

RESOLUTION 2008-6

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL RECOMMENDATION ON PROPOSED WATER QUALITY MANAGEMENT PLAN AMENDMENT FOR MOUNT ARLINGTON AND ROXBURY

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, a proposal has been submitted to amend the Sussex County, Upper Raritan and Upper Delaware Water Quality Management Plans to modify the Musconetcong Sewage Authority Wastewater Management Plan and expand the sewer service area to include 45 existing developed residential parcels (44 homes and two apartment buildings) located along Southard Road, Parker Road, and Circle Drive within the Borough of Mount Arlington and Roxbury Township, Morris County (Proposed Amendment); and

WHEREAS, the Borough of Mt. Arlington is specifically requesting a Highlands Preservation Area Approval (HPAA) with waiver pursuant to N.J.A.C. 7:38-6.5 (waiver for the protection of public health and safety) on the basis that the Proposed Amendment directly affects the protection of public health; and

WHEREAS, the NJDEP has proposed adoption of the Proposed Amendment through publication of a notice in the New Jersey Register, dated February 4, 2008, 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 Proposed Amendment based upon the standards and policies set forth in the 2007 Final Draft Regional Master Plan (RMP); and

WHEREAS, the Highlands Council staff review concluded that the Proposed Amendment is consistent with the goals, policies, and objectives of the Final Draft RMP and would serve existing public health and safety needs, would serve to correct existing environmental degradation (and it is

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not intended or designed to support future development), and would not encroach upon sensitive environmental resources; and

WHEREAS, the Highlands Council staff recommended that the Highlands Council authorize the issuance of a letter to NJDEP stating that the Proposed Amendment and HPAA waiver request is consistent with the Final Draft RMP; and

WHEREAS, the Highlands Council duly considered the Proposed Amendment, the Highlands Council staff recommendation, and all public comments;

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

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 6th day of March, 2008.



John Weingart, Chairman

Vote on the Approval of this Resolution

	<u>Yes</u>	<u>No</u>	<u>Recuse</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	✓			