

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MINUTES OF THE MEETING OF APRIL 16, 2009

PRESENT

JOHN WEINGART) CHAIRMAN

KURT ALSTED) COUNCIL MEMBERS

TRACY CARLUCCIO)

MIMI LETTS)

JANICE KOVACH)

DEBBIE PASQUARELLI)

JACK SCHRIER)

SCOTT WHITENACK)

TELECONFERENCE

ERIK PETERSON)

ABSENT

ELIZABETH CALABRESE)

BILL COGGER)

GLEN VETRANO)

TAHESHA WAY)

CALL TO ORDER

The Chairman of the Council, John Weingart, called the 84th meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:08 pm.

ROLL CALL

The members introduced themselves.

OPEN PUBLIC MEETINGS ACT

Chairman Weingart announced that the meeting was called in accordance with the Open Public meetings Act, N.J.S.A. 10:4-6 and that the Highlands Council had sent written notice of the time, date, and location of this meeting to pertinent newspapers or circulation throughout the State and posted on the Highlands Council website.

PLEDGE OF ALLEGIANCE

Mr. Alstede joined the meeting.

APPROVAL OF MINUTES OF March 19, 2009

Mr. Schrier introduced a motion to approve. Ms. Letts seconded it. Mr. Peterson abstained. Ms. Way, Ms. Calabrese, Mr. Cogger and Mr. Vetrano were absent. All other members present voted to approve. The minutes were APPROVED.

CHAIRMAN'S REPORT

Chairman Weingart announced that the agenda would be adjusted to allow for the voting matters to come first as there were some members who had to leave the meeting. He continued with a brief discussion of Ms. Swan's testimony earlier in the day before the joint Senate/Assembly Committee on the Environment to discuss the need for reauthorization of the Garden State Preservation Trust Fund as a source for land acquisition and preservation.

The Chairman mentioned the lead article published by the American Planning Association regional planning magazine on the Highlands Regional Master Plan. He also discussed the recent decision from the Department of Environmental Protection (NJDEP) on the proposed Wastewater Management Plan Amendment for the Huntington Knolls project. He noted that the project was in the Planning Area and thus required a consistency determination from the Highlands Council before the NJDEP finalized any action. He summarized the previous action of the Highlands Council in January 2008 that was a recommendation not to approve this plan as it was inconsistent with the Regional Master Plan. He expressed concern for the process because NJDEP deemed the project consistent with the Highlands Regional Master Plan and according to the Highlands Act it was the responsibility of the Highlands Council to make a consistency determination.

He asked the Council Members if they would endorse sending a letter to NJDEP noting that it was not the responsibility of the NJDEP to interpret the Regional Master Plan, reiterating that the Highlands Council recommendations are recommendations of consistency, that NJDEP should give weight to those recommendations and that it was a duplication of state resources for both NJDEP and the Highlands Council to analyze consistency with the Regional Master Plan. Chairman Weingart emphasized that the purpose of the letter would be to ask NJDEP to consider a modification of the basis for the decision as well as a request to schedule a meeting to work collaboratively on a mechanism for communication. There was some additional discussion by Council Members about the need to have a consistent message. It was also noted that Ms. Swan was listed as a commenter in NJDEP report, but not as a representative of the Highlands Council. The Council Members supported the preparation and sending of the letter described by Chairman Weingart.

EXECUTIVE DIRECTORS REPORT

Ms. Swan introduced the planning grant resolutions noting that the first two were Initial Assessment grants. To date, 71 municipalities have applied for initial assessment grants. In summary, 1) Morris County has applied for a \$15,000 grant and Ms. Swan explained that this was their first request and 2) Bloomingdale has also applied for a \$15,000 grant and Bloomingdale had previously had a \$12,500 COAH, but it was not paid out as they are under jurisdiction of the Court. Bloomingdale has also applied for the 2009 Plan Conformance Grant Program.

RESOLUTIONS

I. CONSIDERATION OF RESOLUTION – Approval of Certain Planning Assistance Grant to Morris County - (voting matter with public comment)

The Highlands Council initiated a grant application process for Initial Assessment grants to municipalities within the seven Highlands Counties in furtherance of Plan Conformance, in an annual amount not to exceed \$1,500,000. Council staff reviewed the grant applications and recommend grants for Council consideration.

Ms. Letts introduced a motion to approve. Ms. Carluccio seconded it. There was no public comment. Ms. Calabrese, Ms. Way, Mr. Cogger and Mr. Vetrano were absent. Mr. Schrier abstained. All other members present voted to approve. The resolution was APPROVED.

- II. **CONSIDERATION OF RESOLUTION – Approval of Certain Planning Assistance Grant to Bloomingdale Borough - (voting matter with public comment)** *Mr. Schrier introduced a motion to approve. Ms. Kovach seconded it. Ms. Calabrese, Ms. Way, Mr. Cogger and Mr. Vetrano were absent. All other members present voted to approve. The resolution was APPROVED.*

- III. **CONSIDERATION OF RESOLUTION – Approval of a Transfer of Development Rights Receiving Zone Feasibility Grant to Chester Borough – (voting matter with public comment)** Ms. Swan explained that the Council had previously approved a resolution for a \$25,000 grant, but that the grant had not been executed because Chester Borough was doing additional work. They submitted a revised grant application requesting \$48,820 to do a town wide feasibility analysis and infrastructure analysis. She explained that they are considering package plant to address current non-sewered areas where they are experiencing system failures and also the package plant would serve the receiving areas if they went ahead with the TDR grant. The staff has reviewed the new scope and recommending \$40,000 because of some duplication in the scope. The Borough Administrator has been contacted regarding this recommendation.

PUBLIC COMMENT ON THIS RESOLUTION

Mr. Hank Klumpp, Tewksbury Township

He believes the grant dollar amount is too high.

Ms. Kovach introduced a motion to approve. Mr. Schrier seconded it. Ms. Calabrese, Ms. Way, Mr. Cogger and Mr. Vetrano were absent. All other members present voted to approve. The resolution was APPROVED.

- IV. **CONSIDERATION OF RESOLUTION – Approval of Contract for Land Preservation Program Consultant for Conservation Resources Inc. – (voting matter with public comment)** Ms. Swan introduced this resolution commenting that she had given the scope for the Request for Qualifications (RFQ) in her previous Executive Director’s report. She reviewed the Scope of Services again. She noted that three firms had submitted responses and qualifications by the deadline of March 17, 2009. The Highlands Council staff has evaluated the submissions and recommends the proposal submitted by Conservation Resources, Inc. She summarized the qualifications of Conservation Resources Inc. as having extensive experience in providing technical and financial assistance for regional land preservation, including Transfer of Development Rights (TDR), for such programs as the Pinelands Commission, for the Sourland Mountain area working with the Stony Brook-Millstone Watershed Association, and for the Raritan Piedmont Wildlife Habitat Partnership. She noted that the President serves on the Board of the Pinelands Development Credit Bank and is a member of the Burlington County TDR Bank. Regional land preservation experience and TDR experience are two critical components of the Scope of Services outlined in the RFQ. The proposed project team is comprised of an effective blend of staff with vast experience in land acquisition, stewardship, restoration and TDR projects for both agricultural and environmentally sensitive resources.

She concluded by saying that the Highlands Council staff recommends that the Council enter into a contract with Conservation Resources Inc. for Land Preservation consulting services based on time and expenses for an amount not to exceed \$75,000.

Mr. Schrier introduced a motion to approve the resolution. Ms. Carluccio seconded it. Ms. Calabrese, Ms. Way, Mr. Cogger and Mr. Vetrano were absent. Ms. Pasquarelli voted no. All other members present voted to approve. The resolution was APPROVED 8-1 votes.

Ms. Letts commented that she had heard positive feedback about the informational meetings that staff where staff had been presenting in Morris County. Mr. Alstede apologized to the public that he had a conflict and could not stay for the entire meeting.

PRESENTATION

Ms. Swan introduced The Tennessee Gas presentation. Their attorney Mike Gross introduced Mark Hamarich, Engineering Consultant for Tennessee Gas Pipeline. Mr. Hamarich gave a power point presentation that described how the company is organized (El Paso), the background of Tennessee, the need for the project, including a description of where the project would be located and a timeline, their environmental stewardship and a general discussion of natural gas that was led by Mr. Bookstaber, also from Tennessee Gas. The power point is provided on the Highlands Council website. www.highlands.state.nj.us

Ms. Pasquarelli joined the meeting in person during the presentation. Mr. Alstede left the meeting.

Ms. Carluccio asked if the marcellus shale area was involved in this project. Mr. Bookstaber responded that his company was a transporter (common carrier) of natural gas and the primary source was the Big Sandy Basin in West Virginia.

EXECUTIVE DIRECTOR REPORT CONTINUED

Ms. Swan continued her presentation with an update on Plan Conformance. To date, there are 73 municipalities that have filed a Notice of Intent to conform to the RMP, 71 have applied for Initial Assessment grants, and 66 for Plan Conformance grants. She mentioned the ongoing informational meetings at municipalities and spoke about the Module 1 submissions that have been completed by 59 municipalities. She noted that Module 1 is the most complicated with verification at the block and lost analysis for capacity analysis. She summarized the current work plan noting that Module 4 (Environmental Resource Inventory) was completed and individual CDs would be mailed shortly to the municipalities and that Module 5 (Highlands Master Plan Element) was on the website seeking public comment, and that work was continuing on Module 6 (Land Use Ordinances and Board of Health Ordinances).

Ms. Swan then addressed Highlands Project Reviews detailing the status for WQMP review procedures that will be posted on the Council website for public comment, followed by a presentation to the Council for formal approval. She noted on the Exemption review process that Council staff continues to review selected applications for Exemptions 9 and 11. She mentioned that the Tennessee Gas Pipeline project is one of the reviews and have applied for an exemption #11 from NJDEP and were advised by the Chief Counsel to apply for an exemption for the

Planning Area. For exemptions in the Preservation Area, the Highlands Council and NJDEP have dual jurisdiction and the Highlands Council has exemption review jurisdiction in the Planning Area.

Ms. Swan next provided a litigation update. She summarized various appeals of the Highlands Regional Master Plan and Governor Corzine's Executive Order 114 (EO114). Three of the appellants (the nonprofit affordable housing group Fair Share Housing center and two affordable housing developers) filed a Motion for Summary Disposition arguing that EO114 should be invalidated. The Attorney General's office filed briefs in response arguing for the validity of EO114 and they were victorious. She noted that this was not the end of these appeals as they now will be briefed in full. She expects the process to take several months or more to brief the cases and argue the matter with decisions in the Fall at the earliest.

Highlands Redevelopment Area Designation

Ms. Swan mentioned that the Highlands Council had adopted Highlands Redevelopment Area Designation Procedures on October 30, 2008. She reviewed the Highlands Act section that allows three types of waivers from NJDEP's Preservation Area rules: for public health and safety, for redevelopment areas identified by the Highlands Council and to avoid a taking of property without just compensation. She then explained the designation procedures, site qualifications, and administrative process. There is a project ready to post to the website (Oak Ridge Road Associates, LLC) and she said that Mayor Bieri had been advised of the proposed designation. Ms. Swan showed an aerial slide depicting the project area. She reviewed next steps as posting, taking comments and then the staff would bring the review back to the Council for a decision. She highlighted the draft staff recommendations for the Highlands Redevelopment Area designation with conditions.

Mr. Weingart asked about the deed restriction. Ms. Swan explained that the remainder of the land would be protected in perpetuity. There were additional questions about the necessity for deed restrictions and methodology of the process.

TDR Update

Ms. Swan continued with an update of the Highlands TDR Program showing a slide giving illustrating the steps to receiving an HDC certificate. She also mentioned that the TDR tool was not yet available on the website. She also described the TDR program Conservation Restriction and next steps for the Highlands Council: post draft conservation restriction on the website for public comment, refine and finalize the conservation restriction, complete HDC tool and Highlands website, and complete the HDC Allocation Determination application and council approval process.

PUBLIC COMMENT

David Shope, Lebanon Township

He would like to know the costs associated with making a presentation to the Highlands Council and also would like the results of the grant application made by the Town of Clinton in March, 2008.

Hank Klumpp, Tewksbury Township

He believes that his equity in his farmland has been stolen by the Highlands Act. He took issue with the Executive Director's comment that the loss in equity had to do with the economic downturn and not the Highlands Act. He again asked for a scientific analysis of why a portion of his property was placed in the Preservation Area. He submitted a written public comment for the record

Deborah Post, Chester Township

She spoke against the removal of a landowner from the previous Council meeting. She does not agree with the methodology used to establish the initial Highlands Development Credit price.

Andrew Drysdale, Chester Township

He believes that his property rights have been taken giving less than 20% of the value of his land referring to the discount of the initial Highlands Development Credit price. He expressed his opinion that the TDR program was unconstitutional.

Wilma Frey, NJ Conservation Foundation

She asked that the Tennessee Gas Pipeline presentation be put on the Highlands Council website. She spoke in support of the Council sending a letter to the NJDEP regarding Holland Township. She also asked if the litigation with respect to EO114 be placed on the website.

Harold Danielson, Hampton Borough

He commented on the commitment made by Senator Smith and Assemblyman McKeon in March of 2004 to put a dedicated source of money in place to compensate landowners for loss of value. He also mentioned that he intends to initiate legal action against the Council Members personally.

Peter Gonzalez, Bloomingdale Borough

He is a landowner and asked for compensation for lost land value and what mechanism there was for compensation.

Mark Zakutansky, NJ Highlands Coalition

He complimented Ms. Swan for her testimony earlier in the day before the Senate and Assembly Committees in support of the Garden State Preservation Trust. He asked everyone to reach out to their legislators to support land preservation and praised the proactive steps the council has taken.

Dave Peifer, ANJEC

He advocated for an energy section to be included in the Regional Master Plan citing the large scale energy projects that were currently proposed in the Highlands. He asked for the completed resolutions to be posted prior to the meeting so that commenters could prepare with the specifics. He complimented the Module 5 draft and expressed disappointment that the first redevelopment project was the expansion of a parking lot. He also spoke to the more narrow definition of low impact development that the NJDEP used as compared to the far more comprehensive definition from the Highlands Council. Finally, he asked that the new ERI document be posted.

Rick Sparling, Jefferson Township

He commented on his property issues including the loss of farm status, his frustration with not being able to develop his property, and his disappointment that he has to pay full property tax. He asked for restitution.

The meeting was adjourned at 5:52 pm.

CERTIFICATION

I hereby certify that the foregoing is a true copy of the minutes of the meeting of the Highlands Water Protection and Planning Council.

Date: June 25, 2009

Name: Paula M. Dees
 Paula M. Dees Executive Assistant

TRUE COPY

Vote on the Approval of these Minutes

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Calabrese	_____	_____	_____	_____	_____	✓
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Cogger	_____	_____	_____	_____	✓	_____
Councilmember Kovach	_____	✓	✓	_____	_____	_____
Councilmember Letts	_____	_____	✓	_____	_____	_____
Councilmember Pasquarelli	_____	_____	✓	_____	_____	_____
Councilmember Peterson	_____	_____	_____	_____	✓	_____
Councilmember Schrier	✓	_____	✓	_____	_____	_____
Councilmember Vetrano	_____	_____	_____	_____	✓	_____
Councilmember Way	_____	_____	_____	_____	✓	_____
Councilmember Whitenack	_____	_____	✓	_____	_____	_____
Councilmember Weingart	_____	_____	✓	_____	_____	_____

PUBLIC COMMENTS SUBMITTED

①

I've read that a landowner showed his anger at a Highlands meeting because he was so upset over not receiving the compensation that he was promised five years ago for his property value losses. While I don't condone disruption during a meeting, I can totally sympathize and understand where he was coming from.

What is very disturbing and outrageous to me is when Council Executive Director Mrs. Swan said, "I think it

(2)

was indicative of the frustration people are having in this economy." Mrs. Swar how dare you blame the property losses this gentleman and I are experiencing on the economy of today. My loss goes back to 2004, when the Highlands Act was so carelessly slapped together and both Gov. Mc Greevey and Gov. Corzine signed that is when the property value that took place. Trenton took the land even though they didn't then - or now - have the money to pay for. Has the present day economy made -

③ theft even worse? of course -
but shame on you Mrs. Swan for
implying that the economy was the
cause for the frustration felt.

The members of this council
have come and gone as if in a
revolving door. There has never
been - and still is not - one single
person facing me on the council
who has suffered loss from the
Highlands Act - none of you can
relate. Perhaps your stocks or
investments are suffering because
of the economy today, but

④ don't look for sympathy from me.
Where is my buy out? The
Highlands Act promised that no one
would get hurt - but we are
hurting - where is the promised
compensation for the over 6 billion
dollar land theft that took
place in 2004?

I've been standing in front
of this council for almost 5 years
now asking to see the scientific
study that put my farm into the
Highlands Preservation Area, and
no one can find it. Could

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someone please be honest enough to admit to me that there is no scientific study concerning my farm. My property on one side of the road is in the preservation - on the other side of the road land is not in the preservation. What kind of scientific study was that? Do roads form the scientific boundaries?

Ask yourself - is that scientific - or maybe - could it be political ???
Thank you.

Hank Klumpp
24 Longview Road
Lebanon, N.J. 08833

908-832-7634



JON S. CORZINE
Governor

State of New Jersey

Highlands Water Protection and Planning Council
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JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

April 21, 2009

Commissioner Mark N. Mauriello
Department of Environmental Protection
401 E. State Street
7th Floor, East Wing
P.O. Box 402
Trenton, NJ 08625-0402

Re: Huntington Knolls at Holland Township
Block: 24, Lot(s): 3 & 13
Holland Township, Hunterdon County
Upper Delaware Water Quality Management Plan (WQMP)
Program Interest No.: 435437
Activity No.: AMD070002

Revised from April 17, 2009 letter to correct language in Net Water Availability

Dear Commissioner Mauriello:

The Highlands Water Protection and Planning Council (Highlands Council) held a regularly scheduled meeting yesterday and authorized the issuance of the following comments in reference to the above-captioned amendment anticipated to be published in the New Jersey Register by the New Jersey Department of Environmental Protection (Department). The amendment was submitted on behalf of Huntington Knolls L.L.C., requesting to expand the sewer service area of the Milford Borough Sewage Treatment Plant to include Block 24, Lots 3 & 13 in Holland Township, Hunterdon County, the site of the proposed Huntington Knolls development.

In January of 2008, the Highlands Council provided a recommendation on this proposed amendment pursuant to the Department's rules at N.J.A.C. 7:38-1.1(k) which specifies that:

For both the planning area and preservation areas, the Department shall review the Highlands Council regional master plan and consider amending the appropriate areawide Water Quality Management Plans to maintain consistency with the regional master plan. The Department shall approve a Water Quality Management Plan amendment only after receiving from the Highlands Council a determination of consistency with the Regional Master Plan to be incorporated by reference in (l) below, when adopted by the Highlands Council. Pending completion of the Regional Master Plan, the Department shall not approve a Water Quality Management Plan amendment for a

project proposed in the planning area or preservation area without first obtaining a recommendation from the Highlands Council.

The recommendation letter, dated January 28, 2008, was accompanied by a Highlands Project Review Checklist which set forth the areas where the application was not consistent with the Final Draft Regional Master Plan. The final determination, approved by the Highlands Council in Resolution 2008-1, by a vote of 11 to 2 on January 17, 2008, was a finding that the proposed amendment was inconsistent with the Final Draft Regional Master Plan (Draft RMP) and a recommendation that the Department deny the proposed amendment. A similar determination was issued by the Highlands Council in Resolution 2008-39, by a vote of 12 to 1 on September 18, 2008. In Resolution 2008-39, the Council authorized the transmittal of the consistency determination to the Department for the proposed Water Quality Management Plan for Holland Township, including the proposed Huntington Knolls development and other projects, in which the proposal was determined to be inconsistent with the newly adopted Highlands Regional Master Plan.

We have several concerns with the action taken by the Department as it relates to the Department's interpretation of consistency with the Highlands Regional Master Plan. In describing them below, the Highlands Council wants to emphasize our commitment to working with you to establish more collaborative, effective and efficient procedures and practices for future decision-making. We also want to stress our belief that discussions between our staffs should begin immediately to put in place any necessary improvements as quickly as possible.

Critical Habitat

The determination of the Council was that the proposed amendment will disturb areas identified on the Department's Landscape Project Mapping (Version 3) as Rank 3 Critical Habitat for Cooper's Hawk, a State-threatened species. The Department's response was that Landscape Project Mapping (Version 3) does indicate that the Huntington Knolls site exists within a nest buffer for Cooper's Hawk, but that the actual nest site is separated from the Huntington Knolls property by an intervening development. The Department made a finding that because additional affordable housing units should fully satisfy Holland Township's foreseeable affordable housing obligation that no additional sites would have to be developed to meet this obligation. The Department also found that remaining forested habitat area can remain zoned for low density residential uses, thereby preserving additional Cooper's Hawk foraging habitat in vicinity of the nest site.

The policies in the Highlands draft RMP do not provide for consideration of these factors. The future development pattern of Holland Township is not known at this time and so the impact to the foraging habitat cannot presently be determined. The Council believes that the project remains inconsistent with the draft RMP, and also with the adopted final RMP in this regard. The Council recognizes that a formal decision to de-list the Cooper's Hawk as a threatened species is within the Department's jurisdiction and will change Landscape Project (Version 3) mapping. However, the Department has not taken any formal action at this time, and so Version 3 remains unchanged.

Highlands Open Waters

The Highlands Council determined that the proposed development's footprint will encroach upon the 300 foot Special Water Resource Protection Area of a C-1 stream and the coincident Highlands Open Water Area buffer. The Department, however, concluded that existing agricultural use within the buffer has compromised its ability to provide water quality benefits and that, by eliminating

disturbance within 150-feet of the stream, the remaining buffer will provide at least equal benefit to the 300 feet buffer in its current condition.

The Draft RMP did not consider existing agricultural uses as an existing disturbance for development review purposes; this was clarified further in the adopted RMP. The Department additionally concludes that while the project does not meet the letter of the Highlands Open Water buffer requirement, the intent of the open water buffer is satisfied by the project design. The Highlands Council reserves the right to comment on what is consistent with the Plan and asserts that the RMP dictates that existing agricultural lands are not considered “disturbed” for purposes of land use change considerations.

Forest Resources

The Highlands Council stated that the proposed amendment includes disturbance of forest resources identified in the Draft RMP. The Draft RMP requires the use of very low impact design best management practices in these areas. The Department response is that the affordable housing contribution on this site, and the environmental benefits expected to accrue from the protection of other sites, is central to a finding that the project is consistent with the overall resource protection goals of the Highlands Regional Master Plan.

We believe that protection of other sites is at this time unknown, and that Holland Township has not submitted an Ordinance to conform to the Highlands Regional Master Plan. Thus, the Department has no basis for assessing the impacts of future development and affordable housing associated with that development. Neither is there any evidence that the Low Impact Development design techniques have been addressed consistent with the Draft RMP. The Department asserts that the development project on this site should satisfy all, or nearly all, of Holland Township’s affordable housing obligation.

The Council believes that until such time as Holland Township renders a decision on conformance, there is no way of knowing how future growth will dictate affordable housing numbers. Moreover, as set forth by Governor Corzine in Executive Order 114, the “constitutional obligation must always be balanced with the protection of natural resources, and particularly, the quality and quantity of drinking water originating in the Highlands Region.” The implication in the Department’s determination is that resource protection requirements of the Regional Master Plan should be relaxed or waived in a project involving affordable housing. This is contrary to both Executive Order 114 and the Highlands Regional Master Plan. The Plan mandates, in Policies 6O7 and 6O8, that conforming municipalities adopt a housing element and a fair share plan to implement both the constitutional obligation to provide for low and moderate income housing and the resource protection requirements the Regional Master Plan. Governor Corzine’s Executive Order 114 and subsequent action taken by the Highlands Council and the Council on Affordable Housing provided Highlands municipalities with an additional year to prepare a fair share plan that meet both objectives of affordable housing and Highlands resource protection.

Net Water Availability

The project includes a proposed water main extension from the adjacent Aqua New Jersey systems. The HUC14 subwatershed serving as the water supply source for those diversions currently has a deficit of net water availability. The Highlands Council consistency review determined that the

proposed amendment would exacerbate the deficit of net water availability through additional consumptive use.

The Department responds, in part, that Aqua America draws water from the Hakihokake Creek watershed and the Milford Borough Sewage Treatment Plant discharges to the Hakihokake Creek watershed and thus there is no depletive water loss (interbasin transfer) associated with this development. This conclusion was contained in the Highlands Council's recommendation letters of December 2, 2007 and January 28, 2009, leaving mitigation of consumptive water uses as the issue. The Department states that the ground water recharge to be provided on site will address requirements of the Regional Master Plan for mitigation. The Highlands Council will rely on the Department to ensure that the proposed recharge is achieved and is adequate to meet the Regional Master Plan requirements.

Agricultural Resource Area

The Highlands Council consistency review notes that the site is entirely within the Agricultural Resource Area of the Highlands Council Regional Master Plan (RMP). The wastewater and water policies of the Draft RMP require clustering of the development such that at least 80 percent of the site is preserved for agriculture or natural resource open space, with an objective of 90 percent preservation where wastewater utility services are provided, as in this case.

The Department concludes that the full satisfaction of Holland Township's affordable housing obligation on this site reduces the potential that additional sites will have to be identified through the Plan conformance process for increased density in order to accommodate affordable housing. The Department also concludes that the Huntington Knolls development provides a regional solution to the need for affordable housing and accomplishes the 80 percent protection objective when considered in the regional context.

Until such time as a Build Out analysis consistent with the RMP is completed and Holland has determined by Ordinance to conform, future needs for affordable housing cannot be determined. The Draft RMP, as well as the Final Regional Master Plan, includes a specific policy requiring that residential development in the Agricultural Resource Area achieve at least 80 percent preservation of agricultural and environmental resources. The Council continues to believe that this policy is clearly not met by the proposed application and has not been planned for by the municipality to preserve land elsewhere to satisfy the policy, which might address the objective regionally.

Conclusion

The Highlands Council recognizes that the consistency determinations and recommendations issued by the Highlands Council are ultimately for consideration by the Department and that the Department, under the rules at N.J.A.C. 7:38(g), "shall give great consideration and weight to the RMP." The Council further recognizes that the Department may deviate from the recommendations provided by the Council and in doing so may bring to light certain new information or facts to substantiate their decision. However, the Council believes that it is not the Department's role to determine consistency with the Highlands RMP nor is it a sensible use of State resources to have one agency duplicating the work of another. Accordingly, the Council respectfully requests that the Department not interpret consistency with the Highlands RMP. The Council has a


April 21, 2009

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detailed methodology to define consistency of a project with the Highlands RMP through a 'Highlands Consistency Determination'. The approach is designed to address consistency with the goals, policies and objectives of the RMP, and to consider information provided by the Department, or anyone else in making those determinations.

For the above reasons, it is requested that the Department modify and reissue the basis for its determination in this matter to remove the references of the Department's determination that this project is consistent with or achieves the goals the Highlands Regional Master Plan.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Eileen Swan', with a long horizontal flourish extending to the right.

Eileen Swan
Executive Director

c: Lawrence J. Baier, Director
Vincent Jiovino

RESOLUTION 2009-33
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF INITIAL ASSESSMENT GRANT TO MORRIS COUNTY

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, the Highlands Act authorizes the Highlands Council to enter into any and all agreements or contracts, execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

WHEREAS, Section 18 of the Highlands Act authorizes the Highlands Council to make available grants and other financial and technical assistance to municipalities and counties in furtherance of the Regional Master Plan; and

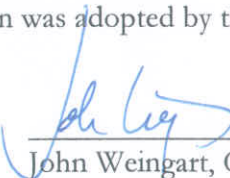
WHEREAS, on February 28, 2008 the Highlands Council by Resolution 2008-4 authorized the initiation of a grant application process for Initial Assessment grants to municipalities and counties within the Highlands Region in furtherance of Plan Conformance, in an annual amount not to exceed \$1,500,000; and

WHEREAS, the Highlands Council staff has reviewed the following grant application and recommends approval by the Highlands Council;

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director, or her designee, is hereby authorized to enter into a grant agreement with Morris County for an Initial Assessment Grant in an amount not to exceed \$15,000, provided that the Executive Director may authorize additional amounts under this agreement pursuant to her authority under the Highlands Council Bylaws.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16th day of April, 2009.



John Weingart, Chairman

RESOLUTION 2009-33
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF INITIAL ASSESSMENT GRANT TO MORRIS COUNTY

<u>Vote on the Approval of this Resolution</u>	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Calabrese						✓
Councilmember Carluccio		✓	✓			
Councilmember Cogger						✓
Councilmember Kovach			✓			
Councilmember Letts	✓		✓			
Councilmember Pasquarelli			✓			
Councilmember Peterson			✓			
Councilmember Schrier					✓	
Councilmember Vetrano						✓
Councilmember Way						✓
Councilmember Whitenack			✓			
Councilmember Weingart			✓			

RESOLUTION 2009-34

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF INITIAL ASSESSMENT GRANT TO BLOOMINGDALE BOROUGH

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, the Highlands Act authorizes the Highlands Council to enter into any and all agreements or contracts, execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

WHEREAS, Section 18 of the Highlands Act authorizes the Highlands Council to make available grants and other financial and technical assistance to municipalities and counties in furtherance of the Regional Master Plan; and

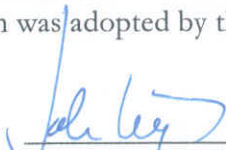
WHEREAS, on February 28, 2008 the Highlands Council by Resolution 2008-4 authorized the initiation of a grant application process for Initial Assessment grants to municipalities and counties within the Highlands Region in furtherance of Plan Conformance, in an annual amount not to exceed \$1,500,000; and

WHEREAS, the Highlands Council staff has reviewed the following grant application and recommends approval by the Highlands Council;

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director, or her designee, is hereby authorized to enter into a grant agreement with Bloomingdale Borough for an Initial Assessment Grant in an amount not to exceed \$15,000, provided that the Executive Director may authorize additional amounts under this agreement pursuant to her authority under the Highlands Council Bylaws.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16th day of April, 2009.



John Weingart, Chairman

RESOLUTION 2009-34
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF INITIAL ASSESSMENT GRANT TO BLOOMINGDALE BOROUGH

<u>Vote on the Approval of this Resolution</u>	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Calabrese	_____	_____	_____	_____	_____	✓
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Cogger	_____	_____	_____	_____	_____	✓
Councilmember Kovach	_____	✓	✓	_____	_____	_____
Councilmember Letts	_____	_____	✓	_____	_____	_____
Councilmember Pasquarelli	_____	_____	✓	_____	_____	_____
Councilmember Peterson	_____	_____	✓	_____	_____	_____
Councilmember Schrier	✓	_____	✓	_____	_____	_____
Councilmember Vetrano	_____	_____	_____	_____	_____	✓
Councilmember Way	_____	_____	_____	_____	_____	✓
Councilmember Whitenack	_____	_____	✓	_____	_____	_____
Councilmember Weingart	_____	_____	✓	_____	_____	_____

RESOLUTION 2009-35
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING ZONE
FEASIBILITY GRANT TO CHESTER BOROUGH

WHEREAS, the Highlands Water Protection and Planning Act (“Highlands Act”) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (“Highlands Council”); and

WHEREAS, Section 18 of the Highlands Act authorizes the Highlands Council to make available grants and other financial and technical assistance to municipalities and counties for implementation of a transfer of development rights (“TDR”) program; and

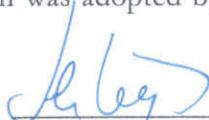
WHEREAS, on March 22, 2007, the Highlands Council by Resolution 2007-9 authorized the TDR Committee to develop and implement a process for the solicitation and distribution of grants and other support to municipalities within the seven Highlands counties in furtherance of the development of the Highlands TDR Program, in an annual amount not to exceed \$1,000,000; and

WHEREAS, the Highlands Council staff has reviewed the revised grant application submitted by the Borough of Chester and recommends approval by the Highlands Council.

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director, or her designee, is hereby authorized to enter into a grant agreement with Borough of Chester for a TDR Receiving Zone Feasibility Grant in the amount of \$40,000, provided that the Executive Director may authorize additional amounts under this contract pursuant to her authority under the Highlands Council Bylaws.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16th of April, 2009.



John Weingart, Chairman

RESOLUTION 2009-35
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING ZONE
FEASIBILITY GRANT TO CHESTER BOROUGH

**Vote on the Approval of
this Resolution**

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Calabrese	_____	_____	_____	_____	_____	✓
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Cogger	_____	_____	_____	_____	_____	✓
Councilmember Kovach	✓	_____	✓	_____	_____	_____
Councilmember Letts	_____	_____	✓	_____	_____	_____
Councilmember Pasquarelli	_____	_____	✓	_____	_____	_____
Councilmember Peterson	_____	_____	✓	_____	_____	_____
Councilmember Schrier	_____	✓	✓	_____	_____	_____
Councilmember Vetrano	_____	_____	_____	_____	_____	✓
Councilmember Way	_____	_____	_____	_____	_____	✓
Councilmember Whitenack	_____	_____	✓	_____	_____	_____
Councilmember Weingart	_____	_____	✓	_____	_____	_____

RESOLUTION 2009-36

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF CONTRACT FOR LAND PRESERVATION PROGRAM CONSULTANT

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, Section 6.g of the Highlands Act authorizes the Highlands Council to enter into any and all agreements or contracts to effectuate the purposes of the Highlands Act; and

WHEREAS, on July 17, 2008, the Highlands Council adopted Resolution 2008-27 thereby adopting the Highlands Regional Master Plan (RMP); and

WHEREAS, the RMP includes goals, policies, and objectives; specifically Policy 1H2 establishing the Highlands Council as a regional clearinghouse for information regarding preservation programs and funding sources for land acquisition, restoration, and technical assistance, and long-term stewardship of preserved lands, for public and private organizations in order to maximize land preservation efforts in the Highlands Region; and

WHEREAS, to support the Highlands Council in the development of a Land Preservation and Stewardship program, the Highlands Council prepared a Request for Qualifications (RFQ), dated February 24, 2009, seeking the qualifications of firms to advise and assist the Highlands Council; and

WHEREAS, three firms submitted responses and qualifications prior to the deadline of March 17, 2009; and

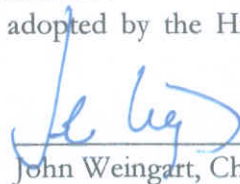
WHEREAS, the Highlands Council staff evaluated the qualifications of the firms based on work experience and professional qualifications; and

WHEREAS, the Highlands Council staff recommended that Conservation Resources Inc. is best suited to meet the needs articulated by the Highlands Council's RFQ and further recommends that the Highlands Council authorize the Executive Director to enter a contract with Conservation Resources Inc. for land preservation program consulting services;

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director, or her designee, is hereby authorized to enter into a contract with Conservation Resources Inc. for an amount not to exceed \$75,000, provided that the Executive Director may authorize additional amounts under this contract pursuant to her authority under the Highlands Council Bylaws.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16th day of April, 2009.



John Weingart, Chairman

RESOLUTION 2009-36

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF CONTRACT FOR LAND PRESERVATION PROGRAM CONSULTANT

Vote on the Approval of this
Resolution

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Calabrese	_____	_____	_____	_____	_____	✓
Councilmember Carluccio	_____	✓	✓	_____	_____	_____
Councilmember Cogger	_____	_____	_____	_____	_____	✓
Councilmember Kovach	_____	_____	✓	_____	_____	_____
Councilmember Letts	_____	_____	✓	_____	_____	_____
Councilmember Pasquarelli	_____	_____	_____	✓	_____	_____
Councilmember Peterson	_____	_____	✓	_____	_____	_____
Councilmember Schrier	✓	_____	✓	_____	_____	_____
Councilmember Vetrano	_____	_____	_____	_____	_____	✓
Councilmember Way	_____	_____	_____	_____	_____	✓
Councilmember Whitenack	_____	_____	✓	_____	_____	_____
Councilmember Weingart	_____	_____	✓	_____	_____	_____



New Jersey Highlands Council

April 16, 2009



Cautionary Statement Regarding Forward-looking Statements

This presentation includes forward-looking statements and projections, made in reliance on the safe harbor provisions of the Private Securities Litigation Reform Act of 1995. The company has made every reasonable effort to ensure that the information and assumptions on which these statements and projections are based are current, reasonable, and complete. However, a variety of factors could cause actual results to differ materially from the projections, anticipated results or other expectations expressed in this presentation, including, without limitation, our ability to obtain necessary governmental approvals for proposed pipeline projects and our ability to successfully construct and operate such projects; the regulatory uncertainties associated with pipeline rate cases; changes in commodity prices and basis differentials for oil, natural gas, LNG and power; inability to realize anticipated synergies and cost savings associated with restructurings and divestitures on a timely basis; general economic and weather conditions in geographic regions or markets served by the company and its affiliates, or where operations of the company and its affiliates are located; volatility in, and access to, the capital markets; the uncertainties associated with governmental regulation; competition; and other factors described in the company's (and its affiliates') Securities and Exchange Commission filings. While the company makes these statements and projections in good faith, neither the company nor its management can guarantee that anticipated future results will be achieved. Reference must be made to those filings for additional important factors that may affect actual results. The company assumes no obligation to publicly update or revise any forward-looking statements made herein or any other forward-looking statements made by the company, whether as a result of new information, future events, or otherwise.

Defining Our Purpose



El Paso Corporation provides natural gas and related energy products in a safe, efficient, and dependable manner

Pipelines



Exploration & Production



TGP



SNG



CIG/WIC



EPNG

Tennessee Background

You are viewing an archived document from the New Jersey State Library

Size

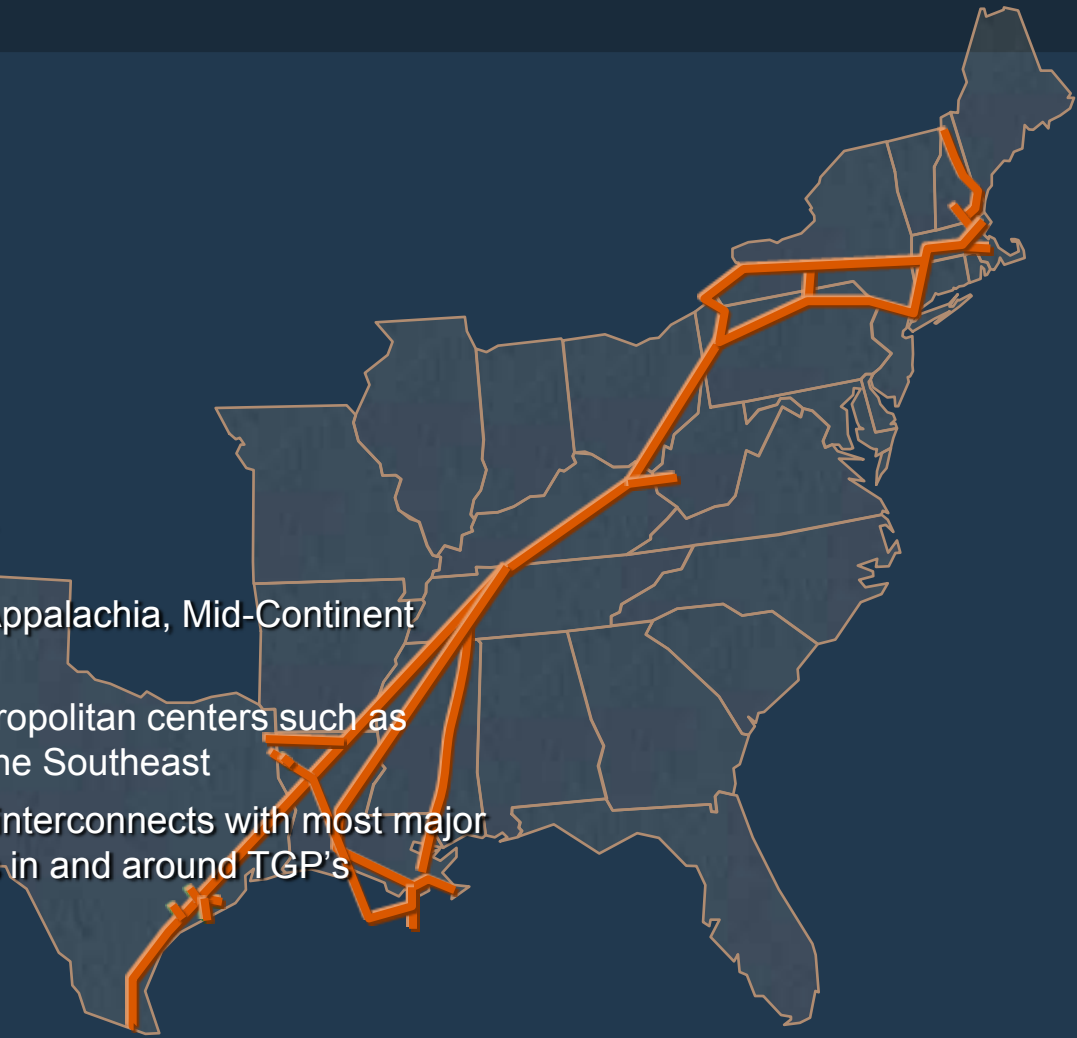
- 13,700 Miles of pipeline
- Over 90 Bcf of Working Gas Storage
- 1.4 million certificated horsepower
- Spans from the Mexican border to the Canadian border

Growing Markets and Supply

- **Supply** regions: Gulf of Mexico, Texas, Appalachia, Mid-Continent Shale, Rockies and Canada
- **Markets:** Northeast (including major metropolitan centers such as NYC/NJ and Boston), Mid-Atlantic, and the Southeast
- **Pipeline Interconnects:** more than 100 interconnects with most major interstate and intrastate pipeline systems in and around TGP's markets

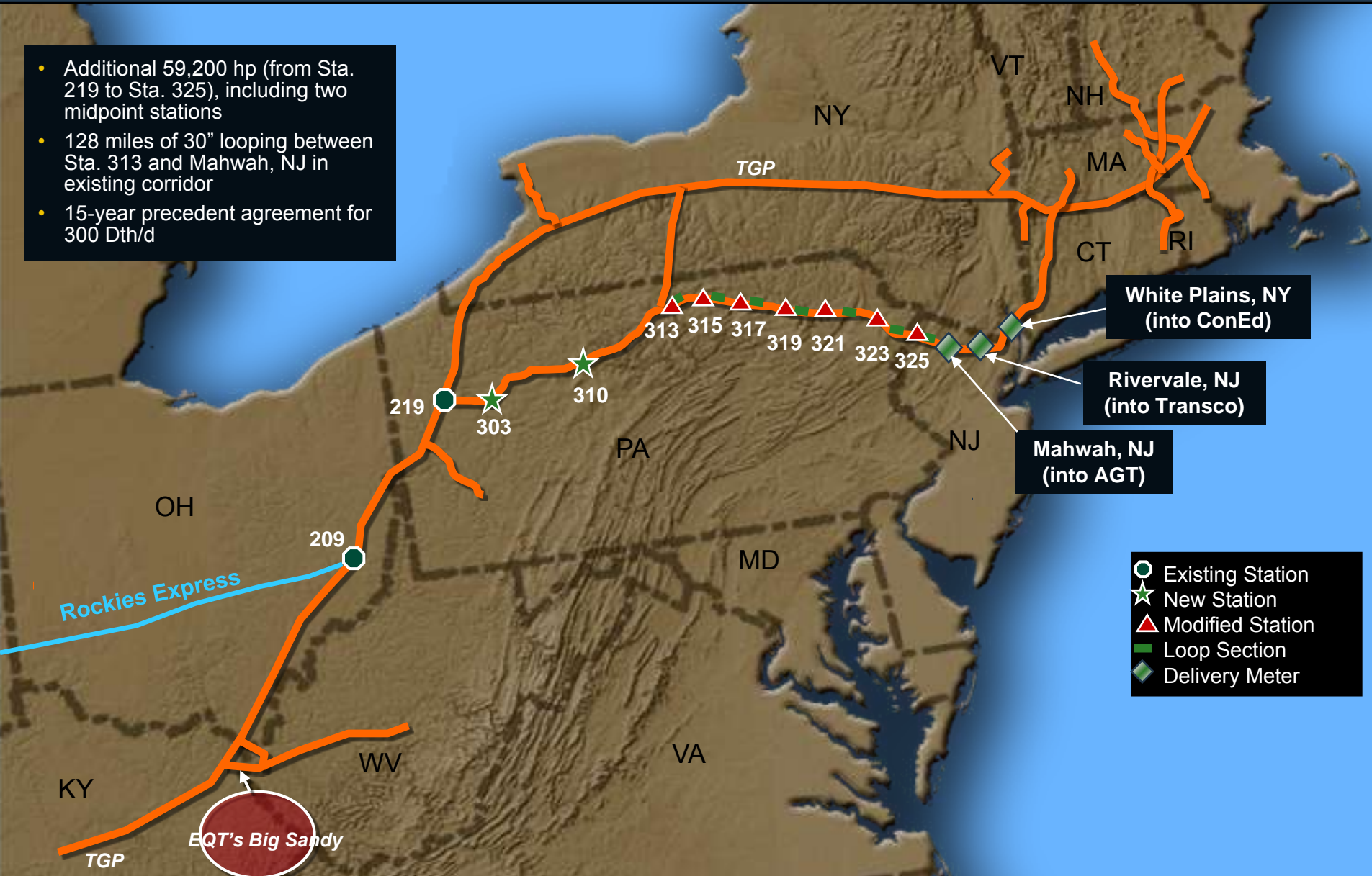
Experience and Reliability

- More than 50 years of experience in pipeline system design, construction, and operation
- Tennessee is prepared to meet the demands of a growing market with the integrity and commitment to service that have made it one of the safest and most reliable pipelines in the United States

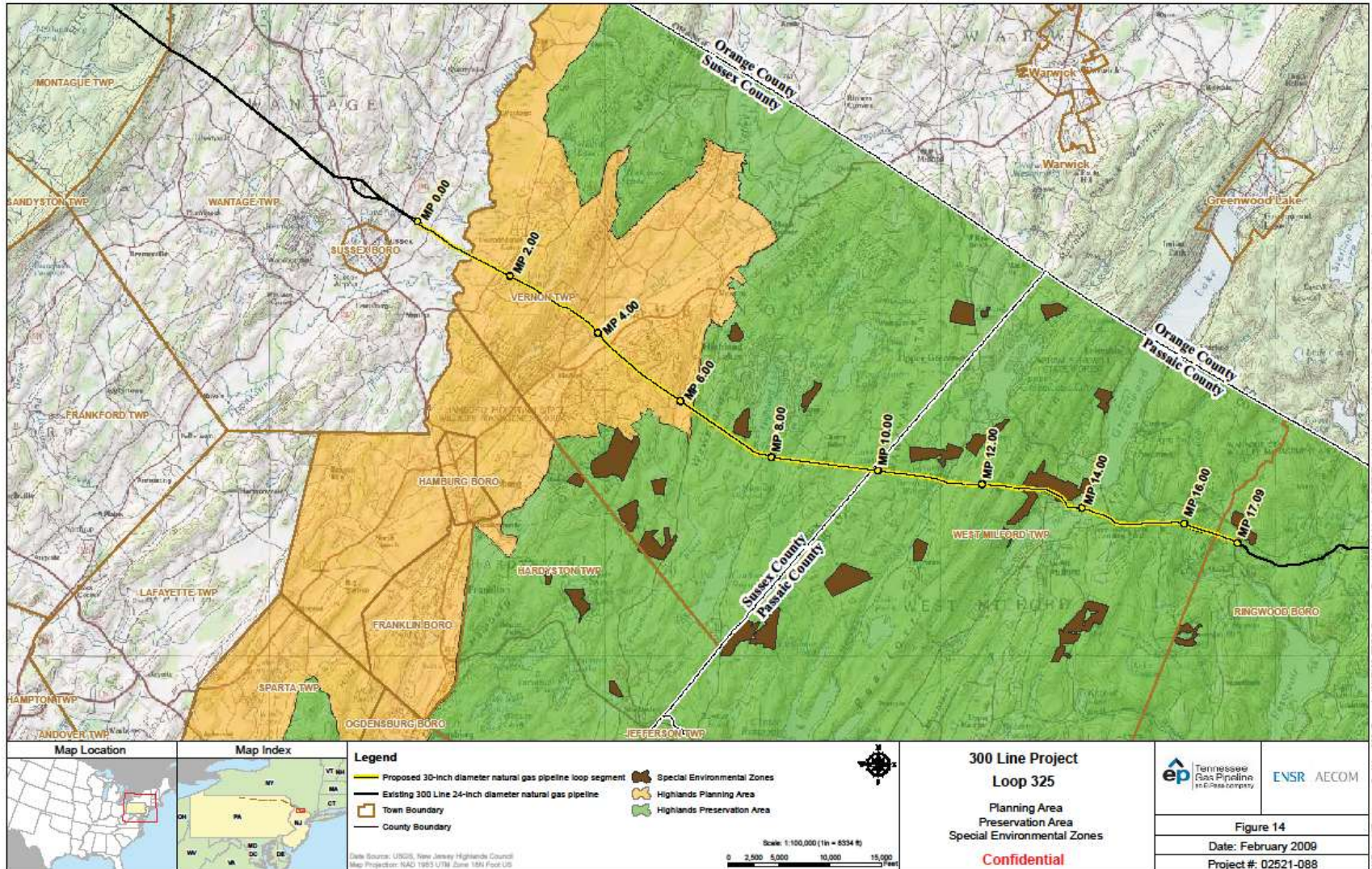


300 Line Project

- Additional 59,200 hp (from Sta. 219 to Sta. 325), including two midpoint stations
- 128 miles of 30" looping between Sta. 313 and Mahwah, NJ in existing corridor
- 15-year precedent agreement for 300 Dth/d



New Jersey Facilities

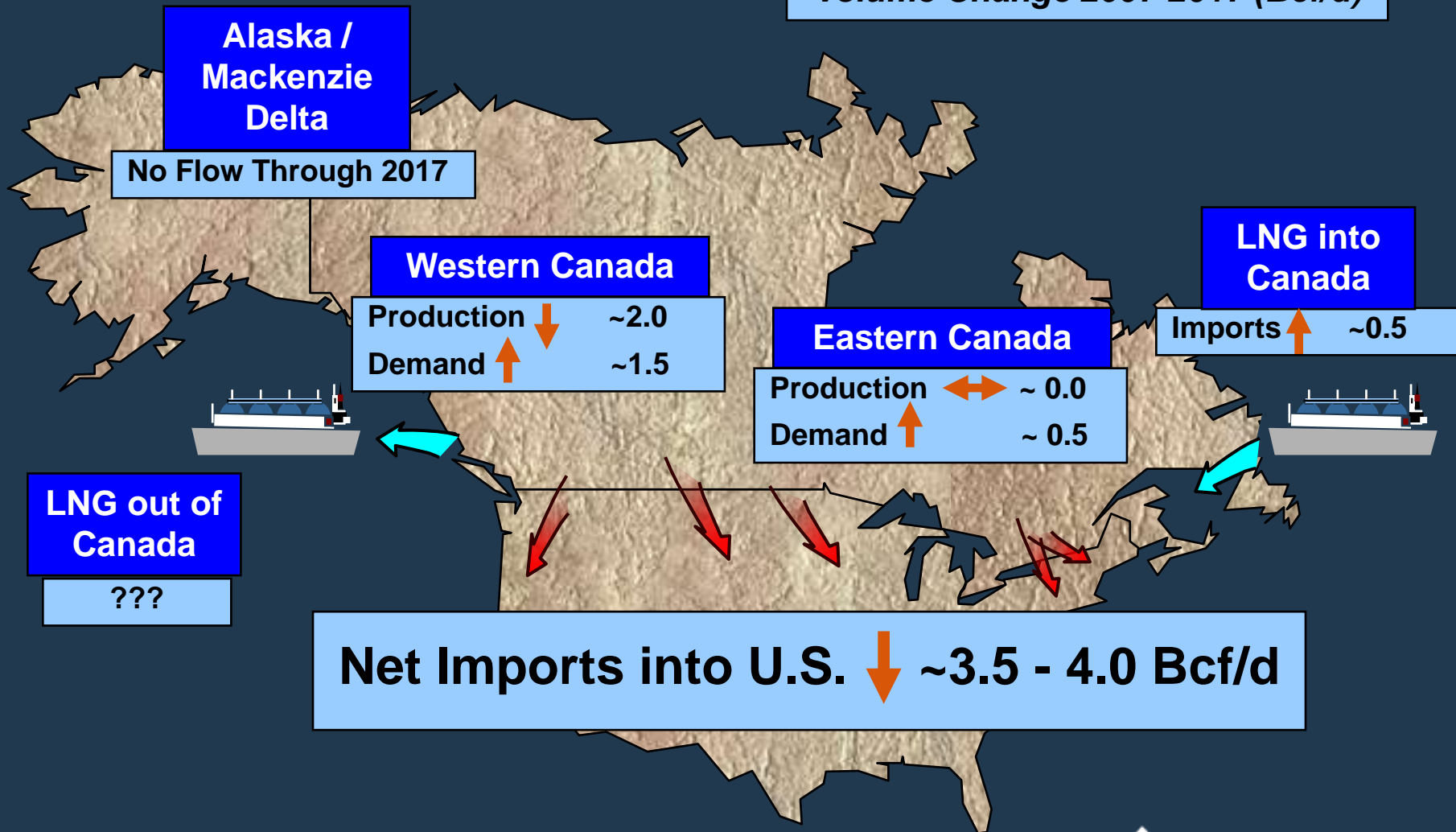


The Need for Pipeline Capacity

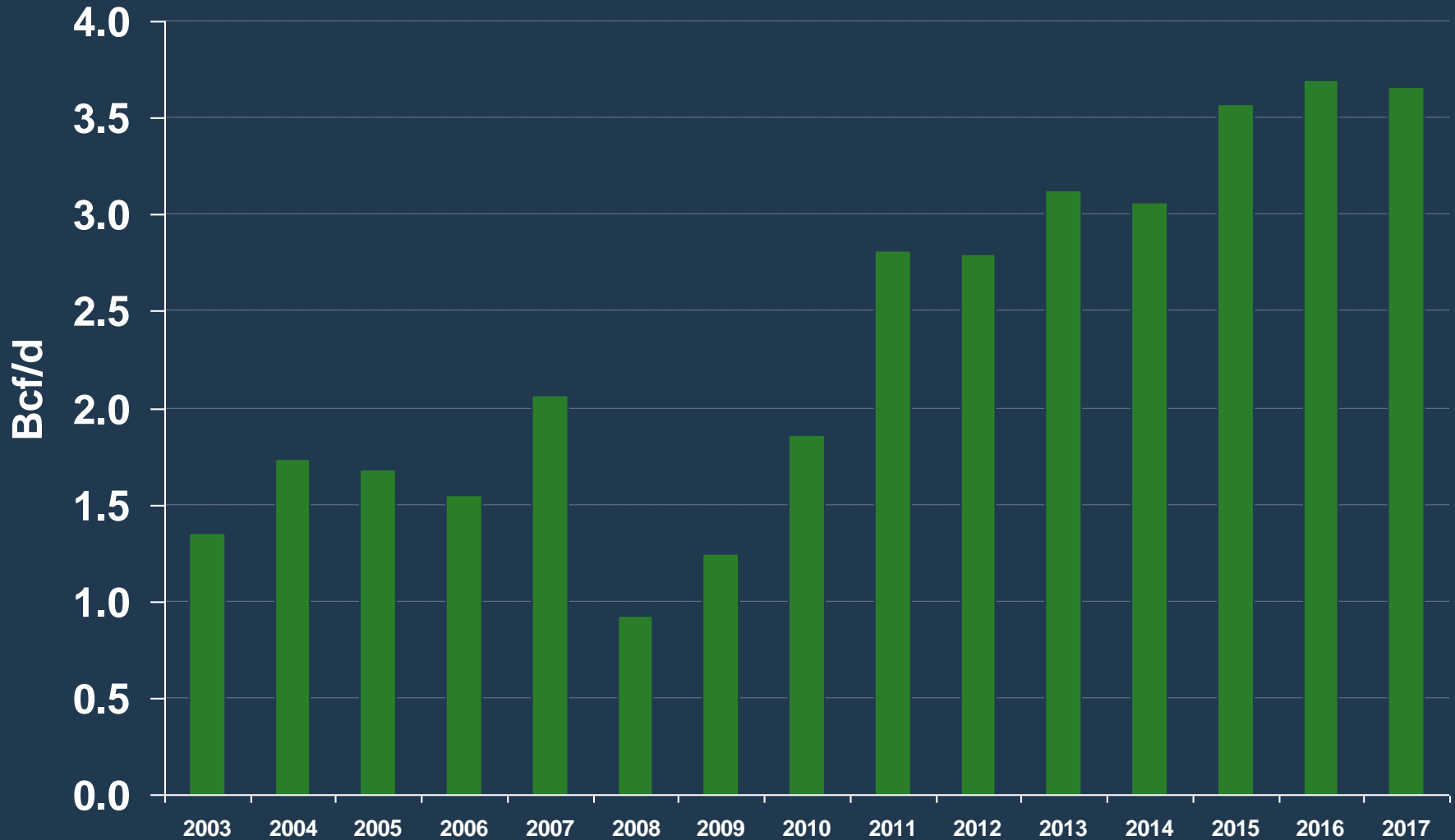
- ⤴ Loss of Supplies from Canada
- ⤴ Need to reduce reliance on imported oil & LNG
- ⤴ Current pipeline constraints restrict supplies
- ⤴ Market growth in the Northeast
- ⤴ Consistency with the New Jersey State Energy Master Plan

Gas Available From North is Diminishing

Volume Change 2007-2017 (Bcf/d)

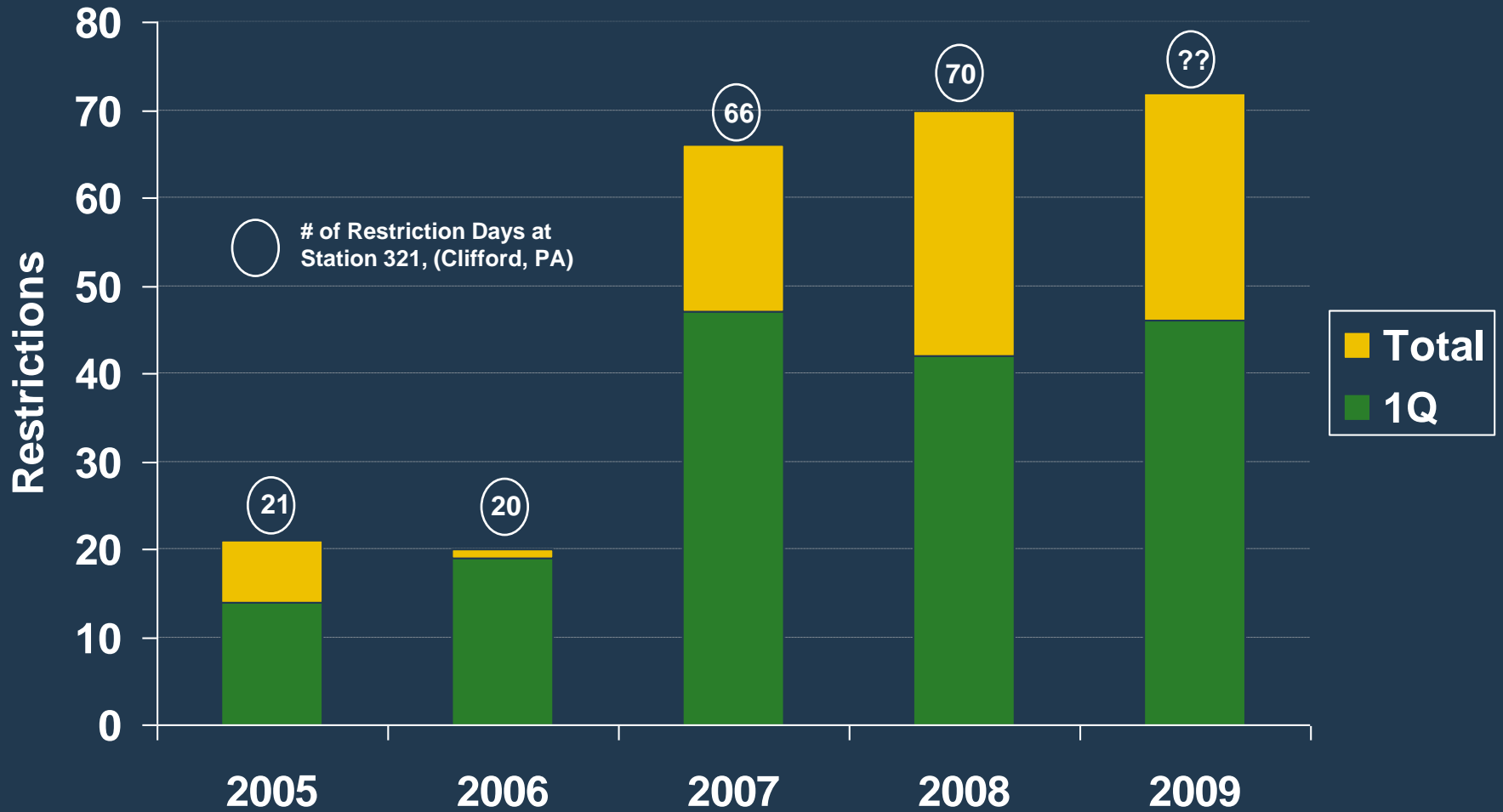


LNG Imports into U.S.



Data Source: Wood Mackenzie, December 2008

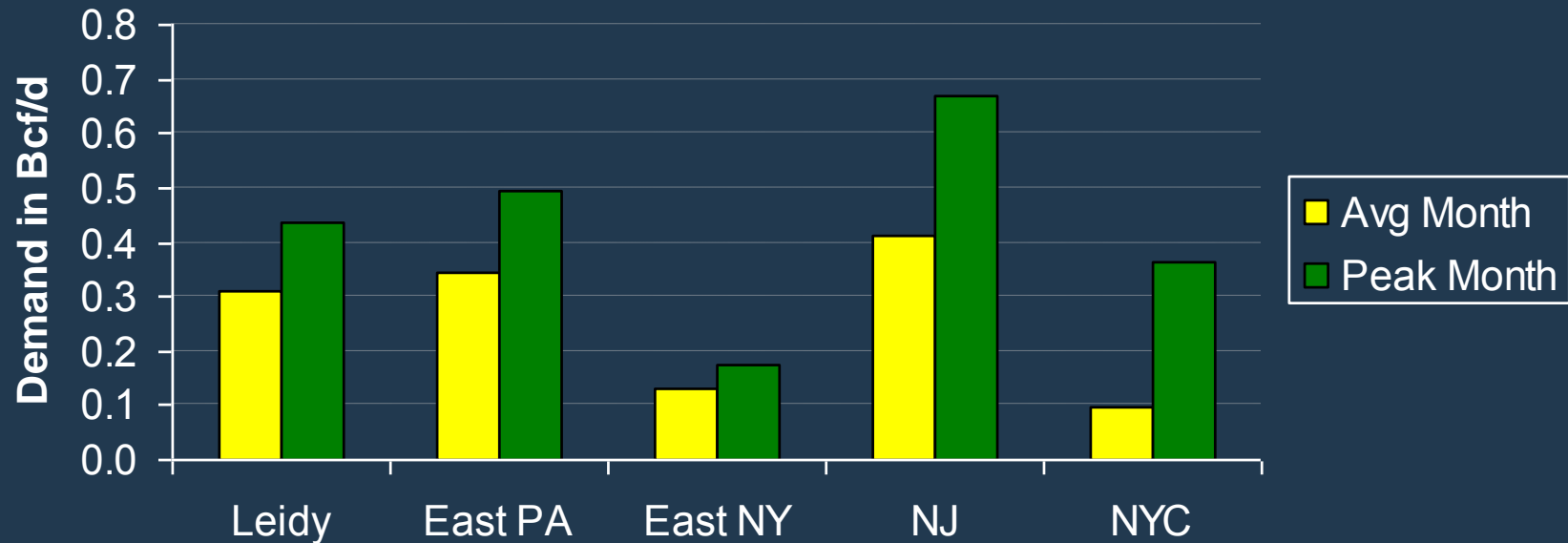
TGP 300 Line Curtailment History



Source: El Paso Corporation

Average vs. Peak Month Growth

EEA/ICF Base Case 10 Year Growth Projection (2006-2008 Average* to 2017)



* Uses average of years 2006-2008 to minimize weather anomalies in the base year

Project Development Process

- ⤴ Following FERC pre-filing process
- ⤴ Early involvement with stakeholders
 - Land agent training conducted
 - Contacts underway
 - Open houses conducted in counties/townships
 - Additional communications via field office, local repositories, web site, etc.
- ⤴ Various state permits / approvals required
 - Early interaction with State to insure good coordination/communications during process

Environmental Leadership

- ⤴ El Paso Corp – leader – EPA Natural Gas Star Program
- ⤴ Internal coating of pipe to reduce fuel and GHG emissions
- ⤴ First company to earn Climate Action Leader™
- ⤴ First natural gas company to achieve California Climate Action Registry (CCAR) milestone for submittal of all US GHG emissions
- ⤴ Modernization of plant by replacement of older units combined with new clean expansion capacity

300 Line Environmental Progress

- ⤴ Early Agency Pre-filing Participation and Consultation Requests sent out
- ⤴ Follow-up Agency Coordination/Meetings Ongoing
- ⤴ Air emissions anticipated to be below the significant impact level
- ⤴ Preliminary Environmental Field Surveys Conducted
- ⤴ Extensive species specific surveys for Threatened and Endangered Species scheduled for 2009
- ⤴ Coldwater fisheries and State Protected Waters Planning
 - Timeline restrictions for streams w/ protected fishery resources
- ⤴ Environmental Permit Applications Preparation Ongoing
 - Submittals to begin late 2nd Qtr of 2009

Estimated Project Timeline

Open Season/Outreach	July 2008
Initial Surveys	September-December 2008
FERC pre-Filing Request	October 2008
Open Houses/Scoping	Nov. 2008-Jan. 2009
FERC Application	July 2009
Other State/Federal Permit Applications	Various
FERC Certificate Requested	March 2010
Commence Construction	Second Half 2010
In-service	November 2011

HIGHLANDS REGIONAL



MASTER PLAN
2008

HIGHLANDS COUNCIL MEETING

April 16, 2009

Eileen Swan
Executive Director



Plan Conformance Update

- 73 municipalities have filed a Notice of Intent
- 71 municipalities have applied for an Initial Assessment Grant
- 67 municipalities have applied for a 2009 Plan Conformance Grant
- 59 municipalities have submitted Module 1 results

Highlands Redevelopment Areas

Highlands Redevelopment Area Designation

- The Highlands Act allows three types of waivers from the NJDEP Preservation Area rules:
 - for public health and safety
 - for redevelopment areas identified by the Highlands Council
 - to avoid a taking of property without just compensation

Designation Procedures

Adopted October 30, 2008

- Highlands Council designation of a Highlands Redevelopment Area is a prerequisite for NJDEP approval of Highlands Preservation Area Approval with Redevelopment Waiver (N.J.A.C. 7:38-6)
- Limited to previously developed lands (minimum of 70% existing impervious surface) or brownfields
- Limited to Preservation Area, at this time
- Implements Policy 6J1 of the Highlands Regional Master Plan
- Can be all or a portion of a parcel or parcels

Site Qualifications

- Limited to those development activities that cannot be achieved through the use of a Highlands Act exemption
- If applying based on impervious surface, apply directly to Highlands Council
- If applying for brownfield, NJDEP must first certify the site as an eligible brownfield

Administrative Process

- Inquiry meeting – optional, informal, informational without any commitments
- Pre-application meeting – mandatory. Municipality will be advised. Application in writing with information. Results not binding. Summary released with staff recommendation on formal application.
- Petition submitted with complete information
- Staff draft recommendation to Council for internal review, then posted on Web site with at least 10 business days for public comment
- Final staff recommendation to Council for consideration; applicant publishes public notice at least 10 business days before Council meeting.

Decision Criteria

- Does the site qualify based on impervious surface or certified brownfields?
- Will the Highlands Redevelopment Area avoid disturbance of Highlands resources, or minimize disturbance where waiver is sought?
- Is the Highlands Redevelopment Area consistent with RMP policies regarding such designations?
- Does sufficient water supply and wastewater capacity exist for the site?
- Is the site compatible with municipal zoning?
- Are there unique or mitigating criteria based on the RMP policies?

Oak Ridge Road Associates LLC

- Block 15901 Lot 1: West Milford
- Pre-application meeting held January 7, 2009, with initial meetings held previously
- Mayor advised of project
- Single parcel, with Highlands Redevelopment Area covering a portion of the parcel
- Existing commercial facility

Highlands Redevelopment Area Overview

- Area features existing buildings (one main building), paved and gravel parking areas, and lawn area with ornamental trees
- Approximate 20,000-sq ft parking lot proposed in lawn area to accommodate commercial tenants
- Impervious surface requirement (70%):
 - Existing Impervious Surface = 94,933 sq ft
 - Allowable Redevelopment Area = 135,618 sq ft
 - Proposed Redevelopment Area = 135,208 sq ft



2D 3D

Road

Aerial

Bird's eye

Labels



Microsoft
Virtual Earth™

40 yds

699

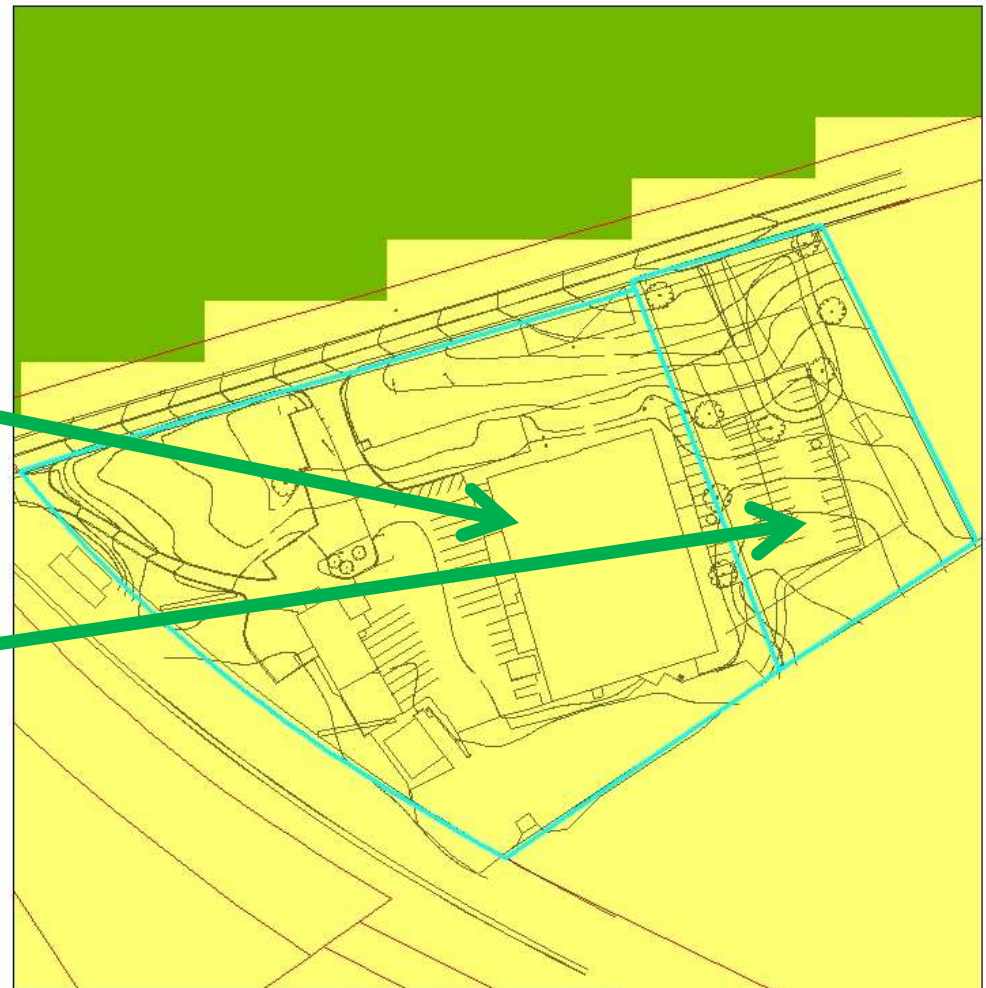
Site Description

Existing Development

Proposed Parking Area

The site is within the Preservation Area in the Existing Community Zone

Note: shown as two parcels, which have been merged since parcels were mapped



Legend

- Applicants Data
- PROTECTION_ZONE
- CONSERVATION_ZONE
- CONSERVATION_ENVIRONMENTALLY_CONSTRAINED_SUBZONE
- EXISTING_COMMUNITY_ZONE
- EXISTING_COMMUNITY_ENVIRONMENTALLY_CONSTRAINED_SUBZONE
- LAKE_COMMUNITY_SUBZONE
- WLDLIFE_MANAGEMENT_AREA



Site Description

Existing Development

Proposed Parking Area

Note: Resource to south is not actually on the property, but trees do overhang the lot line



Legend

- Applicants Data
- Forest Resource Area
- Forest within Forest Resource Area

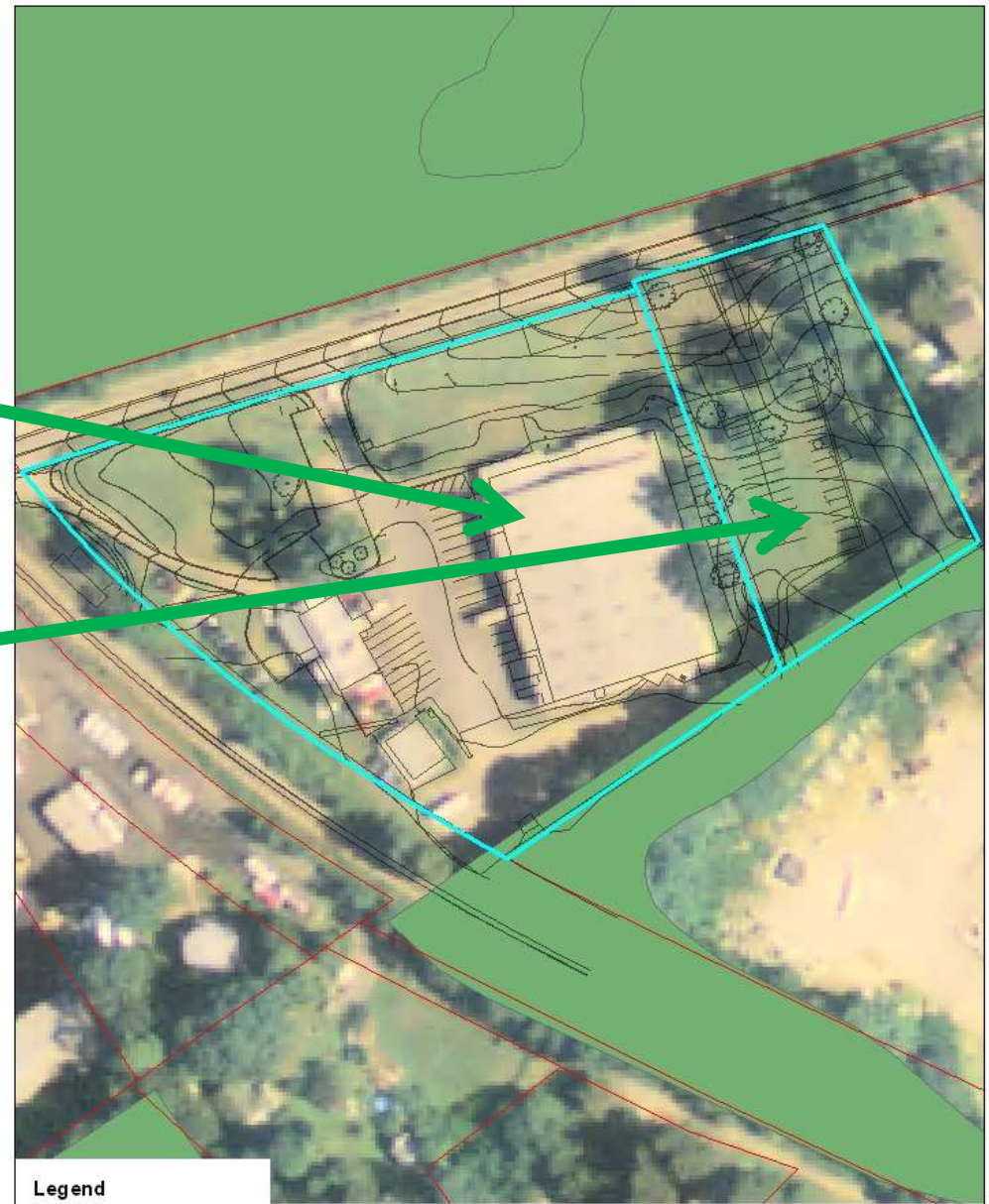


Site Description

Existing Development

Proposed Parking Area

Note: Resource to south is not actually on the property, but trees do overhang the lot line



Legend

- Applicants Data
- Critical Wildlife Habitat

90 45 0 90 Feet

Site Description

Existing Development

Proposed Parking Area



Legend

- Applicants Data
- RECHARGE

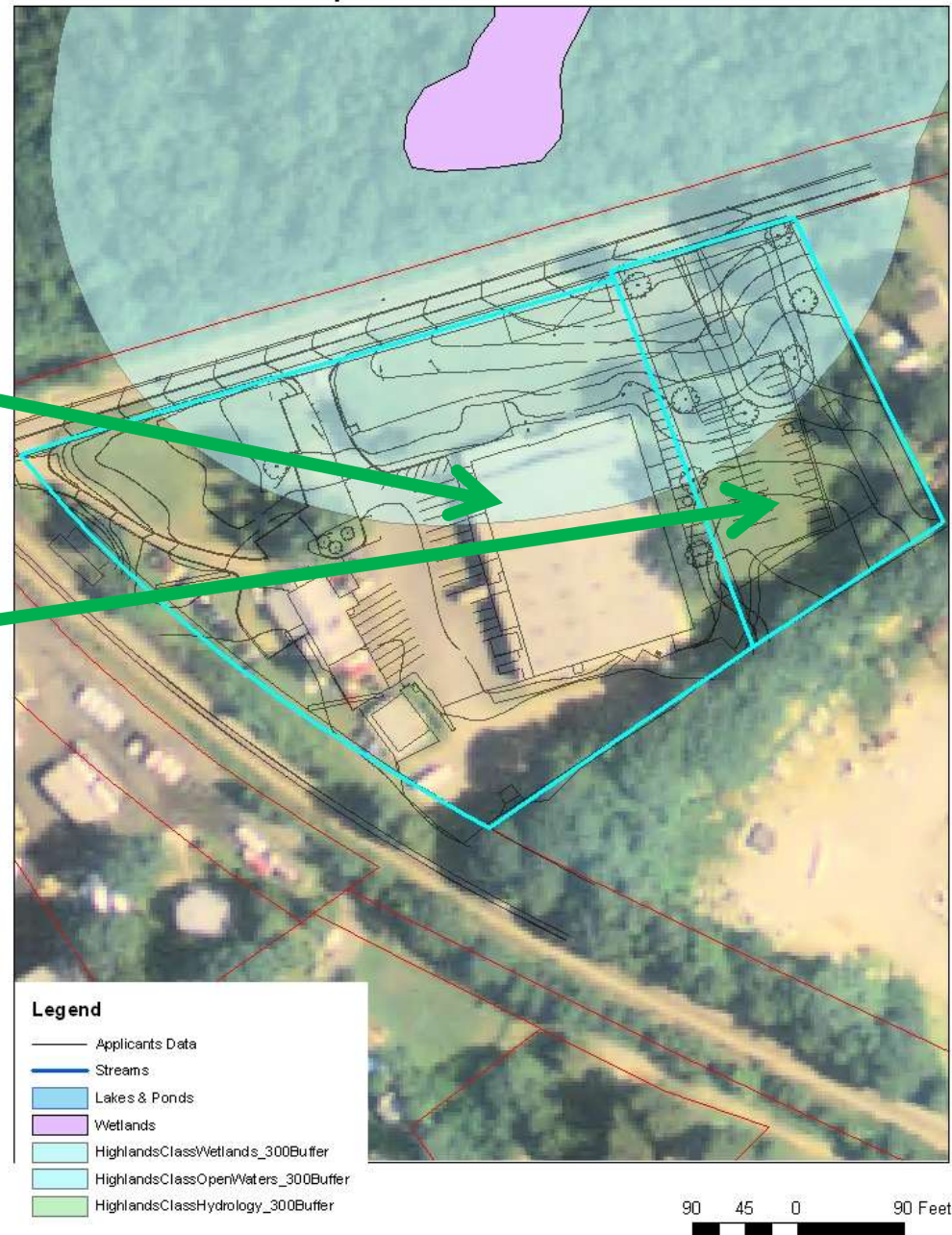
90 45 0 90 Feet

Site Description

Existing Development

Proposed Parking Area

Note: Wetlands to north are across the road from the property, with buffer extending into the property



Draft Staff Recommendations

- Draft recommendation to approve proposed Highlands Redevelopment Area designation with conditions:
 - Disturbance of Highlands Open Waters buffer limited to minimum required for new parking lot
 - Remainder of property outside Highlands Redevelopment Area be deed restricted
 - Stormwater regulations be followed during HPAA with redevelopment waiver permitting process
- It is anticipated that under the NJDEP waiver, the applicant shall supply a stormwater management plan that incorporates low impact development techniques

Highlands TDR Program Update

Highlands TDR Program

- The Highlands Development Credit Bank Board has held three meetings
- Adopted Bank bylaws
- Created two committees – Policy Committee and Finance Committee
- Next step is to formalize the process for allocation of Highlands Development Credits (HDCs) and issuance of HDC Certificates

Steps to Receiving HDC Certificate

Highlands Council

Step 1: Review HDC Tool on Highlands Council Website (www.highlands.state.nj.us)



Step 2: Submit HDC Allocation Determination Application to Highlands Council



Step 3: Receive and Review HDC Allocation Determination Letter from Highlands Council



Property owner may retain HDC Allocation and proceed no further (Allocation valid for 3 years)



HDC Bank

Step 4: Submit HDC Certificate Application and **Draft Conservation Restriction** to HDC Bank for Review



Step 5: Record Conservation Restriction with County Clerk and Receive HDC Certificate



TDR Program Conservation Restriction

- Purpose of conservation restriction is to record the relinquishment of the right to develop the property
- Restricts future development of property in perpetuity for present owners and future owners
- If existing farm parcel, would permit future agricultural development consistent with Highlands Act and RMP
- Allows other non-development uses of property where such uses are permitted by Highlands Act and RMP
- Where exemption for construction of single-family home retained, the location of future home identified on an attached parcel map

TDR Program – Next Steps for Highlands Council

- **Post Draft Conservation Restriction on the website for public comment**
- **Refine and finalize the Conservation Restriction**
- **Complete HDC Tool on Highlands Council Website**
- **Complete HDC Allocation Determination Application and Council approval process**

