

MINUTES

**NEW JERSEY HIGHLANDS COUNCIL
MEETING OF JUNE 30, 2005**

PRESENT:

JOHN WEINGART)	CHAIRMAN
KURT ALSTED)	COUNCIL MEMBERS
TRACY CARLUCCIO)	
LOIS CUCCINELLO)	
TIM DILLINGHAM)	
JANICE KOVACH)	
DEBORAH PASQUARELLI)	
MIKAEL SALOVAARA)	
JACK SCHRIER)	
BEN SPINELLI)	
GLEN VETRANO)	
SCOTT WHITENACK)	

ABSENT:

MIMI LETTS
EILEEN SWAN

The following are the minutes from the New Jersey Highlands Council meeting which was held at Voorhees High School, 256 County Road 513, Lebanon Township, New Jersey on June 30, 2005 at 4:00 p.m.

CALL TO ORDER:

The Chairman of the Council, Mr. John Weingart, called the thirteenth meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:10 p.m.

ROLL CALL: The members of the Council introduced themselves.

PLEDGE OF ALLEGIANCE was then recited.

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 of circulation throughout the State.

Mr. Weingart noted that this meeting was the seventh and final meeting of a succession of road meetings in each of the Highlands counties in an attempt to be as accessible as possible to the public.

Mr. Weingart announced that four members of the Highlands Council are from Hunterdon County; Ms. Eileen Swan, Ms. Janice Kovach, Ms. Tracy Carluccio, and himself.

Ms. Kovach from Lebanon Township offered welcoming remarks and noted that Hunterdon County has 15 municipalities in the Highlands, 3 of which are completely in the preservation area, 9 are split, and 3 communities are completely in the planning area.

Ms. Carluccio next welcomed the public to Hunterdon County and said she was pleased over the good turn out. Mr. Weingart then thanked the officials who were present from Hunterdon, from the County Board of Chosen Freeholders were Mr. George Melick, Ms. Nancy Palladino and Mr. George Muller, as well as Ms. Cindy Yard, the Hunterdon County Administrator, and also the Chair of the Hunterdon County Planning Board, Mr. George Wickerd.

COUNCIL MINUTES (JUNE 23, 2005 meeting):

Chairman Weingart then asked if there was a motion to approve the minutes of June 23, 2005. Mr. Jack Schrier made a motion to approve, Ms. Carluccio seconded the motion, Mr. Mikael Salovaara, Ms. Lois Cuccinello, and Mr. Kurt Alstede abstained, all others were in favor, and the minutes of June 23, 2005, were APPROVED.

CHAIRMAN'S REPORT:

Mr. Weingart advised that documents which the Council will be discussing during the meeting are made available to the public, and are located on the back table.

Mr. Weingart said that he had a report on the Plan Draft Development Committee, and would give it during the Committee Report period on the agenda.

He then reported that the State budget in Trenton is still being decided and that it has delayed the approval of the Council's 15th member, Ms. Valerie Huttle. Mr. Weingart then asked if any members had reports.

Ms. Debbie Pasquarelli advised the members that in their meeting packets is a summary report of the most recent Finance and Budget Committee meeting. The report illustrates

fiscal year 2005, with findings and details of expenditures for the year. She noted that today is the last day of the fiscal year. The Council appropriations for the fiscal year 2005 was \$2 million. A large part of expenses for the year were start up costs.

Ms. Pasquarelli also said that all left over 2005 monies will be rolled over to fiscal year 2006. In the coming fiscal year, the Committee projects that expenditures will be for acquiring data necessary for the basis for regional plan development and implementation after adoption. Since the Legislature hasn't finalized the budget, our efforts are still a work in progress but we can project what many of the expenses will be for the coming year.

Ms. Pasquarelli pointed out that the report is broken down into quarterly projections in pie chart format. If at any time members would like to see expenditures in greater detail, the Committee is happy to provide them. She advised that disbursements are itemized and the Committee will be sending monthly reports to the Council members.

Chairman Weingart then noted the gavel he would be using for the meeting was loaned to him by Hunterdon and was formerly used to knock the snow off of horse shoes. He then asked Mr. Adam Zellner to provide the Executive Director's report.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Zellner noted that the budget is being decided in Trenton and that this meeting completes the seven County road meetings on the Council's schedule.

Mr. Zellner pointed out that the Council is now six months old and thanked the people who come out regularly to the meetings. He then offered thanks to the Council members themselves, for undertaking the tasks they perform, since they are done on a voluntary basis. Mr. Zellner said that a great deal of work has been accomplished in a very short time. He also gave special thanks to Ms. Erin Thomsen for organizing such successful meetings throughout the month of June, and to Ms. Denise Guidotti for compiling the meeting minutes in such a short timeframe.

Mr. Zellner reported that as the Council and staff moves into the plan drafting stages, the Technical Advisory Committees will be moving forward and will be meeting soon. He advised that the schedule for the Technical Advisory Committee meetings will be posted on the Highlands website. He then asked Mr. Tom Borden to give an update on the Hunterdon and Warren Counties presentation.

Mr. Borden advised the members that they would find in their packets a letter submission from Bell and Gage on behalf of Hunterdon and Warren, asking the Council to consider certain issues. He advised that Highlands staff will also prepare an analysis of that June 20th letter for the members, but provided the letter itself at this time.

Mr. Zellner then asked Mr. Dante Di Pirro to give his report on the Committees schedule.

COMMITTEE MEETING OUTLINE:

Mr. Di Pirro said that staff has conducted its initial outreach efforts to municipalities and the public. He stated that a number of Committee meetings are on the schedule for July. Mr. Di Pirro also advised that plan development issues will be addressed as well as analysis of agency rules.

Mr. Di Pirro noted that the calendar of events is posted on the Highlands website. He advised that if you click on a meeting date, the location is posted, as well as the agendas. Once a meeting has been held, the website will also post the meeting report.

Mr. Weingart asked if any members had questions, and Ms. Pasquarelli asked if there was something in the packets for the meetings schedule, Mr. Di Pirro said that the members would be receiving information pertinent to their respective committees, but that at this time scheduling is still being finalized.

Mr. Weingart then turned the meeting to Ms. Sue Dziamara, Supervising Planner from Hunterdon County Planning Department, and Ms. Melanie Martin, Senior Planner since 1999, who gave a power point presentation.

PRESENTATION (Hunterdon County):

Ms. Martin thanked everyone for attending the meeting and noted that she would give an overview of Hunterdon County and that Ms. Dziamara will provide Hunterdon's recommendations resulting from cross-acceptance.

Ms. Martin noted that Hunterdon has 26 municipalities covering 437 square miles. She stated that of the 122,000 residents, 62,000 of them commute to work, with only 41% of the County's population working in Hunterdon.

Ms. Martin said Hunterdon County is corridorred by two major highways, Interstate 78 and Route 31. She noted that Route 31 stretches from Mercer County to Warren County and I-78 goes from Pennsylvania to New York.

The upper third of Hunterdon County is in the Highlands, and falls within the physiographic province which is characterized by broad flat-top ridges, steep, narrow valleys, and the fertile Musconetcong Valley which Hunterdon shares with Warren County. The lower two thirds of the County fall within the Piedmont province which is a rolling topography, broad stream valleys, and abundant farmland.

Ms. Martin pointed out in Hunterdon are the Delaware & Raritan Canal, Spruce Run and Round Valley Reservoirs. These three reservoirs are capable of providing up to 225 million gallons of water per day to residents of north and central New Jersey. She noted that Round Valley Lake is the deepest lake in NJ.

Hunterdon County is also home to the Sourland Mountains which have sensitive areas characterized by large stands of deciduous forests, swamp lands and streams.

Ms. Martin noted that 45% of Hunterdon County is in the preservation area. She stated that farmland preservation is a high priority in Hunterdon, and has the largest number of farms preserved in the State. Hunterdon County ranks third in the State for acreage preserved. As of June 29, it has preserved 186 farms with another 190 farms pending. To date the County has spent \$12.9 million on farmland preservation. Hunterdon has 30,000 acres of preserved open space and 18,000 acres of preserved farmland; and 30,000 acres of parks and open space.

Ms. Martin then asked Ms. Dziamara to give her presentation on cross-acceptance.

Ms. Dziamara thanked the Council. She stated that cross acceptance was conducted during the six month period from June 2004 to November 2004, and the Planning Board hosted 5 public meetings. The cross-acceptance report generated from the process was adopted by the Hunterdon County Board of Chosen Freeholders and the Planning Department after the second public hearing, held in February 2005, and was subsequently submitted to the State Planning Board in March 2005.

Ms. Dziamara noted that key areas of concern in Hunterdon addressed during the cross-acceptance process were the designation of centers and preserving the rural character of the County, such as preserving historic and cultural resources. She stated there was significant concern and discussion at public hearing supporting the elimination of Planning Area 2 because hamlets and historic villages could not serve as centers largely because of limited infrastructure and fear that the character of the land will be compromised.

Ms. Dziamara advised that Hunterdon residents believe the most important facets regarding planning in Hunterdon are farmland preservation and preserving rural character.

Ms. Dziamara showed the map submitted to the State Planning Board in Hunterdon's final cross-acceptance report. It shows Hunterdon County's revised State planning areas. There are some modifications to the planning area boundaries, the biggest change is the elimination of Planning Area 2 along the I-78 corridor. An additional change highlighted is the addition of the Sourland Mountain special resource area. The changes submitted accurately articulate the consensus of the cross-acceptance process.

Ms. Dziamara stated that as of the present time, negotiations are expected to resume in August or September. There has been an increase in the number of senior housing developments as well as municipal environmental protection ordinances such as stream corridor and steep slope ordinances.

She said that Hunterdon County's Vision 2020 emerged after three years of public input, inquiry and debate. The vision is to preserve the remaining rural agricultural landscape,

to support a healthy sustainable environment and to preserve an extensive network of farmland, open space and natural resources and the rural quality of life that describes Hunterdon County.

Mr. Weingart thanked both Ms. Martin and Ms. Dziamara for their presentations and asked that the next presentation be given by Mr. Otto Zapecza, with any questions to be addressed afterward.

PRESENTATION (U.S. Geological Survey):

Mr. Zapecza thanked the Council for the opportunity to give a power point presentation. He noted that the U.S. Geological's study was updated in 2002 and was approved by the federal government due to concerns regarding continued growth and development in the Highlands regions of New York and New Jersey. He stated that the purpose of the study was to determine resource preservation possibilities.

Mr. Zapecza said the partners that collaborated to generate the 2002 report were the Regional Plan Association and Rutgers Centers for Remote Sensing and Spatial Analysis. Many study objectives were a resource assessment with regard to water, forestry, biology, farmland and recreation. Potential changes were analyzed such as population trends and future projected growth.

The USGS conducted a water resource assessment that analyzed ground water, surface water, water quality, watershed and water budget.

Mr. Zapecza noted that the Forest Service provided an outline of the boundaries of the Highlands region that stretches from Connecticut to New York, also New Jersey to Pennsylvania.

Mr. Zapecza stated that sprawl has caused the region to be compromised. He gave an outline of the types of soils and lands that were identified by the USGS report. Water availability analyses were done on a large regional scale as well as on a smaller scale.

Mr. Zapecza showed that models were utilized to obtain water budgets. He stated that 31 HUC 11s and 182 HUC 14s were identified in the study area. The USGS looked at the changes in stream flow characteristics, base flows, and runoff in streams indicating changes in watershed conditions. The amount of base flow in streams is analyzed to measure the infiltration capacity and yield of the underlying aquifer to measure a stream's ability to sustain flow. He said that in 1995 the variations in base flows were due to geology and the degree of development.

Mr. Zapecza stated with regard to impervious surface cover that this causes less infiltration and more runoff during storms.

Mr. Zapecza's presentation illustrated the decline in water recharge levels over a 30 year period, and noted that water resources and ecosystems are stressed. The presentation also represented that from 1986 to 1995 hydrogen levels decreased.

Mr. Weingart thanked all the presenters and said that the Council staff has been working with both the Hunterdon County Planning Department and with USGS and asked if any members had questions or comments.

Ms. Kovach said as a member of the cross-acceptance team and one of the seven municipalities along the Interstate 78 corridor, the team looked beyond the home rule and municipal boundaries to create a regional approach to recommending the change from Planning Area 2 to Planning Area 3, 4 and 5.

Mr. Weingart then opened a public comment period.

PUBLIC COMMENTS:

David Shope, Long Valley. Mr. Shope said he would like to see a map which delineates the areas of septic density in Hunterdon County. Hunterdon contracted with New Jersey Geological Survey for this area, which addressed zero degradation and 5.6 milligrams per liter, and asked the County to provide the map to the Council. Mr. Shope said it offers crucial information as to lot sizes between 3 ½ and 6 acres were appropriate. He said that NJDEP uses 63 gallons per person per day for water usage, not 85. He said that 90% of the water in the Highlands region goes somewhere other than the Highlands according to the NJDEP. NJDEP did a low constraint build out analysis using groundwater only, not surface water because of the fact that 90% of the surface water goes somewhere else. Mr. Shope asked about what happens when wells test radioactive. Highlands water is being sent to other areas and residents should be willing to pay for it.

George Melick, Freeholder Director of Hunterdon County, Board of Chosen Freeholders. Mr. Melick stated that six months ago the Hunterdon and Warren County Freeholders raised issues concerning the political science used to delineate the preservation and planning areas boundaries. Since then, the Freeholders have attended every Highlands Council meeting. He noted that in attendance at the meeting today are Nancy Palladino, and George Muller. Mr. Melick stated although they disagree with the statutory charges given to the Council, the Council should be praised for its open procedures and encouragements of open public comment. Mr. Melick mentioned that hydro geologist Frank Getchel presented his assessment of the critical water resource comments in the Council's region which illustrated that the statutory delineation of the preservation and planning areas were not scientifically based on water resource protection. Mr. Melick said that at the conclusion of the presentation, Chairman Weingart requested that the Counties provide the Council with a list of specific legislative changes that the Counties would like the Council to endorse, including proposals for actions that the Council undertake. The Freeholders look forward to the Council's response to Mr. Dick Zimmer's recent correspondence and urge the Council to endorse the various elements of the Highlands Act. Mr. Melick also submitted written comments for the Council's

consideration regarding the interim rules enacted by the NJDEP. The Freeholders urge the Council to have the NJDEP provide the complete scientific justification for all development standards utilized in their regulations. Mr. Weingart thanked Mr. Melick and then invited Freeholder Nancy Palladino to speak next.

Nancy Palladino, Deputy Director, Board of Chosen Freeholders, Hunterdon County. Ms. Palladino stated that Hunterdon has been under pressure to develop and that outside factors have played a big part in this pressure. She cited the NJDEP for not using a more conservative nitrate dilution model, the DCA in its quest for planning, and also COAH whose litigation has caused a lot of development through builder's remedy in Hunterdon County. Ms. Palladino said that the Council is to create a regional plan which is mandatory in the preservation area but optional in the planning area. She said that the influence of using TDR as a tool can extend to any municipality in any County which has Highlands municipalities. The result is expense to taxpayers, because more density creates a continuing problem. Ms. Palladino urged that the Council utilize the TDR tool effectively.

Ms. Palladino noted that the State's high courts have established rules dealing with equity but the recent New London case has opened the door for a broad use of eminent domain by municipalities. Fair value to landowners was guaranteed through the Highlands initiative, however the promised revenues continue to be unsecured. TDR can help the revenue shortfall, but it will displace the population and could make the problem worse. Ms. Palladino said that ratables need to be protected and disproportionate share must be taken into consideration.

Wilma Frey, Highlands Coalition. Ms. Frey said that the Highlands Coalition strongly supports Hunterdon's recommendation to remove Planning Area 2 from the Interstate 78 corridor based on the environmentally sensitive nature of the area. Ms. Frey cited there was a seven town group called "Region 5", who advocated not encouraging growth which is what Planning Area 2 was intended to do. The Highlands Coalition has recently sent a letter to the NJDEP which asked them to hold a public hearing regarding a NJPDES permit for the Belle Meade tract in Tewksbury Township in the I-78 corridor, which is one of three major developments proposed, the other two are Windy Acres and Milligan Farms. All have Category 1 streams and the Highlands Coalition would like a serious consideration of whether that permit should be granted, because even though it is in the planning area, the permit provides for excess capacity which will create problems. Ms. Frey noted that the Council has the authority to review, and according to the regulations should do so.

Mr. Weingart then turned the meeting to the Committee reports.

COMMITTEE REPORTS:

Mr. Weingart noted that Ms. Pasquarelli had already given the report on the **Budget and Finance Committee** during the member reports portion of the meeting.

Mr. Weingart then reported that the **Plan Development Committee** met the previous Thursday immediately following the Council meeting on June 23, and also met before this meeting.

Mr. Weingart noted that Mr. Balzano and Mr. Borden provided reports that indicated the need for contractual work to supplement the staff's work in order to create the Regional Master Plan. He stated that all Council members received a list of potential contracts in that category.

Mr. Weingart noted that between the two meetings, discussion of the content and substance of the contracts was addressed and how the Council should consider them. Mr. Lewin Weyl provided input and advice, and within the members' meeting packets for their consideration today is a document outlining the agreements and contracts. Mr. Weingart then advised that the recommendation of the Plan Development Committee is that the Resolution be approved.

RESOLUTION – PLAN DEVELOPMENT AGREEMENTS (voting matter):

Mr. Weingart advised that the resolution provides that any proposal for a particular contract be first reviewed by two Committees; first by the Plan Development Committee and second by the Budget and Finance Committee. After their review and recommendation for approval, the contract will then be presented to the full Council for a vote.

Mr. Weingart suggested wording changes, 1) in the third Whereas clause, there is a missing word, the language should read: "development of the elements of" the Regional Master Plan; 2) in the Now Therefore Be It Resolved 1a paragraph, the word **Plan** is missing after the words Regional Master; also 3) in the Now Therefore Be It Resolved 3 paragraph, suggested new wording for clarification purposes could be "any agreement or contract recommended by the Plan Development Committee and the Budget and Finance Committee shall be considered for approval, modification or rejection by the Highlands Council."

Mr. Salovaara made a motion to approve, Ms. Carluccio seconded the motion, all were in favor, APPROVED.

RESOLUTION – PLAN DEVELOPMENT GRANTS (voting matter):

Mr. Weingart advised that the second resolution for consideration concerns the process by which the Council review grants and asked Mr. Zellner to explain. Mr. Zellner stated that the Council has the ability to issue grants to Counties and municipalities for TDR, TDR pilots, as well as implementation grants which include a variety of issues, such as ordinance and plan updates, etc. Mr. Zellner noted that while setting up for the future the staff will be conducting MP3s, which are certain towns for possible review to be used as pilots.

Mr. Zellner advised that the process outlined by the resolution follows the approach of the contract review resolution in that it provides for full review and approval first by the Plan Development Committee and then to the Budget and Finance Committee for fiscal viability prior to being presented to the full Council for vote.

Mr. Weingart asked that the third Now Therefore clause be clarified to read the same as he suggested in the prior resolution to read: “any agreement or contract recommended by the Plan Development Committee and the Budget and Finance Committee shall be considered for approval, modification or rejection by the Highlands Council.”

Mr. Salovaara made a motion to approve, Mr. Vetrano and Ms. Cuccinello seconded the motion, all in favor, APPROVED.

Mr. Weingart noted that in the first resolution regarding agreements and contracts, there were several contracts identified by the staff which have been suggested for urgent consideration due to the need to move prior to the next Council meeting in August. In this instance, if the two Committees are able to approve the contracts, the Council could schedule a special meeting in order to consider them. Mr. Weingart then asked Mr. Steve Balzano to give a report on those items.

Mr. Balzano advised that by August there will be critical data needs the staff would like to move forward on. The staff has identified elements where outside assistance may be needed within the time constraints. He asked that members look in their meeting packets, and specifically the longest lead time items are primarily data development related to updating the water budget information, land use, and land cover data sets in order to identify conservation values and critical watershed areas. Other key issues such as collaboration with other State agencies to analyze transportation capacity and utility capacity analyses within the next couple weeks. Mr. Balzano noted that staff will report to the full Council once again on the remaining issues in August at its next meeting.

Mr. Weingart asked for any other questions or issues to address, and since there were none, he opened a public comment period.

PUBLIC COMMENTS:

Jerry Kern, Pohatcong. Mr. Kern owns 70 acres in the preservation area. He said he has attended previous meetings and asked that the Council note that changes be announced. Mr. Kern asked if there will be compensation for landowners when towns do not opt in to TDR, and whether towns can be forced to opt in.

Mr. Weingart replied that there aren't requirements at this time that force towns to opt in. Mr. Zellner added that the next steps with regard to TDR receiving areas will be that any town within the seven counties can voluntarily participate in the Highlands TDR program.

Mr. Schrier asked whether it is fair to say that there is interest in TDR. Mr. Zellner said yes, the indication is that interest is considerable and that the pilots that are becoming more visible are making it more desirable to participate.

ADJOURN:

Chairman Weingart announced that the next scheduled Council meeting will be on August 10th at the Highlands office in Chester. He asked if there were any other comments, and since none were received Mr. Schrier made a motion to adjourn, Mr. Salovaara seconded, all in favor, and the meeting adjourned at 6:40 p.m.