

RESOLUTION 2008-2

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL RECOMMENDATION ON PROPOSED WATER QUALITY MANAGEMENT PLAN AMENDMENT FOR CANFIELD DEVELOPMENT aka KUSHNER-MINE HILL

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council);

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

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

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

WHEREAS, the Canfield Development project would allow for the construction of the Canfield residential development on approximately 228 acres located at Block 411, Lot 1; Block 606, Lot 1; Block 1002, Lot 1; and Block 1101, Lot 1 in Mine Hill Township, Morris County; and

WHEREAS, the sponsors of the Canfield Development have sought an amendment to the Upper Raritan WQMP and Mine Hill Township to include the Canfield Development; and

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

WHEREAS, consistent with NJDEP's Highlands Rules at N.J.A.C. 7:38-1.1, and the procedures adopted by the Highlands Council pursuant to Resolution 2007-18 for review of WQMP amendments for a proposed project, Highlands Council staff conducted a review of the WQMP amendment for the Canfield Development, dated August 14, 2007, based upon the standards and policies set forth in the 2006 Draft Regional Master Plan (RMP); and

WHEREAS, the review of the Canfield Development revealed a number of inconsistencies with the Final Draft RMP, including policies and standards relating to steep slopes, Highlands Open Waters Protection Areas, Riparian Areas, Critical Habitats, Prime Ground Water Recharge Areas, utility expansion into the Protection Zone and water supply deficits; and

WHEREAS, the Highlands Council staff presented the results of its review and recommendation regarding the Canfield Development to the Natural Resources Committee at the Committee's September 20, 2007 meeting; and

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

RESOLUTION 2008-2

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL RECOMMENDATION ON PROPOSED WATER QUALITY MANAGEMENT PLAN AMENDMENT FOR CANFIELD DEVELOPMENT aka KUSHNER-MINE HILL

WHEREAS, the Natural Resources Committee considered the recommendation of the Highlands Council staff and considered presentations by the applicant and its professionals;

WHEREAS, thereafter the Highlands Council staff received extensive information from the applicant, met with the applicant's professionals, prepared an updated recommendation, dated January 12, 2008, based upon the Final Draft Highland Regional Master Plan – November 2007 and the information submitted by the applicant for the Natural Resources Committee's January 17, 2008 meeting; and

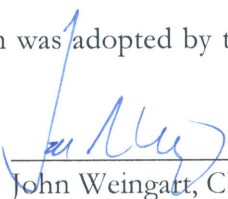
WHEREAS, the Natural Resources Committee on January 17, 2008 began consideration of the matter and due to time constraints and a lack of consensus advanced the matter to the Highlands Council;

WHEREAS, the Highlands Council on January 17, 2008, after hearing the staff recommendation and hearing testimony from the applicant and the public, voted to authorize the issuance of a letter to NJDEP recommending approval of the application subject to the conditions in the staff memo along with a condition regarding mine safety;

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director is hereby authorized to issue a conditional recommendation letter to NJDEP.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 17th day of January, 2008.



John Weingart, Chairman

Vote on the Approval of this Resolution

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	✓			
Councilmember Calabrese	✓			
Councilmember Carluccio		✓		
Councilmember Cogger	✓			
Councilmember Dillingham		✓		
Councilmember Kovach	✓			
Councilmember Letts	✓			
Councilmember Pasquarelli		✓		
Councilmember Peterson	✓			
Councilmember Schrier	✓			
Councilmember Vetrano				✓
Councilmember Way	✓			
Councilmember Whitenack	✓			
Councilmember Weingart	✓			