

**NEW JERSEY HIGHLANDS WATER PROTECTION
AND PLANNING COUNCIL
MINUTES OF THE MEETING OF SEPTEMBER 20, 2007**

PRESENT

JOHN WEINGART)	CHAIRMAN
KURT ALSTEDE)	COUNCIL MEMBERS
ELIZABETH CALABRESE)	
TRACY CARLUCCIO)	
BILL COGGER)	
TIM DILLINGHAM)	
JANICE KOVACH)	
MIMI LETTS)	
ERIK PETERSON)	
JACK SCHRIER)	
GLEN VETRANO)	
TAHESHA WAY)	

VIA TELECONFERENCE

SCOTT WHITENACK)

ABSENT

DEBBIE PASQUARELLI)

CALL TO ORDER

The Chairman of the Council, John Weingart, called the 54th meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:05 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 and posted on the Highlands Council website.

PLEDGE OF ALLEGIANCE was then recited.

APPROVAL OF MINUTES OF SEPTEMBER 6, 2007

Ms. Kovach introduced a motion to approve the September 6, 2007 minutes. Ms. Letts seconded it. Ms. Letts reiterated that she had left the previous meeting early and it was noted. A member of the public, Mr. David Shope asked to make corrections to the minutes. He wanted to clarify that he did not say that “cities were entitled to the water.” He commented that the cities take the water as a colonizing power that would take from the

colony, the Highlands being the colony. The water is allocated to authorities who sell at cost to primarily private water purveyors. NJWSA sells water for \$228 per million gallons that is 200 tractor trailer loads or one million gallons of water. NJ American Water retails to residential customers for \$5,072. The gross tax receipts and excise tax is \$58 million just from NJ Am. Water. He also commented on soil types that they have an impact on agricultural viability.

Helen Heinrich, NJ Farm Bureau clarified that she would like to amend the comment as she had not said that “farmers should know that the protection of prime farmland will be an assumption in the plan”. Otherwise, she was satisfied with the characterization of her comments and wanted to know whether her written comments would be included. Those comments will be included with the September 20, 2007 minutes.

The minutes were APPROVED including the above clarifications and all council members present and on the phone voted in favor.

Chairman Weingart welcomed council members Bill Cogger, Jack Schrier, and Tahesha Way who joined the meeting. He announced that the Natural Resources Committee will be meeting after this meeting and that materials are available. He then stated that the next Council Meeting will be October 4th at 10 am.

EXECUTIVE DIRECTOR’S REPORT

Ms. Swan discussed that the staff is working with Council consultants on the current topic of Vision as well as reexamining the previous policy issues and reviewing comments. She reiterated that comments continue to be welcome at any time.

Ms. Swan stated that the budget for FY08 had been reviewed by the Budget and Finance Committee yesterday and Bill Cogger, the Committee Chair, would be giving a report. She also stated that proposed Water Quality Management Plan (WQMP) amendments would be discussed at the Natural Resources Committee in the afternoon. She reported that there have been ongoing conversations with NJDEP to develop procedures for WQMP amendments and other work with them requiring agency coordination and those conversations will continue to ensure efficiencies and due diligence with respect to the Highlands Act. She spoke about the fact that there are some resolutions for the Council’s consideration including one for a TDR feasibility grant for research submitted by Lopatcong Township, Warren County. The Chair of the TDR Committee will review that resolution.

Ms. Swan reviewed other ongoing Council staff projects including the ongoing testing of the LANDS model using the newly established indicators. She mentioned that the GIS, Planning, and Science staff are working very diligently on this project. She discussed an issue that had arisen and confirmed that any changes to the indicators in the Lands model would not result in the loss of those original 51 indicators they would continue to be used as part of the Regional Master Plan and during the Plan Conformance and site review process.

She also reviewed the ongoing efforts to bring the Council staffing up to the full allocation of 25 full-time positions.

With respect to outreach meetings, Ms. Swan discussed the importance of the outreach meetings and that staff is balancing the need for the meetings with the aggressive schedule

for the development of the Regional Master Plan but meetings continue to be held with interested municipalities to provide up to date information to continue to prepare for the conformance process.

Municipal and County Outreach:

September 6 and 7 – RPA Highlands Mayor’s Institute – Ms. Swan reported that she attended the Institute after the last Council meeting through Friday. Mayors from Washington Township and Washington Borough (Warren), Mt. Arlington, Chester Borough, Oakland Borough, Boonton Borough, Office of Smart Growth and DOT were also there working on a project by project basis. The Plan Conformance process was reviewed as well. She reviewed the conformance process for Planning Area and Preservation Area municipalities.

September 15 – Sussex County Lusscroft Farm – Ms. Swan attended at request of Council member Vetrano.

September 16 – Upper Raritan Watershed Association – Ms. Swan participated in a presentation in Tewksbury on Highlands Plan Conformance and other local issues.

September 17 – Bloomingdale Twp. – Council staff Swan and Borden met with town officials and their engineer to discuss zoning issues.

State and Federal Agency Coordination:

September 12 – NJDEP –Council staff met with NJDEP staff to discuss WQMP Coordination. (Council staff Swan, Van Abs, Hutzelmann, and Ross)

September 18 – Pinelands – Council staff to meet with Pinelands staff to study HCIS – (Curtis, Carlson, Dees)

Stakeholder Coordination:

September 13 – Hunterdon County Green Table, presentation on Highlands Nuts and Bolts – (Swan)

September 19 - NJ Highlands Coalition – Council staff attended to discuss policy issues (Swan)

Upcoming Meetings and Outreach:

September 24 – Hackettstown – Informational meeting

September 25 – West Milford – WMP Coordination

September 26 – Geraldine R. Dodge Foundation

October 1 – Califon – Informational meeting

Lastly, Ms. Swan discussed the ongoing Council staff analysis regarding exemptions from the Highlands Act and she indicated the matter will be discussed in more detail after the Vision element.

COMMITTEE REPORTS

Chairman Weingart gave a report from the **Personnel Committee**. He stated that the Committee reviewed staff efforts to fill the 6 vacant full-time positions. Candidates will be recommended for approval to Trenton and with an anticipated start date of October 15, 2007. He mentioned that approval for additional Council staff could be sought in the future.

Bill Cogger gave a report from the **Budget and Finance Committee** which met on September 19th. He discussed the changes he would like to see implemented, e.g. quarterly reports and the percentage changes of significant budget vs. actual items. He recommended to the Council that the resolution to hire Gregory Della Pia, CPA as the part-time financial consultant be approved. In the memorandum from the Budget and Finance Committee, it was noted that the Committee had reviewed the availability of funds for the TDR grant proposed by resolution today. He introduced a motion to approve the FY08 budget and Ms. Kovach seconded it.

CONSIDERATION OF RESOLUTION TO APPROVE THE HIGHLANDS COUNCIL'S GENERAL OPERATING BUDGET

Mr. Schrier asked where the significant changes were to make up the 7% increase. Mr. Cogger discussed the categories of: reduction in temporary staff, addition to permanent staff, addition of part-time financial consultant and also auditor as well as a shift in the MIS budget into different areas. Mr. Vetrano asked if there was any carryover from FY07 and Ms. Swan reported that there was \$322,276.48 carried forward. Chairman Weingart asked if there were any public comments. Mr. Shope asked what the budget was and asked for a copy. Ms. Swan replied \$2,822,276.48 expenditures and revenues and a copy will be made of the summary sheet. All present voted in favor and the resolution was APPROVED.

CONSIDERATION OF RESOLUTION APPROVING A CONTRACT FOR FINANCIAL SERVICES

Mr. Cogger introduced a motion to approve the resolution approving a financial services contract and it was seconded.

Ms. Way asked if there was a specific term of the contract. Ms. Swan discussed the fact that the contract will commence for one year if the action is approved on a work and time basis not to exceed \$25,000 at five hours a week, more if needed, in the office. He will report to Ms. Swan and Mr. Borden. Chairman Weingart asked for public comment.

Public Comment

Mr. David Shope asked what Mr. Della Pia's government experience had been. Mr. Cogger named several municipalities where he had worked including: Millstone, Hardwick, Greenwich, Irvington and Essex County Vocational School. Mr. Cogger also commented that Mr. Della Pia was a CPA and had extensive government experience and that was what the Budget and Finance Committee was looking for.

Chairman Weingart asked for a vote and all voted in favor with one abstention by Mr. Alstede. The resolution was APPROVED.

Mr. Vetrano and Mr. Alstede had joined the meeting prior to the vote.

TDR Committee Report - The TDR Committee Chair, Mr. Whitenack, discussed the application for a \$24,500 TDR receiving zone feasibility grant that for Lopatcong Township, a municipality that is 1/3 Preservation Area and 2/3 Planning Area. He reviewed that they have a greenfield site where they might want to develop. Since the next Committee meeting is not until October 11th, the information on this application was sent out to the Committee and they reviewed it without further comments. Mr. Whitenack indicated that he felt comfortable bringing the resolution forth to the full Council for approval.

CONSIDERATION OF RESOLUTION FOR A TDR RECEIVING ZONE FEASIBILITY GRANT

Mr. Whitenack introduced a motion to approve the resolution and Mr. Dillingham seconded it. All present voted to approve and the motion was APPROVED. Chairman Weingart mentioned that this was the first TDR receiving zone feasibility grant that the Council has approved.

DISCUSSION OF VISION STATEMENT FOR THE REGIONAL MASTER PLAN

Mr. Weingart introduced Charlie Siemon and Eileen Swan to discuss the principal focus of the meeting – the Vision statement. Council staff had delivered it ten days prior to the meeting as promised and staff has revised with Council comments and will be reviewing that revised draft today.

Mr. Siemon reminded the Council that the process was to have interim workshops to put forth information and get Council comments. He commented that he and the Council staff are working on the future topics and that the previous documents are works in progress. He also mentioned that vocabulary is a focus for additional development. He also discussed that the data sets are used in two ways - as a framework for the Land Use Capability Map (LUCM) and as a tool for resource management.

He said the primary origin of the Vision statement came from the public comments. The Vision statement would be Chapter III following Chapter II on Data and Analysis. He discussed the major headings and welcomed the comments from Council members.

INTRODUCTION

Mr. Alstede asked that there be an additional bullet added for agriculture to include the number of acres of assessed farmland and their value. Mr. Schrier asked that a definition of growing organically be added to this section and thought the value of words was very important.

PHYSICAL GEOGRAPY AND LANDSCAPE

M. Siemon provided a general description of the Highlands Region including the distribution of land and critical habitat. He spoke about the manmade landscape and spoke to the issue of writing the plan for people outside as well as inside the Region. He is trying to capture the

diversity of the Region including the interrelationship of agricultural lands, rural character, and critical habitat.

SHARED VALUES

Mr. Siemon discussed the importance of this section – commenting on the history and its importance. He spoke about the shared values social, cultural and economic informed by history. He described how water has shaped the development and shaped the region. Ms. Swan spoke about the coordinated approach being helpful in capturing the uniqueness of each community. She went on to say that part of the vision is to protect the core values as seen in local municipal master plans.

Ms. Carluccio asked that in the last section on pg. 7 of this section that a section be added to explain the significance of the figures used. Several council members raised the absence of economic analysis and that most people do not live and work in the same place. Ms Swan commented that in the work on transportation the economic vitality of the Highlands Region will be addressed. Mr. Siemon commented that the “big boxes” were here, but had not displaced local businesses.

WATER & HIGHLANDS REGION

He discussed that water is the functional underpinning of the Highlands Region, including the reservoirs. He believes the shared responsibility is critical. He said that the collaborative perspective was important.

ELEMENTS OF PLACE

Mr. Siemon spoke about the Elements of Place in two ways: concept of mobility and that the desire for mobility cannot be subordinated to community character.

RESOURCE ASSESSMENT AND REGIONAL LAND USE CAPABILITY

The Resource Assessment is a qualitative assessment. Mr. Siemon commented that the GIS work being done will be a good tool supported by data. There are the objective and subjective measures in this analysis and there is a need for appropriate respect for competing interests for plan to succeed. He also reviewed the discussion on transportation.

VISION OF FUTURE

Mr. Siemon stated that good design will not happen by itself. There are five basic principles that do not necessarily follow the goals of the Highlands Act. These will be in his opinion the guiding principles. He reviewed the table setting out the region-wide goals and what the statutory requirements are.

FUTURE LAND USE

Mr. Siemon discussed that cumulative community character is introduced in this section. He spoke about voluntary alternatives to advance the interests of the Highlands Act providing flexibility and better management for the Region’s resources. There was a discussion by Council members and Mr. Siemon about not having the voluntary alternatives to be passive but rather to take a more proactive approach.. Mr. Schrier asked that those like Morris County who had done a good job as stewards protecting the land be complimented. Ms. Carluccio believes that there needs to be an introductory paragraph to discuss the Region wide goals, e.g. responsibility to restore water resources that have been harmed. Mr. Alstede

asked about the transportation goals and Ms. Swan said the references were from the goals as specifically articulated in the Highlands Act.

REGION-WIDE ELEMENTS

Mr. Siemon reviewed the various segments: Protection of Natural Resources, Agriculture, Historic, Cultural and Scenic Resources and Transportation. Intra-regional movements and serving the transportation needs of the Highlands should be served by the Transportation segment. He suggested talking about mobility instead of roads. He went on to discuss Land Owner Equity balancing the burdens and benefits. There was a discussion about shared responsibility being strengthened. Mr. Siemon will take those suggestions under advisement. He stated that the benefits and burdens outside the Highlands from the consultants' point of view are essential to success. Some council members expressed that this section might need to be broader.

There was additional discussion about recommendations to the Legislature after plan implementation. Mr. Siemon expressed that in the Goals, Policies, and Objectives section there will be policies and specific objectives in the programs. In implementation, there will be recommendations with respect to long term funding needs with state and local agencies.

FISCAL AND ECONOMIC VITALITY OF HIGHLANDS COMMUNITIES

Mr. Siemon commented that this plan is a cost effective way to preserve the water resource and certainly not the only objective to the plan. Mr. Siemon asked for additional comments from the Council. Ms. Letts discussed the issue of rateables vs. land preservation and would like to have those issues addressed with respect to the way schools are supported. Mr. Siemon commented that this subject will be addressed to some degree saying that there is a need to collect additional economic data for the Highlands Region. Mr. Dillingham wanted to add to this vision statement that the traditional approaches are not necessarily the answer that it is the interaction of the landscape, economics and community character. He went one to say that thinking outside the box was important. There were no other comments.

Ms. Swan wanted to recognize Erin Lynam who worked very hard to incorporate all the comments from staff, council members and state agencies. Chairman Weingart asked that any comments from Council members and the public should be sent to Ms. Swan. Council members will receive the next installment on Goals, Policies and Objectives 10 days before the Council meeting and their comments received by the Monday before the meeting will be incorporated and a new draft ready at the next meeting

EXEMPTIONS DISCUSSION

Ms. Swan distributed two documents on Highlands Act exemptions analysis. She complimented the Council staff, particularly Jeff LeJava and Nathan McLean, for their contributions to these documents. She discussed the exemptions in particular exemptions numbered 1, 2, 4 and 5. The municipal and county tax data (MOD 4) was used along with the Council's composite zoning data.

There were several discussions on the exemptions and there will be additional presentations to the Council under goals, policies and objectives. Mr. Cogger asked for the number of acres vs. lots and whether that can be broken out and Ms. Swan said that further analysis is ongoing. Mr. Cogger suggested recommended zoning verbiage for municipalities might be

helpful. Mr. Alstede asked if all accessory buildings are included in exemption #1, e.g. swimming pool. If additions are contemplated, can they be added? Mr. Borden said that exemption #1 provides for the construction of a single family house without limitation and added that the issues where the exemptions are not clear are being flagged to discuss with NJDEP.

The MOD-IV data reveals that there are **25,918** undeveloped parcels throughout the Highlands Region that have the potential to exercise Exemption 1 or 2 for the construction of a single-family dwelling. Significantly, those parcels that are currently zoned residential may exercise Exemption 1 or 2 without having to seek either a zoning change or use a variance from municipal officials. Region-wide there are **22,554** such parcels which are classified as either Class 1 (vacant) or Class 3B (qualified farm) and are currently zoned residential. These parcels represent **228,293.00** acres in the Highlands Region.

In examining Exemption 4, the MOD-IV data reveals that there are **12,118** parcels classified as Class 4A (commercial), 4B (industrial) or 4C (apartment buildings) that could utilize this exemption to expand 125% of the lawfully existing structures. This includes 1,744 parcels in the Preservation Area and 10,368 parcels in the Planning Area.

Throughout the Highlands Region, there are **233,394** parcels that are developed with a single-family home and which have the ability to construct additions or other structures under Exemption 5. This figure represents 59,178 single-family homes in the Preservation Area and 174,184 homes in the Planning Area.

Chairman Weingart said that there would not be an Executive Session.

PUBLIC COMMENT

Kenneth Reynolds, NJ Builder's Assn.

He asked whether the Council was going to resolve the LUCM new model disputes with individual landowners. He also asked how the draft RMP comments would be handled. In response, he was advised that there will be a document as a part of the final plan that will address public comment.

Wilma Frey, NJCF

She spoke in support of the Vision statement and asked that a description of the water features, e.g., lakes, ponds, rivers, and reservoirs be added to the introduction.

Julia Somers, NJ Highlands Coalition

She observed that the discussion about exemptions is so important in the conformance process.

David Shope, Long Valley

He commented on exemptions stating that DEP redefines them. He stated that Exemption # 1 does not run with the land and dies with ownership. He complained that the application for an exemption in the Preservation Area is a 17 page form costing \$150 for less than \$100,000 in improvements or \$750 for over \$100,000 in improvements. The organic growth in the Highlands area came before planning boards and professional planners. He spoke to the absence of standards to match some of the comments. He asked that the Council read the legislative debate that occurred prior to the passage of the Highlands Act.

Monique Purcell, Dept. of Agriculture

She spoke about the positive direction of the Vision statement. She pointed out that on pg. 16 and pg. 11 regarding small lot development and clustering that the inference was that those techniques are for the Highlands future development. She thought that a compact center based form is the way to go. She will submit written comments.

Helen Heinrich, NJ Farm Bureau

She complimented the inclusion of many issues that had been commented on and she submitted for the public record a document on agricultural tourism. She asked about information on farmland assessment and wanted to see those reports. She spoke about the language on the cluster issue being ambiguous in certain places. She said they would support any alternatives that would support villages and hamlets. She thought that clustering should be added to the Land owner equity section. Farmland preservation money and TDR both have to work as well in her opinion.. She asked whether the 50,000 acres of open space includes farmland preservation?

Andrew Drysdale, Chester Township

Mr. Drysdale submitted a letter outlining his objections to the Highlands Act. He also commented on the exemptions. His development project was stopped in the midst of development in June of 2004.

Hing Lum, Denville

He asked where the public comments are. He also said that he did not believe there should be a process for exemptions. He was advised that the public comments are on the website and Chairman Weingart said that there will be an accompanying response document.

Mr. Alstede asked about how exemptions will be processed after the plan is adopted. Mr. Borden commented that exemptions in the Preservation Area are presently processed by NJDEP and that the Highlands Council would issue exemptions in the Planning Area. He added that for consistency the exemptions should be handled by one body or another. He stated that the Act does not dictate who administers the exemptions. Mr. Borden said that there might be some exemptions handled by municipalities over time.

Dave Peifer, ANJEC

He supported the delineation of exemptions and asked that military lands be added to the analysis. He expressed interest in the vision statement and how one casts history does affect how you proceed into the future. He commented the forest area is not original forest and that the forest cover was far less in 1900. He also supported the recovery of resources. If one wanted to look at suitability for forest from a soils standpoint, he believes that there would be guidance on how to restore land for forests as the good land for forests is not forest right now. He said that from a water supply perspective, the communities are somewhat self sufficient. He read and understood the vision statement and complimented that.

Rick Sparling, Morris County

He asked about utilization of his land for a local water resource locally. He was asked to call Jeff LeJava. He also commented that road drainage on Rt. 699, a county road, needed to be addressed.

Merv Haines, Washington Township, Morris

He lives on Schooley's Mountain and disagrees with Dave Peifer with soil type for forest. He has rocky soil and his acreage is overstocked with trees to the extent that he is removing trees.

Dave Pringle, Campaign Dir. NJ Environmental Federation

He thanked the Council for the hiring of Mr. Siemon. He commented that the plan needs to be updated when a resource is impacted. When there is development beyond what the Planning Area calls for, the plan needs to be corrected to reflect that also. He urged the Council to provide a better way than real time to provide documents to the public.

Mr. Weingart stated that the Natural Resources Committee meeting would begin at 1 pm.

Mr. Schrier moved to adjourn and Ms. Letts seconded it. The meeting was adjourned at 12:40 pm.

CERTIFICATION

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

Dated: October 1, 2007

Paula M. Dees
Paula M. Dees, Executive Assistant

TRUE COPY

PUBLIC COMMENTS SUBMITTED

Date: September 14, 2007

To: New Jersey Highlands Council

From: New Jersey Highlands Coalition, New Jersey Conservation Foundation and undersigned organizations

Comments RE: "Policy Issues for Council Discussion - Draft for consideration at the September 6, 2007 meeting of the Highlands Council"

Please accept our comments on the Policy Issues document, as follows:

1. Issue: Land Use Capability Map and LANDS Model

We support the recommendation that a refined Land Use Capability Map be created that provides a sense of the actual capacity of each area for additional development, if any. It is extremely important that resource-based capacity and resource constraints, including water supply and quality, karst geology, forested lands, important wildlife habitat, sensitive natural communities, farmland, as well as significant historic, cultural, scenic and recreational resources be identified.

- We request that a technical paper explaining how the LANDS model works be included in or accompany the Draft RMP. The indicators should be fully described, as well as how they were utilized by the LANDS model, whether or not they were weighted, and if so, how.
- We urge the creation and inclusion of a map in the RMP depicting the environmental constraints in both the Conservation and Planned Community Zones, at the same or larger scale than the Land Use Capability Map. (See comments re Issue 4: Redevelopment)

2. Issue: Lake Communities

We agree that the management of lands surrounding lakes is an important issue for the Highlands Region.

- The tiers and management strategies need to be more fully and better explained.
- We strongly support long-term watershed-based planning for lake management, based on new data that will become available.

3. Issue: Existing Areas Served Data

We strongly support the inclusion of new data on an ongoing basis to fill gaps in the Draft RMP.

4. Issue: Enhanced Growth Capacity of Developed Lands (Redevelopment Potential)

We support the concept of refining the Planned Community Zone to include tiers based upon redevelopment potential. However:

- ***Environmentally constrained lands, including steep slopes, karst geology, forested lands, wetlands, vernal pools, Threatened and Endangered species habitat, including T&E plants, Natural Heritage Areas, Category 1 or Highlands waters stream corridor buffer zones, flood-prone areas, scenic ridges, etc. must be removed before the model is run*** (see Issue 1 recommendation re constrained lands map). Environmental resource constraints are opportunities to create livability and quality of life factors in redevelopment areas through green infrastructure planning that includes greenways, trails, wildlife migration corridors, habitat protection areas, low impact recreational use areas, educational opportunities, air quality enhancement, microclimate moderation, flood control, and energy use reduction.
- The redevelopment indicators need to be clearly defined and more fully described.

5. Issue: Regional Transportation System

- In the past, transportation projects have promoted development in the Highlands. The creation of Interstates 80, 287 and 78 facilitated growth and development deep in the region, and beyond it, and are responsible for much of the intense and widespread development pressure that we see in the Highlands today. The RMP must not perpetuate and reinforce this pattern. The RMP must carefully analyze the character and quality of the land uses associated with each existing transportation corridor, and identify and differentiate between those that may be appropriate for additional growth, and those that are not.
- ***There are a number of roads that allow the region to be considered scenic; roads that will help the Highlands support a growing tourism and eco-tourism industry.*** For example, county routes 511, 512, 513, 517 and 519 are Highlands roads that display much of the remaining local character of the region, extending through the Region's major valleys from northeast to southwest, or crossing its ridges from east to west. They must be treated with the utmost respect and care. U.S. Route 202, which retains some local character, must be distinguished from U.S. Route 206, which has lost most of its charm south of I-80. State Route 57 in Warren County is already under consideration as a Scenic Byway, while portions of other State routes, such as 31 and 94, might also be considered for Scenic status in the future. ***The scenic and historic quality of Highlands roads is an economic resource that needs to be guarded and protected. It is a resource that is rapidly disappearing.***
- ***It is critical that RMP policies not promote sprawl along transportation corridors.*** Development at interchanges or intersections may be appropriate in some, but certainly not all, cases.
- The data and analysis of both resource-based and infrastructure-based growth capacity in the LUCM (See Policy Issue 1 above) should be used to distinguish between locations that

are and are not appropriate for the population density needed to adequately support public transportation systems, especially fixed transit systems.

- The proposed list of transportation resources to be analyzed lacks several critical elements.
 - *Scenic roads, both officially designated (Route 29, proposed Route 57) and those simply identified on the State's tourism map, must be identified in the inventory, and appropriate criteria indicators developed.*
 - *Air transportation and its impacts should be evaluated.* The Highlands contain several small airports, some of which have been proposed for increased use. In addition, Stewart Airport in the New York Highlands, recently purchased by the Port Authority for vastly expanded service, will have impacts on the New Jersey Highlands. Potential air traffic impacts need to be identified.
 - *Bicycle commuting* needs to be considered as a serious alternative.
 - *Abandoned railroad corridors should be identified and mapped*, as they have enormous potential for bicycle commuting, as well as important recreational trails.
 - A bus line is missing from the list: Martz(?), which runs between PA and NYC through northern Warren County, along Interstate 80.

6. Issue: Water Availability

- *We support changes that are conservative, and employ the "precautionary principle."* Since the current water availability model is not an ecological model, but a pragmatic approach, we support lowering thresholds so that ecological impacts are minimized. In the long term, we urge the Council to move toward use of a more ecologically based methodology. It is important to find better ways to maintain the ecology, and to find and employ methodologies that will help the Council do that. As we have said in the past, more stream flow gauges and data are needed for this effort.
- The term Watershed Condition Indicator, and how it will be used, needs to be explained.

7. Issue: Septic Density

- We support the use of conservative assumptions, and the proposed policies appear to be moving toward being more conservative.
- A critical first step is to identify the amount of privately owned, developable land, an effort that the Council staff has begun.
- We believe that the most important policy recommendation is number 2, regarding nitrate dilution models to be used in the RMP. The Council should use the most accurate method for the Highlands Region – the deep aquifer recharge model used by the NJDEP in the Preservation Area, as mandated by the Highlands Act, Section 34.e. We do not support use of the NJDEP GSR 32 groundwater recharge model for nitrate dilution modeling in the Highlands Region, as it does not accurately reflect dilution capability in pre-Cambrian fractured rock situations.

- We strongly agree with points 3 and 4 as well. The development yields from dilution models should be based only on the privately owned, developable area, and should not include the dilution potential of preserved lands within the subwatershed. [What about preserved farmland?] We support the use of drought as a basis for analysis.
- We urge the Council to set a nitrate threshold below the proposed Statewide standard of 2 mg/Liter. In the Highlands, which is a special water supply region, the standard should be lower. We recommend 1 mg/L overall in the Highlands. There could be some local Planned Community Zone areas where the standard could be higher.

8. Issue: Agricultural Resources

- The Discussion notes that of the 181,000 acres of Prime Soils, over 111,000 acres “were captured in the Agricultural Resource Area.” Our question is: Where are the other 70,000 acres of Prime Soils? Are they in the Protection Zone, because of important ecological resources? Are they in the Community Development Zone? It is important that all 181,000 acres of prime soils in the Highlands Region are mapped and protected. In addition, those soils of Statewide Importance, Local and Unique should be mapped and considered for protection.
- Regarding the recommendation regarding identification of farmland preservation prioritization, the prioritization should not be so restrictive as to soil types. The NJ Highlands Council is considering a minimum standard for farmland preservation of farms with 50% or more Prime Soils and those that are contiguous to (within one mile of) preserved farmland. We recommend that all farms with Prime, Statewide Importance, Local and Unique soils in the Agricultural Resource Area should be eligible for farmland preservation. If criteria for farmland preservation are too narrow, too few farms will be eligible, since farmland preservation depends upon a willing seller.
- Further, land in active agriculture should be prioritized (not just farmland assessed for minimal agricultural use).
- Farms with important ecological resources – headwaters, Threatened and Endangered species habitat, vernal pools, high quality stream corridors, etc. – should also receive priority for preservation.
- Lastly, but importantly, as directed by the Highlands Act in Section 6.w., there should be incentives created for landowners who agree to permanently restrict the amount of impervious surface and agricultural impervious cover on the farm to a maximum of five percent of the total land area of the farm.

9. Issue: Vernal Pool Boundary

- We disagree with the concept of the proposed development review zones. Reduction in a vernal pool buffer should only be granted where there is a public benefit, not for private convenience or profit. No one should expect a buffer reduction as a right. Management

and monitoring of such zones would be complex and uncertain, especially given the current difficulties with monitoring and management, on both the State and local level. Municipalities do very poorly at monitoring, and the DEP lacks staff to do so. A simple 1000-foot buffer would at least be clear, and more easily marked on the ground. Any buffer reduction must be certified by the DEP, in both map and document form.

10. Issue: Karst Topography

- Karst must be clearly mapped. LiDAR data is needed for more comprehensive mapping. Karst should be included in the LAND model, as a significant indicator of both constraints to development and bountiful water supply.
- Municipalities must be required to have an ordinance dealing with karst.
- Karst is not only a constraint to development, but also a future source of water. Regional management of karst is important for water quality and supply.

11. Issue: Deferring to Pre Conformance or Conformance

- The Council needs to develop minimum standards for each of the program and issue areas, with a set of minimum standards to be applied throughout the region. These standards, plus management programs, for e.g. wetlands, stream corridors, aquifers, vegetation (forests, grassland, rare plants), wildlife and Threatened and Endangered species habitat, agriculture, mining, waste management, water quality, air quality, housing, scenic resources protection, historic and cultural resources protection, recreation and open space, etc. is the key to implementation of the RMP. The application of these standards in the conformance process will eventually control what happens in each of the zones. Setting the standards in the programs is the key to implementation of the RMP. ***The Council must develop these standards as part of the RMP.*** Model ordinances that incorporate these standards are a tool by which the standards can be implemented by the municipalities.

12. Issue: Exemptions

- We support the Council's proposed analysis of the potential land use impact of exemptions.

13. Issue: State Plan Designated Centers

- Although we agree that it would be a good idea to map the existing State Plan Designated Centers as an overlay to supplement the LUCM, it is equally important that the environmentally sensitive areas and resources within the Centers be mapped. The conflicts between the existing centers and the RMP must be clearly delineated and also described in narrative form. Without this comparison, including the State Plan centers in the RMP will do more harm than good. It must be kept in mind that the existing centers were designated without the benefit of the environmental data and analysis available to the RMP, and in addition, were not part of the State Plan Endorsement Process, a more comprehensive **planning process than the earlier centers designation process.**

14. Issue: Inventory of Potentially Contaminated Sites (Brownfield Sites):

- Brownfield sites should not only be seen as potential development sites, but also as potential recreation sites (brownfields to greenfields). Recreation needs to be included as a redevelopment use.

15. Issue: Steep Slopes

- We support the Council staff recommendation. We strongly urge that the RMP create standards regulating the aesthetic impacts of steep slope and ridgetop development. High elevation ridgetops in the Highlands are also unique ecological habitat areas, with plants that grow only in these types of sites. Highlands municipalities should be required to have an ordinance that promulgates protection standards for steep slopes and ridgetops.

Thank you for your consideration of our comments.

Sincerely,

Wilma Frey, Highlands Project Manager
New Jersey Conservation Foundation

On behalf of:

Julia Somers, Executive Director, New Jersey Highlands Coalition

Sandy Batty, Executive Director, ANJEC (Association of NJ Environmental Commissions)

Laura Oltman, Executive Director, EcoAction Initiatives of Warren County

Joan G. Fisher, Executive Director, Great Swamp Watershed Association

Andrew J. Riehl, Hunterdon Coalition

Suzanne Wilder, President, Musconetcong Mountain Conservancy

David Pringle, Campaign Director, New Jersey Environmental Federation

Cindy Ehrenclou, Executive Director, Upper Raritan Watershed Association

Constance Stroh, President, Upper Rockaway River Watershed Association

From: NJ Farm Bureau



168 West State Street • Trenton, New Jersey • 609-393-7163 • Fax

September 7, 2007

John Weingart, Chairman
NJ Highlands Council
100 North Road
Chester, NJ 07930-2322

By email:

Dear John,

Thank you for the opportunity to forward our comments on the issues discussed at yesterday's Council meeting. We hope to continue working with you as a partner in implementation of the Highlands Act because we strongly believe that productive, viable agriculture can support natural resource protection. There has been some form of agriculture in the Highlands since the 1700s, always changing to adapt to weather, economic, and social conditions. The RMP must support and enable the ability for this land use to continue and adapt over time. The following are our concerns with the decisions made yesterday:

1. **The choice of mapping issues.** The NJ Farm Bureau had concerns about other mapping issues such as:

- Lack of scientific credibility and the inaccuracy of the Landscape Project mapping.
- The inclusion of "rare" species to the list to be protected.
- The inaccuracy of the Land Use Capability Map (LUCM) and the Council's unwillingness even now to change when counties and municipalities bring evidence of such a need.
- The lack of information about criteria used to map and the assumptions behind them.

We request that these also be addressed with the Council before the RMP is finalized.

2. **Use of the LANDS model for the LUCM.** As we stated in our comments, until the Council is able to see the effects of all the layers of regulation on the map at one time, they cannot evaluate whether the RMP is balanced or even economically, socially and politically feasible. We fear that addition of further refinements to the mapping in the form of tiers may make this crucial step even more difficult. Municipalities and counties must have composite maps to evaluate the RMP and do their own regional planning.
3. **Additional areas for strict regulation.** We question the statement that this only affects 100A of land within the region. The following changes in mapping and policy may reduce the ability of farmers to use their land productively while once again reducing the land values on which they base their operation. The use of this farmland may become more ambiguous, a factor that may reduce the willingness to farm and the land value as a farm.

Lake Communities: Including watershed land in lake management may include active, so adds more acres of potentially restricted farmland.

Enhanced Growth Capacity of Developed Lands (redevelopment potential): the likelihood that active, very economically viable farms caught in these areas would be mapped as "vacant" or "Economically Underutilized".

Septic Density: mapping all wastewater treatment facilities over 1000 gal/day capacity may include many on farms that are necessary to support direct on-farm marketing, value-adding activities, and agritourism.

Vernal Pools: mapped buffers remaining at 1000 feet – more than 70 acres of farmland could be affected.

Addition of Karst Topography: land areas that drain into carbonate rock areas, often the highest value soils.

Steep Slopes: using stricter standards than those in the DEP Highlands Rules.

5. **Lake Communities**: we support the further refinement of regulation on these very diverse settlements and request that the areas where development is possible should be mapped as potential Receiving Zones for TDR.
6. **Enhanced Growth Capacity of Developed Lands (redevelopment potential)**: planners today often consider agricultural land as "vacant", not

recognizing its devotion to active agriculture. Adding "Economically Underutilized" based upon the value of the improvements would, we believe, render any farmland that might be captured in these areas of high interest for development. Agricultural "improvements" on these urban/suburban farms are often among the most extensive and valuable. But their value might still be low compared to commercial or high-value residential land uses. There should be site-by-site flexibility on this mapping as the HLC works with municipalities.

7. **Regional Transportation System mapping:** there should be a future study to determine the transportation issues farmers have in getting their crops to market and identification of road and intersection improvements that could improve the traffic flow of farm and nonfarm vehicles, a large concern at present. Use the Burlington County Route 206 Transportation Plan as a model for this project.
8. **Septic Density:** NJ Farm Bureau continues to object to the arbitrary use of 2 ml/L without scientific justification and protests the use in the RMP of not only this standard but the DEP's numbers to be entered into the Nitrate Dilution Model. They are so removed from established data that they are clearly intended only to render more land unusable for development .

We support "tailoring densities to each zone" in the Planning Area but request that you consult the NJDA about the use of septics in the Conservation Zone because of their importance to agricultural viability.

9. **Agricultural Resources:** We requested reduction of the definition of "Important Farmland Soils" because of the fear that conforming municipalities will not differentiate between a mapping standard and a regulatory standard. This must be further discussed in the consideration of policies for the Conservation Zone since clustered "agricultural development" is the only method of equity protection Highlands farmland owners could have now and in the near future.
10. **Vernal Pool Boundary :** NJ Farm Bureau supports any change in the 1000 ft buffer that will enable more site-specific review and decision-making.
11. **Karst Topography:** these areas are not only often the best farmland soils but also the best recharge areas. Farmland owners could receive credits for recharge that would balance increases in impervious cover for agricultural development and enhanced viability purposes.

We are very interested in Charlie Siemon's 40 years of experience in creating agricultural clusters and the many ordinances he has developed. Could we have an advance copy of any that he is considering as a model for implementation of the RMP in the Conservation Zone?

Because Highlands agriculture may be unique in many ways, we urge you to work closely with the NJDA and the USDA-NRCS in developing policies for any agricultural areas. They have the expertise to help you create a positive business environment for agriculture while protecting the important water resources of the Highlands.

Thank you for your consideration of these issues. We look forward to continuing this discussion.

Yours truly,

Helen H. Heinrich PP CLA
Research Associate

Cc: Eileen Swan
Charles Siemon
Monique Purcell, NJDA
Peter Furey, NJFB

Helen
Heinrich
9/20/07.

Comments submitted at Highlands Council Meeting of September 20, 2007 by Helen Heinrich Page 1 of 2



Everything Jersey



Report: N.J. farm tourism profitable

Tuesday, September 18, 2007

By Trish G. Graber tgrabers@sjnewsco.com

TRENTON Agricultural tourism is bolstering farm income in New Jersey, bringing in \$57.5 million last year.

And for every dollar spent at wineries, pick-your-own farms, farmstands and other agricultural tourism attractions, another 58 cents is spent on related businesses such as restaurants and insurers bringing an additional \$33.3 million to the state economy in 2006, according to a Department of Agriculture report released Monday.

"Agritourism," the business of making farms into travel destinations, is a small piece of New Jersey's \$37 billion tourism industry that state officials hope to expand.

"We have always known that New Jersey's farms are wonderful family and school destinations," said Agriculture Secretary Charles Kuperus. "Now we have numbers that show that agritourism is helping to sustain a thriving agriculture in New Jersey, generating economic benefits for both farmers and the state on a whole."

The report did not detail the benefits of agritourism by county, but compiled information from a statewide survey of New Jersey's farms.

It is only the second known study to assess the economic impact of agritourism in a state. A 2002 study found that Vermont farms generated \$19.5 million that year from agritourism activities.

Local farmers began experimenting with agritourism over the last decade as business became tougher and profitability continued its downward trend.

"It wasn't enough," said Penni Heritage, owner of Heritage Station winery in Mullica Hill. "We weren't able to sustain ourselves any longer through just growing peaches and apples."

On the Heritage farm it began ten years ago with pick-your-own fruit. As time progressed, Heritage added hayrides, school trips and then, four years ago, opened the Heritage Station winery.

Now, one in every five, or more than 2,100 New Jersey farms, offers some form of agritourism; and more than a third of farms that host agritourism activities gained all of their income that way in 2006, the report found.

"In New Jersey and across the United States, agritourism is emerging as an important strategy for bolstering farm profitability," said report author Brian Schilling, of Rutgers University. "The popularity of agritourism reflects the fact that it offers benefits to farmers and the public by generating additional income, enabling farmers to diversify product lines and markets, and raising awareness and understanding of the state's agrarian heritage, food production and resource stewardship."

In Washington Township, Duffield's Farm has long offered agritourism, from pumpkin picking school trips to birthday parties and "pick-your-own" activities for the public.

Patty Duffield, daughter-in-law of owners Dave and Mary Duffield, said the family recognized early on that they needed to think creatively in order to support the four families involved in the farm.

"In order to do that, you kind of have to branch off," she said.

The fourth generation of Duffields now in their late teens and early twenties are already coming up with new ideas to expand the family's agritourism business.

They recently planted Christmas trees, which won't be ready for eight to ten years. In the meantime, they'll offer pre-cut trees for the Christmas season to grow revenue.

According to the report, the average agritourism income reported by farms with agritourism activities last year was \$27,093.

State officials said agritourism is critical to ensuring the future viability of farms in New Jersey.

"By keeping farm families on the land, we ensure that consumers will have access to fresh, locally-produced farm products and agricultural experiences now and into the future," Kuperus said.

ANDREW DRYSDALE
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Chester, NJ, 07930
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September 20, 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. We, along with many others, are victims of Environmental Extremists who have led politicians, legislators and the NJDEP to do unnecessary things.

We are humans and have a total of 18.5 acres of land, if we were salamanders we might well end up with 72 acres. This is outrageous and ridiculous.

As a child, growing up on a farm, I used to play along the small stream of water that flowed through the barnyard. The livestock, cattle, horses and free range chickens drank from this stream. In spite of all of this activity, there were frogs there and if you turned over a stone, quite often you would find a salamander beneath it.

These creatures survived very well without buffers and would continue to. Buffers greater than 50 feet wherever they exist are certainly not necessary and should be abolished along with the many other unnecessary state programs that are eating our assets.

Thank You,


Andrew Drysdale