

New Jersey Highlands Council
Public Hearing in Consideration of the
Draft Regional Master Plan

Date: January 10, 2007
Commencing at: 4:15 PM
Location: Ramapo College, Mahwah, NJ

Before: Hearing Officer Tracey Carluccio and
fellow Highlands Council Members
Elizabeth Calabrese, Mimi Letts, and
Tahesha Way

Hearing Officer Tracey Carluccio: Welcome to the public hearings on the Highlands draft Regional Master Plan. This public hearing has been noticed on the Council's website and printed in the Council's newspapers of record.

My name is Tracey Carluccio and I am a member of the Highlands Water Protection and Planning Council. Today I will be serving as the Hearing Officer of this public hearing. Seated with me today are Highlands Council members Elizabeth Calabrese, Mimi Letts, and Tahesha Way.

In today's hearing, we will hear comments from interested members of the public on the draft Regional Master Plan which was released for public comment on November 30, 2006. This serves as one of the six public hearing called for in the Highlands Act. At least two additional hearings are in the process of being scheduled in Passaic and Somerset Counties. The comment period is set to run through March 2nd.

The draft Plan has been widely distributed to all 88 Highlands municipalities, seven Highlands counties, numerous public libraries, and is available at the Highlands Council's office and on the Council website. The Council's website has extensive technical information containing detailed information supporting the draft Plan. The Council would like to thank each of you for your time and thoughtful input which will assist us in developing and refining the Plan. It is important to stress that this is a draft Plan and the Council intends to make changes to this draft based on public comment. The Council firmly believes that this process will only serve to strengthen and improve the Plan.

Today we will hear from you. If you would like to speak, please fill out a colored Commenter form at the registration table. We encourage all speakers to leave a copy of their remarks with the Highlands Council staff. Please keep your comments brief so that we have an opportunity to hear from everyone. This is a listening session. There will be future Council meetings available to the public for consideration of changes to the draft Plan. If you have questions please see the Highlands Council staff at the registration desk. Members of the public may also submit written comments. It's easy. Just go to www.highlands.state.nj.us and click on "Comment on Draft Plan." Keep in mind that no additional weight is given to a person submitting the same comment, multiple times or methods.

Before we take the first comment, some brief background on the development of the draft Plan is in order.

The New Jersey Legislature enacted the Highland Water Protection and Planning Act in order to protect nearly 860,000 acres which supply drinking water for more than sixty-five percent of New Jersey's residents. The Highlands Act created the Highlands Council as a regional planning entity charged with protecting the water resources and natural beauty of the New Jersey Highlands while allowing for planned, sustainable development and redevelopment. It required the Council to create a master plan for the entire Highlands Region.

The draft Regional Master Plan, released November 30, 2006, is a comprehensive, science-based plan, designed to safeguard New Jersey's most significant source of drinking water.

Using the latest science and data, the draft Plan proposes policies and strategies designed to best protect Highlands' resources while also promoting a sustainable economy and sustainable agricultural practices. The draft Plan is built upon land use standards and a Land Use Capability Map. The Land Use Capability Map is based on an analysis of natural resources, existing development, infrastructure, and agricultural activities. The map establishes three zones that overlay municipal zoning, each with its own criteria and standards.

The Protection Zone (green) contains the most important natural resource lands that are critical to maintaining water quality, quantity, and other significant ecological processes. The purpose is to protect natural resources, especially water. Generally, standards in the zone prohibit the disturbance of natural resources or expansion of infrastructure. Public land acquisition is a priority in the Protection Zone.

The Conservation Zone (brown) captures regionally significant agricultural lands. The purpose is to promote agriculture within the framework of the Highlands environment. Generally, development potential is limited in size and intensity due to infrastructure constraints and natural resource protection goals, although opportunities exist for low impact, clustered development. Standards protect agricultural soils and large farms and contiguous operations.

The Planned Community Zone (purple) was established for the purpose of working with municipalities and counties to determine appropriateness of further development given the presence or absence of water and sewer and the desire of the town to grow. These areas are less environmentally constrained, and, with proper planning, *may* support development in a manner and intensity desired by the municipality. Emphasis will be on increasing land use efficiency, encouraging the use of previously developed lands through techniques such as revitalization, adaptive reuse, in fill, and property assemblage.

In addition to zone standards, site-specific standards may apply, such as stream buffers and steep slope protections.

Things about the draft Plan to note:

- The draft Plan is designed to protect against water shortages, dry wells and costly water treatment systems.
- The draft Plan does not mandate growth and will serve to control sprawl.
- It promotes sustainable communities and agricultural viability.
- The draft Plan advances the establishment of a transfer of development rights (TDR) program and calls for increased land preservation funding for the Region.
- The draft Plan is designed to benefit municipalities and all levels of government and can serve to maximize the benefits of State and federal planning and financial investments in land and infrastructure.

With that, I would like to open the comment portion of the public hearing. We want to give everyone a chance to speak. Given the number of people, we are asking people to confine their comments to 3 minutes. Council reserves the right to expedite the process, if

necessary, so as not to deny anyone of the opportunity to speak. When I call you, please come forward to the microphone and state your name and any official affiliation clearly for the record.

Final Ground Rules

Comment on the draft Plan: The Council is not taking comments on the Highlands Act or NJDEP regulations. This forum is also not for the purpose of addressing specific property questions. The Council will continue to handle property questions but not in this proceeding. If you came today with the hope of raising a question about your property, please see a staffer at the back of the room.

(2) Be specific: For example, if your concern is water resource protection, say what the Plan should say and why. Remember, the Plan is not completed-- it's just in draft form. We're seeking your input to improve it. Your comments will have the greatest affect when you focus on the specifics of what you think the Plan should say.

The first speaker is:

Dr. Doris Aaronson of West Milford, speaking on behalf Pinecliff Lake Community

as a trustee: I'm Dr. Doris Aaronson, 19 Bearfort Rd., West Milford NJ. I'm speaking here today as the Pinecliff Lake Community's Environmental Trustee. This community has about 525 lots with about 500 developed homes, and about 1500 residents. The Highlands Regional Master Plan's maps show that virtually all of West Milford's lake communities have been especially targeted to be Planned Community Growth Zones. That includes Pinecliff Lake and 10 other lakes and ponds. I will provide information to the Council that such growth is a bad idea, for at least three reasons. (A) It runs counter to the infrastructure available to support growth; (B) counter to the primary purpose of the Highlands Act to protect the State's water especially in preservation areas like West Milford, and (C) counter to well-known environmental constraints. I will focus on Pinecliff as a case study that is typical of West Milford's Lake Communities.

(A) Regarding infrastructure, West Milford as a whole does not have the aquifer capacity to support additional growth. A Township supported water study done in 2003 by M-Squared Associates showed that, based on water quantity and quality, West Milford has only enough water for about 8,000 wells. Unfortunately, West Milford already has substantially over 10,000 wells. Malcolm Pernie's 1987 study of the Belchers Creek corridor, in which Pinecliff is located, concurs with M-Squared's study, and warns against new developments in the area, unless the community wells are interconnected, because of the high likelihood that those wells will run dry.

Several decades ago, a community well near Pinecliff Lake Dr. served a purely summer community. It ran dry when a few dozen homes installed wells for year-round living. Many Pinecliff wells now get only 1-5 gpm; others yield non-potable water because of their high iron, manganese and other chemical levels. Over 30 other wells have filters, provided by the Mobile Oil Co. because of major gasoline contamination. Residents use that filtered water for toilets and showers, but not for drinking or cooking. When we have had droughts in NJ, some Pinecliff wells have had partial or full outages, requiring residents to bring 5-gallon

cans to the lake so that they could flush their toilets each day. Is this the kind of water infrastructure to be targeted as a major growth zone?

Regarding another infrastructure area, Lake Communities like Pinecliff are on private septic systems. The Highlands Act, and its regulations, indicate that septic density should be at least 25 acres/system. But Pinecliff and West Milford's other lakes have 2-4 septic systems/acre. The same types of dense soil and bedrock that keep water on the surface to form our lakes also do not percolate sufficiently to support any more septic systems. Is this the kind of sewage infrastructure needed for growth?

To fix things, the Regional Master Plan and some relevant officials suggest that all of West Milford's Lake Communities should be sewerred, including Pinecliff. But there is not sufficient space for a Sewage Treatment Plant (STP) at Pinecliff, or at most other West Milford Lakes. Further, all existing West Milford/MUA STPs, are either stream-discharge or in-ground discharge. Both types have been documented by the NJDEP and by West Milford residents with numerous violations and serious pollution of both the surface water and the aquifer. I provide the Highlands Council with just some of the DEP's and residents' documentation of poorly functioning MUA sewage systems: (1) A photo of a poorly maintained MUA sewage plant at Bald Eagle Village; (2) A list of 160 DEP documented violations in just one year, between 12/31/03 and 12/31/04, specified on DEP's web site; (3) Documentation of violations at 7 MUA STPs in June 2000- some so chronic and severe as to be sent to the NJ Environmental Crimes Bureau; (4) Reports of Garden State Lab's analyses of 47,000 fecal coliform bacteria/100 ml of water, and 400% over the MUA's permitted phosphorus level; and (5) The West Milford Health Department's report of 4,100 fecal coliform bacteria in Belchers Creek, near to Bald Eagle Village's supposedly in-ground leaching field. Clearly, sewers are not the way to increase growth in West Milford's lake communities.

(B) Regarding the Highlands Act, about 70% of Pinecliff homes and vacant lots are within 300 ft. of the lake. More development would violate the Act's 300 ft. buffer zone. I provide the Council with photos of how development of just one home within 300 ft. of Pinecliff Lake badly polluted the water with sediment in storm-water run-off, during its development phase. Also, more growth in the Pinecliff community would further deplete the aquifer and degrade residents' well water. More growth at Pinecliff would increase phosphorus pollution of nearby Greenwood Lake's waterweeds, and would also pollute, in many ways, the downstream Monksville and Wanaque reservoirs, which supply water to millions of NJ residents. More growth at Pinecliff is not a good idea.

(C) Regarding environmental constraints, I provide the Council with photos of several Threatened or Endangered Species found in Pinecliff's backyards, or at Pinecliff Lake, fishing for their dinner: Wood Turtles, Rattle Snakes, nesting Bald Eagles, and also nesting Great Blue Herons, which were recently removed from the T&E list. I don't have photos, but DEP also documents Red Shouldered Hawks and Barred Owls in a DEP "macrosite" for T&E species, which is adjacent to Pinecliff Lake. Undeveloped tracts at Pinecliff generally have wetlands and/or are in the flood plain. Pinecliff is adjacent to Wawayanda State Park on the Bearfort Mountain. An increased Growth Zone at Pinecliff would destroy some of NJ's beautiful natural environment. We hope to preserve our environment for future generations of Pinecliff Lake's children.

William O'Hearn: Conservation & Advocacy Director, New York/New Jersey Trail Conference: Good afternoon and my thanks to the Council and staff for traveling up to the northeast corner of the Highlands to hold this hearing. It was my privilege to be the second speaker at the very first Highlands Act hearing held at Skylands Manor, so I'm pleased to speaking on this topic once again on behalf of the Trail Conference.

I have some pretty detailed written comments to submit today, but will focus my verbal testimony on just a few topics.

1. The first is the general order and weighting of the criteria used to develop the Land Use Capability Map shown on page 50, a key page in the plan. We believe that a new category called Water Supply, which included water quality and quantity, must be placed in the first position and given special weighting. Forests and endangered species are important protectors for water quality, but they are not the whole story and cannot be used as the prime indicator of water availability.

It is possible to map the landscape and display the lands that have the most "water value" and it was done by the Watershed Management Areas Program (WMAs) a few years ago. These WMA maps and their underlying criteria should be updated if necessary, and used to reconfigure the Land Use Capability Map. So, just as a point of explanation, forests sit at the top position, and there is no special rating given to that criteria as we understand it, and we want to have a water category placed on the top that would pull in some of the watershed and some of the water supply issues placed up there.

2. I would also like to see more emphasis placed on using greenway models and trails to encourage linear acquisition of open space that helps organize and drive the open space activities of the state, county, local and land trusts in the Highlands so that the key parcels are identified and preserved. For example, not far from here, we are very interested in seeing a trail run from the Pequannock River north through Federal Hill and the Horse Farm in Bloomingdale to Norvin Green State Forest, and this would require some serious acquisitions in this area. And that would have to be coordinated, and we are hoping that you could provide some leadership on this.

3. We need much more information about and emphasis on the scenic values protection that is required by the Act. This is a difficult thing to define and to enforce, but there are some standards out there, and I look forward to seeing the technical report that I have not yet seen, that explains exactly how this is going to work. We think that this is a very powerful way for preserving some key places in the Highlands. And also, I look forward to seeing a Natural Resources Inventory that is part of that plan.

4. Last but certainly not least, I mentioned in a previous Council meeting that the Trail Conference's grave concerns regarding ATVs and other off-road vehicles. I believe that the Transportation section of the Plan and the Technical Report must address the issues of ATV control and enforcement, or many of the well-meaning policies in this document will be rendered irrelevant by ATV damage to our forests, wetlands and streams.

I look forward to making further comments once the Trail Conference has had a chance to review the technical reports. Thank you for your attention. And I wish you luck on your “rock and roll” tour.

Brian Overman, Congressman Scott Garrett’s Office: The Congressman gave a statement and I will read that right now. He said, “I regret not being able to attend in person today. In Washington, I have steadfastly worked to bring New Jersey the resources we need to protect our most valuable natural resources. The Federal Highlands Act which was passed in the 108th Congress was one such a tool to use to ensure that we can protect lands that are increasingly under the pressures of growth. The Act authorizes \$10 million dollars to work with the state to convert to conserve lands in the Highlands. Most importantly, the Act is meant to work in partnership with land owners to ensure conservation, without harming the rights of property owners. Though I no longer represent the people of New Jersey in the state legislature, I’m closely monitoring the implementation of the state’s Highlands Act, and look forward to working with the Highlands Council to preserve the wild beauty and great natural resource that is the Highlands. So if you have any thoughts or concerns about protecting the Highlands. Please feel free to contact my office.

Julia Somers, Executive Director, and New Jersey Highlands Coalition: I am Julia Somers, Executive Director of the New Jersey Highlands Coalition. You will be hearing separately from many of our member organizations between now and the close of the Comment period, March 2. I appreciate your need to limit the amount of time people have to comment so the New Jersey Highlands Coalition will submit complete written comments to the Council.

Picking up where we left off yesterday, the Coalition believes that the Regional Master Plan is off to a good start. However, also as you heard yesterday, we need the technical reports and supporting data to make meaningful and helpful comments. I appreciate that a number of these are now available (as of yesterday?), but for obvious reasons, we are not yet in a position to comment on them.

I talked about mapping and water issues yesterday; how you need to reflect on all land use capability maps that in the Planned Community zone (purple areas) regulation and policies affecting the wetlands, wellhead protection, flood plains, steep slopes, riparian buffers, etc. have not been abandoned. I think that should be simple to fix. On water, there is much new data to be collected as you go forward to ensure that you have been conservative enough in your estimates of supply as you plan a sustainable water program for the 16 counties served by Highlands water. And the tough decisions have not yet been made about who and where should be prioritized for water supply in the future as the state grows beyond our ability to provide cheap water to everyone – and our water is cheap – a different issue.

I did not, however, talk about our concerns about agriculture. Protection of farming is a goal of the Highlands Act that has been given much consideration in the RMP. We must be careful that sustainable agriculture doesn’t dominate the primary goal of protection of water supply and quality in the Conservation zone, as well as preservation and enhancement of historic, cultural and scenic resources that agricultural activities contribute to. The Council

must do more to ensure that agriculture as an activity and occupation, not simply as a land holding, is protected. You took an important step in the right direction when you proposed prohibiting building of housing on prime farm soils. But the clustering provisions as written will result in more pollution and more bifurcated development because it will allow both farming and higher density residential to co-exist on agricultural land, where only one could exist before. This will result in an increase in pollutants on the land. We respectfully request that you look at all sources of nitrate pollution, from both farming and septic systems, before identifying areas of the Conservation Zone that could meet a protective nitrate standard. Such an analysis is crucial to setting standards to reduce agricultural pollution, an important objective.

Also, presently, there are no provisions to protect grassland habitats for threatened and endangered species, and you have not met the Act's requirement to develop incentives for farms to be preserved with a 5% maximum impervious cover limit.

Finally, I ask everyone to remember that anyone who says to you that they can no longer develop their properties is not correct. Everyone with a vacant lot can build a home, or sell their property so someone else can build a home there. Today, there are close to 25000 of those vacant lots in the Highlands. That's a lot of new home building that could still be built in the Highlands, and it is all exempt from this Highlands Act.

We do have other comments and look forward to working with you to forge a strong, sound Regional Master Plan that fulfills the promise and mandate of the Act.

Thank you for accepting this testimony.

Frank Hannan of West Milford: My name is Frank Hannan and I am a resident of West Milford and a member of the Zoning Board of Adjustment. I want to make it clear that I address the council today not as an official of the township but as a concerned private citizen. I want to thank the Highlands Council for this opportunity to allow the public input into the proposed master plan. After reading every page of the draft, I have the following comments.

The location of the Planned Community Zones in West Milford around certain lake communities will be counter productive to insuring the main thrust of the Highlands Act, maintaining and improving water quality. In addition, I see no means or methods outlined to insure landowner equity, economic development for businesses, and permanent tax relief for water shed host communities.

I suggest the following changes be made to the plan:

- Allow local Planning Boards and professionals to designate the Planned Community Zones in each municipality. They know what areas in their towns can and cannot support development.
- Outline in the plan a formula and method a means of funding to reimburse property owners for lost equity/value. Make the water end users pay for it.

- Outline in the plan a formula and method a means of funding to provide permanent tax relief indexed to inflation for host watershed communities for being the stewards of the state's water. Make the water end users pay for it
- Require water utilities to fix leaks in their delivery systems and impose water conservation measures on the water end users.
- Require the total cost of the Highlands Act be included in the Master Plan, including the estimated cost to reimburse landowners for lost equity and tax relief for watershed host communities. The taxpayers will then know the full cost to fully and properly fund the ambitious goals of the Highlands Act.

Support Assembly Bill 3557 and its identical Senate Bill S2323 which establishes a Highlands Enterprise Zone in communities 100% in the Preservation Zone. It will allow those towns to charge 3.5% sales tax and will promote economic activity.

At the first hearing yesterday, a member of the Sierra Club testified that the 188 communities that are outside the Highlands but receive the Highlands water have been left out of the equation but that everyone has a vested interest in saving our water. I agree with that testimony. But, if they are not going to pay for the Highlands preservation effort in dollars and conservation, they will never have a vested interest in saving our water supply. The burden cannot be put solely on the backs of the Highlands communities who use very little of the water they protect. Thank You for your time and consideration.

Robin O’Hearn of Skylands Clean, Inc: First, thank you for the opportunity to address the Council and staff today, and I want to commend all of you on the tremendous amount of work that went into preparing the Regional Master Plan. Your openness, your level of commitment and your willingness to listen to our concerns has been wonderful.

We were hopeful that we would be able to fully support the RMP upon its release, but we have some concerns to share with you today. In general, the RMP still lacks many specifics which will be addressed during the conformance period. We request that you continue to provide ample opportunity for public input, since in many ways, that’s where the specifics will be hammered out.

We were encouraged that the environmental sensitivity of the Planning Area has now been recognized, documented and incorporated into the RMP through an overlay “Protection Zone”. However, we know that the Protection Zone will not have any impact on development without the voluntary opt-in of the communities involved.

Historically, “pro-growth” communities like Wanaque and Bloomingdale are not likely to voluntarily limit their development opportunities by opting in. Plus, both towns have town centers that are legislatively exempted from the Act, and will never be subject to its restrictions. So, many of these newly designated Protection Area parcels will remain at risk, unless the Protection Area is given legal weight.

The Council’s own RMP map shows the environmental sensitivity of these areas, including extensive steep slope, high-quality forest resource and riparian areas, conservation priority areas, critical habitat; extensive Highlands open waters and Category one streams. Most of

these lake communities rely primarily on groundwater and are located in areas with existing water supply deficits. The lake communities have almost no sewage treatment infrastructure, and limited public water infrastructure. Based on these environmental resource values, the lake communities should not be targeted for development or additional density. To do so just expands on planning mistakes of the past.

When the missing constraints are added, it becomes apparent that specially planned areas have been placed right over flood zones, wetlands and stream corridors. 7000 acres of wetlands alone are included in the Specially Planned Areas. Examples of this are Belcher's Creek wetlands and flood zone in West Milford, the flood zones around Cupsaw Lake and High Mountain Brooks (a category one trout production stream) in Ringwood, Morse Lakes flood zone area in Bloomingdale and wetland areas along the Wanaque River – all are located in specially planned areas.

This designation appears to be assigned arbitrarily. Only half of Pinecliff Lake, Upper Greenwood Lake and Skyline Lake are in the SPA. Fayson Lakes in Kinnelon, which would be virtually indistinguishable from Eskine Lake in Ringwood, is in the Protection Area, which Erskine falls to the Specially Planned Area. Similarly, Morse Lakes in Bloomingdale (which drains to the flood plain and aquifer recharge areas of Spring Brook Acres Farm and Upper Twin Lake – Preservation area parcels) is in the Specially Planned Area, which neighboring Glenwild Lake and Lake Iosco are both in the Protection Zone.

This designation might be designed to target infrastructure dollars toward sewerage for these lake communities in an attempt to enhance water quality. Both Ringwood and West Milford have voted down sewer referendum in their respective towns, and both have fought to prohibit high density development, which would be the natural outcome of sewerage. The cost of sewerage would be extremely prohibitive, and would probably fall to residents – who are currently paying off sewer bonds from decades ago for systems that never materialized. Existing sewage treatment facilities, especially in West Milford, have a poor track record in terms of water quality and a history of violations. Further, other measures such as requiring re-vegetation of lakefront areas, minimizing or removing impervious cover where possible (especially when homes are torn down and rebuilt), septic management plans, and prohibition of the use of phosphorous in fertilizers might also enhance water quality, have not been explored and should be incorporated in the Master Plan.

We would encourage the Council to revisit the Specially Planned Areas and create a different overlay for these lake areas that doesn't focus on development, but discourages the uses that will degrade water quality. As State open waters, these sites would be afforded a 300 foot buffer, which should prevent expanded development, at least within that buffer area. Increasing density around these lakes seems to defy the spirit of the Act. And weakening the protections afforded by the Preservation Area, especially on wetlands, flood plains and open waters of the Highlands, contradicts the Act's intent. We realize that rules will still exist to protect these resources, but protecting them will likely come down to a site specific "battle of the experts" in proving that developments create little or no impact.

Regarding Transfer of Development Rights, we ask that projects which are exempted from the Act through grandfathering receive priority as a TDR sending zone. The RMP suggests

that development projects that missed the opportunity for grandfathering receive top priority, but exempted projects which actually have the potential for being built should receive higher priority under TDR. Projects such as Eagle Ridge and Valley Ridge in West Milford, and Pinnacle in Oakland squeaked in under the wire, and would not be approved as Highlands Developments under the current rules. We also support allowing Planning Area parcels with environmental constraints like Federal Hill in Bloomingdale to be designated as sending zones. We oppose the policy of prohibiting Specially Planned Areas from being named sending zones.

Finally, we are concerned with the RMP's Housing element. A memorandum of agreement must be negotiated between the Council on Affordable Housing and the Highlands Council with regard to affordable housing obligations. This should be a top priority for the Council. There must be guidance for preservation area communities as to how they meet their existing and future affordable housing requirements. Communities are still on the hook for prior round COAH obligations which they must address before they can begin to tackle their third round number. Housing developments that have sprung up since January 2004 continue to increase the third round obligation. Development applications are currently before planning boards that pertain to sensitive sites in both the Protection and the Preservation Zone, and guidance is needed on whether the RMP or COAH rules prevail. Since many communities have put their inclusionary developments on the most environmentally sensitive sites, we believe the RMP should take precedence. We would also encourage the Council to work on MOUs with other state agencies as RMP specifics are finalized.

The RMP gives only limited direction on addressing the third round obligation. Most communities are still relying on market rate builder's remedy development, which uses up resources but provides little affordable housing. This is unworkable, especially in the Preservation Area where development is prohibited. Members of the Housing TAC discussed alternative methods for providing affordable housing, and while the plan encourages more creative methods for building affordable housing, it could go further. We would suggest that market-rate builder's remedy developments be prohibited in the Preservation Area, if possible. If that is not possible, provide additional incentives for COAH-only, or All Affordable developments, give extra credit toward meeting affordable obligations, and promote smaller scale development and design criteria that minimizes the disturbance of land and maintains rural character while building the necessary homes. The Council's COAH Planning Grant program should be continued, and expanded to help municipalities partner with non-profit affordable housing groups.

Thank you for your attention.

Letitia Monroe of West Milford: Good afternoon. I am Letitia Monroe, a resident of West Milford, New Foundland Section, and I appreciate all your efforts all the time you have put into creating this plan. It was a wonderful effort; however, I am concerned with the areas designated for growth around the lake communities particularly in West Milford.

I don't understand how these areas were in the protection zone in the act was passed in 2004 and suddenly their not there anymore and targeted for growth. It's kind of strange to see

areas that have been identified as critical for our water supplies, areas that do have some development, lake communities that were meant as summer places and now are full time residences. You know the resources are taxed as it is, this is a fragile area and the area that is really interconnected with all the other areas, and yet, they are targeted for more growth?

I don't understand how an area that's compromised can be asked to burden to shoulder more responsibility for more growth when it's pretty much already built up and is having a hard time. I know there are places, such as wetlands, that you haven't taken into consideration that are near these lakes and other areas that which had protection and C-1 waterways that are close to these lakes that seem to be ignored when you put together this plan. I'd like you to consider these areas, these specifically environmentally areas around these lakes should be excluded as growth areas. Because I just don't think they can handle more growth. They don't have sewer systems; they have XX or septic systems take their toll on the environment. So in closing, thank you very much for listening to my comments and I am looking forward to a new, improved RMP with the help of our comments. Thank You.

John Speich of Mahwah: I've been called worse than that. My name is John Speck. I live in Mahwah, not in the preservation area, but in the planning area – a lifetime resident here. First, I would like to thank you for the protection you are trying to give the watershed. If you go about quarter mile straight west, you will be in the Ramapo River, or what we now sometimes have to call the Ramapo Creek, because it's disappearing.

If you go to the gauging Station just north of here and you can check the 80-year average. We have a problem with the Watershed and normally the water is constantly flowing below that eighty year average. We get a rain and we get a huge spike, and within 24 hours, that will drop away. Now I am not a hydrologist or a geologist, but it doesn't take long to figure out that the watershed is in trouble. It is running off too fast and it can't recharge. This is a sole soil aquifer and is right now tapped out. If you go to the state and ask for another permit, you aren't going to get anything out of that aquifer, because it is short, it's stressed.

So, what it really means to us is that we in the town of Mahwah have an acute problem and we have to go to all of the sources of water since most of our water was coming from artesian wells, so we need that watershed protection. I'll throw a problem out that you probably can't handle, but, harping song of mine as Ramapo river crosses from NYS to NJ, it is so impaired no one could ever get a C1 protection, the watershed which I knows ends at the state line for your concern, extends all the way up to Monroe, and there are problems in NYS and it is going in impact everyone down stream – Oakland, Pompton Lakes, to the watershed, the reservoirs, and I don't know what you can do about it. If someone can get something done with NYS, it's a great job you're doing, or we can watch this stream disappear, and if this stream disappears, there goes out water. If we have to eventually use impaired stream water, as surface water, from the aquifer, is going to really cost us millions of dollars to just clean that dirty water up. But, thank you for what you're doing for the watershed, and anything to can do to help the protection.

Ross Kushner of Pequannock River Coalition: Good Evening. I am glad that you are here too, but I don't know if you're glad I'm here. Like you, what you have been hearing over and over are complaints from these real estate speculators over the loss of land value. They

blame the Highlands act and blame the Highlands Council, but I would like to point out that the Highlands Act and the Highlands Council are merely the messengers. And the message is this. The Highlands have hit the wall. We are at water capacity, sewage capacity, road capacity, even schools capacity. This is a harsh reality, but it is a reality, and one that most of us recognize. In fact, most people tell me that they wish the Highlands Act had been applied to the whole State. We're tired of paying the price of too much development in too little space with out health, with our pocketbooks, and our sanity. So I believe that these real estate speculators will realize a tidy profit from their land, but the days of owners of five acres of Highlands becoming an instant millionaire is over. The party is over.

I brought with me a picture of the Pequannock River, which I will share with you, taken the summer of 2004, a major water supply river for New Jersey. It doesn't look much like a river in this photograph because there isn't any water in the picture. There river has been drained to dry rock and this wasn't a drought year. The reason is that it has been used to death. The Pequannock River cannot absorb another house, another road or another strip mall. It has given it everything it has to give to the people of NJ. The Council's report underlines that this area has a major water deficit. In recognition of this, eighteen organizations including the Highlands Coalition, the Sierra Club and everybody under the sun have petitioned the Highlands Council to develop a no-build zone in the Pequannock watershed which we believe is justified.

The response of the Council in the draft plan is to create a growth area, planned community zones all over the Pequannock Watershed, telling me that this is what the community wants and this doesn't explain it away. It ignores the water deficit, it ignores a host of environmentally sensitive lands, including flood plains, wetlands, steep slopes, well protection areas, wellhead protection zones and these planned community zones right over the top. It makes me ask if whoever drafted this plan is into looking at some never-never land where up is down and east is west and water suddenly springs from dry rock like rabbits out of a magician's hat. I wonder if the Council truly has the will and the honesty to deliver the message that needs to be delivered. I urge you to find that willpower, I urge you to revisit this plan protect the lands that need to be protected for the benefits of the residents of New Jersey and to finally say what needs to be said. Thank very much.

Susan Buck of Oxford: Hi, I'm Susan Buck and I live in Oxford. I have 23-acres that's now worthless because of the Highlands Act and the Regional Master Plan which is about to become final. It is been amusing to be here, so far. I mean, first we heard that this plan was based upon cutting edge science and that's how the zones were established and now we're hearing that the planned community zones was based upon what the municipalities wanted. Somehow it is not a really big surprise to hear that kind of conflict because when I read the Plan, I can't make heads or tails of that the logic behind it either. Yesterday we were told some more technical information that's been released since I couldn't find any when the plan was first published and indeed, when I got home last night, 360 more pages of supposed technical information. However, I still found absolutely nothing that justifies the zone, absolutely nothing that tells me how much of a factor the water that is imbedded in the bedrock underneath my land is worth versus how important it is that a wood turtle may choose to maybe spend the night there one night. I have no idea.

Here's another bunch of factors that never were discussed: it never was discussed what the waiting period was, it never was discussed what is on each of the pieces of property, and this all was supposed to be identified, and it's still not there. I did notice that there is a piece of paper, 70-something pages on TDR and it does have more substance than any of the previous "fluffy" documents on TDR. But I do have a couple of quick comments. I haven't had time to go through the whole thing and I am providing comments separately. This TDR paper, like every other aspect of the regional master plan uses the word "should" a lot! And there's a lot of "woulda, coulda, shoulda's" throughout the RMD. All of these things can become completely ineffective if one of those "shoulds" becomes a "doesn't happen." These things need to be firm. If you are going to take a stand, take a stand so that we could comment on it. I can't comment on something when it says, "We should do this, and we should do that." Well are you gonna or aren't ya!

I mean I can't provide any kind of rational comment. I understand what's going to work if you do it, I understand what might not work if you don't do it. But I can't comment on something that's got a bunch of shoulds in it. This does have an application process which does outline what you have to do to get a TDR, however, it does not include things that are going to cost the land payer money. The landowner should not have to pay one more penny to apply for anything. Not for Green Acres, not for TDRs, not for farmland preservation, not for any program that exists. We have had enough! We've lost enough money, we've lost enough time. It should not cost us anything to apply for a TDR. There's a lot of language I don't want to get into too much detail, the TDR Bank situation, it's talking about the TDR Council recommending that a TDR Bank be established, and that's a very important issue. It's one of those "shouldas" that could kill the whole thing. If the Highlands Bank isn't separate from the State's statutes it's not going to work out right. There's a mandatory thing in the state's TDR Statute that needs to be addressed or the whole thing won't work because it's mandatory that municipalities conform to the state plan before they are even allowed to get involved in TDRs.

And then there is a section in there which says, "If in five years, more than 25% of the TDRs haven't been used, the whole thing becomes invalid. In the meantime, the person that did the TDRs has all of their land deed restricted, whether or not they sold it, they need the TDRs, and they are thinking they are going to get paid, when the whole thing could fall apart. The TDR program needs to be there forever. It cannot have a sunset clause. If you want to put a sunset clause in, put it in with the bog turtle thing, but do not put a sunset clause in the TDR thing, and that's buried in there and absolutely needs to be fixed. Also I see deed restrictions throughout the Master Plan; deed restrictions are a completely inappropriate thing to do with what is basically a zoning document. If it continues to be there, it's an extraction value of rights and values without compensation, and that's number one, and it's just simply inappropriate because we don't know what the future holds. Nothing is forever, this is a zoning document. We have absolutely no idea what's going to happen. If there is global warming, I'm going to be looking at the seashore! So you are going to be a lot more interested in my land then you are right now. On the issue of agricultural sustainability: a couple of quick things on that, I don't think we need to worry about agricultural sustainability being over ranked. There's still nothing in there for sustainable agricultural. It's nothing more than protecting the soil. There's nothing there that would protect the farmer. Thanks.

Chuck Forbes of Ringwood: Hi, I'm Chuck Forbes from Ringwood, and I'm a landowner. But I'm not one that's going to make a lot of money out of all of this. I was the one who was issues the first stop work order under the Highlands Act. And at the time, I went to the meetings and I was told that there would be revisions to the master plan were going to show some way that this would be resolved. So I waited a year and a half. And then it was put off for another 6 months and now it's been 2-1/2 years have gone by and the plan has come up with these planned community zones, and I'm looking at them and I'm thinking just like all of these other people that are thinking, "What on earth are they thinking about with these planned community zones all within 300 feet of water."

And than it occurred to me, they just wanted to put it on the map without having any obligation to go forward with any kind of development whatsoever. They wanted to further restrict our properties and claim that they had given an opportunity for satisfying the complaints. Well, it can't be that way. We've got to have some hope; otherwise you're going to be flooded with lawsuits. It just has to stop. You have to come up with a plan that gives property owners some regress other than filling out endless forms and waiting endless months or years. It just has to be that way, and I hope that you'll expedite this project so that we are not waiting another 2-1/2 years as we get older an older and our hopes of retirement seem to fade further into the distance. Thank you.

Jill Arbuckle of Little Falls: My name is Jill Arbuckle and I live in Little Falls, in Passaic County, New Jersey. I'm a member of the Appalachian Mountain Club and of the NY-NJ Trail Conference, but I'm speaking as a private citizen.

Like many of us who live in North Jersey, I find that I need to get away from the stresses and crowding of the suburbs to somewhere quiet and green, every weekend if possible. I hike or cross-country ski in Ringwood, Norvin Green Wawayanda. As pay-back, I've maintained a trail section myself, and supervised another 20 miles of train, for over ten years.

Over the ten years, I have seen first-hand the increasing intrusion of motorized vehicles – dirt bikes, ATVs, snowmobiles – into our open spaces. This is not an appropriate use for publicly owned land in a crowded state. Even if a half-mile away, they shatter the quiet. Close-up, their exhaust chokes you and it lingers for a long time. If they are allowed on any trail in the park, they inevitably end up using all the trails. Even the Cedar Swamp trail in Wawayanda, one of our few natural areas, has been invaded. Over the years that I've been hiking, they have gotten noticeably more brazen about helping themselves to any land they fancy, regardless of who owns it, or how much damage they are causing.

The Regional Master Plan should ban motorized vehicles from state parks and forests and wildlife areas, and should provide a model code that municipalities can adapt to control ORVs. This should cover not just where they can and cannot ride, but specify serious penalties for rule-breakers, and possible confiscation of the vehicle.

Thank for you're the opportunity to speak to you on an issue I care deeply about.

Peter Moen of Pequannock, NJ, Secretary of the Reformed Bible Church: I want to speak to the lack of churches being allowed to establish themselves in this new area. We have provided comments in writing to the scoping document, to the Regional Master Plan draft, and I talked to your folks in Chester. When the document came out I was hopeful that I would see some mention of where new churches might be able to be established. But I don't find such language in the Regional Master Plan. This is important to us, we own ten acres in Kinnelon, very close to the planning area, but now we can use 3% of it, hardly enough to put a garage on. What we would like, and what we have written to you, is to have within either a planned area or wherever, areas where churches can be established.

For instance, under the Regional Master Plan's component Smart Growth, there is no indication that religious institutions are included. Churches are not mentioned in land use planning, nor do they have a section as does housing, nor are churches mentioned in smart design standards. It says smart design should provide opportunity for neighborhood connectivity to basic needs, allow for diversity of household types, reserve space for public spaces and specific buildings to protect natural resources. Again, no mention of houses of worship as if they did not exist for the benefit of the community. We would like to have a definition for churches to fit appropriately in the regional master plan. We'd like to avoid, if we can't get the council to listen to us, the courts only can provide us with the remedy. That's not the way we should go. That's not a good use of our resources or your resources. Please listen to us, and see what you can do.

The second item has to do with boundary lines. For example, the boundary line between the borough of Butler and the borough of Kinnelon. You notice that in Butler it's a planning zone and in Kinnelon it's a preservation zone. But where is the science in that? We understand that throughout all of your documentation that science is preeminent. In other words it was the science of the region, the science of topography that drove the delineation of where the preservation area was and where the planning area was. Now how can you follow, and its an irregular boundary you can see it on your maps, it goes up, it goes down, it's exactly the boundary between the borough of Butler and the borough of Kinnelon. And so we have ten acres and we stand about 500-feet away from a planning area, but we're surrounded by houses, there is no other available open land, and yet we're in preservation. I don't know what we are preserving it for, I think it should be in a planned area, I don't see any reason to have that in a preservation area. Matter of fact, we own a house there, and when we drive up the street, suddenly we're in a planned area, and then I'm in a preservation area, and there isn't any difference. So, please use science not boundaries that are political to delineate, because that also opens you up to questioning whether the committee has in fact, really used science to make these determinations. Thank you.

Terence Reilly: I'm a project supervisor. And though I do hear people speaking in reference to building in the areas that are overdeveloped as they are, on the plan I see areas in Bergen County that we build in, unable to build in these areas, and this is going to ultimately affect my lifestyle, my children's lifestyle, where my children are going to grow up, how we are going to populate in this area. And this act seems to be shutting us down completely. All I see in Bergen County is purple. I don't see anything else. Thank you.

Al Connolly of Ringwood: I'm a citizen and resident of Ringwood. I generally support the idea of environmental protection, preserving our water, all in good faith. The net consequential effect for the inhabitants, is it's going to reduce ratable properties; businesses, properties. At the same time, ratable are reduced, jobs are reduced, there's an ever-increasing need to maintain roads, schools have to be run to meet ever-increasing federal requirements, and so our taxes go up.

The net result of this is to dispossess the less well-heeled, less rich families, making the Highlands, in the end a haven for the wealthy and childless. So we request the commission to consider in its planning, in it's the tax relief section, elimination of sales tax in Highlands areas altogether. All community and county roads to be turned over to the state so the state can maintain them. There should be a state-subsidy for schools, for the (?) of the wetlands areas, the differences in capped income could be made up from applying taxes on the flatlanders who benefit from water. And, as has been pointed out, they could do some jobs to conserve water themselves.

I realize that in the end, what we are talking about is a very, very, very special case where it comes down to reality on population and immigration. I realize that I saw the per-view of the plan, however, without a comprehensive overview addressing the total question, what's going to happen is that the poor people are going to be thrown off the land and the richer and the more affluent people are going to build their large chalets up in the mountains. Thank you.

Charles Coronato of Wyckoff: I want to confine my remarks to the purple areas, the planned community zones on the land use map. Now it says the purple areas are supposed to be confined to the areas that are less environmentally constrained, yet many are located in areas that are wetlands and within C1 water buffers. Now, one example is there's a planned community zone on that map that's right along the banks of the Pequannock River, and that's a C1 waterway. So I don't see how that's less environmentally constrained.

Now the location of these things could be a mistake, you've mentioned it's a draft that could be changed, but it worries me to think that perhaps in the future there's a plan to allow the Highland's planned zones to override the existing environmental regulations and if that's not the case, well then, why are they there? It's definitely sending a mixed message at that shouldn't be sent.

It was mentioned at the start of this meeting that these areas "may" support development and it was repeated that may is a very important word. And I agree that may is a very important word but it's not as important as the word "no." And it should be emphasized that there should be no building in wetlands, no building in C1 waterway buffers, and if the plan were changed to take those zones out of those places then it would send that proper message. Thank you.

Steven Melnyk of Waldwick: I'm an arborist. NJ-certified tree expert. I work in the State of NJ, earned my living here for the last 47 years. I own property in Vernon, and with the new regulations it's going to be a problem for me to build. I've had the property ten years. I like what the lady said back there said, there are 25,000 vacant lots that apply to your new

regulations. I've applied for the septic, and of course they told me that I need a letter of interpretation from the state, I'm willing to do that. But I want you people to think about, there are small people here paying taxes. I've paid taxes for ten years on this property now I have a big question mark. The people next door finally sold three acres because they couldn't build. Restrictions were too great and I don't know exactly how it was left, but he gave up and sold it to Green Acres. So where does that leave my property? Valueless? I called Green Acres, they said, "Talk to the Highlands Council." So I'm talking to the Highlands Council. I want you to take into consideration that there are people here like me. That want to live here with their children and their grandchildren. That we do need a place to live. That we can't just shut everything down. We need regulations, we need to be heard, we need water, but we can't just shut everything down. I don't belong to a club, I'm just a home owner. Thank you. Green Acres value is driving prices down.

George White of White Environmental Services on behalf of Ramapo College: From White Environmental Services, I'm here on behalf of Ramapo College. We'd like to welcome you to the college, Ramapo College was ranked number one by the U.S. News and World Report among comprehensive college in the Northern U.S. It's one of the 12 senior public colleges in New Jersey. New Jersey is currently experiencing unprecedented demand for access to Higher Education. Witnessing a student population increase which has been termed "the baby boom echo," The number of High School pool of graduates is projected to increase by 15,800 students between the falls of 2002 and 2008. While New Jersey is ranked 5th in the states among percent populations with bachelor's degrees or higher, it ranks 43rd public four-year enrollment per capita. The New Jersey Higher Education Commission has identified the need to increase the capacity of state colleges as one of its primary objectives. Currently 61% of the full-time student body resides on campus which is 30% higher than in 2002. Improved retention rates, an increase in the number of full-time and first-time students and strong interest on the part of first-time students to live on campus has grown the need for on-campus housing and the resident halls at Ramapo College are currently at 100% occupancy even though they have been undergoing extensive building in the past ten years.

The campus of Ramapo College falls on the boundary between the New Jersey Highlands preservation area and planning area, with Route 202 serving as the boundary between the two areas. Within the preservation area on the western side of Route 202, are the college's athletic fields, football stadium, art studio, president's residence, and parking areas. On the eastern side of the boundary, within the planning area, are the college's academic buildings, dormitories, offices and additional parking lots. Within both the preservation and planning areas, the Highland's Council Land Use Capacity Map has classified the campus as a mix of protection zone and planned community zones/special planned area. By controlling development on the campus of Ramapo, above and beyond the existing NJDEP regulations, the Highlands Council may significantly impact the college's ability to meet the growing needs of the student's, and thereby limiting the future success of Ramapo College. To the best of our knowledge, Ramapo College is the only college in the state of New Jersey within the New Jersey Highlands; therefore we feel that the college needs to be recognized as a unique situation. Obviously the campus of a state college should meet the Highland Council definition of a specially planned area; we feel that the Highlands Council has made a significant area in mapping nearly one-half of the College's area as a protected zone. The

college may be significantly impacted by the Highland's regulation when proposed development and redevelopment on campus occurs within this protected zone.

We think there are two factors that led to the misclassification of the college's campus. First of all, the DEP land use map which were used when formulating the mapping identifies the land use on the campus of Ramapo College as a mix of commercial services, other urban or built-up land, or residential. It does not recognize the fact that this is the campus of a state college. In addition, the Highland Council relied upon, the NJ-DEP 2002 aerial photos when determining existing land-use. Since 2002, Ramapo College has seen significant growth throughout the campus including several dormitories and/or academic buildings; we will be submitting a copy of the Highland Council's map B-10 identification of Ramapo College and the extent of its campus. We will also be submitting a 2007 Campus Map showing the extent of on-campus development. In order to be consistent with the New Jersey's Higher Education Commission to increase the capacity of the New Jersey's state colleges, and to allow Ramapo College to continue as a top public college in New Jersey, the Highlands Council must classify the campus as a specially planned area. Thank you very much.

Richie Wells of Mahwah: Good afternoon, I'm a resident of Mahwah. I have lived my entire life here in Northern New Jersey. For the most part, I have spent the most part of that in Bergen County, with the exception of a few years in Passaic County. I lived on Pinecliff Lakes, so I'm somewhat familiar with the issues that were brought up at the meetings earlier. Furthermore, I would be remiss if I didn't mention that I am president of the Builders and Remodelers Association of northern New Jersey, and I am also third generation builder. My grandfather and my father have made their livelihood in this industry.

One statement that I wanted to make is that I am somewhat confused as to the purpose of this Act and the plans. I hear that this is to protect water, and yet a lot of the talk that I hear here at this hearing and read in the newspapers sounds like its more to stop development. Last year, Mr. Jeff Tittle, the President of the Sierra Club was quoted as saying that the whole point of the Highlands Act was to try and slow things down. Unfortunately, in the planning area, it has accelerated development. So, I'm somewhat confused as to whether we are trying to protect our water, or to stop growth. I'll leave my position as builder and president of the association and step into my homeowner role, as I said, I presently live in Mahwah, I recently received a water quality report stating that the lead limits in the drinking water have gotten to the point where they need to be reported, so I'm assuming that's not good news. Another question I have relating to water, how will this plan help the drinking water of today? How are you going to change the tainted water that we are drinking now? Which appears to me due to the heavy industrialization of this area, long before houses and so forth? The plan really seems to address more of tomorrow's issues which I believe is void of taking into consideration what future technology will bring as far as wastewater disposal, purification of water, etc. So I do ask that the Council look at that.

On several occasions I've heard that the studies and the master plan are all based on scientific studies and research. I have looked at the web site and research, and nowhere do I have copies of the scientific data that this is based on. I would like to know where I can find those studies and read them my self. I would hope that this Plan is based on actual academic science, and not political science. Thank you.

Robert Wisniewski: I'd like to thank The Council and the Highlands Commission, everyone who's done this good preservation work. I'd like to urge that the no-build zones be identified and identified abundantly. And I would just like to point out that this idea that speculating should be made into a risk-free business is specious. If your property value goes up because 287 gets completed, those people don't chip something into the state and or try to turn back the value that they gained. When the mid-town direct goes in, all the properties along the rail line all shoot up in value, well that's good, just rake it in for yourself. But when something in the community interest happens, something that is in the best interest of everyone, if that pushes the property values down, well that's part of the game of being a speculator, it goes up it goes down. It shouldn't be something that has to be carried over and made into a safe game by whoever is planning. Thank you.

John Kelly: Good afternoon. I also want to thank you for being here. Just to follow up to begin with the resident from Mahwah who made reference to the fact that there's lead in the water, if he checks with the water department, he will understand that there is a test that has to be done. I believe that they tested 60 homes, and if ten percent of the test fails, then you have to report it to your citizens. So the problem with the water as I understand it is within those homes not within the overall water supply.

To the issue that another resident of Mahwah mentioned, looking at the gauges that are in the Ramapo and the amount of water that is found therein, my understanding is that the idea of the Act and the entire Highlands Act is to protect water. I think that we need to look and if Congressman Garrett's office would look at what's happening out of boundary line, as people have talked about boundary lines, the boundary lines between New York and New Jersey and what is happening north of us in New York State, with a new sewer plant being built, a new agency was created within the last year, year and a half, called the inter-municipal alliance whereby a number of communities that are within the Ramapo watershed have joined together to ostensibly protect the watershed. I hope that they are not being led down the garden path because of what's happening in a portion of that watershed just north of the border. As I understand it, it will be intended that water from the sewer treatment plant will be pumped into the Ramapo watershed, will become surface water, that then goes by the gauges, that were referred to, that is then tested at a certain level, and as long as you are at a certain level, then if you are north of border, you can keep tapping the aquifer, and that's the same aquifer for the township of Mahwah supplies well over half of our water supply. And as Mr. Speck mentioned earlier, it is being depleted and there have been times when we, as well as people north of the border have been told, you have to stop tapping it until it goes back. So this is something that the Council really needs to look at, I don't know where your jurisdiction would lie, it's outside of the boundaries of the state of New Jersey, but I think that Congressman Garrett's office ought to look into it also, thank you.

William Randolph of New Jersey State Board of Agriculture: Thank you for this opportunity to speak today; I am a member of the New Jersey State Board of Agriculture. Our board is comprised of eight farmer members, two elected each year at our state agriculture convention to a four-year term; we represent all the major ag-commodities of the state. Our responsibility is to set policy for the New Jersey State Department of Agriculture to be administered by the secretary of agriculture. Traditionally farmers have been the first

environmentalists. As they derive their livelihood from the land, naturally it is in their own best interests to protect this valued resource, the most important component of which is water. Agriculturists have often been pioneers of water conservation and recycling technologies and for years have been voluntary participants in conservation practices and land preservation, where they would exchange their development potential for equity.

What is causing major concern and distress is the direct threat that this RMP proposes to equity. Farmers by and large, are not wealthy people. Most if not all of their equity is tied up in their land. Like all businesses, agriculture is dynamic and ever-changing. In recent years markets have grown from local to regional to national and even international. To remain competitive, farmers must constantly invest in new technologies and equipment. I've been in the greenhouse business my whole adult life. I'll use an example, greenhouse traditionally evolves pretty quickly and is generally capital intensive. So you are constantly investing in new technologies and new equipment. I always like to say that for every dollar I spend on new technology and equipment, I might as well dig a hole and throw 90 cents of it away as my banker only recognizes ten percent on the balance sheet. So in order to be able to invest in the future, I have to use the equity to secure my loan with the equity in my property. Of course, I think that the one thing that everyone in this room could agree on is that water is a precious, valued commodity. We all cherish it; we all understand it's a valued resource. The charges that you outlined earlier, the goals of this plan are noble, and I think you should be commended for that. However, two years into the process, I see this RMP as a zero-growth land taking, much of it born on the backs of the farmer.

The Highlands Act states that the Plan must adhere to the intent, and all of the provisions of the Highlands Water Protection and Planning Act to be sustainable and economically viable. Without a funded source for equity protection, this cannot happen for agriculture. The Plan can only succeed if a dedicated source of funding separate and apart from the Garden State Preservation Trust 2, is identified for land easement acquisition in the Highlands to permanently protect these lands while compensating property owners. This is vital.

Also funding must be provided for conservation planning to implement soil, water and natural resource conservation practices on our agricultural lands to ensure the continued stewardship of these resources into the future. In summary, this plan affects real people—farmers, families, small-business operators who make a living in the region, as well as others who have lived here for generations. Serious consideration must be given to the delicate nature of these business and the anxiety of families who are wondering how they will afford college tuition, health care coverage, retirement, and intergenerational transfer by the decisions that are being made by your council. The DEP emergency rules have had a crippling effect on real families many of whom have resided here for generations. Agriculture has suffered through this process, yet we have been active participants in good faith. I urge you to slow down; you have a solemn responsibility to all of the residents of the region, many of whom face real emotional and financial ruin if the process is allowed to continue in the courts. Thank you.

Jim Kelsey of Independence: I had a hard time finding this place. I would like to say to Congressman Garrett's representative here, ten million dollars is very nice to start, but it doesn't go very far to cover the 22 billion we estimate is being lost in property values in the

Highlands. I'm a planning board member from Independence Township. My township, Independence Township, is like a poster-child of what is wrong with the Highlands Act and your regional master plan. The Highlands Act put watered and sewerred areas of our township in the no-build preservation area and our most environmentally sensitive areas in the planning area. What sense does that make if the Highlands Act is really about protecting water?

Now, if we opt into your master plan which puts our whole township into the preservation or conservation zones, you take away all of our future commercial office and age-restricted ratables in a watered and sewerred zone. How are we to be able to meet our approval requirements? How is this fair to the affected property owners or our taxpayers? As we lose ratables and tax appeals how are we able to continue to provide essential services without drastically raising taxes and forcing more people out of New Jersey? Or is that the goal here? Many people here think they are not adversely affected by this Act and Master Plan because they are exempt or in the planning area. Well, yes, the Highlands Act states that certain properties are exempt. But why is your council or the DEP requiring exempt properties to apply for exemption certificates, pay application fees, do expensive studies for hydrology, endangered species, historic sites, scenic attributes, etc., etc., only to find out at the end that before getting exemption certificate that they are required to sign a conservation easement, de-restricting their property in perpetuity from any further disturbance including cutting weeds, increasing lawn areas, trimming trees, and allowing inspections by the DEP or whatever charitable conservancy they assign, such as Mr. (?) Sierra Club, why? The legislation does not require this. Plus, the Highlands Act may change in the future, but a de-restriction doesn't. How is that fair? And what about eminent domain?

My mind goes back to a beautiful house I spent much of my childhood in. The state acquired the property as part of a state's forest expansion, did not maintain that beautiful house and tore it down. Now, if you are in the preservation area and your land has been devalued by 80-90%, the state can now buy your land cheaply. You say, but wait a minute, the papers say they have to give you pre-Highlands value, but that's only a starting point for negotiations. After five years from adoption, the lesser value of pre- or after-Highlands Act applies. And what about the person sitting on a quarter-acre lot at the town center? If your town opts into the Master Plan, where is the high-density housing going to go? It might be where your house used to be. I don't have time to get into the loss of jobs and businesses and agriculture that this act will cause, but one more point about opting into this Master Plan. The state says they will defend, not indemnify your municipality against lawsuits over this taking of property rights. If the tide turns and land owners eventually prevail, and you've opted in, who will be left holding the bag? Not the state. It's designed so that your town and your taxpayers, becomes the deep pockets.

A nice lady at yesterday's hearings gave a brief history of water conservation in the New Jersey over the last century, but she failed to mention one very important point. Those far-sighted cities paid for the land they purchased to build their reservoir's on. I'm sure everybody here wants to conserve our environment. The question is at whose cost? Your Master Plan places the costs squarely on the people and municipalities who have conserved this environment. If Highlands water is so critical to the general public then the general public should be paying for it and the property owners should receive just compensation for

giving up their property rights. Another speaker yesterday said that there were too many people taking water for granted, that's true. But also, too many people take liberty for granted and the fact that property rights are a basic cornerstone of our liberty. The Highlands Act, your Master Plan, and the DEP regulations trample on the Bill of Rights. Over 200 years ago, we fought a revolution, in a large part here in New Jersey, to protect our rights, and yes indeed, our property rights; it seems that here in the Highlands that we've come full-circle unfortunately. Again we have become colonists, second-class citizens, to be exploited by the heavily Democrat areas of the state without just compensation by his majesty the state of New Jersey and its bureaucrats.

Gail Adrian: I just got an email when I woke up today talking about the New Jersey Highlands Regional Master Plan so I thought I would come. I live in a lake community that is quite beautiful that is just north of West Milford, I walk around the lake and I notice that there is a tremendous amount of increased house size around these little plots and we all have septic systems and I think about water a lot. I love northern New Jersey and I see so many changes. I'm very concerned about the future and about water and the fact it's a non-renewable resource and that really nobody today has the education and the technology to assist us in the incredible problems we are going to be facing in centuries to come because of what's led up to this. I guess, I'm selfish as a private citizen coming here because my biggest concern is that everybody learns to share water and to share land in such a way that boundaries, which are artificial constructs, the land is a whole. We are just going to have to learn and get along well enough that people are going to have enough water to drink, and people have enough water to keep them healthy. I support the New Jersey Master Highlands Regional Plan and even more I support stronger conservancy issues when it comes to water, land and endangered species. Thank you.

Deborah Post of Chester: My name is Deborah Post, Ms. Letts, this morning I read that we are educated about this plan. As the landowners have evidenced such ignorance over the past two years haven't we? I ask you, how anyone could be truly educated about a plan where the underlying scientific foundation, if indeed it even exists, is kept under tight lock and key, and stamped confidential, not available to the masses. The masses, are evidently not smart enough to understand the Council's esoteric studies. Are they? I wonder, Ms. Letts, whether you and your colleagues have even reviewed these scientific documents yourself. I'm skeptical. If these documents had been made available to the Council members, odds are they would have leaked by now. Without any leaks, a possible conclusion is that the council members voted to release a plan with supporting documentation to which they had not even been privy. It's a real possibility, isn't it? After two years of appearing before you at council meetings, the real caretakers of the Highlands environment, those who own and live on the Highlands land, know that addressing this body is like yelling into a responseless void. Today, I direct my comments to the eastern New Jersey ordinary folk, who have been told to come here today to protect their water. Eastern New Jerseyites, please know, the Act is not about preserving your water, don't be fooled. New Jersey has lots and lots of water. And half of the Highlands water flows west, into the Delaware basin and never makes it into your homes in the east anyway. It's not about water; it's about creating a public park for the rich! It's about insuring that you and your family can never dream about buying a house in the country. It's about making sure that the views from the recently built "McMansions" are never obstructed. It's about reducing the traffic so the limos have less gridlock. Its about reducing school children to lower rich people's property taxes. The rich of course, send their

kids to private school. It's about insuring that the masses live in the cities to the east. With no construction jobs and related skilled work the economic base of the Highlands will decline. Ordinary folks will see their wages drop or be forced to leave the Highlands to seek employment elsewhere. Remaining Highlands work will be in the service sector, less politically correct, there will be a demand for servants. Earning low wages and with few homes being built, the servants will have to double up in existing houses. The minute building allowed will be expensive homes. Because a Highlands Building lot will be so scarce, as affordable only to the very wealthy.

Last week's preservation of the Mennon Farm in Chester foretells the real Highlands Land Use Plan. The 360-acre hideaway farm was subdivided into what one might call estate lots. Overriding the Highlands Act, the state of New Jersey handed four 80+ acre lots in one-house development rights will be assured with a future Mc-Castle rising on each. Planned Mc-castles, equine fence fields, manicured pastoral street views, traffic free roads, smaller schools with lower taxes, and older houses occupied by multiple 21st century immigrant families, will receive the already bountiful gentle rain from heaven in the Highlands. If it sounds like a southern plantation, the Highlands will recall the antebellum south. Will you be able to afford your palace?

Michael Natale of Lake Hiawatha: I would like to start out by saying that I am Michael Natale and a custom homebuilder. I have 112 acres of land affected by the Highlands Bill. I have noticed there are a lot of people on this debate who are one-sided. Either they are for enforcing this law to stay strong and prohibit any further development or it's the land owners upset either about their land values severely dropping without fair monetary compensation and the working livelihoods of contractors being confiscated. Well, I'm actually on both sides – first, I've lived here and worked here all of my life. It's not as if I work here and live far away – outside the affected Highlands region with the mentality of NIMBY – which stands for 'not in my backyard', so who cares. I am all for open space land, clean air and clean water all without over-development. But at what cost to everyone? I don't believe in eminent domain or packing in 200 condos or town houses into a small track of land. Instead, we build new homes with lots that are subdivided up to 5-acre minimum sized lots. I can't see how reasonable it is to require an 88 acre sized lot for one home with a septic system.

Next, since this bill when into effect, my family's hard work over the past 40 years has suddenly been arrested and made extremely difficult for us to progress. We purchased 112 acres of land in Sparta without a clue about the land becoming liable to soon fall into the Highlands. Since then, no one from the state has come forward to offer us a full reimbursement of our financial losses over the land purchase, utilities, engineers, taxes and property maintenance. That put us into a financial black hole of over 3 million dollars. That's like a lottery prize for some people if you think about it!

I can bet that the politicians who passed this law or residents who are all for this haven't lost either a wink of sleep or gotten their properties stuck with the Highlands restrictions. Since then, we have been working with loans from the banks and subcontractors who believed in our company name. If it were not for them, I would have been forced to sell off the business and forty years worth of hard work gone down the drain. For all of the profits

earned, it all goes back to repay the loan with interest. I feel like I'm working hard and running hard in place without any good growth. Why should I work hard if it's not going to pay off? Also, I challenge anyone in this room, I want to know if there is anyone either in this room who can raise their hand up and let me know do you think it's fair that the state just steps right in and stops you and puts you into three million dollars worth of financial debt and that's all you had? All eggs in one basket! Can anyone raise their hand and tell me that's fair? Can you, How?

(Mr. Natale is reminded by the Hearing Officer that the format is not a back and forth discussion).

Next is this, all I'm trying to say is I'm on both sides of this. I am not one-sided by saying, I'm up against everybody over here. All I want to know is, my main point that I'm trying to drive home is, if you want the land, for preservation, cause believe me, I work and I live here too, you have to pay for it! You just can't take away 112 acres of my land and leave me three-million dollars in debt and say, whoo-hoo, you should have thought about that before you bought the land. You can't say that. I just want some kind of happy medium here, where I can be fully compensated for everything I've lost financially, never mind the time, I'll swallow that. All I'm saying is you know, look on the other side of the coin and don't be one-sided. For every home that we generate, it produces several hundred jobs. Sussex, Warren and Hunterdon counties, are not affluent areas. Those people commute close to New York City for their jobs.

There are people here that are for all this to go into affect, but don't realize that you're going to have to reach real deep into your pockets to pay off everyone who has had a major financial loss, so think again. And be careful for what you wish for, you just can't have your cake and eat it too without paying for it. Thank you.

Hugh Corola of Bloomingdale: I'm one of those currently eastern residents, but before I lived in Hackensack, NJ, I grew up in Bloomingdale, and greetings from Bob and Pat Corolla, my parents still live in Bloomingdale, and are very happy and proud that they made a decision to move there back in 1964 which seems so very, very long ago. To continue, one of the things that we in the eastern part of the state are very thankful for is that the Highlands is there, and that the water resources of the Highlands are available. I had the opportunity a couple of years ago during one of our more recent droughts to see large amounts of water that are conveyed from the Wanaque South water project to the Oradell Reservoir in the Hackensack River Watershed. Today, our watersheds are not septic discreet areas. Because of technology inter-basin transfers we can move water from where we've got plenty of it to places that need it more. So today, although I do not live in the Highlands, I am a beneficiary, as are everyone who receives water from United Water, that's well over a million people in the eastern part of the state. It is our water safety-net that is what the Highlands is.

If I may, give remark regarding Mr. White's comments regarding Ramapo College. I am an alumnus of this institution, way back in 1980 I graduated, and I am also an annual donor. And I am proud to be so, but it would make me prouder if this school would be a leader in doing the right thing instead of trying to align itself with the fear-mongers and the

developers and land speculators that are on a different course. This institution is one where people learn open different ideas are done and where the right thing ought to be done all the time.

Now one other question that someone brought up is how does this plan protect drinking water? Well it's very simple, the answer is now that we know is time tested. The simplest the best and the least expensive way of protecting potable water is by protecting the open space, the forested lands that surround those water resources. It's the best way. One thing that the folks who are dedicated to technology say is, "It doesn't matter how much you develop around the watersheds, we always have technology." Well, someday we may find ourselves in a position where the technology is not strong enough, is not able to bring the water to the places where we need it to be, in a condition where we can safely consume it.

One of the groups of people that I haven't seen much today or I haven't heard from in several years that this process has been going on, are from my fellow sportsman, hunters and fisherman. Those of us who grew up in the Highlands as I did, and many people who return year in and year out, to the woods and fields and waterways of the Highlands. We know that this is where it is at. The Highlands and its waterways provide some of the greatest fresh water fishing in this state, bar none – both freshwater and cold water and warm water fisheries. There is a tremendous amount of biodiversity there. Hunting, need I remind anybody about how many deer we have in the Highlands? It's an incredible amount of wildlife that is available in the Highlands. And the amount of money that the state takes in from the sale of fishing licenses, hunting licenses, duck stamps, deer permits, is critical to the maintenance of our states. And the communities in the Highlands and other areas where hunters and fishers come benefit from the fact that they are "Meccas" for people to come to fish and to hunt, and also, to my friends who don't hunt or fish, to those who bird watch and wildlife study. A tremendous amount of economic activity generated by people in that part of our world.

Lastly, I would simply like to say that I appreciate the work that the Council is doing. To my friends in conservation who have a lot of issues with the plan, it's not perfect, we all know that. And there are certainly ways and places where it can be and will be and probably should be improved. But it's time for those of us who support Highlands preservation to stand together, to work together, to help make this plan a reality for us, for now and for always.

Don Weise of West Milford: My name is Don Weise. I am a homeowner and taxpayer in West Milford, a hike leader for New Jersey Audubon Society and a member of the New York/New Jersey Trail Conference.

Maybe I'm biased, but I love West Milford. It's not a rich area, but the air but of all the towns in our crowded little state, I can't think of a place with more natural beauty than West Milford. The air's a little cleaner, the temperature's a little cooler and the traffic's lighter. Thanks to volunteers at the New York/New Jersey Trail Conference, we've got over eighty miles of hiking trails in our township alone. This brings a lot of people and tourism to our town. The trails are not just for the rich, they are for everybody they are free. And admitably, we have a need for stronger ATV Legislation, and we hope that the Highlands Council will address that as well.

But we've got a great quality of life that would never be possible open space. So I was compelled to attend these hearings because after thinking West Milford was safe inside the Preservation Zone, I'm now seeing parts of our town apparently green-lighted for sewers and development.

I know this has been brought up, but I wanted to point out in particular, the Pinecliff Lake community which lies at the foot of Bearfort Mountain, New Jersey's second highest ridge. My family swims and kayaks in this lake, the same lake that feeds into the Monksville and Wanaque reservoirs.

Pinecliff Lake Community Club fiercely protects our water quality; we have septic systems and over the years, we've taken strict measures to prevent bacterial and non-point source pollution from entering the lake in a variety of ways. As a result, the water quality leaving our lake is actually a better quality than the water coming into the lake. So you have a package plan coming upstream from us, and you have septic systems at our lake, and you have better water quality just before the dam leaving our lake, then coming in.

So when the Highlands Act passed, we cheered. Various people and politicians have been trying to develop the heck out of our town for years; that would be disastrous for our lake and New Jersey's drinking water. But, I'm afraid that we celebrated too soon. Much to our surprise, the new regional map is showing Pinecliff Lake and the surrounding area targeted for possible sewers and development.

Should this oversight not be corrected, the Wanaque Reservoir, Monksville Reservoir, recreational Greenwood Lake and Pinecliff Lake will be see non-point pollution as never before.

On a larger scale, it is crucial that the Highlands Council also create a Master Plan with some teeth to it. For various reasons; ATV legislation, no-build zones where necessary. Our open space, particularly in West Milford is under constant threat, from local diversions of open space to the dissolving of our Open Space Advisory Board to sewerage, which as we know, quietly opens the back door to high density development.

Anyone who lives in the Highlands knows the dynamics of what's happening here politically. Watershed community taxpayers are screaming for tax relief and local pro-development politicians are using this as political leverage for more and more development. So, if we really want to win this war and save the Highlands, I believe now is the time for the Highlands Council to go on the offensive and get behind the push for a water usage surcharge. Besides being the right things to do, it will accomplish two things:

1. It will provide much needed tax relief to watershed communities, who after all, the stewards of our state's drinking water.
 2. It gives the Highlands Council the political leverage it needs to strictly enforce no-build zones where they are needed most.
- I urge the Council to act swiftly on both of these fronts for the sake of the Highlands and our water. Thank you.

Mike Herson of the Sierra Club and Oradell: I am the New Jersey Chair and Co-Chair of the New Jersey Sierra Club. I am also the Highlands Issues Coordinator for the State, and I live in Oradell, in Bergen County. So you're welcome to Bergen County, those of you who don't live here. I just want to talk a little about Bergen County and how we have 70 municipalities here, and 67 of those depend on water from the Highlands. Only two Bergen County towns are actually in the Highlands, Mahwah and Oakland. But so many people from Bergen County depend on water from the Highlands, more than 800,000 people in Bergen County alone, who do not live in the Highlands depend on water from the Highlands.

Bergen County at one time was full of forests and wetlands, and then it had many, many farms and forests where it wasn't practical to farm. Today we hardly have any farms. I hope you notice that across the street, there is a farm. It's across the street from Ramapo College, a horse farm. And Ramapo College wanted to bulldoze it. The family reached out to the Sierra Club, and friends of Mahrapo Farm, and we helped them to save the farm. And I worked very hard on that project. Then we got some funding from Bergen County and the State, and I want you to consider that when you consider Ramapo College's comments on how they should be exempted from Highlands Protections. It's really important to preserve farmland and forests, and both things are protected in order to protect our water supply. There are more than a half a million people who depend on water from the Highlands who don't happen to live in the Highlands. Not to mention the 900,000 people who do live in the Highlands who depend on Highlands water, so this is critical to our state's economy. It's critical in every way as to the nature and the quality of life.

The pictures that I presented to you which have been made available on the back table if anybody wants to look at them show the Highland Farms which I have some association with either family or friends. These are Bergen County farms. The Mahrapo Farm across the street is preserved, but the Trautwein Farm in Closter was a farm where my in-laws lived and that's all housing now. And there is a little farm stand that's left, but that used to be a farm. And that's within my lifetime that that disappeared. The Riverside Square Mall, over on the right-hand corner, which has Huston's and Barnes and Nobles and Sach's Fifth Avenue and all those stores, well that used to be a farm, too. No more. The Bedelliah Farm in Oradell, is located between (the middle picture) is located between two tracts of forested wetlands and had wetlands on it, I'm sure, at one time. I would speculate anyway, that is now all housing, I have friends who live there. But the reason why I'm bringing up all of these Bergen County farms including Tice Farm which is now a mall is that farms were developed. The Farm Bureau's Policy and the state's policy toward farms and the way that our tax policy is towards farms with a look-back policy makes it easy to speculate on farmland, I guess you'd say, because you get a farmland assessment.

The Farm Bureau seems to oppose the regional master plan and wants to maintain the status quo, where farms will not be protected and will disappear in favor of development, just like what happened in Bergen County. Well, when you go to Sussex Warren County and County and Hunterdon County later please keep that in mind. Because the Highlands is really the last place to get water in the State, thank you.

Joseph Dunsay of River Edge: Good evening, I'm a resident of River Edge. I earned a biology degree, and then went on to teach high school biology for a year in Brooklyn. While I was there teaching, I lived in Bushwick, near many of my students. After that, I volunteered for a year to serve on the environmental commission of River Edge, New Jersey, and then I went on to earn my master's degree in ecology and evolution. So, although, unlike the previous speaker, I don't earn an income speaking before council members, I feel I have some expertise on the environment.

On a personal level, I know what it's like to be new in the neighborhood. The farms that were in Bergen County that some people are nostalgic for are the farms that were cleared so that my family could have a house to live in while I was growing up. Eighty years ago, my grandparents were the groups of people were barred from many places in New Jersey. One of my grandparents was from Wales, he didn't face as much discrimination, but three of my grandparents were from Eastern Europe, and there were many clubs that said that they weren't welcome.

Now, I understand the need to protect water resources. And I believe the best route there is by recognizing water rights, and perhaps, the transfer of development rights. Under no circumstances do I think eminent domain should be used. I also believe that the council should reorder its priorities. Everyone does need water. But a thing such as view sheds, historic sites, the character of the neighborhood? When I hear that I think back to the arguments against my family moving out to New Jersey 80 years ago and why it took so long for them to be welcomed in this state? Thank you for your time.

Carl Richko of West Milford (former mayor): My name is Carl Richko. I am the former mayor of West Milford Township. Presently, I am a member of the Board of Directors of the Pequannock River Coalition, a member of the Passaic County Open Space and Farmland Preservation Committee and vice chairman of the Highlands Municipal Property Tax Stabilization Board.

I would like to thank the Highlands Council for their hard work with the difficult task of formulating the Highlands Regional Master Plan. I hope that everyone realizes how important this plan is to the future of the Highlands region and to all the people of New Jersey. In the most densely populated state in the nation, we must protect our water resources and remaining open space.

I am here today to ask you to reconsider the Planned Community Zones (the purple areas) that are presently listed on the maps in the Pequannock River watershed. It makes no sense to place growth areas near a C-1 river that flows between reservoirs. I believe in smart growth and smart growth should not take place in areas of wetlands, steep slopes, flood plains and stream and river corridors. I was quite surprised when I saw the purple areas in this watershed area. I hope you will help preserve this important watershed by correcting this mistake. Thank you.

Devlin Mackey of White Township: I'm a resident of White Township, Warren County. I've got a couple of comments. First, as you guys put your Master Plan together, I read through the actual agricultural section, and I wonder where in the Department of Agriculture

has been. It appears that they have not been involved at all. If they were involved, then our Secretary in the Department of Ag is virtually useless. I'm going to call on our state board of ag to ensure that the Secretary of Agriculture does a little something with the department in coordinating with you. If you don't have any outreach to them, I think you need to. And I think that the Department needs to come back to you guys and straighten a lot of this stuff out that's in the agricultural section.

I could go down through, point by point, we'd be here for a couple of hours, but I only have three minutes. In particular, the words "identify high quality agricultural land in need of preservation." Two lines down from that we have, "250 acres or more of contiguous agricultural land." And I wonder what the words, "limited, permissible use of an agricultural land," is. Is agriculture truly exempt? When I read the legislation, I read that agriculture was exempt, under certain rules and guidelines, thresholds established by the legislation. I don't see that in the master plan. I see words like, "limit permissible uses of agricultural land."

Next point, the landscape map. The landscape map seems to be intertwined with most of the points in the Master Plan. I don't know how much you folks know about the landscape map or how much you know about the Endangered Species Act at the Federal level. The Endangered Species Act on the Federal level sets aside certain criteria for certain critters and says, "these guys need help because there's not many of them left." What the Sierra Club and what many of the other folks in the "quote" environmental community have done is they have gone out through the western states and they have created habitat for a species. They've introduced the Canadian wolf into Yellowstone Park. By introducing the Canadian wolf, and then, after it's been introduced, putting it on an endangered species list, they have essentially wiped out almost all of the moose in Yellowstone Park. They refused to control the amount of wolves that were there, they were supposed to be 250, there's about 1500. The same thing is happening here.

(Mr. Mackey was reminded by the Hearing Officer of his time).

You're taking some crazy dream that a couple of groups of have "dreamt up about a landscape map, and giving preferential treatment to the little critters, birds or salamanders or whatever they might be on potential habitat. They don't even live there, and you want to protect them? You want to prohibit agriculture? You want to prohibit anyone from using anything? What happens with the "SA?" in the Midwest is the three "Ss" of Why. That will happen here to us. Don't wish that upon us here in this region. We like our woodpeckers and we like the other critters that we are trying to save. The three "Ss" are "shoot, shovel and shut-up." It happens on a daily basis in the Western States.

Edward Goodall, Executive Director of the NY/NJ Trail Conference: I'd like to thank all of our dedicated members and volunteers who have already spoken, and I'd like to thank the council and its staff for all of their hard work to get us here. I'm not from New Jersey originally, but I have to tell you, it's a very interesting place. Because essentially, we are involved in a grand experiment of how many people per acre of open space, of what quality life, and at what cost, and who pays it. Now that's what's going on in New Jersey, it's a cutting edge place to be. And at the cutting edge there is always friction. I don't envy the work that you are doing, but I think that you are doing a great job, and just stick with it. It

would be nice if you could get some help from some other quarters, I'll talk about that in a minute.

But first, I wanted to give you a specific example of how this Act is working. We are about to close, with some public partners, on a property in the preservation area, including Green acres funding, and Bergen County funding. And we were able to pay with Green Acres funding, the pre-Act price. And that, in the end, made the difference to allow that property to be preserved. It gave the private landowner the equity take-out that she needed to make it worth it to her. So there are aspects to this Act that are definitely working. And we are a beneficiary, and we hope that this whole room and the community will be a beneficiary as we move to make that land public. So certain things are working. The funding mechanism is a problem. I don't think that that's a problem that the Highlands Council can solve on its own. There are TDRs, that's good, I'm glad we are going to work on that. But, as Don Weise commented on earlier, we need a water tax, whatever you want to call it. The people who are using the water should pay a fair market value, and that price should then be transferred to the areas where the water is produced. Complicated subject, it's easy for me to say that, but it's the only way we could go that's a rational and equitable solution to the funding mechanism.

Watershed lands do a lot more than water. We know that the water is the big ticket item that everybody depends on for life. But they also are recreational lands and that gets into my realm. My organization deals and maintains with volunteers at no cost to the public, 1700 miles of trails in this region, both in New York and New Jersey. I handed you a brand new North Jersey hiking map and it shows some of the trail infrastructure that we have here. That's a major ecotourism resource, hiking is the least expensive, and environmentally benign ways to access these lands so people can enjoy them in other ways than drinking the water. There's a number of things which we have submitted in written comments which could facilitate this recreational and economic network. And I hope that the Highlands Council will be able to pay attention to those in time.

In particular, we have a Highlands Trail, it's a millennium trail, it's the namesake of the Highlands and it has some problems, in crossing roads, and getting across rivers, and so forth. What we'd like to see is for certain aspects of the plan to encourage communities to list trails on their official maps and consult with organizations like ours who are familiar with them, when they are doing planning, so that those trails can integrate seamlessly with the overall plan. Thank you very much.

Vic Lagomarsino of Lincoln Park: Hello, I'd like to address a few issues. First the building areas around lakes, I forget how you designate them, the ones in purple. A lot of people don't realize that septic systems are very harsh on lakes. Just ask anybody in Lake Hopatcong where they have a real problem of septic systems leaching into the lake, and they're killing the lake. And I think that's one of the reasons why the Council made all of those lake community areas purple because those are areas that desperately need sewer service systems. Septic systems slowly progress, they take 20 years, sometimes 40 years, but it does work it's way into the lakes, and I think those purple areas address that so that we can get sewers into those areas. I think that's a good thing.

On the other side of the coin, we do have a problem with funding this. Landowners need compensation, environmentalists say, “Let’s do this, it doesn’t matter what it costs, because we’re not paying for it.” I think the only sane way to do this, is to tax the water, and distribute the money fairly between towns and landowners. Thank you.

Lorraine Bogert of Oradell: Hi, I come from Oradell, and I belong to the Sierra Club. I’m not going to say anything exciting, I’m just going to go through the number of towns that are really using this water. Obviously, I won’t get through all of them, but it’s a lot of towns:

Allendale, Alpine, Bergenfield, Bogota, Carlstadt, Cliffside Park, Closter, Cresskill, Demerast, Dumont, East Rutherford, Edgewater, Elmwood Park, Emerson, Englewood, Englewood Cliffs, Fairlawn, Fairview, Fort Lee, Franklin Lakes, Garfield, Hackensack, Harrington Park, Hasbrouck Heights, Hallwood, Hillsdale, Hohokus, Leonia, Little Ferry, Lodi, Lyndhurst, Mahwah Township, Maywood, Montvale, Moonachie, New Milford, North Arlington, Northvale, Norwood, Old Tappan, Oakland, Oradell (my town), Palisades Park, Paramus, Ramsey, Ridgefield Park, River Edge, River Vale, Rochelle Park, Rockleigh, Rutherford, Saddle Brook Township, South Hackensack, Saddle River, Teaneck, Tenafly, Teterboro, Upper Saddle River, Waldwick, Wallington, Washington Township, Westwood, Woodcliff Lake, Woodridge, Beverly, Warden Township, Burlington Township, Burlington, Cinnaminson Township, Dalonka Township, Delron Township, Edgewater Park, Eversham, Morristown, Mount Laurel, Palmyra, Riverside Township, Riverton, Willingboro Township, Cherry Hill Township, Closter Township, Belleville, Bloomfield Township, Caldwell, Cedar Grove Township, City of Orange Township, Essex, Fairfield Township, Glen Ridge, Irvington Township, Maplewood Township, Milburn Township, Montclair Township, Newark, Carteret, Cranberry Township, Dunnellon, East Brunswick Township, Edison Township, Highland Park, Metuchen, Minetta, Middlesex County, Milltown, Monroe,

(Ms. Bogert was reminded by the Hearing Officer of her time and asked if she could submit the rest of her comments in writing.)

I’m on page 3 of 6 towns; there are a lot of towns! Well, maybe you get the point, there are a lot of people drinking this water, it’s about the water, and I hope we all just remember that! Thank you.

Jim Alfano of Bloomingdale: I’m not here from the Sierra Club, I’m not here to complain about the water, I’m going to represent myself. I’ve got an issue with you people, your Act, your building inspectors, preferably. I live in Bloomingdale, 36 Morse Lake Road. And this is a fact, I’m into an architect for close to \$1,600 dollars because the Bloomingdale Building Department will not issue a permit to allow me to put an addition on my house.

(The Hearing Officer asked Mr. Alfano if his comments pertain to the Highlands Regional Master Plan)

It’s about the Act in general. The architect filled the application out, sent it to Trenton, and we’ve been waiting now eight months. We sent them drawings, we sent them pictures, we still do not have – you people have to talk to your inspectors and get your act together in the right way.

(The Hearing Officer directed Mr. Alfano to post his comments to the New Jersey DEP).

Well, you people, it's the Highlands Act that's stopping us from doing our construction. You shake your head no, if it wasn't for the Highlands Act I'd have my house already built! All I see is heads shaking,

(The Hearing Officer directed Mr. Alfano to talk to the staff.)

I have talked to the staff, they gave me some information, but I mean it's eight or nine months now, and to have a building inspector whose not familiar with what has to be done is not right. I think you have to inform your inspectors so that they know what to do. Thank you.

Richard Gaynor of Fredon Township: Good evening, I'm a resident and a business owner in Sussex County, New Jersey. There are over 800 residents that make their homes in the Highland Municipalities of our population as it continues to grow. Home ownership is near impossible for those just entering the workforce, and those entering retirement due to high median house prices.

As our population ages, more age-restricted housing should be provided so that older residents can downsize and remain in the area rather than being forced to leave their communities, because they cannot build homes in their own communities when they downsize. There are more than 100,000 young adults in the Highlands who are ready to establish their own households. Moving out of the nest, looking to move on but stay close to home. The ability for them to build their home in their communities where they live if they happen to be in the Highlands area, this Act prevents them from doing so, or strictly impedes their ability to do so. The Council still has time to work towards meeting the needs of New Jersey residents in providing appropriate patterns of compatible residential and industrial development, redevelopment and economic growth, together with the protection enhancement of the values of the Highlands resources. The Council should revise its policy, the position to mandate growth by those conforming municipalities that already have the capacity and infrastructure to accommodate development.

Beyond promoting mixed use development, the plan should encourage a variety of housing to be developed; town homes, single family, detached, attached, apartments and age-restricted homes. Under the subject of employment in housing, there are jobs associated with housing. The imbalance in the Highlands are great, for both zoned and developed land with an adequate supply of workforce housing especially for the many employees at the more moderate pay-scale range. There's a huge deficit in the workforce. The plan should strive to ensure workers providing service in the region such as in schools, hospitals, restaurants, stores, EMT services, etc., are able to find affordable housing in the area.

In the economy, the plan does not adequately address the economic growth of our communities within the Highlands. The Parsippany-Troy Hills Office Market is the third largest in New Jersey. The region's economy is greatly dependent on people and businesses located here to thrive. Whereas in Sussex County, we too have that problem. And we find

the inability to acquire talented labor, workforce in our area because of the inability for them to find affordable housing.

Homebuyers looking for suburban or rural living will be forced to buy very large and expensive parcels of land with this Act. And to do so, eliminating the possibility for moderate cost housing in these areas. I'm a resident in the area, and I drink the same water. I too believe that water is precious and we need to guard and keep precious our resources. However, this Act serves to take away our land, restrict the greatest asset most families have, which is their property, and diminish most businesses' ability to thrive and grow. We need to reconsider a better plan, whereby affordable housing, the ability to own, protect and utilize your personal assets and our economy are all able to grow and flourish. Thank you.

Bill Moran: I'm a licensed engineer and planner in the State of New Jersey, and I just had some comments near the previous speaker. I have a potential client who owns 24 acres in Byram Township, and he would like to subdivide 6 acres off for his son to use, but in the courts with the current regs there's only septic system allowed per 88 acres in a wooded area, and one septic system allowed in 25 acres in a field area. Now this precludes this gentleman from subdividing a 6 acre parcel for his son to remain in New Jersey to habitate, and carry on his life, and it's a pretty sad situation that he can't subdivide a small parcel to his son. He's not proximate to any wetlands or any water source. The nearest wetland and water course is approximately 300-feet away.

The science behind this is extremely questionable as to how they can come up with these large numbers when in fact every site is different. There could be a perfect soil system for a septic system. The UPA in 1980 issued a document declared that all you need is 4-feet of good permeable material to adequately treat a septic from a house. I think the science behind this needs to be evaluated.

The GIS system used to evaluate the soil conditions, the NCR only evaluates the top six feet of soil in the horizon. Now typically, in Sussex County, its glaciated areas, you have a silt/clay layer and below that you have a coarser, sandier material, and this fails to take into account that material which is very suitable for a septic system. I just think this needs to be evaluated to help these local people who would like to subdivide a small piece off for their family to remain in New Jersey.

New Jersey is third in the country in exodus from people leaving the state. Most of that is due to high property taxes, and the inability to find affordable housing. And I think this seriously needs to be considered in the new regulations. Thank you.

Walter Van Dunk of Mahwah, speaking on behalf of the Ramapo Indians: I'm from the Ramapo Indians, I live in the small little section in Mahwah, that's considered the Highlands. I was wondering if anyone on this council has ever talked to anyone from the township of Mahwah because in the little section that I live in I think Mahwah has handed out more building permit since this council has been formed than they did in the last 100 years. Because houses are going all through the mountains up their and Mahwah keeps just handing out permits.

As a Ramapo Indian, we always try to think seven generations ahead, and people don't seem to realize that these mountains here, are where the water in New Jersey start. And if they want to keep on building and if they want to keep on fighting you, the Council, at every step, sooner or later you are going to have a desert around here, with no trees, no water, people are going to have to be drinking there water out of bottles. All of the lakes and the rivers here are going to be polluted which half of them are already. The Ramapo River a few years ago was so polluted that there was no fish left in it and people don't even remember that anymore.

I would just like to say, that I think that you are doing a good job. I don't know how things work with these townships, but like I say, Mahwah acts like they don't own any Highland here, they are just handing out permits and people are building mansions all through the mountains. They tear up rocks, cut down the trees, make trails across the streams, change the waterways all through the mountains, and no one says anything. Thank you.

Tom Consom of Ramsey: It was difficult finding this spot; it was a matter of luck. I just got out of work; it's an injustice to the working folk that they don't have a chance to make their issues felt. I've been involved with this just north of the border. There's an incredible amount of development pressure between the area running from Sloatsburg to Ringwood and along Sloatsburg Road, just north of the Jersey border. It effects the contiguous nature of the New York State Parks, and the New Jersey Parks, it sort of bisects it, splits it.

Unfortunately, this development also will affect the quality of water along the Ramapo River, most of the development will be the watershed that will be around the Ramapo River watershed that pumps into the Wanaque Reservoir, and then pumps over to the Oradell, and it has a great impact on the residents that live in Northern New Jersey. So there is a lot of impact just north of the border. I just ask you to please hold firm in your commitment to do what's best for all of the people.

You've heard a lot of people talk a lot about individual cases. And I'm sorry for these individuals, but you're talking about the majority of people – 3-1/2 million people that get their water from this area of the state, and you've got to think about the best interests for all and not just for a few. And I think that's very important to think of at this moment. Thank you.

End of Hearing 6:49 p.m.