exemption Determinations regarding Highlands Act Exemptions shall be issued by the Township Planner or Zoning Officer (“Exemption Designees). The Exemption Designees shall be authorized to issue Municipal Exemption Determinations on behalf of the municipality, and shall only begin to do so, after satisfactory completion of a Highlands Council training class for which the individual(s) has/have received formal certification from the Highlands Council.

- A. Updates to Training Certification. In the event of programmatic changes, updated information, or modifications to procedures, updated training certification may be required of Exemption Designees in order to maintain qualifications for providing Municipal Exemption Determinations. The Highlands Council will provide training modules on an as-needed basis, to provide base training to new employees, and/or to further the expertise of already-certified individuals. Exemption Designees and the municipalities they serve will be advised of any need for upgraded training, which will be provided and funded by the Highlands Council.
- B. Interim Determinations. For the duration of any period during which the municipality is without a qualified Exemption Designee(s) due to changes in personnel or other extenuating circumstances, applicants seeking Highlands Act Exemption Determinations shall be referred to the NJDEP or the Highlands Council, for a State Agency Determination pursuant to § 205-11C above.

**§ 205-14 Application Procedures**

- A. Municipal Exemption Applications. Requests for Municipal Exemption Determination shall be submitted on forms provided by the by the Zoning Department and shall be accompanied by sufficient information and documentary evidence to demonstrate whether the proposed activity, improvement or development project qualifies for the applicable exemption. Required submission materials applicable to each exemption, appear at § 205-18, below.
- B. Completeness Determination. The Exemption Designee shall review the application and all accompanying materials to determine whether sufficient information has been submitted to make a determination on the application. In the event of a finding that the application is incomplete, the Exemption Designee shall, within 10 business days of receipt, issue such findings in writing to the applicant, indicating what information is required to properly consider the application.

- C. **Time for Determination.** The Exemption Designee shall issue Municipal Exemption Determinations within 20 business days of receipt of a complete application. The Exemption Designee may consult with the Executive Director (or applicable designee) of the Highlands Council as needed in making any exemption determination. In such circumstance, the Exemption Designee shall seek such assistance within the 20 day period and shall issue the determination within at least ten (10) business days of receiving the requested guidance. In no case shall failure to meet this date constitute approval of the exemption.
  
- D. **Determinations.** All Municipal Exemption Determinations shall be provided in writing, shall certify to the applicability or inapplicability of the exemption, and shall include a statement of the rationale for the decision. Any Municipal Exemption Determination certifying to the applicability of Highlands Act Exemptions No. 2 shall be contingent upon submission of proof of filing of the required Deed Notice, as set forth at Subsection F, below.
  
- E. **Notice of Determination Required.** The Exemption Designee shall provide copies of all Municipal Exemption Determinations including a copy of the full application, to the Highlands Council within ten (10) business days of issuance.
  
- F. **Deed Notice for Exemption No. 2.** Any Municipal Exemption Determination that certifies to the applicability of Highlands Act Exemption No. 2 (§205-12B above), shall be issued conditionally, pending fulfillment of the requirement that a deed notice be recorded in the office of the County Clerk or Register, as applicable, indicating the extent of the exemption that has been consumed. The deed notice shall incorporate each of the components listed below and the applicant shall provide a copy of the filed Deed Notice to the Highlands Council within five (5) business days of filing.
  - (1) Clear identification of the name(s) and address(es) of the owner(s) in fee of the property;
  
  - (2) Designated tax block and lot number(s), street address(es), municipality and county of location of the property;
  
  - (3) Reference to the Municipal Exemption Determination (by date, numbering if applicable) issued and under which the deed notice is being filed;

- (4) Description of the approved area of ultimate disturbance and the impervious surface area, with verification that these remain below the statutory limits;
- (5) For properties of one acre or more in area, metes and bounds delineation indicating the portion of the property for which the ultimate disturbance has been authorized;
- (6) Agreement to abide by the ultimate disturbance and impervious surface limits imposed, any furtherance thereof rendering the Municipal Exemption Determination null and void; and
- (7) Notice that the owner(s) and subsequent owner(s) and lessees shall cause all leases, grants, and other written transfers of interest in the property to contain provisions expressly requiring all holders thereof to take the property subject to the limitations therein set forth.

**§ 205-15 Appeal Of Municipal Exemption Determination**

A Municipal Exemption Determination may be appealed by any affected person/entity by filing a notice of appeal within twenty (20) business days of issuance or receipt of said determination, whichever is later, specifying the grounds therefor. Appeals must be filed with the Highlands Council in the case of any Planning Area Exemption. All appeals shall be copied to the Exemption Designee, who shall immediately transmit to the Highlands Council, as applicable, copies of the notice of appeal, the Municipal Exemption Determination Application, and all supplemental materials constituting the record that the Exemption Designee relied upon in issuing the Municipal Exemption Determination. Where the Municipal Exemption Determination deems an activity, improvement or development project exempt, the filing of an appeal to the Highlands Council shall stay all proceedings in furtherance of its approval by the municipality.

**§ 205-16 Effect Of Certified Exemption**

Issuance of a Municipal Exemption Determination that certifies to the applicability of a Highlands Act exemption shall recognize the applicant's exemption from the provisions of the RMP, NJDEP Preservation Area Rules, and any municipal ordinances and requirements adopted under the authority of the Highlands Act to achieve Highlands Plan Conformance. The exemption is restricted solely to the extent of the specified activity, improvement, or development project as described in the language of the Highlands Act exemption, or to any lesser activity, improvement, or development project as proposed and certified through a Municipal Exemption Determination Application. Any activity, improvement, or development project, or any part thereof, that is not specifically listed as an exemption or exceeds the limits of an exemption, remains subject to all of the above

regulatory programs to the full extent of the respective applicability of each. Issuance of a Highlands Exemption Determination shall not relieve the applicant from securing all other required federal, state, or local approvals.

**§ 205-17 Application Fees**

There shall be a \$35.00 application fee for any application for Municipal Exemption Determination. The Township Council may increase this application fee from time to time by duly adopted resolution.

**§ 205-18 Submission Requirements**

All applications shall be accompanied by the Municipal Exemption Determination Application Form, the applicable fees, and the information listed below, as applicable to the particular exemption or exemption(s) being sought by the applicant. All references to professional preparers indicated herein shall be construed to include any and all qualified individuals licensed, certified, or otherwise eligible and authorized to complete such work, in accordance with the applicable laws and legal requirements of the State of New Jersey including but not limited to the MLUL (N.J.S.A. 40:55D-1 et seq.) and Title 13 of the New Jersey Administrative Code, Law and Public Safety. Where the Exemption Designee finds that any submission item is not necessary to address the evidentiary requirements that must be satisfied for issuance of an Exemption Determination, either because alternate items have been provided by the applicant, or the relevant information is readily available through records, maps, or any other documents on file in the offices of the municipality, the Exemption Designee may waive the applicant's obligation to submit such information.

A. Exemption No. 1.

- (1) A copy of a deed, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was legally owned by the applicant on or before August 10, 2004 and indicating the lot and block as designated by the municipal tax mapping, the municipality and county in which the lot is located, and the street address;
- (2) If the applicant did not own the lot, a copy of the binding contract of sale executed by the seller and the applicant on or before May 17, 2004 for the lot on which the house is to be constructed; and
- (3) A certification by the applicant stating that the single family dwelling proposed for construction on the lot specified and described therein by tax lot and block, municipality and county of location, and street address, is intended for the applicant's own use or the use of an immediate family member as identified therein by name and relationship to the applicant.

B. Exemption No. 2.

- (1) A copy of the recorded deed or plat showing that the lot was created on or before August 10, 2004 or proof of subdivision approval on or before August 10, 2004;
- (2) A property survey certified by a licensed New Jersey Professional Land Surveyor indicating the property boundary lines and overall lot size, and showing what structures currently exist on the lot, if any;
- (3) A parcel plan certified by a licensed New Jersey Professional Engineer showing all existing and proposed development, including all structures, grading, clearing, impervious surface and disturbance, and including the calculations supporting the claim that impervious surfaces and areas of disturbance are within the limits necessary for Exemption No. 2; and
- (4) A metes and bounds description of the area of the lot to be disturbed, limited to less than one acre and a draft conservation restriction or deed notice (pursuant to §205-14E, above) to cover the balance of the lot.

C. Exemption No. 4.

- (1) A parcel plan certified by a licensed New Jersey Professional Engineer depicting:
  - (a) All existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, lawfully existing on the site as of the effective date of the municipal Highlands Area Checklist Ordinance or Highlands Area Land Use Ordinance, whichever is earlier; and
  - (b) All proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading; and
- (2) A copy of any official documentation of the original date of construction of the building or otherwise establishing the lawfulness of existing impervious surfaces.

D. Exemption No. 5.

- (1) A copy of any official documentation proving the single family dwelling was in existence on August 10, 2004;
- (2) A description of the proposed improvement; and

- (3) A certification from the applicant that the property and all improvements will continue to be used for single family dwelling purposes.
- E. Exemption No. 6.
- (1) A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004;
  - (2) For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non-profit status;
  - (3) A site plan certified by a licensed New Jersey Professional Engineer depicting:
    - (a) All existing property improvements including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site on August 10, 2004; and
    - (b) All proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.
- F. Exemption No. 7.
- (1) For a private landowner with an approved woodland management plan or forest stewardship plan:
    - (a) A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq., if applicable;
    - (b) A brief description of the total area of woodlands that is the subject of the approved woodland management plan or forest stewardship plan;
    - (c) A brief description of the length of time that the area to be managed has been in use for woodland management or forest stewardship plan; and
    - (d) A copy of the approved woodland management plan or forest stewardship plan.

- (2) For the normal harvesting of forest products in accordance with a forest management plan or forest stewardship plan approved by the State Forester:
  - (a) A brief description of the total area where the normal harvesting of forest products occurs;
  - (b) A brief description of the length of time that the area to be managed has been in use for normal harvesting of forest products; and
  - (c) A copy of a forest management plan or forest stewardship plan approved by the State Forester.

G. Exemption No. 8.

- (1) A site plan certified by a licensed New Jersey Professional Engineer showing the proposed trail construction with details including the location, and width of existing and proposed trails and those off-site trails to which they connect, if any;
- (2) A written description of the non-impervious materials to be used; and
- (3) For privately owned property, a copy of a deed for the property and the conservation or recreational use easement of the property.

**SECTION 2.** If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 3.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**SECTION 4.** This Ordinance shall take effect upon passage and publication in accordance with applicable law.

3. **ORDINANCE 2021:07**

**AMENDING 225 ATTACHMENT 1, APPLICATION CHECKLIST, GENERAL REQUIREMENTS FOR ALL DEVELOPMENT APPLICATIONS (APPENDIX A)**

**WHEREAS,** the Township of Parsippany-Troy Hills is located in the Highlands Region with lands lying within the Planning Area only, as defined by section 7 of the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.); and

**WHEREAS,** the Township Council has, on behalf of the municipality, petitioned the Highlands Council for Plan Conformance with respect to Township lands located within the Planning Area portion of the Highlands Region; and

**WHEREAS,** the Township Council has adopted the Highlands form exemption ordinance which provides the Township the ability to review and provide exemptions as permitted by the Highlands Area Delegated Exemption Program and thus provides a level of administrative convenience and control for the Township with regard to certain Planning Area properties within the Township; and

**WHEREAS,** the Township Council wishes to amend Chapter 225, Attachment 1, Application Checklist, General Requirements for All Development Applications (Appendix A) to require applicants to submit the Highlands Exemption Determination Application as a checklist requirement for all development applications.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Township of Parsippany-Troy Hills, Morris County, New Jersey, as follows:

**SECTION 1.** Chapter 225, Attachment 1, Application Checklist, General Requirements for All Development Applications (Appendix A) be and is hereby amended to add the Highlands Exemption Determination Application, in substantially the same form as the application attached hereto and made a part hereof, as a Checklist Requirement for all development applications.

**SECTION 2.** If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 3.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**SECTION 4.** This Ordinance shall take effect upon passage and publication in accordance with applicable law.

**APPENDIX A**

**TOWNSHIP OF PARSIPPANY-TROY HILLS  
APPLICATION CHECKLIST  
GENERAL REQUIREMENTS FOR ALL DEVELOPMENT APPLICATIONS**

Applicant's Name: \_\_\_\_\_  
\_\_\_\_\_

Application #: \_\_\_\_\_ Date Received: \_\_\_\_\_

ITEMS REQUIRED:		YES	N/A	WAIVER
1.	Application Forms: Twenty (20) copies, to conform to requirements per §255-38 of the Land Subdivision Ordinance.	( )	( )	( )
2.	Fees and Escrow.	( )	( )	( )
3.	Certification of Taxes Paid.	( )	( )	( )
4.	Site Plan or Subdivision Plan: Twenty (20) copies.	( )	( )	( )
5.	Affidavit of Ownership. If applicant is not the owner, applicant's interest in land must be indicated; e.g., tenant, contract/purchaser, lien holder, etc., and permission of property owner to file the application must be submitted.	( )	( )	( )
6.	If applicant is a corporation or partnership applying for permission to subdivide a parcel of land into two (2) or more lots, or applying for a variance to construct a multiple dwelling or for approval of a site to be used for commercial purposes, list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class as required by N.J.S.40:55D-48.1 and 48.2.	( )	( )	( )
7.	A statement from the property owner granting permission for the Board and any of its experts to enter the subject premises for purposes of inspection in relation to a	( )	( )	( )

	development application.			
8.	Statements as to any requirements for which waiver or variance is sought, together with a statement of reasons why same should be granted.	( )	( )	( )
9.	For minor site plans, minor subdivisions, preliminary major site plans and preliminary major subdivisions, a statement of any and all approvals which are required from other governmental or quasi-governmental entities.	( )	( )	( )
10.	If approval from the Morris County Planning Board is required pursuant to P.L. 1968, c. 285, a copy of the application submitted to the Morris County Planning Board must be provided.	( )	( )	( )
11.	A copy of the certified list of property owners within two hundred (200) feet of the subject property, prepared by the Tax Assessor, must also be submitted. Said certified list shall be no more than 90 days old. Names and addresses of all property owners within 200 feet of site, including block and lot numbers, shall be placed on the plan.	( )	( )	( )
12.	For minor subdivisions, preliminary major site plans and preliminary major subdivisions, one of the following:			
	a. A letter of interpretation from the N.J.D.E.P.;	( )	( )	( )
	b. A letter of exemption from the N.J.D.E.P.;	( )	( )	( )
	c. A copy of any application made to the N.J.D.E.P. for any permit concerning a proposed regulated activity in or around freshwater wetlands; or	( )	( )	( )
	d. Documentation from a qualified professional demonstrating that no wetlands exist on the subject property, and demonstrating that no wetlands exist on adjacent property that would affect or limit development on the property which is the subject of the development application.	( )	( )	( )
13.	For minor site plans, minor subdivisions, preliminary major site plans, preliminary major subdivisions and variance applications, a copy of any protective covenants or deed restrictions, if any, affecting the property in question; provided that if none exist, an affidavit from the owner certifying that no such covenants or restrictions exist, shall be submitted.	( )	( )	( )
14.	Complete checklist provided for one of the following development proposals (Applicant check one or more as required):			
	Form 1 - Informal (Concept) Subdivision			

	Form 2 - Informal (Concept) Site Plan			
	Form 3 - Minor Site Plan			
	Form 4 - Minor Subdivision			
	Form 5 - Preliminary Major Site Plan			
	Form 6 - Preliminary Major Subdivision			
	Form 7 - Final Major Site Plan or Final Major Subdivision			
	Form 8 - Appeals and/or Interpretation of Ordinance			
	Form 9 - "D" Variance Application			
	Form 10 - "C" Variance Application			
15.	Submission of site photographs of existing conditions including but not limited to, existing structures, site frontage and relationship to adjacent properties.	( )	( )	( )
16.	Highlands Exemption Determination Application	( )	( )	( )

The Notices for Ordinances 2021:05, 2021:06 and 2021:07 were published in the *Daily Record*, the official newspaper of the Township of Parsippany-Troy Hills on March 23, 2021. The Ordinances were introduced at the March 16, 2021 Regular Meeting.

Motion to accept Ordinances 2021:05, 2021:06 and 2021:07 be heard in their second and final readings by title only, by Council member Peterson, seconded by Council member McCarthy.

**ROLL CALL** with all Council members answering Yes.

a. PUBLIC HEARING

Motion to open the public hearing for Ordinances 2021:05, 2021:06 and 2021:07 by Council member Carifi, seconded by Council member Peterson. **ROLL CALL** with all Council members answering Yes.

**Nick Homyak** – regarding Ordinance 2021:05, how is it determined when to invoke the Highlands referral ordinance and can a developer get around it. **Mr. Lott** responded that all three ordinances work together, any development application would be referred to the Highlands Council unless it is determined to be exempt. The Highlands review process precedes the completeness review done by

township official and would be done with any development application.

Motion to close the public hearing for Ordinance 2021:05, 2021:06 and 2021:07 by Council member Carifi, seconded by Council member Peterson. **ROLL CALL** with all Council members answering Yes.

**WHEREAS**, the above ordinances were read in title on second reading and a hearing held thereon;

**NOW, THEREFORE, BE IT RESOLVED** that said ordinances be passed on final reading and that Notices of Final Passage of said ordinances be published in the newspaper according to law.

Motion to approve the Resolution above for Ordinance 2021:05 by Council member Carifi, seconded by Council member Gragnani.  
**ROLL CALL** with all Council members answering Yes.

Motion to approve the Resolution above for Ordinance 2021:06 by Council member Gragnani, seconded by Council member Peterson.  
**ROLL CALL** with all Council members answering Yes.

Motion to approve the Resolution above for Ordinance 2021:07 by Council member Carifi, seconded by Council member Gragnani.  
**ROLL CALL** with all Council members answering Yes.

**Mr. Lott** stated that Ordinances 2021:05, 2021:06, and 2021:07 need to be referred to the Planning Board.

## **VI. NON-CONSENT AGENDA**

### **A. RESOLUTIONS**

#### **1. R2021-061 Approving the Application for a Permit for Limited Use in Discharging a Firearm**

**WHEREAS**, Alexander C. Thomas, in conjunction with the Boy Scouts of America, has applied to the Township of Parsippany-Troy Hills for a permit for Limited Use in Discharging a Firearm for a BB gun target practice at the Cub Scout Fun Festival on May 1, 2021 from 1:00 pm to 4:00 pm, at Saint Ann's Catholic Church parking lot; and

**WHEREAS**, the application was reviewed by the Parsippany Police Department and a background check was conducted on the individual named in the application; and

**WHEREAS**, approval of the applicant was memorialized in a memorandum by Captain Thomas Carney to the Township Clerk dated April 12, 2021.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that it does hereby grant a Permit for Limited Use in Discharging a Firearm to Alexander C. Thomas in conjunction with the Boy Scouts of America, for May 1, 2021, between 1:00 pm and 4:00 pm, at Saint Ann's Catholic Church parking lot, for a BB gun target practice recruiting event

Motion to approve the Resolution above by Council member Peterson, seconded by Council member Carifi.

**ROLL CALL** with all Council members answering Yes.

**Ms. Peterson** stated that for the Public that may be unaware this resolution is in regards to the Cub Scouts Fair being held in May discharging a BB gun at a target.

## **VII. CONSENT AGENDA**

**BE IT RESOLVED**, all items listed with an asterisk (\*) are routine and noncontroversial by the Township Council and will be approved by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

Motion to approve the Consent Agenda by Council member Carifi, seconded by Council member Peterson.

**ROLL CALL** with all Council members answering Yes.

### **A. RESOLUTIONS**

#### **1. R2021-062\*Authorizing Change Order #5 Laboratory Improvements at the Wastewater Treatment Plant**

**WHEREAS**, change order to the contract with T.N.S. Construction, LLC, 1294 Waterloo Road, Stanhope, NJ 07874 for LABORATORY IMPROVEMENTS at the WASTEWATER TREATMENT PLANT, is necessary and prudent, and after consideration of this extra work, Change Order # 5 results in a decrease in total Project Cost by an amount of \$6,000.00 resulting in a new total contract price of \$680,243.45; and,

**WHEREAS**, Change Order #1, in the amount of \$3,500.00 and Change Order # 2 in the amount of \$6,000.00, increased the Total Contract amount to \$679,235.90, were approved with the adoption of Resolution R2020-174; and,

**WHEREAS**, Change Order #4, in the amount of \$3,500.00 increased the Total Contract amount to \$682,735.90, were approved with the adoption of Resolution R2021-028; and,

**WHEREAS**, Change Order #3, in the amount of \$3,507.55 increased the Total Contract amount to \$686,243.45, were approved with the adoption of Resolution R2021-039; and

**WHEREAS**, Architectural Design Associates, the Township's Architect for this Project, has recommended approval of Change Order # 5 for the removal of laboratory appliances from the Contract and for granting an extension of time in the total of 264 days, as detailed therein.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills, that it hereby approves Change Order # 5, decreasing the total cost of the Project by amounts of \$6,000.00, thereby resulting in a new total contract price of \$680,243.45 and granting and extension of time of 264 days, thereby making March 22, 2021, 2021 the new Project Completion date.

**BE IT FURTHER RESOLVED** by that the Mayor is authorized to execute Change Order # 5, in the form on file with the Township Clerk.

**2. R2021-063\*Contract for 2021 Road Resurfacing/Curb & Sidewalk Program**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for 2021 Road Resurfacing/Curb & Sidewalk Program on March 10, 2021, and

**WHEREAS**, the Director of Purchasing, Purchasing Assistant and Township Engineer have reviewed the bids received and recommend that a contract be awarded to the lowest responsible bidder, D.S. Meyer Enterprises, LLC, 2 North Street, Suite 2A, Waldwick, NJ 07463 for the Total Base Bid Price of \$1,459,227.50, as well as the Total Alternate "A" Price of \$32,200.00 and the Total Alternate "B" Price of \$142,500.00, and

**WHEREAS**, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified to the availability of funds in the following:

Current Capital Ordinance #'s 2020:10 adopted May 5, 2020 and 2020:24 adopted

July 21, 2020, both entitled,

"Various Improvements."

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for 2021 Road Resurfacing/Curb & Sidewalk Program be awarded as stated above in accordance with the terms and

conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract.

**3. R2021-064\*Contract for One New 2021 Type I Ford F450 Ambulance for EMS Squad**

**WHEREAS**, the Township of Parsippany-Troy Hills received a bid proposal for One (1) New 2021 Type I Ford F450 4 X 4 Ambulance or Approved Equivalent for the EMS Squad on March 19, 2021, and

**WHEREAS**, the Director of Purchasing, Purchasing Assistant and EMS Squad have reviewed the bid received and recommend that a contract be awarded to the lowest responsible bidder, First Priority Emergency Vehicles, 2444 Ridgeway Blvd., Bldg. 500, Manchester, NJ 08759 for the Final Bid Price of \$238,610.00, and

**WHEREAS**, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified to the availability of funds in the following:

Current Capital Ordinance # 2020:24 adopted July 21, 2020, entitled,  
“Various Improvements.”

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for One (1) New 2021 Type I Ford F450 4 X 4 Ambulance or Approved Equivalent for the EMS Squad be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract.

**4. R2021-065\*Contract for Baldwin Road Sanitary Sewer Modifications**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Baldwin Road Sanitary Sewer Modifications on March 18, 2021, and

**WHEREAS**, the Director of Purchasing, Purchasing Assistant, Sewer Superintendent and Consulting Engineer have reviewed the bids received and recommend that a contract be awarded to the lowest responsible bidder, Kulpeksa Land Imp. Corp., 248 Franklin Avenue, Rockaway, NJ 07866 for the Total Base Bid Price of \$385,055.00, and

**WHEREAS**, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified to the availability of funds under the following:

Sewer Capital Ordinance # 2020:20 adopted July 21, 2020, entitled,  
“Various Improvements”.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for Baldwin Road Sanitary Sewer Modifications be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract

**5. R2021-066\*Contract to Furnish and Install Two Self Standing Alutex Pergo-Louver Systems with Perimeter Hoods and LED Lights for Knoll West Country Club**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals to Furnish and Install Two (2) Self Standing Alutex Pergolouver Systems 15’3” X 24’ each with Perimeter Hoods and LED Lights or Approved Equivalent for the Knoll West Country Club on March 17, 2021, and

**WHEREAS**, the Director of Purchasing, Purchasing Assistant and Golf Superintendent have reviewed the bids received and recommend award of a contract to the lowest responsible bidder, Alutex Inc., 236 Margaret King Avenue, Ringwood, NJ 07456 for a Total Price of \$77,752.00, and.

**WHEREAS**, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified to the availability of funds under the following:

Knoll Capital Ordinance #'s 2012:27 adopted June 19, 2012 and  
2020:23 adopted July 21, 2020, both entitled,  
“Various Improvements”.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid to Furnish and Install Two (2) Self Standing Alutex Pergolouver Systems 15’3” X 24” Each with Perimeter Hoods and LED Lights or Approved Equivalent for the Knoll West Country Club be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract.

**6. R2021-067\*Contract for Repair of Seven Parsippany-Troy Hills Bridges**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Repair of Seven Parsippany-Troy Hills Bridges on March 11, 2021, and

**WHEREAS**, the Director of Purchasing, Purchasing Assistant and Township Engineer have reviewed the bids received and recommend that a contract be awarded to

the lowest responsible bidder, T. R. Weniger, Inc., 1900 New Brunswick Avenue, Piscataway, NJ 08854 for a Total Bid Price of \$141,000.00, and

**WHEREAS**, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified to the availability of funds in the following:

Current Capital Ordinance #'s 2019:07 adopted April 16, 2019 and  
2019:11 adopted May 14, 2019, both entitled,  
"Various Improvements."

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for Repair of Seven Parsippany-Troy Hills Bridges be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract.

**7. R2021-068\*Authorizing an Application for 2021 Community Development Block Grant Funding**

**WHEREAS**, the Township of Parsippany-Troy Hills is eligible to receive Federal funds available through the Department of Housing and Urban Development; and

**WHEREAS**, a Consolidated Plan for FY 2020-2024 was developed along with a FY 2020 Annual Action Plan in compliance with 24 CFR Parts 91, 92, 570, 574, 576 and 968; and

**WHEREAS**, the U.S. Department of Housing and Urban Development requires certain certifications to be submitted along with and as part of the Consolidated Plan Submission; and

**WHEREAS**, pursuant to government regulations the Township of Parsippany-Troy Hills has prepared the required submission to apply for Community Development Block Grant funds for fiscal year 2021, and

**WHEREAS**, the Township has developed an Annual Plan for FY 2021 for the use of the Community Development Block Grant funds which was available for public review for a 30 day period; and

**WHEREAS**, the Township of Parsippany-Troy Hills has been a member of the Morris County Consortium participating in HOME Investment Partnership Program activities since 1994.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, State of New Jersey, being the governing body thereof, as follows:

1. The Mayor of the Township of Parsippany-Troy Hills is hereby authorized to submit the application for Community Development Funding, including all understandings and assurances contained therein, to utilize to the fullest extent of funding allowed and determined by the Department of Housing and Urban Development, under the Housing and Community Development Act of 1974, as amended, and to act as the authorized representative of the Township of Parsippany-Troy Hills and to provide such additional information as may be required.
  
2. The Mayor and other appropriate and responsible officials are hereby authorized and directed to execute on behalf of the Township such certification or certifications as may be required under the Rules and Regulations of the U.S. Department of Housing and Urban Development.

**8. R2021-069\*Cancellation and Refund of Property Taxes for Block 764 Lot 70 – 100% Permanently Disabled Veteran**

**WHEREAS**, N.J.S.A. 54:4-3.30 exempts 100% permanently and totally disabled veterans or surviving spouses of veterans from the payment of real estate taxes; and

**WHEREAS**, Ramon Santiago and Sarah E. Suarez are the owners of the residential property assessed as Block 764, Lot 70, having an address of 1105 South Beverwyck Road and purchased on March 15, 1995 and

**WHEREAS**, Ramon Santiago has been certified by the Department of Veterans Affairs as a 100% permanently and totally wartime service connected disabled veteran effective January 10, 2014 and

**WHEREAS**, Ramon Santiago submitted a 100% disabled veteran exemption application with the Tax Assessor's office February 19, 2021 and the for the past 30 years the municipality has exempted residential properties for the year or partial year that the veteran applied for the exemption,

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Parsippany-Troy Hills that the 2021 real estate taxes on the above parcel are hereby exempt/canceled for the period January 1, 2021 through December 31, 2021; and

**BE IT FURTHER RESOLVED** that said 2021 taxes *paid* for the period from January 1, 2021 to December 31, 2021 be refunded to the owner of the property.

**9. R2021-070\*Cancellation and Refund of Property Taxes for Block 555 Lot 11 – 100% Permanently Disabled Veteran**

**WHEREAS**, N.J.S.A. 54:4-3.30 exempts 100% permanently and totally disabled veterans or surviving spouses of veterans from the payment of real estate taxes; and

**WHEREAS**, Ismael Ortiz LaBoy and Patricia LaBoy are the owners of the residential property assessed as Block 555, Lot 11, having an address of 5 Wolf Place and purchased on July 9, 2018 and

**WHEREAS**, Ismael Ortiz LaBoy has been certified by the Department of Veterans Affairs as a 100% permanently and totally wartime service connected disabled veteran effective June 29, 2020 and

**WHEREAS**, Ismael Ortiz LaBoy submitted a 100% disabled veteran exemption application with the Tax Assessor's office March 22, 2021 and the for the past 30 years the municipality has exempted residential properties for the year or partial year that the veteran applied for the exemption,

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Parsippany-Troy Hills that the 2021 real estate taxes on the above parcel are hereby exempt/canceled for the period January 1, 2021 through December 31, 2021; and

**BE IT FURTHER RESOLVED** that said 2021 taxes *paid* for the period from January 1, 2021 to December 31, 2021 be refunded to the owner of the property.

**10. R2021-071\*Authorizing Shared Services Agreement with the Township of Jefferson for Use of a Gun Range**

**WHEREAS**, the Township of Jefferson owns and operates a gun range located at 1033 Weldon Road, Oak Ridge, NJ 07348 that is utilized by outside agencies for qualifications for their law enforcement; and

**WHEREAS**, the Township of Parsippany-Troy Hills, Police Department and the Township of Jefferson have determined that it would be mutually beneficial to enter into a Shared Services Agreement whereby the Parsippany Police Department is able to utilize the range; and

**WHEREAS**, the Township may utilize the range for a total of 30 days each calendar year at a rate of \$250 per day; and

**WHEREAS** the term of this agreement is for four (4) years, January 1, 2021 through December 31, 2024; and

**WHEREAS**, the Township is authorized pursuant to the Interlocal Services Act, N.J.S.A. 40:8A-1 *et seq.*, to enter into a contract with any other local unit for the provision of any service which that local unit is empowered to render within its own jurisdiction.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Parsippany-Troy Hills hereby authorizes execution of a Shared Services Agreement with the Township of Jefferson, 1033 Weldon Road, Lake Hopatcong, NJ 07849 for the use of their gun range located at 1033 Weldon Road, Oak Ridge, NJ 07438 for a period of four (4) years, in the form on file in the Office of the Business Administrator, upon the terms and conditions provided therein.

**11. R2021-072\*Authorizing the Award of a Consulting Agreement for Hearing Officer Services**

**WHEREAS**, the Mayor hereby appoints Frank T. Pinto, Jr. of the firm Pinto Consulting, LLC whose office is located at 21 Cherry Tree Lane, Chester, New Jersey 07930 as Hearing Officer for certain disciplinary proceedings and employment matters within the Township; and

**WHEREAS**, the Business Administrator has determined and certified in writing that the value of these services may exceed \$17,500; and

**WHEREAS**, the terms of these contracts shall begin on January 1, 2021 and end on December 31, 2021; and

**WHEREAS**, the Frank T. Pinto, Jr. has indicated that he will provide the services required as specified below for the Township of Parsippany-Troy Hills at the rates and terms specified in the contract on file in the office of the Business Administrator; and

**WHEREAS**, the firm will complete and submit a Business Entity Disclosure Certification, which Certification provides that the firm has not made any reportable contributions to candidate committees, joint candidates committees or political party committees representing the elected officials of the Township in the one year period preceding the award of the Contract, and that the Contract will prohibit the firms from making any reportable contributions through the term of the contract that would bar the award of these Agreement pursuant to N.J.S.A. 19:44A-20.5 et seq.; and

**WHEREAS**, the firm will complete and submit a Political Contribution Disclosure Form and Stockholder Disclosure Certification, as required pursuant to N.J.S.A. 19:44A-20.26, no later than 10 days prior to entering into the contract, disclosing all reportable political contributions (more than \$300 per election cycle) made over the 12 months prior to submission to the committees of the government entities listed on the Form provided by the Township; and

**WHEREAS**, the Business Entity Disclosure Certification further provides that the firm has not made any and will not make any contributions or solicit any contribution of money or pledge of a contribution in violation of Township Ordinance 10:02 (Municipal Code Part 1, Chapter 12); and

**WHEREAS**, the Chief Financial Officer of the Township of Parsippany-Troy Hills will certify to the availability of funds at the time of services.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, and State of New Jersey, as follows:

1. That the Township Council of the Township of Parsippany-Troy Hills hereby awards a professional services contract to, and authorizes the Mayor and Township Clerk to execute such contract for the 2021 year with Frank T. Pinto, Jr. of Pinto Consulting, LLC, 21 Cherry Tree Lane, Chester, NJ 07930 as Hearing Officer for certain disciplinary proceedings and employment matters within the Township.
2. That the Business Entity Disclosure Certification, which incorporates the provisions of Article I, entitled *Prohibitions on Contract Awards*, of Chapter 12, *Contracts*, of the Township Code; Political Contribution Disclosure Forms; Stockholder Disclosure Certification Determination of Value; and Certificate of Availability of Funds be placed on file in the Office of the Business Administration and Township Clerk with the Contract and authorizing resolution; and
3. That this contract be awarded through a non-fair and open process and without a competitive bid pursuant to N.J.S.A. 19:44A-20.5 and as professional services, pursuant to N.J.S.A. 40A:11-1 et seq.; and
4. A notice of this award be printed in the official newspaper of the Township of Parsippany-Troy Hills in accordance with N.J.S.A. 40A:11-1 et seq.

**12. R2021-073\*Authorizing the Stickley Museum at Craftsman Farms to Submit an Application to the New Jersey Historic Trust**

**WHEREAS**, the New Jersey Historic Trust awards capital grants through the Preserve New Jersey Historic Preservation Fund for the restoration and rehabilitation of historic properties.

**WHEREAS**, Craftsman Farms, a National Historic Landmark, owned by the Township of Parsippany-Troy Hills and operated by the Stickley Museum at Craftsman Farms, Inc., is located on certain real property designated as Block 25, Lot 31 on the official tax map of the Township of Parsippany-Troy Hills; and

**WHEREAS**, after damage at Craftsman Farms in August 2020 from Tropical Storm Isaias there exists a need for rehabilitation of the Annex and for restoration of the Log House Kitchen (the “Annex and Kitchen Project”); and

**WHEREAS**, the total cost of the Annex and Kitchen Project is \$1,500,000; and

**WHEREAS**, the Stickley Museum at Craftsman Farms (the “Stickley Museum”) is applying for a 1:1 matching grant from the New Jersey Historic Trust to assist with the Annex and Kitchen Project; and

**WHEREAS**, the Stickley Museum intends to submit an application seeking grant funds to assist in the Project in the amount of \$750,000; and

**WHEREAS**, the Township Council intends to appropriate \$750,000 in order to provide matching funds for the expected projects costs of \$1,500,000 for the Annex and Kitchen Project at Craftsman Farms and authorizes the Stickley Museum to apply for a 1:1 matching grant from the New Jersey Historic Trust, in the amount of \$750,000 for the Annex and Kitchen Project.

**NOW THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills fully endorses the Kitchen and Annex Project at Craftsman Farms and authorizes the Stickley Museum to submit a 1:1 matching grant application to the New Jersey Historic Trust in the amount of \$750,000 for the Project and will appropriate \$750,000 in order to provide matching funds for the expected projects costs of \$1,500,000.

#### B. APPLICATIONS

None

### **VIII. APPROVAL OF PAYROLL AND BILLS LIST**

A. CFO Juan Uribe recommends authorization for payment:

1. Authorize payment of the April 16, 2021 regular and miscellaneous payroll estimated at \$1,650,000.00
2. Payment of bills from voucher list of 4/15/21 through 4/17/21 is \$2,802,191.87

Motion to approve the authorization for payment above by Council member Carifi, seconded by Council member Peterson.

**ROLL CALL** with all Council members answering Yes

### **IX. ADJOURNMENT**

Motion to Adjourn the Meeting by Council member Peterson, Seconded by Council member Carifi.

**ROLL CALL** with all Council members answering Yes.

