

RESOLUTION 2007-__
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
RECOMMENDATION ON PROPOSED WATER QUALITY MANAGEMENT PLAN
AMENDMENT FOR HERITAGE VILLAGE 55

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);

WHEREAS, the New Jersey Department of Environmental Protection (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. 7:38-1.1, specifies that pending completion of the Regional Master Plan, NJDEP shall not approve a Water Quality Management Plan (WQMP) amendment for a project proposed in the Planning Area or Preservation Area of the Highlands Region without first obtaining a recommendation from the Highlands Council; and

WHEREAS, the Highlands Rules, at N.J.A.C. 7:38-1.1, were adopted in accordance with the Highlands Act as well as the Water Quality Management Act which specifically requires a continuing planning process to coordinate and integrate water quality management plans with related Federal, State, regional and local comprehensive land use, functional and other relevant planning activities; and

WHEREAS, sponsors of the proposed Heritage Village 55, an age-restricted residential development on Block 49, former Lots 4 & 6 (subdivided into numerous lots) within Randolph Township, Morris County (Heritage Village 55), have sought an amendment to the Upper Raritan and Northeast WQMP through the Rockaway Valley Regional Sewerage Authority Wastewater Management Plan to allow for construction of Heritage Village 55; and

WHEREAS, the NJDEP has proposed adoption of the amendment for Heritage Village 55 through publication of a notice in the New Jersey Register and is seeking a recommendation from the Highlands Council in accordance with the Highlands Rules at N.J.A.C. 7:38-1.1; and

WHEREAS, consistent with NJDEP's Highlands Rules at N.J.A.C. 7:38-1.1, and the procedures adopted by the Highlands Council pursuant to Resolution 2007-18 for review of WQMP amendments for a proposed project, Highlands Council staff conducted a review of the WQMP amendment for Heritage Village 55, and presented the conclusions of that review to the Natural Resources Committee of the Highlands Council; and

WHEREAS, the Natural Resources Committee conducted several meetings to review the proposed WQMP amendment for Heritage Village 55; and

WHEREAS, to gain further insight into the proposed project, Highlands Council staff conducted a site visit on November 1, 2007, to determine the project's consistency with the requirements and

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standards of the Regional Master Plan, and provided the results of the site visit to the Natural Resources Committee for its consideration; and

WHEREAS, in light of the review and site visit conducted by the Highlands Council staff and the Council’s approval to release the Final Draft Highlands Regional Master Plan (Final Draft RMP), the Highlands Council staff prepared a revised recommendation based upon the standards and policies set forth in the Final Draft RMP; and

WHEREAS, the review of the Heritage Village 55 Project revealed that while the project had received local and NJDEP permits prior to March 29, 2004, the project was not deemed exempt under the Highlands Act and that the inconsistencies with the Final Draft RMP, including policies and standards relating to Highlands Open Waters Protection Areas and Water Deficits may be addressed through appropriate conditions of approval; and

WHEREAS, public notice and a copy of the Highlands Council staff recommendation to the Natural Resources Committee was provided on the Council’s website and notice was specifically provided to project representatives; and

WHEREAS, on December 6, 2007, the Natural Resources Committee voted to recommend to the Highlands Council that it recommend that the proposed WQMP amendment for Heritage Village 55 be approved by NJDEP with conditions;

WHEREAS, on December 12, 2007, Highlands Council staff met with representatives of Heritage Village 55 to refine the recommended conditions of the Natural Resources Committee;

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director is hereby authorized to issue a recommendation letter to NJDEP with the following recommendations from the Highlands Council:

- 1)

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 13th day of December, 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	_____	_____	_____	_____
Councilmember Calabrese	_____	_____	_____	_____
Councilmember Carluccio	_____	_____	_____	_____

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Councilmember Cogger	_____	_____	_____	_____
Councilmember Dillingham	_____	_____	_____	_____
Councilmember Kovach	_____	_____	_____	_____
Councilmember Letts	_____	_____	_____	_____
Councilmember Pasquarelli	_____	_____	_____	_____
Councilmember Peterson	_____	_____	_____	_____
Councilmember Schrier	_____	_____	_____	_____
Councilmember Vetrano	_____	_____	_____	_____
Councilmember Way	_____	_____	_____	_____
Councilmember Weingart	_____	_____	_____	_____
Councilmember Whitenack	_____	_____	_____	_____