



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us



JACK J. SCHRIER
Acting Chairman

EILEEN SWAN
Executive Director

MEETING AGENDA

Thursday, August 19, 2010 1:00 pm

1. CALL TO ORDER
2. ROLL CALL
3. OPEN PUBLIC MEETINGS ACT
4. PLEDGE OF ALLEGIANCE
5. APPROVAL OF MINUTES – June 24, 2010
6. ACTING-CHAIRMAN’S REPORT (and Council Member Reports)
7. EXECUTIVE DIRECTOR’S REPORT
 - a. Highlands TDR Program
 - b. Highlands Plan Conformance
 - c. RMP Updates
 - d. Highlands Project Review
8. CONSIDERATION OF RESOLUTION – Proposed Highlands Redevelopment Area Designation for Goldmine Partners, L.L.C. - Block 4500, Lot 3, Mount Olive Township, Morris County (voting matter with public comment)
9. WORK SESSION - Discussion of process for Highlands Council’s review of Petitions for Plan Conformance
10. PUBLIC COMMENTS (*please note – the Council requests that public comments be limited to three (3) minutes per person. Questions raised in this period will not be responded to at this time but, where feasible, will be followed up by the Council and its staff.*)
11. EXECUTIVE SESSION (if deemed necessary)
12. ADJOURN

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MINUTES OF THE MEETING OF AUGUST 19, 2010

PRESENT

JACK SCHRIER)	ACTING CHAIRMAN
KURT ALSTEDE)	COUNCIL MEMBERS
BILL COGGER)	
TRACY CARLUCCIO)	
ROBERT HOLTAWAY)	
JANICE KOVACH)	
MIMI LETTS)	
CARL RICHKO)	
JAMES VISIOLI)	

VIA TELECONFERENCE

GLEN VETRANO)

CALL TO ORDER

The Acting Chairman of the Council, Jack Schrier, called the 96th meeting of the New Jersey Highlands Water Protection and Planning Council to order at 1:13pm.

ROLL CALL

Roll call was taken. Ms. Kovach and Mr. Vetrano were absent. All other members were present.

OPEN PUBLIC MEETINGS ACT

Acting Chairman Schrier 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 was then recited.

APPROVAL OF MINUTES OF JUNE 24, 2010

Mr. Visioli introduced a motion to approve the minutes. Ms. Letts seconded it. Ms. Kovach and Mr. Vetrano were absent. All other members voted to approve. The minutes were APPROVED 9-0.

ACTING CHAIRMAN'S REPORT AND MEMBER'S REPORTS

Acting Chairman Schrier reported he had an opportunity to attend a Highlands NJDEP Stakeholder Meeting with Eileen Swan and Tom Borden. The meeting was one of a series of stakeholder meetings held by the NJDEP to hear from people who were affected by the Highlands Act. Mr. Schrier reported that there were approximately 25 or so people in attendance representing at least 15 municipalities in the Highlands Region. He said that a number of people spoke including two assemblymen. Acting Chairman Schrier spoke to the group and gave an update on the Highlands Council activities to date. Acting Chairman Schrier noted that in the opening statement of the meeting an NJDEP representative stated that no minutes would be taken (no minutes were taken at

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prior stakeholder meetings) no recordings would be made of the proceedings taking place but that the Department would be listening.

The Acting Chair also reported on a land acquisition partnership between Morris County Preservation Trust Fund and Mt. Olive Township to preserve a property which was originally slated for development and is now going to be restored to its natural state and which is in the vicinity of a project that will be considered by the Council at today's meeting.

Ms. Kovach joined the meeting

COUNCIL COMMENT

Mr. Holtaway reported that the meeting Mr. Schrier spoke about was the Mayor's Stakeholder Meeting which he attended as the Mayor of Bedminster Township. Mr. Holtaway stated that virtually every mayor in attendance spoke positively in favor of their interaction with the Highlands Council staff and it got to the point that the Chief Advisor of the NJDEP pleaded for someone to say something nice about the NJDEP. Mr. Holtaway stated that it was a good turnout and a positive meeting. Mr. Holtaway also reiterated Acting Chairman Schrier's statement that no minutes or recordings were taken at the proceedings.

EXECUTIVE DIRECTOR'S REPORT

Ms. Swan added to Acting Chairman Schrier and Councilmember Holtaway's report to say that she attended all the NJDEP Highlands Stakeholder Meetings and believed they have now completed the stakeholder meetings on Highlands issues. Ms. Swan was grateful to be allowed to represent the Council to hear what was being said in terms of the different views of the various groups who attended. Ms. Swan was very happy to hear Mr. Holtaway's positive comments about Highlands Council's interaction with the municipalities. Ms. Swan further stated that the interactions are indicative of Highlands Council's relationship and partnership with the municipalities. The sharing of information between municipalities and Staff helps to move the Plan Conformance process forward.

TDR Program Update

Highlands Development Credit Bank Offers

Ms. Swan reported that on June 9, 2010, the HDC Bank extended offer letters to five landowners who qualified for hardship consideration during the Bank's first hardship round. Four of the landowners qualified on the basis that they have extenuating financial circumstances; the fifth landowner qualified on the basis that they just missed qualifying for Exemption #3 under the Highlands Act. Three landowners accepted the offers, representing 89.75 HDCs valued at \$1,436,000. Two of the sales have closed with the third closing pending. When all three are complete, a total of 160.14 acres will be under a deed of easement limiting future development of those properties at an average cost of \$8,967.15 per acre. Of the two remaining offers, the Morris County Park Commission acquired one parcel for annexation to an existing county park and the development rights did not have to be purchased by the Bank. In the other case, the landowner declined the offer. This property owner may reapply in any future hardship round.

Second Round of Hardship Applications

Also on June 9, 2010, the HDC Bank authorized a second hardship round and deadlines for the second round have been extended. HDC Allocation Applications will have to be submitted to the

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Highlands Council by October 7, 2010, for consideration, while HDC Certificate Applications will have to be filed with the HDC Bank by November 4, 2010. The HDC Bank will consider those applications that qualify for hardship under the second round at its next meeting on December 2, 2010. Ms. Swan noted that notices have been sent regarding the cancellation of the September meeting and the second round extension. The HDC Bank will consider priorities for a possible third round of applications at its meeting in December.

Update on HDC Allocations

The Highlands Council has received 23 HDC Allocations Applications since November 2009. To date, the Highlands Council has allocated 446.25 HDCs to 12 of the 23 applicants with a total value of \$7,140,000. These 12 properties represent 538.19 acres with an average cost per acre of \$13,281. The allocations represent a total of 231 pre-Highlands Act residential development opportunities and 63,117 square feet of pre-Act non-residential development which would be reduced if the allocations were exercised. Eight of the 23 applications remain under consideration pending additional information, while 3 applicants were ineligible for allocation consideration. The status of HDC applications can be seen on the HDC tracking sheet at:

http://www.highlands.state.nj.us/njhighlands/hdcbank/HDC_tracking_sheet.pdf

Ms. Swan reported the three reasons which determined ineligibility for the three properties: 1) property in Planning Area 2) applied for a HAD and a deed of restriction had been applied; and 3) a nine acre parcel with a four-bedroom home which did not allow any further development on the property under the zoning in existence prior to the Highlands Act.

HDC Certificate Applications

To date, the HDC Bank has received 7 HDC Certificate Applications including the 5 applicants that qualified for hardship. The remaining 2 applications are for properties that are being considered for HDC allocation and hardship under the second round, but further documentation has been requested but has yet to be provided by the applicants.

Plan Conformance Update

Plan Conformance Petitions

To date, 45 Petitions for Plan Conformance (of 61 submitted with Resolution/Ordinance – 56 municipalities and 5 counties) have been deemed Administratively Complete and posted to the Highlands Council website. Council staff has completed review of 26 full Petitions, thus far, and prepared Draft Consistency Review and Recommendations Reports (“Draft Consistency Reports”) for each. Fifteen of these are now under internal review, while 11 have been completed and sent to the petitioning municipality or county. New Draft Consistency Reports were recently sent to Bethlehem Township, Califon Borough, Clinton Town, Glen Gardner Borough, Mount Olive Township, Rockaway Township and Passaic County, in addition to the prior four municipalities (Byram, Mahwah, Chester Twp and Lebanon Borough). The public can follow the Plan Conformance process through:

http://www.highlands.state.nj.us/njhighlands/planconformance/pc_tracking_sheet.pdf.

Ms. Swan reported that Council continues to work with Mansfield and Independence Townships on issues to move forward.

Plan Conformance Grant Program

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The following are the average payments made to towns under the Plan Conformance Grant program. On average, the payments to date are within the estimated base amounts as follows:

	<u>Base Amount</u>	<u>Average</u>	<u>Number of Towns</u>
Module 1	\$15,000	\$13,355	61
Module 2	\$10,000	\$ 6,212	55
Module 3	\$7,500	\$10,563	36
Module 4	\$2,000	\$ 3,678	43
Module 5	\$2,500	\$ 6,659	37
Module 6	\$5,000	\$ 3,992	34
Module 7	<u>\$8,000</u>	<u>\$ 6,314</u>	32
Total	\$50,000	\$50,572	

It is estimated that an average of \$30,000 per municipality remains for additional tasks during implementation. Mr. Schrier asked if there is a need for Council to reconsider the funding amounts. Ms. Swan commented that currently the program is working and that Council will take action if there is a need for further funding as was the case of Byram Township. For 26 municipalities with complete petitions that have provided invoices for all seven Modules, the average cost is \$49,285.

RMP Updates

For the Highlands Master Plan Element, mapping of Highlands resources includes the recently issued State parcel boundaries. The Highlands Council has initiated the following Regional RMP Updates to examine the new State parcel data and other new data sets and update where necessary:

- Lake Community Zones and Lakes Greater Than 10 Acres – using new LiDAR data to map drainage areas.
- Existing Area Served for Public Community Water and for Domestic Sewerage Facilities – using the results of the Modules 1 and 2 to update water and sewer maps.
- Special Environmental Zones
- Preservation Area Line
- Highlands Scenic Resources
- Critical Habitat Area – using the NJDEP Landscape Project Data Version 3.0.
- Preserved Lands – using the results of Modules 1 and 2 and updated data requested by the Council from NJDEP Green Acres, SADC and numerous land trusts and nonprofit agencies.

Ms. Swan reported that Staff has prepared a report regarding Land Preservation in the Highland Region which would be provided to Council today and will be available on Highlands Website by close of business tomorrow at the latest.

The report shows that to date, 290,214 acres have been permanently preserved in the Highlands Region by the State and its federal, county, municipal and non-profit partners. This updates the total of 273,457 preserved acres reported in the 2008 RMP. The preserved lands are comprised of 255, 537 acres of open space and 34,677 acres of farmland. Together, these lands account for 33.8% of the entire Highlands Region. A total of 7,690 acres have been preserved since adoption of the RMP in July of 2008, 5,694 acres of which were identified for priority acquisition in the RMP. 194,344 acres in the Preservation Area are preserved in perpetuity, representing nearly 47% of that

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area. Estimating the cost to preserve these lands today, based upon the average per acre costs of open space and farmland calculated in the RMP, results in a total preservation cost of \$2.2 billion. Using the more recent average per acre costs based upon land acquisitions since adoption of the RMP, the value of the rights acquired in these preserved lands today would amount to \$3.38 billion.

Ms. Swan showed the chart below which shows comparisons of preservation programs in the State since the adoption of the RMP. The dollar amount per acre average in the case of the Farmland Preservation program and the Highlands TDR program is for the purchase of development rights and not fee simple purchases such as Green Acres.

Comparison of Preservation Programs	Per Acre Avg.
SADC – Farmland Preservation (Highlands Parcels Only)	\$9,815.88
Green Acres (Highlands Parcels Only)	\$10,264.68
Highlands TDR – Allocated HDCs (12 parcels)	\$13,281.00
-Highlands TDR – HDCs Offers Accepted (entirety of 3 parcels)	\$8,967.00
-Highlands TDR – Estimated HDCs from HDC Estimator (3,321 residential parcels in Preservation Area comprising 82,264 acres)	\$5,696.20

Ms. Letts asked if the averages noted on the chart above were since the Highlands Act. Ms. Swan responded to say the averages are since the adoption of the RMP as some of the purchases after the adoption of the Act had been in the works for some time. Using information since adoption of the RMP would give the most reliable information to chart what has happened since the Highlands Act took effect. Ms. Swan also noted that the extension of the dual appraisal bill which was passed by the Legislature earlier this summer sits on Governor Christie’s desk for action. Ms. Letts asked how Staff keeps current with Preservation Area number of parcels. Ms. Swan commented that it is through the sharing of information between Highlands Staff, Green Acres, SADC, non-profit partners, counties and municipalities. Ms. Letts asked if the updates would be continued. Ms. Swan said that Staff’s plan is to have a web-based interface so that nonprofits, counties and municipalities can utilize this tool to keep the information updated. Ms. Letts then asked what happens as a municipality’s personnel changes. Swan reported that we have a database to keep us updated on municipal personnel and each year we use grant funding to assist the municipalities in updating their information on-line through an email blast which our Manager of Information Systems sends.

Mr. Cogger asked if the figures shown were using pre-Highlands or post-Highlands values in terms of the dual appraisal. Ms. Swan believed all would have used the dual appraisal approach. Mr. Cogger also asked if Council requires municipalities to give Staff their RMP updates. Ms. Swan responded to say that that was part of the municipality’s Petition for Plan Conformance. Mr. Cogger also asked for verification that 47% of the Preservation Area is preserved. Ms. Swan concurred and added that more than 33% of the entire Highlands Region is preserved.

Ms. Letts asked about the State parcel boundaries data and who provided the parcel data that Staff is using. Ms. Swan referred the question to GIS Director Roger Keren. Mr. Keren responded to say that the parcel data used by Staff is a subset of the statewide composite parcels data for New Jersey

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developed during the Parcels Normalization Project in 2008-2010 by the New Jersey Office of Information Technology, Office of Geographic Information Systems. The normalized parcels data are compatible with the New Jersey Department of Treasury MOD-IV system currently used by Tax Assessors.

Ms. Swan then received the report on Land Preservation in the Highlands Region and it was handed to Council Members.

Mr. Vetrano joined the meeting via teleconference at 1:55pm.

Mr. Schrier introduced Messrs. Skoda, Glasson and Goldstein, the members in the audience who represent Goldmine Partners in regards to today's application before the Council.

Highlands Project Review

Ms Swan noted that the public can continue to review those projects that are subject to public comment on the Project Review page of the Highlands Council's website at: <http://www.highlands.state.nj.us/njhighlands/projectreview/>. In addition, one can track the progress of these reviews using the Project Review Tracking Sheet: http://www.highlands.state.nj.us/njhighlands/projectreview/pr_tracking_sheet.pdf. Ms. Swan also provided an update on PSE&G's proposed Susquehanna – Roseland transmission line. PSE&G does not expect the Eastern portion of the line to be in service before June 2014, and does not expect the Western portion to be in service before June 2015. However, PSE&G continues to work on all elements of their Comprehensive Mitigation Plan pursuant to their exemption determination and are up to date on all aspects of the exemption conditions.

Ms. Swan then provided an overview of the Goldmine Partners, LLC proposal to construct a 12,240 sq ft two-story building with parking areas for use as an office and equipment repair facility at Block 4500 Lot 3 in the Township of Mount Olive. The applicant is petitioning the Highlands Council for a Highlands Redevelopment Area Designation in the Preservation Area using the 70% impervious surface criteria established in the Highlands Act. The 20-acre property formerly functioned as a stone quarry for many years, and much of the site features pavement, former quarry facility sites, a man-made pond, bare rock and gravel, with weeds and grass growing through the cracks and gravel.

Highlands Redevelopment Area

- Approximate 12,240-sq ft office in area that is currently impervious surface.
- Impervious surface requirement (70%) is met:
 - Existing Impervious Surface = 117,956 sq ft
 - Allowable Redevelopment Area = 168,509 sq ft
 - Proposed Redevelopment Area = 143,185 sq ft

Highlands Open Waters Buffer

The proposed project entails encroachment into a mapped wetland and Highlands Open Waters buffer for the man-made pond. While mapping indicates encroachment into wetlands, NJDEP indicates that there are no wetlands in that location. The buffer area is completely disturbed. As encroachment into the buffer is required, a waiver of this requirement by NJDEP would be required and would be appropriate, as the buffer is in an existing disturbed condition.

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Goldmine Partners, LLC Timeline

- Voluntary Informal Inquiry Meeting on June 10, 2009
- On-site Pre-Application Meeting on Sept 10, 2009, with NJDEP staff attending
- Applicant Submits Petition for Redevelopment Area Designation on April 20, 2010
- Highlands Council posts Draft Consistency Determination and Draft Staff Recommendation Report on Council website on July 2, 2010
- Comment Period July 2 to July 26, 2010

Proposed Staff Recommendations

Staff recommendation is to approve the proposed Highlands Redevelopment Area designation subject to the following conditions:

1. Encroachment into a Highlands Open Waters buffer shall be entirely within a previously disturbed area, which would not result in a net impact to the functional value of the buffer and therefore qualifies for a waiver;
2. Applicant commits to provide mitigation equal to 125% of the proposed consumptive water uses through on-site recharge or water conservation practices within the same site or HUC14 subwatershed to the maximum extent feasible;
3. Remainder of the property outside of the proposed Highlands Redevelopment Area be protected through a conservation restriction, specifically authorizing ecological restoration and maintenance; and
4. Stormwater regulations must be followed in the project design upon HPAA with redevelopment permitting, as part of the NJDEP permitting process. The Highlands Council expects that under the NJDEP waiver, the applicant shall supply a stormwater management plan that incorporates low impact development techniques as dictated by current NJDEP Stormwater Rules.

Mr. Cogger made a motion on the Resolution and Mr. Alstede seconded it.

Council Comments

Mr. Cogger asked who issued and enforces the restrictions on the encroachment into a Highlands Open Waters buffer and he suggested that municipalities should be able to enforce any deed restriction. Mr. Borden responded that the Preservation Rules prohibit encroachment into Highlands Open Waters buffers however, when NJDEP issues a Highlands Preservation Area Approval (HPAA) that requirement can be waived through that process. Furthermore, the HPAA includes a deed restriction to protect any required buffer. Mr. Borden further stated that Highlands Staff can bring Mr. Cogger's suggestion of municipal enforcement to the NJDEP's attention.

Ms. Carluccio asked why the proposed development could not be moved elsewhere on the parcel to avoid the Highlands Open Waters buffer. Ms. Swan asked Senior Director Dr. Van Abs to respond to Ms. Carluccio's question. Dr. Van Abs commented that the original site plan had the building perpendicular to Gold Mine Road and close to the large commercial property. Doing that would have extended the impervious surface well beyond the existing impervious surface. By reorienting the building to parallel Gold Mine Road, the applicant was able to keep nearly all of the development on the existing impervious surface. Ms. Carluccio further asked how much of that impervious disturbed area is outside of the buffer. Ms. Swan pointed out the impervious surface that was outside the buffer on the PowerPoint slide and noted that it was a little less than half of the proposed Redevelopment Area.

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Ms. Carluccio expressed concern that there was no mechanism to ensure that the condition regarding the incorporation of low impact development techniques in the stormwater management plan would be enforced. Ms. Swan mentioned that she would add more specific language indicating that there shall be a coordinated review between the staff of the Highlands Council and the NJDEP to ensure that the condition would be met.

Ms. Carluccio further noted that in Subpart B of the Consistency Determination, it is noted that there is a Tier III Wellhead Protection Area within the proposed Highlands Redevelopment Area and she expressed concern that there should be management of any toxic substances into the proposed on-site septic system that could affect this Wellhead Protection Area. Ms. Swan commented that Staff did not include this as a condition of approval, however she indicated that text could be added to the Consistency Determination and Recommendation reports that states that during the coordinated review of the HPAA application between the staff of the Highlands Council and the NJDEP, it will be ensured that wastewater that will be discharged to the proposed on-site septic system is managed such that it is free of persistent organic or toxic pollutants. Ms. Swan also stated that text will be added to the HPAA application matrix that is sent to the applicant and NJDEP to flag this and other issues related to the conditions of the Highlands Council approval of the proposed Redevelopment Area.

Mr. Richko asked about the comments received by Mt. Olive and ANJEC and how they will be addressed. Ms. Swan commented that many of the issues raised by ANJEC are site specific and that the authorization of this Council is an approval of the Highlands Redevelopment Area Designation. NJDEP looks at more site specific conditions as has been the case in previous redevelopment areas through the issuance of a HPAA.

Public Comment

No public comment was received.

All members present voted on the Resolution. The Resolution was APPROVED 10-1.

Council Comment

Ms. Letts had a procedural comment to see if Council could receive maps in future Council packets. Ms. Swan responded that visuals are sent through a link, mostly due to the size of the files, and may be seen on the website and that Staff will be happy to place a hard copy of maps in the Council Meeting packets which are handed out at Council Meetings.

Mr. Alstede commented that it has been one year since he asked for clarification on Exemption 1 and 2 for family entities that are not individuals and asked if there had been resolution with NJDEP. Mr. Borden responded that one thing that came out of the Stakeholder process is the discussion of exemptions and delegating them from NJDEP to the municipality upon Plan Conformance. Also, many mayors who attended the Mayor Stakeholder Meeting were advocating for amendments to the Highlands Act to create municipal exemptions. Staff anticipates as a result of the Stakeholder process that the whole issue of exemptions, potentially of expanding some and delegating some, would be an issue that would be resolved and that Staff would like them resolved as well. Mr. Borden appreciated Mr. Alstede's patience in this regard.

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Ms. Swan added that there has been some progress with one exemption in which Staff had a lot of interaction with NJDEP and that was a project in Bethlehem Township to construct a group home. Mr. Borden worked extensively on this and with Bethlehem Township and it did get NJDEP approval. Ms. Swan further commented that the Stakeholder process is to look at the duties of NJDEP and Highlands Council and to find what will work best to better serve the public.

Acting Chairman Schrier asked if the Land Perseveration Report will be made available to the public. Ms. Swan reported that the report will be on the website no later than close of business tomorrow and electronic copies will be sent to the Governor's office, NJDEP, Department of Agriculture and others. Mr. Schrier stated that it would be great to have an email blast sent to all municipalities and county boards. Ms. Letts asked if a hard copy can be sent to the Governor's office and NJDEP.

Mr. Richko temporarily left the meeting.

WORK SESSION

Highlands Plan Conformation Process

Work session to focus on the Highlands Council review, approval, grant approval and monitoring of Plan Conformance for municipalities and counties. The Highlands Act requires that municipalities/counties submit to the Council such revisions of the municipal master plan/county master plan and development regulations/associated regulations as may be necessary in order to conform them with the goals, requirements, and provisions of the regional master plan. After receiving and reviewing the revisions, the Council shall approve, reject, or approve with conditions the revised plan and development regulations, as it deems appropriate.”

Acting Chairman Schrier and Ms. Carluccio temporarily left the meeting.

Petition Decision Process

The municipality provides any comments to the Draft Consistency Review and Recommendations Report and supporting documents. Ms. Swan reported that Staff gives the municipalities 45 or more days to get documents back to us and if they need an extension we are happy to give it to them. Thereafter the following is the process:

- Final Draft Consistency Review and Recommendations Report and final Petition documents posted on Highlands Council website
- Public Notice and Comment Period
- Final Report developed by Council staff, with public comment response
- Highlands Council consideration and decision, by resolution

Public comment through the Plan Conformance Petition Tracking Sheet

- Public notice and public comment periods
- Highlands Council meeting schedule to review Petitions

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Ms. Letts asked about the municipality needs for an extension once they receive the Draft Consistency Review and Recommendations. Ms. Swan responded to say that Staff sets a guideline for the municipality but if the municipality needs additional time to let Staff know and the additional extension will be given.

Mr. Richko and Ms. Carluccio returned to the meeting.

Highlands Council Evaluation

The Highlands Council will determine:

1. Whether the Petition for Plan Conformance meets the requirements for Basic Plan Conformance
2. Whether the Highlands Implementation Plan & Schedule is reasonable to ensure that the municipality continues to work on Plan Conformance issues (schedule subject to availability of Plan Conformance Grant funds)
3. Whether any provisions of the Regional Master Plan should be modified or waived as inappropriate to a specific Petition
4. Delegation of Planning Area exemption reviews
5. Allocation of remaining funds under the 2009 Grant
6. Allocation of additional funds from the FY 2011 Grant Fund
7. Delegation of implementation tracking to Council staff

Acting Chairman Schrier returned to the meeting

Approval with Conditions

All recommendations for approval will include standard conditions, such as the following:

1. Adoption of ordinance petitioning for conformance in the Planning Area (only High Bridge has adopted such an ordinance, which is mandatory for the Planning Area);
2. Adoption of draft documents including ERI and Highlands Element, and either Land Use Ordinance (for municipalities) or Facilities Regulations (for counties);
3. Submittal of an amended scope of work for the Plan Conformance Grant based on the priority tasks of the Highlands Implementation Plan & Schedule.

Additional Conditions

Recommendations could include conditions specific to the municipality or county, such as Center-based ordinances (i.e., Byram Township).

Highlands Implementation Plan & Schedule

The Highlands Implementation Plan and Schedule specifies required tasks to maintain Plan Conformance approval, with estimated costs for each priority task and timeline estimates for each component. It may include optional tasks as requested by the municipality. Most will include the following first-year priorities:

1. All steps for implementing Basic Plan Conformance, (e.g., ERI, Element, Ordinance);
2. Zoning Map updates;
3. Identification of high priority modifications to specific sections of municipal Master Plans, to supplement the Highlands Element adopted under Basic Plan Conformance;
4. Initiation of Water Use and Conservation Management Plans.

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Mr. Vetrano, via teleconferencing, left the meeting.

Highlands Plan Conformance Grant Funds

Final Adoption of Basic Plan Conformance Documents

It is estimated that final municipal adoption of the ERI, Highlands Element and Land Use Ordinance will require up to \$20,000. Given the average cost of work to date (approx. \$50,000), most municipalities will have sufficient funds within their current grants.

Long Term Plan Conformance Planning and Implementation

The estimated costs of high priority tasks will be stated in the Highlands Implementation Plan & Schedule. Funding for these tasks will be addressed first by reallocation of funds from the current Plan Conformance Grants (where available), and then by modification of those agreements to increase the allocated funds, as authorized by individual resolution of the Highlands Council. A general authorization is not feasible as needs will vary too greatly.

Highlands Plan Conformance Monitoring

Monitoring

It is recommended that the Highlands Council staff be responsible for tracking and routinely reporting the status of municipalities and counties in meeting the Highlands Implementation Plan & Schedule. Staff may be delegated authority for minor changes in the schedule or grant amounts, per the Council resolution for each Plan Conformance approval.

Highlands Council Role

The Council would approve any major changes to the Highlands Implementation Plan & Schedule, or determine non-compliance.

- Addition or deletion of a Full Plan Conformance task
- Major change in priority for such tasks
- Changes in grant funding beyond current authorizations

Highlands Full Plan Conformance Approvals

Highlands Council Approvals

Plan Conformance is an ongoing responsibility of the municipality or county, based on the Highlands Implementation Plan & Schedule. Council staff will work with the municipality or county to ensure proper completion. However, each component of Full Plan Conformance will require approval of the Highlands Council upon completion, including public review and comment. Depending on priorities, these may include (but are not limited to):

- Additional Master Plan and Land Use Ordinance amendments
- Water Use and Conservation Management Plans
- Habitat Conservation and Management Plans
- Lake Restoration Management Plans (as applicable)
- Stream Corridor Protection/Restoration Plans (optional)
- Implementation ordinances for any of the above plans

Highlands Plan Conformance Process

Municipal Response Period and Next Steps

Municipalities have been requested to provide responses to the Draft Report and work products within 45 calendar days or more, depending on complexity. Additional time may be requested.

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Municipal comments are encouraged on the Draft Report and all Module 3 through 7 work products. Documents are draft and deliberative to allow for interaction between municipal and Highlands staff before documents are finalized. Upon completion of this process, the Highlands Council will release for public comment (via the Council's website) a Final Draft Consistency Review and Recommendations Report, along with clean copies of all Module 1 through 7 work products. Upon conclusion of the public comment period, a Final Consistency Review and Recommendations Report will be prepared for formal consideration by the Highlands Council.

Ms. Carluccio asked if the deliberative process is posted on the website. Mr. Borden commented that the Draft document is not posted during the deliberative process to allow for open dialogue between the municipality and the Council.

Mr. Francis commented that he is still troubled by the 45 days. Ms. Swan reported that based on Staff's work some municipalities want to move forward as in Byram Township's case, but for other municipalities Staff accommodates the municipalities as needed. Mr. Schrier noted that it is not a fixed number and Staff works with the municipality. Ms. Swan further stated that the municipalities have been wonderful to work with and we will update the process as needed.

Highlands Council Action

Formal consideration by the Highlands Council on Plan Conformance Petitions is expected to begin in September/October. Ability to consider more than one municipality at a meeting will depend on complexities of the issues. The major issues anticipated include:

- Schedule/Priority/Funding for required tasks
- Delegation of Planning Area exemption reviews
- Highlands Center designations
- Map Adjustments
- Highlands Redevelopment Areas
- TDR Receiving Zones
- Substantive deviations from model documents, such as alternative methods for meeting RMP policies and objectives
- Delegation of authority for conformance monitoring

Public Comment

Helen Heinrich of New Jersey Farm Bureau commented that she is continually more and more impressed with Highlands on-line system and its ease of use, and updated information. Ms. Heinrich wishes more state agencies would follow Council's example. Ms. Heinrich has been trying to keep up with the plan conformation documents and sustainable economic development section but she is disappointed that they are all similar. In terms of the agricultural resource area she notes that some towns are getting an impression that they have more authority than they do to make decisions. The economic development seems like it needs some fleshing out when the town gets to the master plan element. Ms. Heinrich further comments that she hopes at that time there is more thought to that and maybe a possibility for the Highlands Council to hire an economist.

Hank Klump farms 150 acres in Tewksbury Township. Mr. Klump read his hand-written statement regarding some effects of the Highlands Act. A copy of Mr. Klump's statement was

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MINUTES OF THE MEETING OF AUGUST 19, 2010

submitted for the record. Mr. Klump asked what the difference is between COAH and the Highlands Council and if they had resolved those differences. Ms. Swan responded that there is a memorandum of understanding between the two. Conforming municipalities understand there is an obligation for affordable housing. The RMP dictates what the amount of development that can occur for conforming municipalities and COAH adjusts the numbers accordingly, thus there is complete agreement between the two agencies. Mr. Klump asked about the funds spent by towns for the plan conformance process and Mr. Schrier responded to say that the grant funds are available for the municipalities so they have no financial burden.

David Shope owns a farm in the Preservation Area. Mr. Shope read the Supreme Court's letter which denied the landowners suit. Mr. Shope submitted excerpts on the misuse of water in the State, and expressed concern that this abuse is outside the Highlands Region and in the district of Senator Smith. Mr. Shope showed a Highlands Draft Technical Report dated 2007 and asked if it was the current one. Ms. Swan responded that Highlands Final Technical Reports are on the website. Mr. Shope stated that more and more documents are on the internet. Acting Chairman Schrier said that public libraries have computers for access to the internet. Mr. Shope asked what happens when all TDR funds are used.

Hank Klump asked for clarification on the dual appraisal process and asked if it based on the real estate value pre-Highlands Act. Acting Chairman Schrier clarified that it was based upon a present day appraisal of land based upon the municipal zoning and State and federal restrictions in place as of January 2004.

Mr. Visioli congratulated the Highlands Staff. Council receives a wealth of information and being new to the Council he finds it worthy. Mr. Visioli appreciates the reminders and assistance when needed.

Acting Chairman Schrier thanked the Administration from the Governor's office for allowing the Highlands Council to continue the work and to help projects move forward. Mr. Schrier also reiterated what Mr. Visioli said about Staff.

Mr. Holtaway made a motion to adjourn the meeting, Ms. Carluccio seconded it and the meeting was adjourned at 3:30pm.

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: 9/24/10

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MINUTES OF THE MEETING OF AUGUST 19, 2010

Vote of the Approval of These Minutes	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			√			
Councilmember Carluccio			√			
Councilmember Cogger	√		√			
Councilmember Francis			√			
Councilmember Holtaway			√			
Councilmember Kovach		√	√			
Councilmember Letts			√			
Councilmember Richko			√			
Councilmember Vetrano					√	
Councilmember Visioli						√
Councilmember Schrier			√			

PUBLIC COMMENTS

①

Hank Klumpp
24 Longview Road
Lebanon, NJ 0883

Comments submitted at Highlands Council Meeting
on August 19, 2010 by Hank Klumpp.
Page 1 of 2.

Many people, in New Jersey, have never even heard of the Highlands Act and, if they have, they don't know about the devastation it has caused to the people who have had their property values stolen, over six years ago. Approximately 860 thousand acres were taken. The Highlands Act was not to hurt anyone, however, there never was and still isn't one cent in place to compensate people for their real estate losses.

Now, a 400 million dollar bond issue has been approved for open space and historical preservation.

②

Yet, not one penny is dedicated to the Highlands land theft. The same politicians who thoughtlessly pushed for the passage of the Highlands Act supported this bond issue without a conscience. God help the farmer when he is too old to plow and has no equity in his land.

Where is the bond issue for the people who have lost almost 15 billion dollars because of the poorly written Highlands Bill ?? If the state can't pay for the land - let's face it - the state stole it!

Committee Meeting

of

SENATE ENVIRONMENT COMMITTEE
ASSEMBLY ENVIRONMENT AND SOLID WASTE COMMITTEE

SENATE BILL No. 1
and
ASSEMBLY BILL No. 2635

(The "Highlands Water Protection and Planning Act")

LOCATION: Skylands Manor
Ringwood State Park
Ringwood, New Jersey

DATE: March 30, 2004
7:00 p.m.

MEMBERS OF COMMITTEES PRESENT:

Senator Bob Smith, Co-Chair
Assemblyman John F. McKeon, Co-Chair
Assemblyman Michael J. Panter, Co-Vice Chair
Senator Henry P. McNamara
Assemblyman Robert M. Gordon
Assemblyman Reed Gusciora
Assemblyman Louis M. Manzo
Assemblyman Guy R. Gregg
Assemblyman John E. Rooney



ALSO PRESENT:

Judith L. Horowitz
Carrie Anne Calvo-Hahn
Lucinda Tiajloff
Office of Legislative Services
Committee Aides

Kevil Duhon
Senate Majority
Committee Aide
David Eber
Assembly Majority

Thea M. Sheridan
Assembly Republican
Committee Aide

Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

What I was struck by today is, that in a lot of ways, I always think that we, kind of, live the same lives, we're just in different places. I heard people -- "Yeah, I was on the zoning board, but the new administration kicked me out because I was pro-development." Someone else got up and said, "Yeah, I'm the Republican, and we're with that group." And, you know, it's the same, regardless of whatever town or city your in, anywhere in the State of New Jersey.

The difference is that those that aren't within what we've designated to be the core -- and make mistakes -- like in my own community, in West Orange, where I'm the Mayor-- Our mistakes are translated, maybe, into a loss of the quality of life, maybe more traffic, air not as clean as it could be, probably extra taxes because of the school children that come in. And there's permutations of the debate over condos -- they're not going to have school children, we'll make money, whatever it might be. But if we make a mistake, that's where the transgression goes to, our own individual quality of life, ergo home rule.

If there are mistakes made by local government, relative to the core that's remaining, the entire State of New Jersey will suffer, not to mention Pennsylvania, New York. This implication goes beyond even New Jersey. And this is why, in a way, I pray for wisdom for all of us, as we go through this evaluative process, to make certain that we do the right thing, because we can't afford not to.

And with that, we look forward to working hard together. And thank you all, again.

— I'm going to turn it over to Senator Smith. (applause)

SENATOR SMITH: Thank you, Chairman.

The Assembly Environment Committee and Chairman McKeon, have worked long and hard on this. And we're going to be working longer and harder. We've got a pretty hectic schedule ahead of this. But your comments tonight make all the difference in the world.

If there was one lesson tonight, it was the voice in the background from Tom Cruise, "Show me the money." (laughter) And Chairman McKeon and I pledge to you that we will show you the money. We're currently working with the Governor's Office to put together the dedicated and guaranteed source of funding so that the Highlands, which is making a sacrifice for the rest of the state, is properly compensated. We will show you the money.

And let us not lose track of the fact that this is a bill about water. It's about a lot of things, but it's the water supply for the future of the State of New Jersey. We can't have-- Are there any builders left in the room? There will be no residential housing if there's not water. There will be no building, no factories, no anything if there isn't a good, clean, sufficient water supply.

If you look at the Task Force's report, it indicated that the cost of water treatment is estimated to increase \$30 billion if we don't protect this water supply. What more do we need to know? How many times do we have to be hit in the side of the head with a 2x4? This is one of our last chances to keep New Jersey's future bright.

Now, some comments that you need to know: If you would like to supplement our record or send in comments that you'd like us to consider, please take this address: Assembly and Senate Environment Committees, State House Annex, P.O. Box--

UNIDENTIFIED SPEAKER FROM AUDIENCE: Wait a minute.

Mr. Kevin B. Bannon
Executive Director
Mercer Cty Pk Commission
P. O. Box 8068
Trenton, NJ 08650

Mr. Timothy M. Bakels
Hamilton Farm Golf Club
1040 Pottersville Road
Gladstone, New Jersey 07934

Mr. Justin Dorman
Roxiticus Golf Club
P. O. Box 278 & Bliss Road
Mendham, NJ 07945

Mr. L. Mason Neely
Chief Financial Officer
Township of East Brunswick
P.O. Box 1081
East Brunswick, NJ 08816

Mr. John Alexander
Golf Course Superintendent
Royce Brook Golf Course
201 Hamilton Road
Hillsborough, New Jersey 08844

Mr. Joseph Wyatt
Director of Facilities
Duke Farms Foundation
80 Route 206
Hillsborough, NJ 08844

Mr. Charles Balogh
County of Hunterdon
Route 12 Complex
P. O. Box 2900
Flemington, NJ 08822

Ms. Susan McClure
Div. of Ratepayer Advocate
31 Clinton Street
P.O. Box 46005
Newark, NJ 07101

Mr. Robert Schaefer
New Jersey American Water
P. O. Box 102
Bound Brook, NJ 08805

Mr. Todd Fryer
East Windsor MUA
7 Wiltshire Drive
East Windsor, NJ 08520

Mr. Ricard M. Risoldi
Vice President
Middlesex Water Company
P.O. Box 1500
Iselin, NJ 08830

Mr. John W. Wheeler
Plasma Physics Laboratory
Princeton University
P.O. Box 451
Princeton, NJ 08543

Mr. Douglas A. Petix
Chief Financial Officer
City of New Brunswick
City Hall - 78 Bayard Street
New Brunswick, NJ 08903

Mr. Robert Lombard
Business Administrator
No. Brunswick Mun. Complex
710 Hermann Road
North Brunswick, NJ 08902

Mr. Daniel Berardinelli
Plant Manager
No. Brunswick Mun. Complex
782 Canal Road
Somerset, NJ 08873

Mr. Bruce O'Conner
Vice President & Controller
Middlesex Water Company
P.O. Box 1500
Iselin, NJ 08830

Ms. Stephanie A. Brand, Director
Div. of Ratepayer Advocate
31 Clinton St. 11th Floor, Box 46005
Newark, NJ 07101

Mr. John F. Hosking
Vice President
Roxbury Water Company
79 Sunset Strip
Succasunna, New Jersey 07876

Mr. Oleg Kostin
New Jersey American Water
P. O. Box 102
Bound Brook, NJ 08805

Mr. Gregory C. Nicoll, CGCS
Course Superintendent
Trump National/Lamington Farm Club
567 Lamington Road
Bedminster, NJ 07921

Mr. Tim Davies, CEO
Applied Water Management
2 Clerico Lane
Hillsborough, NJ 08822

Mr. John Stevens, Superintendent
United Water Lambertville
P.O. Box 126
Lambertville, NJ 08530

Mr. Thomas Tuttle
Trenton Country Club
201 Sullivan Way
West Trenton, NJ 08628

Mr. Dennis Doll, President
Middlesex Water Company
P.O. Box 1500
Iselin, NJ 08830

Thomas A. Loughlin, 3rd
Acting Director of Water Utility
City of New Brunswick
City Hall - 78 Bayard Street
New Brunswick, NJ 08903

Mr. Joel D. Moore
Owner/General Manager
The Ridge at Back Brook
211 Wertsville Road
Ringoes, NJ 08551

Mr. David Gartenberg
State of New Jersey
Board of Public Utilities
2 Gateway Center
Newark, NJ 07102

Mt. Arlington Deleted

Mr. James K. Shelley
Somerset County Park Commission
P. O. Box 5327
North Branch, NJ 08876

Al Rathjens,
Golf Course Superintendent
Raritan Valley Country Club
747 State Route 28
Bridgewater, New Jersey 08807-2409

Mr. Robert Osborne
General Manager
Raritan Valley Country Club
747 State Route 28
Bridgewater, New Jersey 08807-2409

Mr. Glen Schweizer
Executive Director
Morris County MUA
P.O. Box 370-300 Mendham Road
Mendham, NJ 07945-0370

Mr. Frank Falco
Director of Production
Middlesex Water Company
P.O. Box 1500
Iselin, NJ 08830

Mr. Paul Flanagan
Division of Ratepayer Advocate
31 Clinton Street
Newark, NJ 07101

Stanley S. Kovach, Mayor
The Borough of Glen Gardner
Borough Hall, 83 Main St.
P. O. Box 307
Glen Gardner, NJ 08826

Ms. Valerie Pierse
Heron Glen Golf Course
Hunterdon County Finance Dept.
110 State Hwy. 202/31
Ringoes, NJ 08551

Amy Patricia Lanterman, CHMM
Bristol-Myers Squibb Company
Worldwide Medicines Group
311 Pennington Rocky Hill Road
Pennington, New Jersey 08534

Mr. Kevin Breuer
Springdale Golf Club
Golf Course Superintendent
1895 Club House Drive
Princeton, New Jersey 08540

Mr. Paul Costic
Washington Township, MUA
P.O. Box 226,46 E. Mill Road
Long Valley, NJ 07853

Schedule 8

NEW JERSEY WATER SUPPLY AUTHORITY
RARITAN BASIN SYSTEM

UNANTICIPATED REVENUE

FUNDS TO BE APPROPRIATED INTO THE RATE STABILIZATION FUND FOR FISCAL YEAR 2011

				<u>AMOUNT</u>
F/Y2009 Net Year-End Balance				\$ 1,333,910
<u>OVERDRAFTS</u>	<u>INVOICE NO.</u>	<u>RECEIVED</u>	<u>AMOUNT</u>	
NJ American Water	301	11/28/08	\$ 478,494.86	
NJ American Water- Annual	364	02/27/09	261,983.71	
Middlesex	302	11/28/08	28,818.99	
East Brunswick	300	11/28/08	2,240.05	
Raritan Valley CC	303	11/24/08	1,172.78	
Somerset County Park	323	01/16/09	1,802.25	
Trump National	307	11/21/08	1,003.81	
Roxiticus Golf Club	304	11/14/08	1,562.19	
Royce Brook GC	305	11/14/08	<u>225.99</u>	
		TOTAL	\$ 777,304.63	
	Amount used in	FY2010	(328,323.40)	
		NET	\$ 448,981.23	\$ 448,981.23
<u>Overdrafts Not Billed, Accrued through July 31, 2009</u>				
NJ American Water, Middlesex Water, East Brunswick, Raritan Valley CC, and Trump National GC, Royce Brook, Roxiticus and Somerset County				\$ 0
FY2010 Furlough Savings				\$ 198,588
1998 Debt Service Surplus				<u>\$ 600,000</u>
GRAND TOTAL				<u>\$2,581,479.23</u>

NEW JERSEY WATER SUPPLY AUTHORITY
RARITAN BASIN SYSTEM

PROJECTED FISCAL YEAR 2011

11

OPERATIONS & MAINTENANCE COMPONENT SALES BASE

1998 WATER SYSTEM REVENUE REFUNDING BOND DEBT SERVICE COMPONENT SALES BASE

<u>USER</u>	<u>DAILY ALLOCATION (MGD)</u>	<u>DAYS PER YEAR</u>		<u>TOTAL MG/YR</u>	<u>ANNUALIZED SALES BASE (MGD)</u>
Duke Farms	.075	365		27.4	.075
East Brunswick Twp	8.000	365		2,920.0	8.000
NJ American Water Company	126.600	365		46,209.0	126.600
Mercer County Park Commission - Golf	.132	184		24.3	.067
Middlesex Water Co.	27.0	365		9,855.0	27.000
New Brunswick, City of	10.500	365		3,832.5	10.500
North Brunswick Twp.	8.000	365		2,920.0	8.000
Princeton University	.150	365		54.75	.150
Trenton Country Club	.126	365		46.0	.126
United Water Lambertville	.490	365		178.85	.490
Ridge at Back Brook	.111	365		40.51	.111
Roxbury Water Company	.074	365		27.0	.074
Royce Brook Golf Club	.165	365		60.23	.165
Hunterdon County Golf (Heron Glen)	.066	365		24.3	.066
Raritan Valley Country Club	.012	365		4.38	.012

Schedule 10
 (continued)

NEW JERSEY WATER SUPPLY AUTHORITY
 RARITAN BASIN SYSTEM

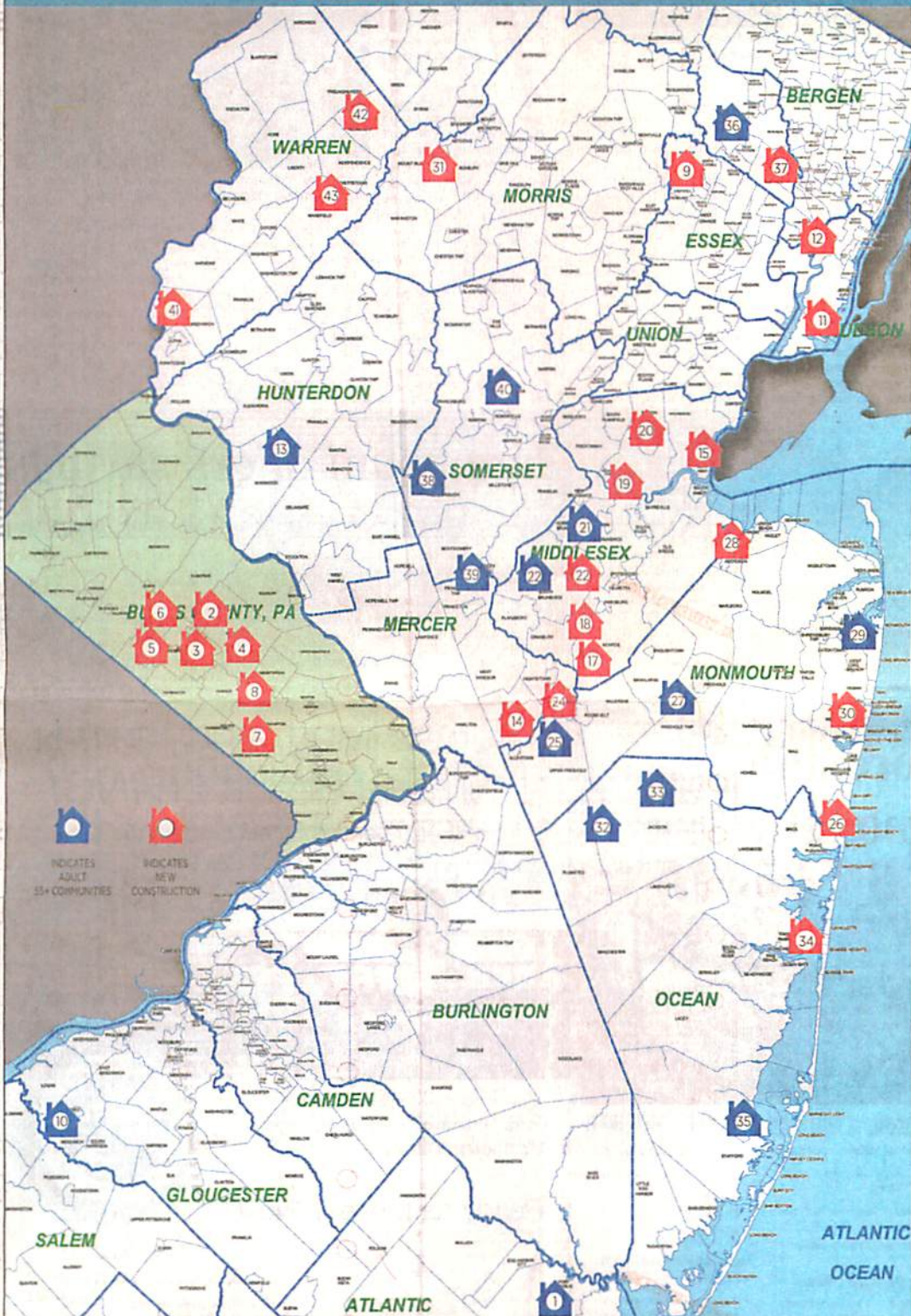
PROJECTED FISCAL YEAR 2011

OPERATIONS & MAINTENANCE COMPONENT SALES BASE

1998 WATER SYSTEM REVENUE REFUNDING BOND DEBT SERVICE COMPONENT SALES BASE

<u>USER</u>	<u>DAILY ALLOCATION (MGD)</u>	<u>DAYS PER YEAR</u>		<u>TOTAL MG/YR</u>	<u>ANNUALIZED SALES BASE (MGD)</u>
East Windsor Municipal Utilities Authority	.011	365		4.0	.011
Somerset County Park Commission (Neshanic Valley Golf Club)	.142	365		51.75	.142
Lamington Farms LLC (Trump National Golf Club)	.080	365		29.2	.080
Morris County Municipal Utilities Authority	.079	365		28.83	.079
Applied Waste Water Management, Inc (Mt. Olive Township)	.010	365		3.554	.010
Washington Township Municipal Utilities Authority	.025	365		9.0	.025
Borough of Glen Gardner	.008	365		2.775	.008
Roxiticus Golf Club	.046	365		16.79	.046
Hamilton Farm Golf Club	.138	365		50.40	.138
Springdale Golf Club	.098	365		35.64	.098
TOTAL SALES BASE					182.073

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RESOLUTION 2010-5
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
DESIGNATION OF HIGHLANDS REDEVELOPMENT AREA
GOLDMINE PARTNERS, LLC (MOUNT OLIVE)

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 9 and 11 of the Highlands Act, N.J.S.A. 13:20-9.b. and N.J.S.A. 13:20-11.a.(6)(h), specifies that in preparing the Highlands Regional Master Plan (RMP), the Highlands Council may, in conjunction with municipalities in the Preservation Area, identify areas in which redevelopment shall be encouraged and shall identify areas appropriate for redevelopment in order to promote the economic well-being of the municipality, provided that the redevelopment conforms with the goals of the Preservation Area and the Highlands Act, with the rules and regulations adopted by the Department of Environmental Protection (NJDEP), and any area so identified for possible redevelopment shall be either a brownfield site designated by the NJDEP or a site at which at least 70% of the area thereof is covered with impervious surface; and

WHEREAS, Section 35 of the Highlands Act, N.J.S.A. 13:20-33.b.(2), authorized NJDEP to grant a waiver of any provision of a Highlands permitting review on a case-by-case basis for redevelopment in certain previously developed areas in the Preservation Areas identified by the Highlands Council pursuant to Section 9.b. or Section 11.a.(6)(h); and

WHEREAS, the NJDEP had adopted rules at N.J.A.C. 7:38-1.1 et seq. (Highlands Rules) governing the NJDEP's review of projects in the Highlands Region; and

WHEREAS, the Highlands Rules, at N.J.A.C. 7:38-6.4, specifies that as provided for in Highlands Act, the NJDEP may waive any provision of the rules for redevelopment in certain previously developed areas in the Preservation Area identified by the Highlands Council pursuant to the Highlands Act; and

WHEREAS, the Highlands Council prepared and adopted Procedures for Highlands Redevelopment Areas Designation (Procedures) by Resolution 2008-43 dated October 30, 2008; and

WHEREAS, the Applicant, Goldmine Partners, LLC, Mount Olive Township, Morris County, Block 4500, Lot 3, submitted a Petition for Highlands Redevelopment Area Determination; and

WHEREAS, on June 10, 2009, Highlands Council staff met with Goldmine Partners' consultant's to discuss the project and the redevelopment process and on September 10, 2009 an onsite Pre-Application was held; and

WHEREAS, the Highlands Council released the Highlands Council Staff Draft Recommendation Report dated July 1, 2010 for public comment; and

WHEREAS, the Highlands Council held a public comment period concerning the proposed Highlands Redevelopment Area Designation commencing July 1, 2010 and ending July 26, 2010; and

RESOLUTION 2010-5
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
DESIGNATION OF HIGHLANDS REDEVELOPMENT AREA
GOLDMINE PARTNERS, LLC (MOUNT OLIVE)

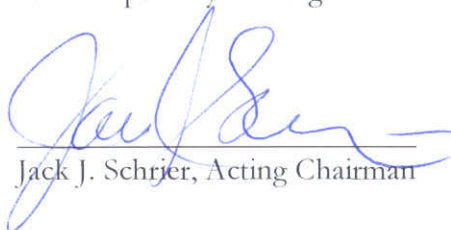
WHEREAS, the Highlands Council staff duly considered the Draft Recommendation Report and all public comments; and

WHEREAS, after Highlands Council staff review, staff recommended that the Highlands Council approve the proposed Highlands Redevelopment Area Designation with conditions set forth in the Highlands Council Staff Final Recommendation Report dated August 19, 2010;

NOW, THEREFORE, BE IT RESOLVED, the Highlands Council hereby approves of the Goldmine Partners, LLC Highlands Redevelopment Area Designation with conditions as set forth in the Final Recommendation Report and authorizes the Executive Director to prepare a document so informing the NJDEP of the Highlands Redevelopment Area Designation.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 19th day of August, 2010.


 Jack J. Schrier, Acting Chairman

Vote of the Approval of These Minutes	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	√ _____	√ _____	_____	_____	_____
Councilmember Carluccio	_____	_____	_____	√ _____	_____	_____
Councilmember Cogger	√ _____	_____	√ _____	_____	_____	_____
Councilmember Francis	_____	_____	√ _____	_____	_____	_____
Councilmember Holtaway	_____	_____	√ _____	_____	_____	_____
Councilmember Kovach	_____	_____	√ _____	_____	_____	_____
Councilmember Letts	_____	_____	√ _____	_____	_____	_____
Councilmember Richko	_____	_____	√ _____	_____	_____	_____
Councilmember Vetrano	_____	_____	√ _____	_____	_____	_____
Councilmember Visioli	_____	_____	√ _____	_____	_____	_____
Councilmember Schrier	_____	_____	√ _____	_____	_____	_____