

**NEW JERSEY HIGHLANDS WATER PROTECTION
AND PLANNING COUNCIL
MEETING OF MAY 10, 2007**

Minutes

JOHN WEINGART)	CHAIRMAN
KURT ALSTEDE)	COUNCIL MEMBERS
TRACY CARLUCCIO)	
TIM DILLINGHAM)	
MIMI LETTS)	
DEBBIE PASQUARELLI)	
ERIK PETERSON)	
JACK SCHRIER)	
GLEN VETRANO)	
SCOTT WHITENACK)	
ABSENT		
JANICE KOVACH)	
ELIZABETH CALABRESE)	
TAHESHA WAY)	

CALL TO ORDER

The Chairman of the Council, John Weingart, called the 48th meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:12 am.

ROLL CALL

The members of the Council 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.

PLEDGE OF ALLEGIANCE was then recited.

APPROVAL OF MINUTES – April 5, 2007

Mr. Schrier made a motion to approve the minutes of April 5, 2007. Mr. Whitenack seconded the motion. Ms. Pasquarelli abstained from the voting. The minutes were **approved** with the remaining 9 members in favor.

CHAIRMAN'S REPORT

Chairman Weingart welcomed Eileen Swan as the new Executive Director of the Highlands Council and described her previous experience and familiarity with issues surrounding the New Jersey Highlands and State and local planning. He announced that William Cogger was nominated for the open position on the Highlands Council. His nomination is scheduled to be heard by the Senate Judiciary Committee. Mr. Cogger may or may not be confirmed in time for the next Council meeting on June 7, 2007.

Mr. Schrier brought up the issue of the moratorium and asked Chairman Weingart if he had sent the letter to State officials who are examining the issues. Chairman Weingart mentioned that he had indeed sent the letter to the Governor's Office, NJDEP, and NJDOT. Mr. Schrier mentioned that at a Morris County Freeholder meeting it was discovered that there was very little development going on in the Planning Area and that there was no development in the Preservation Area.

COMMITTEE REPORTS

Natural Resources Committee. The Natural Resources Committee met three times in the last month working on WQMP amendments and is trying to find a way to balance environmental protection and what the Committee is charged with. The Committee also worked through some of the amendments that are on the meeting agenda. One of the amendments is a small project, Valley View Chapel, which is directly exempted. The other project, Natirar, is a larger project that is backed by Somerset County. Ms. Pasquarelli asked if the two items on the agenda were scheduled for action by the full Council. Mr. Dillingham responded that the items on the agenda require action and that the resolution was for how the committee would review and respond to the Council and how the threshold breaks would be determined.

Personnel Committee. Chairman Weingart announced that the Personnel Committee met since the last Council meeting. They discussed possible changes to the staff organization chart. The Committee hopes to fill some of the vacant positions within the Highlands Council staff.

TDR Committee. Mr. Whitenack informed the Council that the TDR Committee met in executive session regarding contract negotiations and met on the 3rd of May. The Committee took the opportunity to brief Ms. Swan on the TDR committee's matters. Mr. Whitenack informed the Council that there would be a public TDR committee meeting in the near future.

EXECUTIVE DIRECTOR'S REPORT

Ms. Swan thanked the Council for the opportunity to serve the Council and the State of New Jersey. She mentioned that it has been a very busy four weeks that she has been Executive Director. She has participated in various staff outreach meetings and has visited some municipality meetings to get a grasp of some of their concerns. Ms. Swan informed the Council that she is very impressed with the expertise within the staff and the passion they have for the Regional Master Plan. The staff commitment to the mission of the Highland's Council is very impressive.

The Chairman referred to the vacant positions within the Council staff. Ms. Swan reported that Nathan McLean was formally hired to fill a vacant GIS position and that this was the first of the vacancies to be filled. Ms. Swan congratulated Mr. Roger Keren on having Nathan officially join the GIS unit and she welcomed Nathan to the staff.

Ms. Swan reported that a full TDR Committee meeting will be scheduled in the coming weeks, once schedules are reviewed. There have been several meetings between the staff and municipalities as well as several state and agency coordination committee meetings.

Ms. Swan reminded the Council that the public comment period closes on May 11, 2007. To date, the staff has received comments from 880 sources. Some of the sources submitted more than one comment over the span of the comment period. There is a team based approach in tracking and grouping the comments. The staff has been separating and sorting comments into appropriate categories. More consolidations will take place, as issues brought up by many are placed together.

CONSIDERATION OF RESOLUTION REGARDING APPROVAL OF CERTAIN PLANNING ASSISTANCE GRANTS

The resolution on the table is a planning assistance grant in the amount of \$7,500 for a Byram Township COAH grant. Mr. Schrier moved to approve the resolution. Ms. Letts seconded the motion. Ms. Pasquarelli asked a staff member for a budgetary announcement from the staff because the resolution was not sent before the Budget and Finance committee and she would like to make sure there are funds available. Mr. Borden stated the grant was within the budgeted amount previously approved by Council for all the COAH grants and Mr. Borden assured Ms. Pasquarelli that the funds were available. There were no public comments and the resolution was **APPROVED** with all in favor.

CONSIDERATION OF RESOLUTION REGARDING PROCESS FOR REVIEW OF WATER QUALITY MANAGEMENT PLAN AMENDMENTS

Mr. Borden informed the Council at Mr. Schrier's request that this resolution deals with amendments to Water Quality and Wastewater Management Plans and the amendments can be in the form of project specific amendments or municipal wastewater management plans. The DEP, in regulations passed in December, is seeking the recommendation of the Highlands Council on projects going on in the Highlands Region. Once the master plan is adopted, the review will become a consistency analysis.

Mr. Borden reported that the Natural Resources Committee has discussed that there will be many more amendments in the future and the Committee asks that authority is delegated to them to provide recommendations on behalf of the Council and develop thresholds and guidelines so more intensive projects are brought to the full Council for review. This resolution is interim in nature until the Plan is adopted.

Chairman Weingart stated that any water quality amendment of any size would go to the Natural Resources Committee until the thresholds are too large and then be referred to the full Council. Mr. Borden concurred. Mr. Dillingham added that the committee is working on drafting thresholds for the Councils consideration.

Mr. Schrier commented that once the RMP is adopted, consistency determinations would be made, regarding whether these plans are consistent or inconsistent with the RMP. He then asked if that meant that the DEP would defer to the determinations or would they still have the authority to override or disregard them. Mr. Borden replied in the affirmative, stating that the DEP would weigh the recommendations from the Council heavily but would still have the final decision. Mr. Schrier added that any recommendations the Committee might make the DEP would ultimately decide what moved forward and asked if the same weight was given to all projects. Mr. Borden replied that since the recommendation is based upon a draft plan, it is subject to change. Mr. Schrier clarified his question by adding if it was actually necessary for the Council to have the resolution if the DEP makes the final decision. Chairman Weingart replied that the DEP will not act without a recommendation from the Highlands Council. Mr. Dillingham added that the DEP is seeking Council input in the process to help move along some of the projects.

Mr. Dillingham made the motion to approve the resolution and Ms. Carluccio seconded the motion. Mr. Schrier asked if the resolution and the recommendations are not binding on the DEP. Chairman Weingart replied that the resolution means that the Natural Resources Committee gives recommendations to the DEP on behalf of the Council and that DEP is not bound to accept the recommendations until we adopt a master plan. Ms. Letts asked if the DEP knew about what the Council was going to do and if they objected to having a subcommittee give recommendations. Ms. Swan replied that the DEP is aware of the resolution and that the DEP was happy that the Council was moving things forward.

Mr. Shope, Long Valley. Mr. Shope asked if the various subcommittees have quorum requirements. He said that some of the other Natural Resources Committee meetings which he was present for had been thinly attended by the Council members. Ms. Swan replied that there are four members in the Natural Resources Committee, three members were in fact present, but, no, there are no quorum requirements for subcommittees. Mr. Shope responded that it was not a good way to do business.

Susan Buck, Oxford. Ms. Buck says that she finds it inappropriate for the Council to delegate something of this scope to the Natural Resources Committee. As a member of the public she finds it amazing that the Council has the ability to get involved at this late stage without having a master plan out. Ms. Buck believes that providing comments to the DEP is setting a very dangerous precedent without the Council understanding what is going on. The Natural Resources Committee is making recommendations on things like deed restrictions instead of making sure that streams are not becoming impaired. Development should be put where there is capacity for it.

Helen Heinrich, NJFB. Ms. Heinrich stated that she was prepared to ask the Council to table the motion. She has some questions about the process of committee review, any committee review. Ms. Heinrich realizes that the resolution needs to be passed before the Council can deal with projects that have been hanging. There are not enough Council members that should be concerned with the economic development and smart growth aspects in the Natural Resource Committee. She believes that the Council should not approve a process to give so much power to a committee without having a smart growth

committee to add to the discussion. The two committees can work out any differences that may come up.

Chairman Weingart mentioned that in most cases there is not a quorum requirement because the committees usually make a recommendation to the full Council. He wonders in this case if there should be a requirement for action being taken by maybe three of four members. Mr. Schrier asked if the two projects, Natirar and Valley View church, could be moved forward without action being taken on the resolution. Chairman Weingart stated that the full Council could endorse the two recommendations today without passing the resolution.

Ms. Pasquarelli stated that she was against the resolution on general principles. She does not favor the Council delegating any actions to committees. The legislature wanted a 15 member Council because they did not want 2 or 3 members making decisions. It is very important for the full Council to weigh in on all applications. Ms. Pasquarelli added that there are no thresholds established. This is described as an interim measure because there is no timeline for final adoption. She proposes that the resolution be tabled but to approve the recommendations made by the committee if the Council agrees. Ms. Pasquarelli also asked if there were any projects pending in the next month. Mr. Borden replied that, yes, there are projects pending.

Mr. Alstede remarked that he is in favor of full Council review and that there is no sense in tabling the resolution if you favor full Council review. There needs to be a new resolution or no resolution at all. Mr. Dillingham noted that the Council has delegated some decisions to committees. There has never been a line drawn regarding it. Mr. Dillingham stated that he does not believe it is in the best interest of the Council to debate on each project.

Ms. Carluccio stated that if the Council is going to debate over every project then they should go back to 2 meetings per month. There are a lot of projects coming up. She added that they are not making new policies. The committee has the staff go over the applications very carefully and say how the applications do or do not mesh with the principles in the plan. With exempt applications, it is very limited in what the committee is allowed to do. The Natural Resources Committee is not making policy decisions for the full Council; it is getting applications to move along, only as an interim measure. In the interest of getting the plan done, Ms. Carluccio asks that the committee is allowed to work on this. Any item with a big threshold, the committee will send to the full Council.

Mr. Whitenack suggested that the Council consider passing the resolution, as there is a large amount of work ahead of them. He also suggests increasing the membership of the committee. Mr. Whitenack does not want the backlog of projects to continue and that the Council finds a quick way to turn around the projects. He suggests sending out a notice to the full Council about a meeting where they will work on maybe 3 projects. This leaves it to each member whether or not they want to attend an extra meeting per month.

Mr. Alstede asked if any member of the Council has ever been to the Valley View Chapel or the Natirar estate. Several members responded in the positive. Mr. Alstede stated that this is why they were all on the Council. Things like this need full Council approval. He stated for the record that he is against the resolution.

A vote was called on the motion that had been made by Mr. Dillingham and seconded by Ms. Carluccio. Three members of the Council voted in favor of the resolution. Seven of the members opposed. The resolution was **NOT APPROVED**.

Chairman Weingart asked for a motion that would instruct the Executive Director to send to DEP the recommendation of the committee. Ms. Pasquarelli made the motion and Mr. Schrier seconded it.

Chairman Weingart proceeded to ask Mr. Dillingham for a summary of the two projects that were reviewed by the committee. Mr. Dillingham reported that one project is an expansion of Valley View Chapel. The project includes expansion of parking lots. The review was looking at current landscape design to try to avoid impacting natural habitats and water sites. The recommendation is that the applicants look to avoid impacting natural habitats and mitigate the impacts. The project came in before the sewer main came in. Mr. Alstede asks if we should we suggest that tie in to sewer and leave habitat alone.

Mr. Peterson stated that the applicant was not present at the meeting and that he would feel better if the applicant is present. Also, the committee is using landscape version number 3, which has not been vetted. Mr. Peterson does not feel comfortable using something that has not passed public scrutiny. He believes that the committee should notify the applicant whether when their application is being discussed. Somerset County was able to be present when the application was being discussed and he was able to ask Somerset county reps any questions and were agreeable to any revisions. Mr. Peterson remarked that he would like to see committee greatly expanded. Mr. Peterson asked that they amend the recommendation to have them tie into the sewer system.

Ms. Carluccio informed the Council that Valley View Chapel is an exempt project and is not applicable to the RMP provisions and the Highlands Act. The only thing they are doing is recommending to the DEP what they learned through the research of the RMP. Mr. Alstede commented on how much time and effort will be put into all exempt projects in the Highlands Region. Chairman Weingart replied that the DEP will not act without a recommendation from the Highlands Council. Mr. Borden stated that the review was based on the DEP regulations, not the RMP. Mr. Schrier reiterated that the DEP will ultimately decide. The Council is only advising and sending a recommendation.

Mr. Alstede made a motion to amend the previous motion to strike "in consultation with the Highlands Council" from number three on the page 5. Mr. Vetrano seconded the amended motion. Ms. Carluccio spoke against the amendment because she felt that "in consultation with" just means that the Council can suggest where information can be garnered. Mr. Alstede and Mr. Vetrano were in favor of the amended motion the remainder of the Council opposed. The amended motion was **NOT APPROVED**.

Chairman Weingart stated that the motion now on the table as moved by Ms. Pasquarelli and seconded by Mr. Schrier was to send the two recommendations to the DEP on behalf of the full Council. The motion was **APPROVED** with all in favor.

Chairman Weingart stated he felt that the Council has to find a way to delegate projects.

PUBLIC COMMENTS

David Shope, Long Valley. Mr. Shope asked exactly what the Council voted on. Chairman Weingart replied that the motion was to send the recommendations as Councils recommendations to the DEP. Mr. Shope asked if they were part of the information that was available to the public. Mr. Borden replied that it was not out front at the reception desk but was done at the Natural Resources Committee meeting. Mr. Shope stated everything should be included as natural habitat for every species besides people. The Natural Resources Committee is run by two people and the work is not adequately reviewed. He is in favor of expanding the committee.

Helen Heinrich, NJFB: Ms. Heinrich is perturbed about the lack of information for the public. She asked if they have to attend all committee meetings for information. The Council has all the information and the public has a little bit. Requiring applicants to place deed restrictions is pretty much extortion. She agrees that the Council should delegate, but they need to a balanced body with expertise.

Robin O'Hearn, Skylands Clean: Ms. O'Hearn stated that residents of West Milford are concerned about TDR receiving zones and specially planned areas. Boroughs of Ringwood and West Milford have passed resolutions in opposition to specially planned areas. Ms. O'Hearn would also welcome the Natural Resources Committee being expanded.

Andrew Drysdale, Chester: Mr. Drysdale remarked that he owns land in the Preservation Area. He has seen no signs of animal life whatsoever. One of the reasons that the Act is so unnecessary is that you do not have to stop all development to protect the drinking water supply. There needs to be a much more balanced approach.

Wilma Frey, NJCF: Ms. Frey mentioned that she was present at the last several Natural Resource Committee meetings and noticed that Mr. Alstede was not present at either. The Council is lucky to have a committee be able to do some review of the applications. That the Council has some individuals with expertise is important. The Committee is not creating new policies but referencing information and pointing it out to the DEP.

Susan Buck, Oxford: Ms. Buck stated that she is disappointed that the public was not allowed to participate in the discussion of the last motion. It is crucial for the Council to understand the boundaries of the Natural Resource Committee. There is a vague bureaucratic morass that individuals are being sent into. It is important that the exact scope of the application is there.

Monique Purcell, Dept. of Agriculture: Ms. Purcell stated the Department of Agriculture and the State Board of Agriculture's comments would be arriving today. She agrees that they should expand the Natural Resource Committee and that the Council should hold the subcommittee meetings on Thursdays.

Julia Somers, Highlands Coalition: Ms. Somers stated that there is a large misunderstanding with what WWMPs and WQMPs actually do. It would be helpful if there was a presentation to Council members. A presentation on deed restrictions, which are widely used and legally supported, would be widely helpful for Council, as well. Ms. Somers

requests that there be a predictable meeting schedule for subcommittees and thanks the Council members who bring different and distinct knowledge to the Council.

Scott Olson, Council member for Byram Township: Mr. Olson stated that he does not think that the Council should tell another agency that they are overburdening Council. The Council has volumes of information that can be applied to exempt applications. He believes the LUCM is not a planning map but a map of current development. It is missing environmental constraints and no build zones. Mr. Olson also believes the purple zones as planned community zones within the preservation area are absurd. A burden is placed on areas that are trying to be protected.

Tony McCracken, Assistant Planning Director, Somerset County: Mr. McCracken stated that he is very happy with the Natural Resources Committee and believes it to be very balanced. It is good to have a committee to deal with the backlog. Mr. McCracken mentioned that the committee structure is good and it is good to have someone make recommendations to full Council. A large application can be referred to full Council.

Sylvia Kovacs, Warren County Environmental Commission: Ms. Kovacs stated that the DEP, in announcing their C1 designations, is making an end run working around the Council. She states that there is a need for MOAs and MOUs with other state agencies.

Ms. Carluccio referred to a statement that some members of the Council are paid to be on it. She reiterated that all of the Council members are volunteers and the time is given in public service to the positions to which they are appointed.

EXECUTIVE SESSION

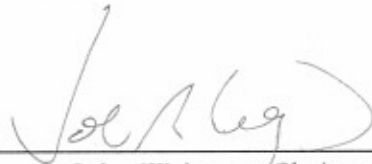
Chairman Weingart asked if there was a motion to adjourn to executive session to discuss the New Jersey Builder's lawsuit and the Warren County lawsuit. Ms. Letts motioned and Mr. Dillingham seconded it. The meeting adjourned into executive session at 12:20 p.m.

ADJOURN

The meeting was adjourned at 1:10 p.m.

Dated:

June 7, 2007



John Weingart, Chairman

Vote on the Approval of
the minutes of May 10, 2007

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	___	___	___	✓
Councilmember Calabrese	✓	___	___	___
Councilmember Carluccio	✓	___	___	___
Councilmember Cogger	✓	___	___	___
Councilmember Dillingham	✓	___	___	___
Councilmember Kovach	✓	___	___	___

Councilmember Letts	—	—	—	✓
Councilmember Pasquarelli	—	—	✓	—
Councilmember Peterson	—	—	—	✓
Councilmember Schrier	✓	—	—	—
Councilmember Vetrano	—	—	✓	✓
Councilmember Way	—	—	—	—
Councilmember Weingart	✓	—	—	—
Councilmember Whitenack	✓	—	—	—

PUBLIC COMMENTS SUBMITTED

6 COPIES OF THIS LETTER
SUBMITTED ON 5-10-07

ANDREW DRYSDALE
Land Surveyor
32 East Fox Chase Road
Chester, NJ, 07930
Tel. 908-234-1079 Fax 908-234-1326

May 10, 2007

Highlands Council
100 North Road
Chester, NJ 07930

Good Morning,

My name is Andy Drysdale, my wife Lois and I live and own farmland at 32 East Fox Chase Road, Chester, NJ, we have been trapped in the "Preservation Area", since August of 2004, some of our land is now in the "Conservation Zone" of the Regional Master Plan.

It has been nearly 3 years now or over 3 years when you consider that the Act was proclaimed to be retroactive to March 29 of that year.

Well it is spring time now, May 2007. I have been out surveying in the woods the last couple of weeks and have seen that there is a fine crop of skunk cabbage growing in the wetlands. There were some other common types of vegetation and some sickly looking trees as those in wetlands usually are. I saw no signs of any animal life whatsoever other than a few gnats.

On one project I was locating wetlands flags as I have done before, as far back as the 1980's. These impervious wetlands were being protected and groundwater being monitored for many years before the "Highlands Act Land Grab". This is just one of many reasons that this "Act" was so unnecessary.

The main excuse that has been used is the protection of drinking water. You do not have to stop all development to do this. It could and in many cases was already being done with modern technology for filtering water, environmentally friendly engineering design of septic and other waste systems.

I myself have always cared about the environment, but fortunately I realize that there other important factors to consider. We need to take a much more balanced approach. This Act was created by some people with other motives and some well meaning people who did not see the whole picture. An example of the latter was the "Runny Egg Law", which was fortunately repealed.

We need to get out and vote and root out corruption wherever we find it so that the "New Jersey Highlands Act" ends up in the same trash heap as the "Runny Egg Law".

Thank You,

Andrew Drysdale

SUBMITTED BY ROBIN O'HEARN

We the undersigned ask the Highlands Council to remove from the Regional Planning Map the "Planned Community Zones" (designated in Purple) from the Preservation areas and from all environmentally sensitive tracts in the Planning Areas. These Planned Community Zones sabotage the Highlands Water Protection & Planning Act's goals: to protect the quality & quantity of NJ water. It is irresponsible to zone for higher density development in areas already in a water deficit, and to negate many of the Act's most important aspects. Also, sewer expansion is prohibited in the Preservation Area, and Planned Community Zones encourage sewer expansion.

5-10-07 COUNCIL MEETING

PRINT NAME	SIGNATURE	ADDRESS
Tom Dattoin	[Signature]	542 Lakeshore Drive Nowitt, NJ 07421
TOM SERGI	[Signature]	14 HIGH POINT LAKE, RINGWOOD NJ 07456
Patti Sergi	[Signature]	14 High Point Lane, Ringwood NJ 07456
Ross Kushner	[Signature]	189 Kickout Rd. Kinnelon NJ 07455
Pam Bailley	[Signature]	14 Dorwood Rd Whippany NJ 07981
Ruth Adams	[Signature]	711 Otterdale Rd., West Milford NJ 074
Kathy Maguire	[Signature]	67 Bearfact Rd., W. Milford, NJ 07480
GENE CREDITO	[Signature]	46 Edgewood Rd RINGWOOD, NJ 0745
GARY JOHNSON	[Signature]	24 CLOVER Rd Newfountain NJ 07935
Laura Andersen	[Signature]	1860 Macopin Rd - West Milford NJ 074
ANDREW GARGANO	[Signature]	45 ARSHAMER RD., W. MILFORD NJ 07480
DOUG TRAINER	[Signature]	27B Concord Rd W. Milford NJ 07480
Ann Genader	[Signature]	1681 Unruh Valley Rd. West Milford NJ 07480
Bob Paulo	[Signature]	7 Madry Ln W. M. I. B. NJ 07480
CLINT MITH	[Signature]	34 Rocky Pt Rd Nowitt NJ 07421
WENDY WEBB	[Signature]	4914 Mersetown Rd W. Milford 074
Victor Webb	[Signature]	494 Mersetown Rd. W. Milford NJ 074
Jean Goll	[Signature]	13 Bearfact Rd West Milford, NJ 07480
Paul Goll	[Signature]	13 Bearfact Rd West Milford, NJ 07480
JOHN SHIRLAU	[Signature]	1403 Richmond Rd, W. Milford 07480
Martha Shirlau	[Signature]	403 Richmond Rd W. Milford 07480
ROSEANNE TRAYNOR	[Signature]	28 HIGHLAND RD - BLOOMINGDALE, NJ 07
TIMOTHY TRAYNOR	[Signature]	" "
Edith Leary	[Signature]	14 Copper Hill Park Ringwood
LARRY TARDIF	[Signature]	660 OTTERHOLE RD. W. MILFORD NJ
DOUGLASS HERDT	[Signature]	41 TERRACE RD, NOWITT, NJ 07421
BERNIE STAPLETON	[Signature]	40 PLYMOUTH AVE W. MILFORD NJ
CELESTE STAPLETON	[Signature]	40 PLYMOUTH AVE W. MILFORD NJ
MARY TOMAN	[Signature]	1036 COLfax AVE Pompton Lakes NJ 07442
Bill O'Hearn	[Signature]	4 Wanaque Terr, Ringwood 07456
BRUCE HERNSDORF	[Signature]	53 IROGLOIS AVE. LINCOLN PK, NJ
Michelle Brook	[Signature]	18 Hirth Drive Newfountain NJ 074
Edward V Harkey	[Signature]	21 Casa Dr, Oak Ridge NJ 07
Maria Harkey	[Signature]	21 Casa Dr, Oak Ridge NJ 074
KAREN CARROLL	[Signature]	19 Tower Hill Lane, Kinnelon NJ 07
Vivianne Rogers	[Signature]	12 Dick Rd Butler

We the undersigned ask the Highlands Council to remove from the Regional Planing Map the "Planned Community Zones" (designated in Purple) from the Preservation areas and from all environmentally sensitive tracts in the Planning Areas. These Planned Community Zones sabotage the Highlands Water Protection & Planning Act's goals: to protect the quality & quantity of NJ water. It is irresponsible to zone for higher density development in areas already in a water deficit, and to negate many of the Act's most important aspects. Also, sewer expansion is prohibited in the Preservation Area, and Planned Community Zones encourage sewer expansion.

PRINT NAME	SIGNATURE	ADDRESS
Doug Williams	<i>Doug Williams</i>	24 Rockaway Valley Rd, Boonton, NJ
SCHEIN ROSADO	<i>[Signature]</i>	401 Grove St., Pat. of 07901
Robin O'Hearn	<i>[Signature]</i>	4 Wansage Terr Ringwood, NJ 07470
Michael Sebatich	<i>[Signature]</i>	9 Glen Ct, Hawthorne, NJ 07106
TERRY DUFFY	<i>[Signature]</i>	188 Lincoln Ave West Milford 0748
James Warden	<i>[Signature]</i>	199 High Court St. West Milford
ROBERT NOHAN	<i>[Signature]</i>	1 WINDING WAY WEST MILFORD NJ
Donald L. Weise	<i>[Signature]</i>	81 Pinecliff Lake Dr. W. Milford NJ 07480
George Wilkinson	<i>[Signature]</i>	16 Valkalla Way Wayne NJ 07470
Barbara Kushner	<i>[Signature]</i>	189 Kakeout Rd Kinnelon, NJ 07405
JIM BELST	<i>[Signature]</i>	57 Bayoxine Dr Hightstown NJ 07421
ROBIN ROSE BENNETT	<i>[Signature]</i>	41 Terra Alta Rd Hightstown, NJ 07421

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PRINT NAME	SIGNATURE	ADDRESS
LACETIA Munro	<i>Laceta Munro</i>	49 Hiccup Rd Newfoundlad NJ
SCOTT OLSON	<i>Scott Olson</i>	194 GLENSIDE TRAIL, BYRAM, NJ 07871
Susan Gyarmati	<i>Susan Gyarmati</i>	13 FOREST RD Ringwood N.J. 07456
Robert Bailey	<i>Robert Bailey</i>	25 Maple Shade Rd Hewitt 07424
DONALD WRIGHT	<i>Donald Wright</i>	44 CLIFF RD WEST MILFORD NJ 07
KATHY MCTINNIS	<i>Kathy McTinnis</i>	29 Northgate Pk Ringwood NJ 07456
Karen Ambruster	<i>Karen T. Ambruster</i>	6 Sandella Pl. Nashell, NJ 07422
Kenneth Ambruster	<i>Kenneth T. Ambruster</i>	6 Sandella Pl. Nashell, NJ 07422
Cornie Burton	<i>Cornie Burton</i>	81 Pinecroft Pk. Dr. W. Milford NJ
Christopher Compel	<i>Chris Compel</i>	818 Riverdale Blvd. Pompton Lakes 074
Russ Suereth	<i>Russ Suereth</i>	239 LONG POND RD, HEWITT, NJ 07424
Frank Angicelli	<i>Frank Angicelli</i>	8 Tom Lane, West Milford, NJ 07

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PRINT NAME	SIGNATURE	ADDRESS
JOSEPH F. LIPPON	<i>[Signature]</i>	136574, <i>[Address]</i>
DONALD J. PRUDEN	<i>[Signature]</i>	21 West Ave, Riverdale NJ 07457
Bill Bryson	<i>[Signature]</i>	39 Crescent Road, Wanaguel NJ, 07465
Joyce Bryson	<i>[Signature]</i>	39 Crescent Rd, Wanaguel NJ 07465
DORIS OSTERHOUDT	<i>[Signature]</i>	2 RICHMOND RD WESTMILFORD NJ
James Warden	<i>[Signature]</i>	199 Highcrest Dr. West Milford NJ
Doris Aronson	<i>[Signature]</i>	19 BOARFORD RD W. MILFORD NJ 07421
Ellen F. Filibow	<i>[Signature]</i>	25 Holmes Road, Park Ridge NJ 07904
CARL J. RICHKO	<i>[Signature]</i>	9 SHEPHERD ROAD HEWITT NJ 07421
Renée B. Allessio	<i>[Signature]</i>	39 Hillcrest Dr. Hewitt NJ 07421
Beth Ann Ricci	<i>[Signature]</i>	17 Boardman Rd. West Milford, NJ 07421

Submitted By SCOTTOLSEN
5-10-07 COUNCIL MEETING

March 9, 2007

Mr. Tom Borden, Acting Executive Director
New Jersey Highlands Council
100 North Road
Chester, NJ 07930

There has been much concern among our groups on the inappropriate mapping of Planned Community Zones over lands with significant environmental constraints.

However, our recent review has concentrated on a strict reading of the underlying Highlands Water Protection and Planning Act (Act) and its directives for the Regional Master Plan (RMP). This review has called into question the entire premise on which Planned Community Zones and Specially Planned Areas are being proposed in the Highlands preservation area.

For example, in section 11 of the Act it states:

"The regional master plan shall include. ...A smart growth component that includes an assessment, based upon the resource assessment prepared pursuant to paragraph (1) of subsection a. of this section, of opportunities for appropriate development, redevelopment, and economic growth, and a transfer of development rights program which shall include consideration of public investment priorities, infrastructure investments, economic development, revitalization, housing, transportation, energy resources, waste management, recycling, brownfields, and design such as mixed-use, compact design, and transit villages."

The Act goes on to state that in preparing the smart growth component:

"...the council shall:

(a) prepare a land use capability map;

(b) identify existing developed areas capable of sustaining redevelopment activities and investment;

(c) identify undeveloped areas in the planning area, which are not significantly constrained by environmental limitations such as steep slopes, wetlands, or dense forests, are not prime agricultural areas, and are located near or adjacent to existing development and infrastructure, that could be developed;

(d) identify transportation, water, wastewater, and power infrastructure that would support or limit development and redevelopment in the planning area. This analysis shall also provide proposed densities for development, redevelopment, or voluntary receiving zones for the transfer of development rights;

(e) identify potential voluntary receiving zones in the planning area for the transfer of development rights through the appropriate expansion of infrastructure or the modified uses of existing infrastructure;

(f) issue model minimum standards for municipal and county master planning and development regulations outside of the preservation area, including density standards for center-based development to encourage, where appropriate, the adoption of such standards;

(g) identify special critical environmental areas and other critical natural resource lands where development should be limited; and

(h) identify areas appropriate for redevelopment and set appropriate density standards for redevelopment. Any area identified for possible redevelopment pursuant to this subparagraph shall be either a brownfield site designated by the Department of Environmental Protection or a site at which at least 70% of the area thereof is covered with impervious surface."

Our concern lies in our failure to find within these directives, or elsewhere in the Act, the authorization or justification for creating Planned Community Zones or Specially Planned Areas (we use these terms interchangeably herein) in the Highlands preservation area.

Admittedly, the Act does state that the Council should "...*identify existing developed areas capable of sustaining redevelopment activities and investment.*" However, it also clearly states that, within the preservation area "*Any area identified for possible redevelopment pursuant to this subparagraph shall be either a brownfield site designated by the Department of Environmental Protection or a site at which at least 70% of the area thereof is covered with impervious surface.*" It is obvious that most of the Planned Community Zones/Specially Planned Areas outlined to-date do not meet these requirements.

Moreover, a number of lots included in the Planned Community Zones/Specially Planned Areas within the preservation area cannot possibly be sites for redevelopment since they are currently undeveloped. In this the Council is exceeding its authority as it is limited by the Act to "*identify undeveloped areas in the planning area...*" not the preservation area, as appropriate for development.

We must also note that the Draft Regional Master Plan promotes the Planned Community Zones within the preservation area as TDR receiving sites where it states, "*Potential TDR voluntary Receiving Zones within the Highlands Region shall include all lands within the Planned Community Zone or Specially Planned Areas identified in the Regional Master Plan.*" This, too, is in direct conflict with the Act where it directs the council to "*identify potential voluntary receiving zones in the planning area,*" not the preservation area.

Beyond this, the Act specifically calls for the limitation of wastewater treatment within the preservation area to existing serviced areas, and directs the revocation of proposed sewer systems where "...*wastewater collection systems have not been installed on the date of enactment.*" Disregarding this directive, the RMP includes a policy statement to

“Allow for adjustments and revisions to Highlands Wastewater Service Areas to include Specially Planned Areas.” Again, this creates an enormous conflict with the Act.

Finally, the Act emphasizes the importance of identifying development/redevelopment sites, even in the planning area, that are not “...*significantly constrained by environmental limitations such as steep slopes, wetlands, or dense forests.*” Clearly, the Act intended any one of these constraints to serve as a bar to development. Instead, the ranking system proposed in the RMP requires a site to have multiple constraints, a minimum acreage, and other criteria in order to avoid selection for growth. Again, this conflicts with a reading of the Act.

For these reasons we insist that no Planned Community Zones/Specially Planned Areas should be designated in the preservation area (sites that conform to the specific redevelopment standards - 70% impervious cover or brownfields should be identified only as redevelopment areas); no expansion of existing wastewater treatment be allowed in the preservation area; that TDR receiving sites must be outside the preservation area; and that Planned Community Zones in the planning area should not be mapped over environmentally sensitive lands.

We thank the Council for accepting these comments. We trust they will be carefully considered, as these issues are integral to the validity and legality of the RMP.

Please contact us if we can provide any additional information.

Sincerely,

Ross Kushner , Executive Director
Pequannock River Coalition

Robin O'Hearn, Director
Skylands CLEAN

Ella Filippone, Executive Director
Passaic River Coalition

Scott Olson, President
North Byram Concerned Citizens

cc: Governor Jon S. Corzine
L. Jackson, NJDEP
S. Balzano, NJ Highlands Council
J. Weingart, NJ Highlands Council
T. Dillingham, NJ Highlands Council
T. Carluccio, NJ Highlands Council
C. Strickland, Rutgers Environmental Law Clinic

RESOLUTION 2007- 12
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING
COUNCIL APPROVAL OF CERTAIN PLANNING ASSISTANCE GRANTS

WHEREAS, Section 6 of the Highlands Water Protection and Planning Act (Highlands Act) authorizes the Highlands Water Protection and Planning Council (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 August 4, 2005, the Highlands Council by Resolution 2005-27 authorized the initiation of a grant application process for certain grant categories, and included among the categories are Fair Sharing Planning grants and grants for wastewater mapping, zoning and parcel analysis, and the identification of outstanding approved projects; and

WHEREAS, the Highlands Council's staff has reviewed the following grant applications and recommends approval by the Highlands Council.

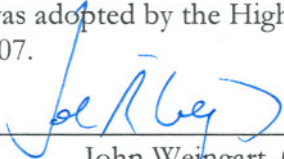
NOW THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director, or his designee, is authorized to enter in a grant agreement with the following municipality for an amount not to exceed that amount indicated.

Byram Township \$7,500

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 10th day of May, 2007.

Dated: May 10 2007



John Weingart, Chairman

Vote on the Approval of
this Resolution

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Calabrese	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councilmember Carluccio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Dillingham	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Kovach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councilmember Letts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Pasquarelli	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTION 2007- 12
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING
COUNCIL APPROVAL OF CERTAIN PLANNING ASSISTANCE GRANTS

Councilmember Peterson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Schrier	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Vetrano	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Way	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councilmember Weingart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Whitenack	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>