

NEW JERSEY HIGHLANDS WATER PROTECTION
AND PLANNING COUNCIL
MINUTES OF THE MEETING OF NOVEMBER 19, 2007

PRESENT

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

CALL TO ORDER

The Chairman of the Council, John Weingart, called the 59th meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:08 pm.

ROLL CALL

The members 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.

CHAIRMAN'S REPORT

Chairman Weingart announced that the Minutes of November 8, 2007 would be considered at the next meeting that will be held December 13 at 4 pm at the Highlands office. Mr. Weingart reiterated the context of the meeting to discuss the adoption of the final draft of the Regional Master Plan.

Mr. Alstede joined the meeting. Mr. Weingart continued discussing the fact that there had been public meetings in every county and public hearings in every county to collect comments for the draft released in November, 2006. He noted that the Council would be voting today as to whether to release the draft for further public comment and that public comment was currently estimated to be 60 days and there will be at least one more public

hearing before adoption. He asked that Ms. Swan will begin with a presentation on the last segments and summarize the major changes, then there will be a resolution and any amendments offered will be considered. Mr. Weingart thanked the staff for the timely preparation of the materials with this being the third meeting in as many weeks.

Ms. Swan introduced the Land Use Capability Map Analysis Approach saying that: the LUCM is to provide information sufficient to determine, at a regional scale, the potential for land use based on a variety of factors including: existing development, agricultural uses, high quality and contiguous natural areas, utility capacity and environmental constraints. She pointed out that mapping for existing areas served will be helpful for municipalities, commenting that the LUCM Series and supporting data will be used by municipalities and counties during Plan Conformance to determine the local land use capability. She described the first slide for Site Specific Constraints Analysis noting that the constraints provide opportunities to plan around them.

Ms. Pasquarelli joined the meeting. Ms. Swan continued with the RMP Program: Project Review Standards noting that the WQMP amendment review process had been developed from public comment received and that significant work from the Natural Resources Committee had resulted in the standards that will be used in the review. It complements the Project Review Process and GPO's previously reviewed by the Council. She described the types of projects: Projects:

- Development applications submitted to Local Government Units
- Call-up of Local Government Unit approvals
- Capital, State and Local Government Unit projects
- Highlands Preservation Area Approvals (HPAA)
- Approvals, authorizations or permits issued by NJDEP

She noted that the first place for review is with the goals, policies and objectives. All project reviews will use the standardized Highlands Council project review checklist and the Highlands RMP resource GIS layers.

Ms. Swan continued with the Standards for Approval as follows:

- Forest Review Standards
- Highlands Open Waters and Riparian Areas Review Standards
- Steep Slopes Review Standards
- Critical Habitat Review Standards
- Carbonate Rock Review Standards
- Prime Ground Water Recharge Review Standards
- Prime Ground Water Recharge Review Standards
- Historic, Archaeological and Scenic Resources Review Standards
- Smart Growth Review Standards
- Lake Management Areas
- Wellhead Protection
- Public Water Supply Systems
- Wastewater Management
- Infrastructure
- Septic System Densities

- Highlands Redevelopment Area Reviews
- Water Quality Management Plan Reviews

She noted that the Highlands Development Credit Program has two intensities for receiving zones either a higher intensity or lower intensity in response to a petition from the municipality in which the receiving zone is to be located. She commented that in making this recommendation that the Council did not want to lose sight of opportunities for lower intensity zones that could still be appropriate. She characterized the zones:

Higher Intensity Receiving Zones

- Require appropriate public water and wastewater infrastructure with capacity to accommodate additional or new growth
- Adjacent to existing developed lands and multi-modal transportation infrastructure
- Minimum net residential density of 5 dwelling units per acre or its residential unit equivalent for non-residential development.

Lower Intensity Receiving Zones

- Have residential densities below 5 dwelling units per acre
- Provide some amount of bonus residential density or increase in non-residential intensity consistent with existing community character. (rural or suburban areas)

Ms. Swan continued discussing the policy that any area within the Highlands Region identified by the Highlands Council as a potential voluntary HDC receiving zone may not be designated as such unless the municipality in which the zone is identified petitions the Highlands Council for the designation. She then reviewed the four levels in the analysis:

- First Level Receiving Zones - Areas within Existing Community Zone and outside of the Existing Community Zone served with either public water or public wastewater infrastructure are identified as the first level of potential voluntary HDC receiving zones. These areas represent 82,870 acres across the Highlands Region.
- Second Level Receiving Zones - Areas within the Highlands Region that are served with either public water or public wastewater infrastructure. These areas represent 32,634 acres across the Highlands Region.
- Third Level Receiving Zones - Areas within the Highlands Region that are served with both public water and public wastewater infrastructure are identified as the third level of potential voluntary HDC receiving zones. These areas represent 15,457 acres across the Highlands Region.
- Fourth Level Receiving Zones - Areas within the Highlands Region that are served with both public water and public wastewater infrastructure with available capacity are identified as the fourth level of potential voluntary HDC receiving zones. These areas represent 14,850 acres.

She also showed a slide highlighting the potential areas for voluntary HDC Receiving Zones and commented that there is no hierarchy, but merely steps in the analysis. Ms. Lets asked about receiving zones within the 7 counties and outside the Highlands Region. Ms. Swan noted that those potential receiving zones would be part of the analysis.

Ms. Swan continued with a review of the steps taken to reach the Final Draft as follows: Public Meetings; August 16th meeting to discuss Schedule and approach to the Table of Contents which presented a commitment by the staff to deliver to the Council a credible plan by Nov. 19th; September 6th meeting discussing Policy issues; September 20th meeting to discuss Vision; October 4th Goals, Policies and Objectives; October 18th Programs; November 1st Lands and Capacity Issues; November 8th Focus on more Programs; and today for Consideration of Release. She noted that if the Council approved the draft for release today, that the staff would be preparing the shape files for the maps for distribution and also the Technical Report Addendum would be available after public notice.

Discussion of major changes from 2006-2007 drafts

Ms. Swan discussed the comments that had been received asking for the Regional Master Plan to be clearer had resulted in a reorganization of the plan into the following:

Chapter I- Introduction; Chapter II. Analysis of the Highlands Region including Natural Resources, Water Resources, Agricultural Resources, Historic, Cultural, Archaeological and Scenic Resources, Transportation, Community Character, Landowner Fairness, Sustainable Economic Development, and Air Quality; Chapter III – Regional and Local Community Character; Chapter IV. Goals, Policies and Objectives; Chapter V. Programs; and Chapter VI. Implementation.

She noted other major changes including:

- Land Use Capability Map a map series, with five maps identifying the Zones, water availability, water supply and wastewater utility capacity, and septic system yields. She discussed the GIS model is replicable and can be used by municipalities and other interested parties.
- Septic System Yields: Detailed nitrate thresholds, modeling approaches, site-specific requirements, and septic system yields by LUCM Zone for each municipality.
- TDR Potential Receiving Zones: Based on the Land Use Capability Map Series, the Final Draft now includes mapping of the areas with the highest potential to serve as TDR Receiving Zones. Actual designation of receiving zones will require a municipal decision, on a voluntary basis.
- Lake Management Areas and Lake Community sub-zone Designation of these areas and appropriate approaches to protect resources. Ms. Swan commented that these designations were as a result of many public comments received expressing concern about moving growth to lake communities.
- Forest Management: The exemption of forestry practices under an approved Forest Management Plan is clearly acknowledged, and the plan is focused on the protection of forests from development, and the encouragement of improved forestry practices.
- Karst Topography: The Final Draft includes a new focus on karst topography again as a result of public comment.
- Agricultural Preservation Priorities: The Final Draft reflects the results of cooperative efforts with the NJ Department of Agriculture to refine these priorities. She noted that two indicators were added and a new map developed.
- Cluster Development: The Final Draft includes more detailed language regarding the use of clustering and strict criteria governing its use.
- Net Water Availability and Water Deficit Mitigation: More detailed and specific information regarding requirements for water conservation and the mitigation of

water deficits, and a technical report addendum. The revised policies now also respond to the Highlands Act by providing a specific allocation of water availability to agricultural uses in the Conservation Zone.

- Transportation Infrastructure: New work on the evaluation of transportation. This information was used in the LUCM, the TDR Potential Receiving Areas, and the redevelopment and infill analysis work
- Plan Conformance: The Final Draft provides a more detailed approach to Plan Conformance by municipalities and counties, with provision for initial grants to help the local governments determine how the RMP relates to their current plans and ordinances
- Regional Master Plan Update and Map Adjustments: The Final Draft includes a specific set of GPOs and a Program for these processes for the Council to evaluate.

Ms. Pasquarelli asked which draft was being discussed and Ms. Swan indicated it was the draft that had been delivered to Council members Friday, November 16.

Ms. Swan finished her presentation reviewing the region-wide goals for Preservation Area and Planning Areas as: Protect, restore, and enhance the quality and quantity of surface and ground waters; Preserve farmland and historic sites and other historic resources; Preserve outdoor recreation opportunities, including hunting and fishing on publicly owned land; Promote conservation of water resources; and Promote brownfield remediation and redevelopment. She also reviewed the goals specific to the Preservation area as:

- Preserve extensive and, to the maximum extent possible, contiguous areas of land in its natural state, thereby ensuring the continuation of Highlands environment which contains the unique and significant natural, scenic, and other resources representative of the Highlands Region.
- Protect the natural, scenic, and other resources of the Highlands Region, including, but not limited to contiguous forests, wetlands, vegetated stream corridors, steep slopes, and critical habitat for fauna and flora.
- Promote compatible agricultural, horticultural, recreational, and cultural, uses and opportunities within the framework of protecting the Highlands environment.
- Prohibit or limit to the maximum extent possible construction or development which is incompatible with preservation of this unique area.

She then reviewed the goals specific to the Planning area:

- Preserve to the maximum extent possible any environmentally sensitive lands and other lands needed for recreation and conservation purposes.
- Protect and maintain the essential character of the Highlands environment.
- Promote the continuation and expansion of agricultural, horticultural, recreational, and cultural uses and opportunities.
- Encourage, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and discourage piecemeal, scattered, and inappropriate development, in order to accommodate local and

- regional growth and economic development in an orderly way while protecting the Highlands environment from the individual and cumulative adverse impacts thereof.
- Promote a sound, balanced transportation system that is consistent with smart growth strategies and principles and which preserves mobility in the Highlands Region.

CONSIDERATION OF RESOLUTION TO AUTHORZE RELEASE OF THE FINAL DRAFT OF THE HIGHLANDS REGIONAL MASTER PLAN

Chairman Weingart read the last paragraph of the resolution. Ms. Kovach joined the meeting having attended via teleconference. Mr. Schrier introduced a motion to authorize the release of the plan. Mr. Cogger seconded it. Mr. Weingart discussed that in the 1st paragraph the changes refer to any changes made today. Mr. Schrier reviewed the progress and in the nearly three years since he joined the Council and thanked staff for their efforts as well as the Chair, John Weingart, for his leadership in bringing the group together dedicated to the mission in spite of their differences. He mentioned that he was proud to work with the Council and the quality staff and that he believed that the plan was an ongoing work in progress and spoke in support of releasing the plan for public comment today.

Mr. Cogger said that he echoed the sentiments expressed by Mr. Schrier and commenting that he looks at the plan from the point of view of what it does and not what it does not do.

Mr. Vetrano recommended that under paragraph # 4 of the resolution to call upon the legislature to act to fund the activities of the plan. He asked about the funding for Plan Conformance. Mr. Borden responded that there was a balance of \$16,000,000 for Plan Conformance for municipalities and counties and a period of 15 months after adoption for conformance in the Preservation Area. There is no deadline for conformance for land in the Planning Area as it is voluntary for these lands. Mr. Weingart noted that it would be difficult to anticipate the Legislature's response to a request for funding and that contacting the Governor's Office to emphasize the importance of funding would be done. Mr. Schrier commented that it was the Legislature that had failed to fund not the charge of the Council. He urged that the plan go forward. Mr. Alstede spoke in support of having funding in place prior to adopting the plan. Mr. Schrier emphasized that when the assignment was accepted that those limitations were in place. Ms. Letts spoke to the fine job that the Chairman, Mr. Weingart, had done. She also noted that this draft is a great improvement from last year taking into account public comment and new data. Ms. Pasquarelli supported Mr. Alstede's comments on funding. Mr. Schrier added that he had had conversations with Senator Smith before the Act was passed encouraging that funding needed to be put in place.

Mr. Dillingham complimented the staff for the work effort that had been put forth. He advised Council members that he had a series of proposed amendments. Chairman Weingart stated that the Council should consider the proposed amendments individually to see if there was sufficient Council support.

Mr. Dillingham introduced a motion to amend *Objective 2B2b, Page. 126* dealing with the Groundwater Availability thresholds table to include the lower percentage of 5% for the sub-zones. Ms. Carluccio seconded it. Ms. Swan reiterated the staff recommendation that the groundwater availability recommendation not change. Dr. Van Abs also noted that with the

creation of the sub zones there is additional protection of ground water and that one of the implications of changing the table to reflect the proposed amendment would be to eliminate the percentage set aside for agriculture. Ms. Carluccio spoke to the issue of more structure in the guidance of the plan. Chairman Weingart informally polled the Council and the proposed amendment did not receive sufficient support.

Mr. Dillingham introduced a motion to amend *Objective 2B4b, page 127* with respect to establishing HUC14's that have existing water deficits to preclude any proposed increase in water use. Ms. Carluccio seconded it. Ms. Swan commented that the staff had provided the Council members with back up information on this issue and that if a municipality in deficit asked for a change to be made, the Council would have to make the decision with confidence that the mitigation measures would adequately address the issue. Mr. Dillingham remained unconvinced that the case studies in existence represent enough of a positive track record to allow addition withdrawal before mitigation is successful. Ms. Letts spoke to the mitigation of areas that were in deficit as a result of these measures as a positive outcome. Chairman Weingart informally polled the Council the proposed amendment did not receive sufficient support.

Mr. Dillingham introduced a motion to amend *Objective 2L2d, page 140* with respect to establishing nitrate targets in the Existing Community Constrained Sub-Zone based upon the background nitrate for that sub-zone. Ms. Carluccio seconded it. Ms. Swan indicated that the proposed use of 2 mg/L was consistent with NJDEP's proposed rules for septic systems and the assumptions made in the modeling were in fact more conservative than those in the DEP model. Chairman Weingart informally polled the Council the proposed amendment did not receive sufficient support.

Ms. Carluccio introduced a motion to amend *Objective 2K3f, page. 138*, Mr. Dillingham seconded it. This amendment was with respect to supporting cluster development with onsite or individual septic systems. There was discussion resulting in the following wording change: *Objective 2K3f now reads "Cluster development utilizing community based on site treatment systems ..."* and *Objective 2K3d "Permit cluster development served ..."* Chairman Weingart informally polled the Council the proposed amendment was approved.

Mr. Alstede discussed the tiered approach to impervious cover on farms and he advocated that it be continued. Ms. Carluccio commented that the tiered approach does not relate to a development application where a portion is clustered and an impervious cover limit be put on the cluster. Mr. Alstede said that the current policy allows for a cluster in a municipality and that could negatively affect a farmer. He maintained that to retain a viable agricultural presence the 3% number could be arbitrary. Dr. Van Abs commented that with respect to the yield in the cluster is the same as yield without the cluster. If a municipal wide cluster program, it is designed to not have a scattered cluster and the farmer needs to voluntarily get involved in clustering. Under the Municipal Land Use Law, the farmer may not necessarily own the property and the deed restriction would not allow additional impervious cover. Mr. Alstede wants to encourage voluntary participation by not adhering to the 3% impervious limitation. He discussed the various permitting levels from state and local agencies. The amendment was proposed by Mr. Alstede to remove the 3% limitation for agricultural lands remaining in private ownership and was seconded. After discussion, the amendment was

altered to insert the 3% and 9% requirements of the Highlands Act. Chairman Weingart informally polled the Council and the proposed amendment was approved.

Mr. Peterson asked about the amendment on *Objective 2K3f* asking if there was not available capacity in an existing area served. Mr. Borden offered the following revised language: *(1) where such development is not within or immediately adjacent to an Existing Area Served with the capacity to serve.* The Council members agreed to that language.

Mr. Dillingham introduced an amendment to *Object 2K5c, page 139* with respect to clarification to type of wastewater collection and treatment systems permitted in the Preservation Area. Ms. Carluccio seconded it. Dr. Van Abs commented on the use of wastewater collection and treatment systems in the Preservation Area. The amendment would make it clear that Highlands Act includes stringent limitations for expansion in the Preservation Area which could only be allowed as authorized by the Highlands Act and NJDEP's rules to permit these uses. Chairman Weingart informally polled the Council and the proposed clarification of the language was approved.

Mr. Dillingham introduced a motion for an amendment to *Policy 6A3* with respect to map adjustments. Ms. Carluccio seconded it. Ms. Swan commented that any map adjustment would come to the Council and that it is incumbent on the municipality to prove no net loss. Mr. Dillingham spoke to the need for additional specificity and restrictions on amount of lands involved. Ms. Swan also clarified that there could be line changes in the zones, but the Preservation Area line would not change as it was set forth in the Act. Ms. Pasquarelli spoke in support of the proposed amendment. Chairman Weingart informally polled the Council the proposed amendment did not receive sufficient support.

Ms. Carluccio introduced a motion and Mr. Dillingham seconded it with respect to *Goal 2L* Septic Density. Ms. Swan noted that introducing BMP's for Agricultural use and the fact that the modeling used 4 persons per household which is lower than the actual level of 2.7 to calculate the septic yield is a conservative approach. Ms. Carluccio added a related amendment with respect to *Goal 2M* and *Policy 2M1* monitoring and assessing nitrate related impacts to water resources within the Highlands Region. Mr. Schrier asked about the costs of monitoring and Ms. Swan indicated that the science agenda included a provision for monitoring. Chairman Weingart informally polled the Council the proposed amendments did not receive sufficient support.

Ms. Carluccio introduced an amendment and Mr. Dillingham seconded it with respect to allowing municipalities to choose to include preserved lands in analysis of septic density. *Obj. 2L2g.* There was discussion regarding the protections put in place to limit this practice to ensure that water quality goals were protected. Chairman Weingart informally polled the Council the proposed amendments did not receive sufficient support.

Ms. Carluccio introduced an amendment and Mr. Dillingham seconded it with respect to the RMP Program: Land Use Capability Analysis Approach. The proposed amendment would delete the third bullet under the section on determining land use capability because this text as written will spur sewers and new sewer service areas and undermines the policy of not extending new sewers beyond adjacent infrastructure and existing areas served. In response, the Council staff agreed that this section needed to include specific references to the relevant

GPOs which limit expansion of infrastructure. It was agreed that this section would be clarified and that the introduction to the Program chapter would make it clear that the language from the GPO's was the relevant controlling policy.

There was a break at 7:50 pm. At 8:05 pm, Chairman Weingart reiterated the process for public comments and then opened the floor for public comments.

PUBLIC COMMENT

Assemblywoman Marcia Karrow, Hunterdon and Warren Counties

She spoke on behalf of Assemblymen Joseph Pennacchio, Richard Merkt, Mike Doherty and Guy Gregg and urged the Highlands Council to consider holding 6 public hearings on multiple dates and a longer public comment period to 90 days. She submitted a statement for the record.

Robert Goltz, Warren County Economic Development

He suggested that not putting forth the plan would be hindering the public process.

Chris Sturm, NJ Future

She commended the staff on the hard work and urged for release of the plan. She commented on the cluster discussion in the Conservation Zone and spoke in support of it. She also noted in the municipal and county conformance process that there should be an ability to petition for changes. She urged clear guidelines clarifying criteria being used to evaluate potential changes and mitigation for what would be acceptable.

Sam Race, Deputy Mayor White Township

He spoke in favor of having more hearings. He sees the word prohibit far more times than he would like. He advocates for incentives and longer comment period and supported the votes on the amendments taken tonight.

Hank Klumpp, Tewksbury Township

He wished the group Happy Thanksgiving. He brought attention to his sign. He reiterated that the farmer's concerns should be taken into account. He did not want to pay for a copy of the plan.

Paul Kaufman, Jefferson Township

He has property that he wants to preserve and has not been able to do that. He has been granted an exemption but believes us of the land to be limited. He cannot afford the property taxes.

Jeff Tittel, Sierra Club

He supported a longer public comment period. He spoke about protecting the houses in the middle of the cluster that would be subject to the highest nitrate levels. He does not believe that the plan protects groundwater and surface water referring to depletive uses in HUC 14's. He also expressed concern for water quality and water quantity. He commented that he had a concern for sewers in the Preservation Area. He advocates for the need for additional funds for open space.

Victor Laggomacino, West Milford

He is concerned about where he is in the Lake Community Zone.

Susan Buck, Oxford

She believes that most of the issues raised by landowners have not been addressed and wants a longer public comment period and multiple hearings. She is concerned about landowner equity and the loss of economic activity. She does not support an emphasis on agro-tourism.

Dr. Lynn Sieburt, Morris County

She supported the points raised by Councilmembers Dillingham, Carluccio, and Pasquarelli and expressed concern that the council had not adopted the amendments presented. She believes the plan is economic and policy based rather than science based. She cited NY State where investment has been made for watershed lands. She believes it is important to have strict, clear cut guidelines and asked the Council to think about the longer range picture.

Hal Danielson, Hampton

He discussed the building permits issued in various counties and spoke about the percent of multi family housing as a percentage of building permits. He also discussed contaminants like arsenic and salt water intrusion and proposed succession from the State.

Julia Somers, NJ Highlands Coalition

She thanked the staff and Council and complimented them for the work completed. She mentioned that her organization would be submitting comprehensive comments. She thanked Councilmembers Dillingham, Carluccio, and Pasquarelli for their passion and persistence and felt that more Council members should have agreed with them. She is concerned that map adjustments are going to result in negotiations with municipalities and should only be done during conformance and should result in no net loss. She does not want map adjustments permitted in the Preservation Area after conformance. Cluster should only be possible adjacent to existing infrastructure. She spoke against the 10mg/L standard and believes that there is a double dip for pollutants on agricultural lands. She also noted that water availability is antithetical to Highlands Act to grant additional diversion of water where there is already a deficit in HUC 14. When the 125% mitigation plan is implemented is when she believes water withdrawal should be permitted.

Jerry Kerr, Pohatcong

He is still waiting for significant funding for Highlands. He wants compensation for landowners and urged that the council put pressure on the legislature for funding.

Jean Rich, Morris Township

She submitted a letter from Debbie Faiello that was submitted for public comment. She spoke about Washington Valley saying that it is on the state and national historic registers and recommended that the entire valley be in the Preservation Area. She noted that their 1861 school house is not in the Preservation Area and thought it should be. She discussed the various developments that had been blocked by their efforts to protect their community.

Jim Matarrazo, Tewksbury Township

He owns 38 acres containing 2 streams running through the property. He believes that he could improve water quality on his property citing the development adjacent to him that has

impacted his property and continues to create flash floods every time it rains. He would like someone to look at his property so he could show them how to save 20,000 gallons a minute going down Rockaway Creek to Raritan Bay.

Diane Brake, Plan Smart, NJ

She spoke in support of Councilmember Carluccio's comment that this is regional planning and advocated for release of the plan. She advocated considering debate on infrastructure recommend looking at outcome and fit plan to that. She believes that there should be a balance of preservation with growth. She supports clustering and needs to be clearer how much growth in order to improve what can protect the land from the wrong kind of development. She advocated that the Council had to be clear about what to protect the land from.

Helen Heinrich, NJ Farm Bureau

She thanked everyone for the discussion including Councilmembers Dillingham and Carluccio. She asks that the Council clarify the language on sewers, onsite wastewater and septic systems. She also advocated for education process on management of community wastewater treatment plans. She supports that the plan be released today. She also asked for more than one public hearing and to extend the public comment period to 90 days. She noted that Legislative and Executive branches should be called upon to fund acquisition and the TDR bank and easement purchase for farm and forest owners. She also asked for additional funding for Green Acres.

Susan Young, Washington Valley Community Association

She thanked the Council in particular Councilmembers Dillingham, Carluccio, Pasquarelli, and Way for their evaluation of some of the issues facing her community. She commented that her area has been moved from the Protection Zone to the Existing Community Zone and Existing Community Sub-Zone. There are 270 homes and less than 1 person per acre. She is concerned about the protections and whether the municipality will take action to protect their areas. She commented that her community had fought many developmental threats. She also noted that her area has held the line against the aggressiveness of Morris Township. She will provide a letter in the future.

Jody Anderson, Lebanon Township

She owns a 75 acre tree farm in the Preservation Area. She supports the concept of providing funding before voting for the plan.

David Tullo, Lebanon Township

He lives on a 125 acre farm and owns other property in the township. He began a development project when the zoning was 5 acres and did not succeed in finishing it before the zoning changed. He attempted to do a cluster development and did not get that application finished in time. He spoke in support of having funding before the adoption of the plan.

David Shope, Long Valley

He spoke about septic density and nitrate dilution from NJGS and NJWSA. He spoke in support of Mr. Danielson's comments. He discussed that water from Highlands is solving water deficiencies in Middlesex, Monmouth and Ocean Counties. He also commented

showing the lowest yield for aquifer yield is not in the Preservation Area for Hunterdon County. The highest rates of ground water recharge are in the Preservation Area for Hunterdon County. He also spoke about nitrate dilution – the best place in terms of lot size is in the Preservation Area. He also made comments about the nitrate content in rainwater.

Paul Drake, Gladstone Design

He spoke in support of the cluster approach. He advocates not using the term ‘cluste’r and believes that some municipalities look at it negatively. He recommends using the nomenclature talking about hamlets and neighborhood clusters. The neighborhood is a fundamental human habitat. He advocates that the process of implementing the plan needs to continue to be clear and transparent, encouraging the right kinds of design.

Andrew Shiller, Tewksbury Township

He moved to Tewksbury from Mendham in the 1990’s because the farms and open space areas were being developed. He believes that a probable majority of the town committee do not believe there is a water problem. He noted that the citizens are for preservation. He reminded the Council that this is a regional plan and take it out of the hands of the township committees.

David Pringle, NJ Environmental Federation

He is concerned that the plan is getting weaker advocating development closer to the cities. He concurs with the comments of Jeff Tittel and Julia Somers. He spoke against the map adjustment guidelines, depletion of HUC 14 already in deficit, and also representing NJ Audubon he believes that the current draft provisions have weakened for threatened and endangered species emphasizing mitigation instead of avoidance and no standard for the protection for critical habitat. He urged amendment tonight to strengthen the plan in these areas.

COUNCIL DISCUSSION

Seeing no further public comment, Chairman Weingart asked if there are any other amendments. Mr. Alstede asked if there was any place in the plan that states the amount of human development that the Highlands can sustain. Ms. Swan noted that there are capacity tables showing yields for septic systems, and there is an exemption analysis, and water availability tables. She also noted there is mapping for potential TDR receiving areas. He also asked about detailing the cost of implementing the Regional Master Plan. Ms. Swan said that in terms of compliance with the mandates of the Highlands Act that the plan complies. Mr. Alstede also raised the transportation component should include projects and he noted that there are no specific projects identified. He believes that the mandatory provisions for transportation are not met.

Chairman Weingart raised the public comment period will begin when the document is released and one public hearing is now called for in the resolution.

Mr. Alstede introduced a motion to extend the public comment period to 90 days and have three public hearings. Ms. Pasquarelli seconded the motion. The motion was approved.

Mr. Weingart asked about the cost of the RMP. Mr. Borden confirmed that the Highlands Council may lawfully charge for actual costs for the Council to make copies of the Plan.

Mr. Vetrano raised the issue of letting the Legislature know how serious the Council is about funding. Mr. Schrier suggested that the Council advocate for the Legislature to fund and offered language to that end but did not offer it as a motion as he believes it is more important to get the plan out tonight. Mr. Alstede introduced a motion to amend the proposed resolution such that the Council would not adopt the plan without funding from the Legislature. Mr. Vetrano seconded it. Mr. Borden commented that this motion would put the council in conflict with the Highlands Act. After additional discussion, the motion was defeated.

Mr. Alstede introduced a new motion to call upon the legislative branch to provide a dedicated source of funding for acquisition of lands in the Highlands in fee simple or by easement and the creation of a reserve fund to capitalize the Highlands Transfer of Development Rights Program. Mr. Schrier seconded it. Mr. Vetrano commented that it was important to have funding to make the plan successful and said he would vote to release the plan as the public was waiting for it.

The motion to revise the resolution was approved.

Chairman Weingart asked for other comments from Council members before voting on the amended resolution.

Ms. Pasquarelli asked to read a prepared statement. She thanked the staff and those that have worked on the plan. She commented that she agreed with the many critics who felt the plan will force unwanted development on municipalities and also does not believe that the plan helps resolve the issues for landowners negatively affected by the plan. She continued with her belief that the science driven component of the plan had largely not been followed in this draft. She noted that she did not believe that the Council had spent enough time discussing the public comments received and was looking for a summary in the plan of the public comments and how they were addressed in the plan. She continued with her concerns that the Council members did not have a complete understanding of the changes made. Specifically, she raised the issue of what she characterized as the elimination of stream protection as criteria in developing the Land Use Capability Zone Map. She believes that the plan has taken economic development interests over environmental protection.

She discussed the additional of an analysis of water utility capacity and was not in favor of allowing withdrawals in HUC14's that already had depletive water conditions. She also mentioned the lack of progress with the MOU with the Office of Smart Growth and her concerns that the MOU had not been shared. She noted that the additional flexibility in the plan would undermine the original intent of the plan.

She also questioned the absence of a monetary analysis and a white paper on the issue of land owner equity which she had requested and she closed by saying that the draft presented was not complete in her opinion.

Ms. Carluccio commented that she believed that some parts of the plan were good, but was concerned that we had lost our way. Mr. Alstede added that he felt there was still a need to address the mandates that he had raised. Ms. Calabrese noted that the Council was the custodian of the plan. Ms. Letts commented that half of the region was in the Planning Area

and there was a need to provide the staff with mechanisms to encourage conformance. Mr. Peterson added that the plan was much like raising a child where imperfections can be addressed and through proper oversight the plan can improve.

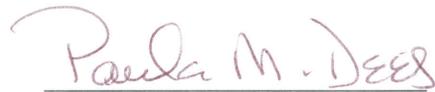
Chairman Weingart asked for a roll call vote. Mr. Alstede, Mr. Dillingham, Ms. Carluccio, Ms. Pasquarelli voted no. Ms. Calabrese, Mr. Cogger, Mr. Schrier, Mr. Peterson, Mr. Vetrano, Ms. Way, Ms. Kovach, Ms. Letts, Mr. Whitenack and Mr. Weingart voted yes. The resolution was approved.

The meeting was adjourned at 10:17 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: December 19, 2007



Paula M. Dees, Executive Assistant

TRUE COPY

Two Hamilton Drive
(Mendham Township)
Washington Valley
Morristown, NJ 07960
November 19, 2007

**The New Jersey Highlands Council
100 North Road
Chester, NJ 07930**

Dear Chairman Weingart and Members of the Council:

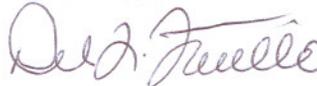
I had hoped to attend this evening's meeting to address the Council concerning my interest and concerns regarding the NJ Highland's Act, the Protection Zone and our state's drinking water. However, since I cannot be here tonight, I ask that my letter reflecting my views be heard and accepted for the record.

I am disheartened to learn that 87,000 acres have been moved out of the Highlands Protection Zone, including 30 percent of Washington Valley—that's 87,000 acres at potential risk! The people this benefits are those who care nothing about the environment, open space, drinking water or our wildlife. To weaken already established protections in Washington Valley, a state and nationally listed historic district, is a serious mistake we cannot afford to make and benefits developers and bureaucrats who care only about personal profit and ratables.

We need to preserve and protect our land and our water supply for generations to come. Once it is gone, we cannot get it back. I urge the Council to adopt the highest standards of protection for all 87,000 acres. Washington Valley is a jewel to be protected and not exploited. Only a strong act with stringent standards and no "wobble room" will accomplish that goal.

Thank you for affording me the opportunity to be heard and for your thoughtful consideration on this most important issue that affects us in New Jersey.

Very truly yours,



**Debra L. Faiello
Mendham Township**

I have been standing before you for over three years. I have not seen the NEW master plan but I honestly have little confidence in the NEW Plan because so many changes and provisions were needed to make it right — I hope I will be proven wrong and that you all on the Highlands Council took farmers' concerns into consideration and have refused to let Trenton and the paid environmentalists steal our property values and rights.

If you have listened to us all
these years and this plan is fair —
hurting no one financially — I'll
apologize to you all for doubting your
common sense.

Hank Klumpp

24 Longview Road
Lebanon, NJ 08833
908-832-7634



Assemblywoman Marcia Karrow/908-782-5127
Assembly Republican Office/609-292-5339

November 19, 2007

**KARROW URGES HIGHLANDS COUNCIL TO EXTEND
PUBLIC COMMENT PERIOD AND HOLD SIX HEARINGS
ON REVISED HIGHLANDS MASTER PLAN**
***KARROW, PENNACCHIO, MERKT, DOHERTY AND GREGG CALL
FOR HEARINGS AND AT LEAST 90 DAYS FOR PUBLIC COMMENT***

Assemblywoman Marcia Karrow today was joined by Assemblymen Joseph Pennacchio, Richard Merkt, Mike Doherty and Guy Gregg in calling on the New Jersey Highlands Council to provide adequate time for public review, and ample opportunity for public comment, on the newly revised Highlands master plan set to be formally released to the public at a council meeting this afternoon.

“This revised master plan will contain major changes from the proposal that was unveiled last year, and if that is the case, we should have ample opportunity to review these changes,” said Karrow, R-Hunterdon and Warren. “If significant changes are being made to the original proposal, the council should be required to abide by the public comment provisions set forth under the Highlands Act.”

The Highlands Council is set today to introduce its “next generation” master plan – a revision to the original Highlands master plan that was roundly criticized after being unveiled last year. The council hired a consultant in July to help produce the new plan and will formally vote to introduce the plan at a meeting today at 4 p.m.

Karrow said that the new plan should be subject to the same public disclosure and comment rules that were put in place for the first version of the plan. With the holiday season and unpredictable winter weather upon us, Karrow said there should be six public hearings on the proposal and that the currently scheduled 60-day public comment period should be extended to at least 90 days.

“The council should give all of the interested parties, regardless of their position on the issue, an opportunity to let their voices be heard on this matter and that includes holding at least six public hearings,” Karrow said. “Because this is a busy time of year

with the holidays I believe it would be appropriate for the council to extend the public comment period to at least 90 days.”

Karrow, Pennacchio, Merkt, Doherty and Gregg said they believe the new plan will raise serious concerns for all parties involved and there should not be a rush to enact the proposal.

“There is no question this will be a contentious issue,” Pennacchio said. “The public and all of the stakeholders in this process need to have a chance to let their voices be heard.”

“The people who will be directly affected by this plan have valuable insight to offer on this issue,” Merkt said. “It would certainly behoove the council to take the time to make sure they receive all of that input.”

“The Highlands Act will have a profound impact on the property rights of tens of thousands of New Jersey taxpayers,” Doherty said. “The council has an obligation to take as much time as is necessary to listen to the concerns of those who will be impacted by this new master plan.”

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For File

July 30, 1998

Mr. Herb Simmens, Director "People Protecting Tomorrow's Environment"
Office of State Planning, New Jersey Department of Community Affairs
101 S. Broad Street, CN 814
Trenton, New Jersey 08675

Dear Mr. Simmens:

As you know the South Branch Watershed Association's Alternative Wastewater Treatment and Reclamation Committee (AWWTR) has been working the last couple years to promote the preservation of open space and the protection of groundwater resources through the use of alternative wastewater treatment systems. After reviewing the Infrastructure Needs Assessment, the AWWTR Committee had the following comments.

The promotion of centers in the State Plan will be possible when some of the issues about wastewater have been addressed such as:

The complexity of the State's regulations for small treatment system keeps developers from using these systems to promote TDR, clustering, reduction of coverage and the preservation of open space. The DEP must provide easier, more appropriate permitting procedures for small wastewater systems if this concept is going to succeed. The State has not yet adopted its Spray Irrigation System Guidelines which the Committee has been requesting and has made no indication that any alternative systems will be viewed positively.

The State's Water Quality Management Planning Rules make the option of small innovative wastewater systems, time consuming, complicated, expensive and risky due to the liability associated with the permit process. The AWWTR Committee would like to inform the public about these systems and their benefit to the environment as opposed to using the conventional septic systems, however it is difficult to do this unless the State's rules, regulations and plans support their use also.

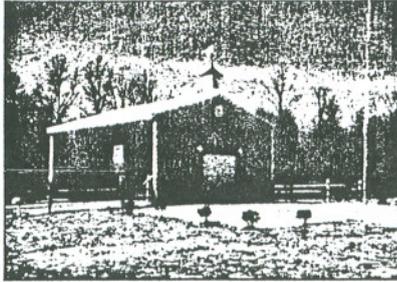
The AWWTR Committee had a representative from both the State Planning Commission and the DEP's Non-Point Source Control Department present at our last meeting, July 14th. Our hopes are to encourage interdepartmental communication regarding the promotion of the State Plan, Water Quality Management Planning Rules, and the use of alternative wastewater treatment systems as a tool to achieve the State and local planning goals.

We would be interested in meeting with the State Planning Commission to provide additional information about these alternative treatment systems, and to discuss these issues in greater detail.

Best Regards,

Marie Kneser,
Executive Director

Lechner House, Echo Hill Environmental Education Area
41 Lilac Drive, Flemington, NJ 08822
Phone: (908) 782-0422 Fax: (908) 782-4473



Wastewater treatment facility serving
Village Square, Union Twp., Hunterdon County

Will Alternative Wastewater Systems Generate Unwanted Growth?

No. These systems can be sized and located to a community's desire. A wastewater management plan is a very powerful tool that municipalities have available to them to plan for and manage future growth. These plans dictate the type, size and location of allowable wastewater treatment systems.

How Much Do They Cost, Who Pays for Them?

Annual user fees could range from \$200/yr to \$900/year or more, depending on the number of homes, the technology chosen, and whether or not debt is assumed. The up-front capital costs are borne either by the builder or the municipality.

Who Is Responsible for Ensuring the Systems are Maintained and Functioning Properly?

Municipalities have many management options available to them. Responsibility can rest with the governing body, who can then contract services out to private companies for system operation and maintenance. It can also rest with sewerage authorities or public utilities as regulated by the New Jersey Board of Public Utilities.

Where Have Alternative Systems Been Used and What's Been the Experience?

Alternative wastewater treatment systems have been serving several communities in Hunterdon County and surrounding areas for a number of years. For example, the lagoon/spray irrigation system serving Oldwick has been in existence since the late 1970s. The wastewater treatment system serving Village Square in Union Township, began operation in 1995.

Like anything else, system longevity depends on proper siting, operation and maintenance. Unfortunately, it takes only one or two examples of poorly constructed or maintained systems to give them a bad name. The good news is that there are numerous examples of well-functioning, well-designed alternative wastewater treatment systems throughout New Jersey.

The Alternative Wastewater Treatment & Reclamation Committee

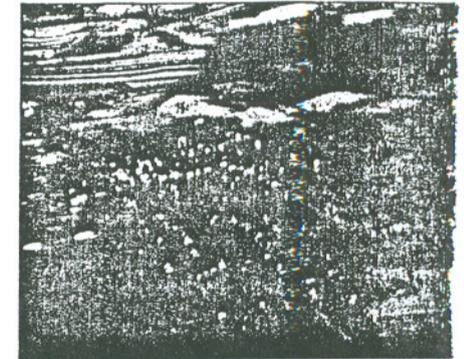
In 1994, the South Branch Watershed Association convened a group of interested individuals and experts to study wastewater treatment technologies that protect vulnerable water supplies while also preserving valuable and increasingly scarce land resources. This group of planners, engineers, conservationists, soil scientists and government officials comprising the Alternative Wastewater Treatment & Reclamation Committee, has been investigating and promoting alternative wastewater treatment systems which produce clean water, recharge groundwater, and preserve open space.

For further information, please contact:

Marie Kneser, Director
South Branch Watershed Association
Echo Hill Environmental Education Area
Lechner House
41 Lilac Drive
Flemington, NJ 08822
(908) 782-0422

Preserving Rural Character:

*Land Use Planning
With Alternative Wastewater
Treatment Systems*



A Primer for Local Officials



This brochure was made possible in part through the generous support of the New Jersey Conservation Foundation.

Prepared by the Alternative Wastewater Treatment & Reclamation Committee of the South Branch Watershed Association.

What are Alternative Wastewater Treatment Systems?

Most residents in rural communities of Hunterdon County and surrounding areas rely on private wells for their drinking water. Thus, maintaining a clean supply of groundwater is essential for ensuring continued public health and safety. Municipal decisions about the treatment and disposal of wastewater play a critical role in this regard.

Municipalities often assume that the only choices available are either conventional large treatment plants which discharge to streams and rivers; or else individual septic systems used on large lots.

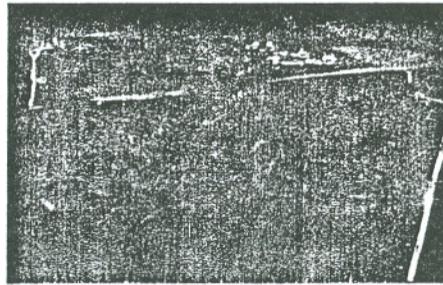
Alternative wastewater treatment systems provide municipalities with one more option—an option that offers significant benefits. These systems produce clean water at the point of discharge and replenish critical groundwater resources without threatening vulnerable trout streams. Additionally, they help preserve open space, farmland, and viewsheds.

Alternative wastewater treatment systems include a variety of technologies, both passive and mechanical. Systems which include lagoons, wetlands and biological reactors for treatment and spray irrigation, infiltration ponds and subsurface recharge fields for reuse are now commonplace. Technologies are constantly evolving and improving but many have been in place for a long time and have a solid track record of performance.

How Do These Systems Work?

New wastewater facilities use advanced biological processes, ultrafiltration and ultraviolet light disinfection to produce high quality treated water which is suitable for reuse in irrigation, cooling, flush water or for direct recharge into the ground. The reuse of treated wastewater is now widely accepted and there are already several existing systems in Hunterdon County.

Lagoons—which are nothing more than lined, aerated ponds—are extremely simple but highly effective ways to treat wastewater. Lagoons, in combination with natural sunlight, air and aeration devices, achieve the same level of treatment as mechanical systems. Subsequently, the water, which is already treated to acceptable levels, is sprayed on irrigation fields with additional treatment provided by the receiving soils.



Wastewater is treated by lagoons and then sprayed on irrigation fields.

Aren't Septic Systems Good Enough?

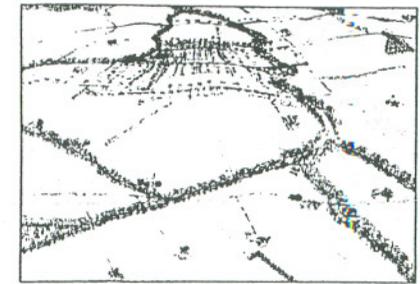
It is certainly true that the majority of rural communities rely on septic systems and disposal beds to treat and dispose of wastewater. Between 1991 and 1996, nearly 3,000 new septic systems were constructed in Hunterdon County alone. Septic systems are the systems of choice where residential densities are kept very low (one acre lot size or larger) and where infrastructure to support higher densities is lacking.



Conventional Sprawl

Unfortunately, septic systems remove only 50% of biodegradable contaminants, compared to 95% removal by alternative wastewater systems. Furthermore, disposal of toxic chemicals such as household cleaners into septic systems—an all-too-common phenomenon—creates potentially serious public health hazards. Routine maintenance of septic systems, critical to proper functioning, is frequently lacking, thereby reducing the effectiveness of these systems. Septic systems are designed with a limited life span, generally 20 - 30 years. In the long run, they either must be replaced with like systems, which can cost upwards of \$15,000 to \$30,000, or else replaced with some sort of community sewerage system.

Finally, as they continue to grow, more and more communities are concluding that large lot developments supported by septic systems fail to preserve a rural quality of life.



Village Alternative

How Do Alternative Systems Preserve Open Space and Farmland?

Alternative wastewater treatment systems are used in conjunction with small lot developments (generally under one acre lot sizes) that concurrently preserve large contiguous areas of open space. That is, instead of consuming an entire tract of land with homes on large lots, the homes are placed on smaller lots, with the remaining lands kept open. These developments—sometimes referred to as open space developments—are designed to protect the community's most important open space assets such as farmland, greenways, or environmentally sensitive areas.

Are Alternative Systems Unightly?

To the contrary, these systems can be designed to blend in with the surrounding areas. Often, mechanical equipment is housed in structures resembling barns or civic buildings. Lagoons look like nothing more than quaint duck ponds. And if spray irrigation is the desired disposal method, it simply uses existing open fields or woodlands. This can be aesthetically preferable to septic fields, which sometimes require "mound systems" where existing soils cannot adequately treat the wastewater.