

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

Date: January 11, 2007
Commencing at: 4:15 PM
Location: Warren County Technical School
Washington, NJ

Before: Hearing Officer John Weingart and
fellow Highlands Council Members Tim
Dillingham, Tracey Carluccio, Debbie
Pasquarelli and Kurt Alstede

Hearing Officer John Weingart: 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 John Weingart 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. With me today are Tim Dillingham, Tracey Carluccio, Debbie Pasquarelli, and Kurt Alstede.

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 five public hearings called for in the Highlands Act that must occur within the Highlands Region. A sixth hearing will be held in Trenton and 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 May 12. The hearing schedule is at the registration desk and on our web site.

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.

I am pleased to welcome the following officials here today: Representative Scott Garr

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 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 staff member 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:

PUBLIC COMMENTATORS:

Thomas Smith:

I am a pastor with five acres of property and an approved site plan. I've spent thousands on documents.

Andrea Hayde:

Three years ago we were promised science and it is here. I hope Franklin will opt in and the township has more to gain than lose. Ratable chase is an illusion. Franklin is having lawsuits. The township should try to conform. There is a need for additional funds from the Garden State Preservation Trust and water fees. Produce tax from imported food to ensure protection of local food. Homestead rebates. Some thing is wrong if farmland is only worth something if it built upon.

Jeff Jacobus:

I have been a builder for 25 years. I am concerned about taking property. If you take rights away it costs homeowners money and it impacts construction jobs. These workers want to stay here and want to work. It should be halted at least until all the information is released. Three things that the builders want are:

- 1) To Repeal the Act
- 2) No taking of property rights without compensation
- 3) More compensation to address equity

Joel Kenya:

I second the comments of the previous speaker. The Highlands Act is unconstitutional. I am not only a builder and worried about my job; I am a father and want to build a dream home for my family. The Highlands Act is taking away the American Dream. Additional research is needed.

James Kesler:

My name is James E. Kesler; I am a fruit and vegetable Farmer in Mansfield Township, Warren County, as well as Tewksbury TWSP, Hunterdon County. My farms were not Inherited or given to me, they were purchased with earned money and borrowed money. And today at age 73, myself and the family work the farms to continue to pay the Mortgage. I have a wife, a son on the farm and daughter nearby, who works the farm with me, and without them the farm would not function. It is their interest that I am most concerned.

I believe that the Draft Proposed Master Plan rules and regulations needs to be modified with respect to farmland designations, farm exemption, and compensation plan before issuance of the formal Plan.

My Mansfield farm is located in the Preservation Area, Protected Zone, and is colored green on the Map. My Tewksbury farm is located in the Preservation Area, Conservation Zone, Colored Brown. The designation of farmland in the Master Plan is the issue.

I am concerned that my farm in Mansfield Township, which has been an operating fruit farm for over 100 years and is located in the preservation protected zone and colored green, will be left with an uncertain future. Being designated green the farm operation may be more severely affected with the proposed regulations and likely future overly aggressive Environmental Rules, in short the farm may be regulated out of existence with subsequent infringement upon the NJ Right to Farm Act. In this case we would be left with a Farm that can't be farmed and therefore be in the category of a useless piece of land. If the NJ Right to farm Act was broken we could be unprotected from law suits just because we are operating a farm. Some folks move to the country and don't want accepted farming activity near them.

The above concern calls for a Uniform Designation of farm land *exempt* from current and future predatory environmental rules that would jeopardize the farm operation growing fruits and vegetables, or some other human food crop.

Another issue which the Draft Plan, fails to address adequately, is Compensation for restrictions on the land use. My farm was purchased without any of the Highlands Act Rules and Regulations and restrictions in the DEED. The Property was zoned Rural Agricultural with 3 acre zoning with subdividing under the control of the Mansfield Township Planning Board. We have held the land from the beginning, almost 25 years, and continuously farmed it without any requests for subdivision or new development on any of the lands. I mention this to defuse the idea that farmers are Land Speculators with that motive in mind. Being a responsible father with the interests of my heirs it was anticipated that sometime in the future likely beyond my lifetime my sons and daughters if necessary would be able to sell a lot per property for someone else's home, and use the proceeds in their old age for Retirement funds or Healthcare. At the moment they don't have this option, with a likely result they could perhaps **be destitute** beyond my life time. The Highlands Act is responsible for compensation of lost development values.

The above compensation Issue mandates that the Highlands Council take a more serious view calling for the Legislature to create a source of funding to fairly compensate the

families of the Landowners who have had their property rights taken.

Last I would like to request the Council again review the 300 setback from open waters as this will unnecessarily take away 1 Acre for each 145 linear feet of farm land. This is excessive. Were this regulation in affect much of Warren County would have never had had house built. Thank you for your time.

Sam Race of White Township:

Thank you for the opportunity to present comment on the Regional Master Plan. I am Sam Race, a resident of the Highlands with land in the preservation and Planning areas. I am also a member of the governing body of the Township of White in Warren County. Many of us who live in the 1344 square mile Highlands region keenly aware of the rigid controls established by the Legislature for the Preservation Area, anticipated that the Planning Area would provide some reasonable opportunities for economic growth believe it is very important to allow existing business and industry to grow and to Oilet-the opportunity for new economic development to help maintain a strong economy. However, upon review of the draft master plan it appears that this is not what the Council envisions for the future. Opportunities for economic growth are extremely limited, particularly in the more rural areas which are designated as protection zones and are projected for virtually no growth.. The stated intent of the Highlands Act was water protection and the critical water protection areas were, in fact, protected by statute as the Preservation Area. If this was truly the intent of the Legislature then it is very difficult to understand why you are actually proposing, in effect, to expand preservation area type controls to a major portion of the Planning Area.

This could not have been the intent of the Legislature when they adopted the Highlands Act. I would like to explore the legislative intent issue a bit further. In Section 2 of the Highlands Act which states the findings and declarations of the Legislature, the concluding phrase of the findings section, following discussion of the importance of the water resources and the beauty of the Highlands and the need to preserve them the Legislature included the following language, "*...while also providing every conceivable opportunity for appropriate economic growth and development to advance quality of life of the residents of the region ...*" (emphasis added).

I submit to you, the members of the Highlands Council appointed by the governor as persons qualified and directed to carry out the mandates of the Legislature in the Highlands Act, that the draft master plan for this 1344 square mile area that makes up about 11% of the State of New Jersey, has not adequately addressed this extremely important legislative mandate. I suggest you have an obligation and responsibility to review this legislative mandate and reevaluate the draft plan to assure that it does in fact include every conceivable opportunity for appropriate economic growth and development to advance the quality of life of the residents of the region. I believe that action to assure the implementation of this mandate by the legislation must include major modification of the land use controls currently proposed in the Plan. In addition, and again in accordance with the intent of the Legislature stated in Section 2 of the Act, more stringent environmental regulatory standards should be accompanied, as a matter of wise policy and fairness to property owners, by a strong and significant commitment by the State to fund the acquisition of exceptional natural resource value lands."

I believe that this mandates that any new regulatory controls must not be enacted or enforced until the Council and the State have provided the indicated funding commitments

to protect landowners and the economy of the region. I trust my comments will be carefully considered as you move forward with the Regional Master Plan.

Dana DiRisio on behalf of Congressman Garrett:

“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.”

Betty Schultheis of Allamuchy Township, Councilwoman:

The Allamuchy Township Council, after careful examination of the Highlands Draft Regional Master Plan believes the document to be a "regulatory" document rather than a "planning" document. It appears to control all of the Highlands Planning Area land use options. In fact, it appears to be more constraining than the DEP Preservation Area rules. We also believe that the towns/boros/cities within the affected counties who may believe the Highland's legislation was of little consequence to them as they were already at build-out will have a rude awakening as they suddenly become the bearer of a larger and larger share of the County Tax as the devaluation of farmland continues. This Plan is onerous to EACH and EVERY resident of the Highlands Region and we must all band together to STOP its implementation.

Corrine Goodwin:

I am here to explain my concern. In 1947 my father purchased two building lots on Millbrook Road. On 1987 my father passed away. The lot is security for me. My hands are tied by the Act. The property across the road has been approved because it is in the planning area. I believe I should get the fair market value. I love the town of Broadway. I am discouraged because I turned down so many people who had interest in the land.

Howard Wolfe:

I am Executive Officer of the Community Builders Association. Congratulations for the release of the Draft of the Regional Master Plan and the Council’s resolution for adequate funding. Now the Council wants to preserve even more land without compensation. Stealing is not legal. The Soviet Union took land from its people; the United States is required to pay just compensation. The open public meeting held today did not even disclose the degree of protection. Yet, six months ago the Council delayed the Plan to make sure it was right.

Cinny MacGonagle:

The Musconetcong Watershed Association urges the Highlands Council to strengthen the present RMP to further conserve the forests and prime farmlands that surround the Musconetcong and all other rivers and their tributaries in the Highlands. We note the Act

recognizes that agricultural lands are important resources that should be preserved, and that the agricultural industry is a vital component of the economy of our state.

We urge that Prime Agricultural soils be strongly protected within the Conservation Zone and throughout the Highlands Region. Limited permissible uses within the Agricultural Resource Area should protect soils for cropland, water recharge and habitat. We also note that cluster development has a negative effect upon grassland bird species, many of which are Threatened and Endangered in New Jersey. With a haphazard pattern of development, these species will be displaced.

We recommend that non-farm development should be prohibited in the Conservation Zone. If indiscriminate development spreads through the agricultural landscape, the scenic rural character of our farming heritage, as well as its grassland ecology, will disappear. The RMP should ensure that these resources and outstanding scenic vistas not be destroyed. The Council needs to clearly identify the areas of contiguous farmland and prime agricultural soils and remove them from development. These farmlands should be preserved through a combination of the Farmland Preservation Program and the Transfer of Development Rights Program.

We should encourage agricultural expansion such as crop farming and grazing that does not result in paving over prime agricultural soils. As farmland is replaced by impervious surfaces, water can no longer make its way into underground aquifers and replenish stream flows during droughts. Excessive groundwater withdrawals due to increased development will also cause unacceptable depletions of stream flows. Impervious cover increases surface water pollution and speeds runoff to streams, creating flooding problems.

We support the 300' riparian buffer where it exists and urge that it be applied further to additional areas within the Conservation Zone. We also recommend that all sources of nitrates should be regulated, including agricultural pollution.

In sum, it is imperative that the exceptional water quality found in the watersheds in the Highlands be preserved and that the provisions to enhance and restore impaired waters and riparian sites be strengthened.

Congress has recently designated the Musconetcong River as Wild and Scenic, and we expect that the Highlands Regional Master Plan will ensure the protection that this exceptional river and all rivers in this extraordinary region deserve.

Reverend Douglas Batchelder of Fellowship Church of Phillipsburg:

I appreciate the opportunity to appear before you to express the concerns of the people of the Fellowship Church in Lopatcong Township, regarding the Highlands Act as applied. I am Rev. Douglas Batchelder, a pastor of the church and chairman of the church's non-profit, charitable corporation.

The New Jersey Highlands Water Protection Act and the Draft Regional Master Plan impose a substantial burden upon my church and its people in the free exercise of our religious rights under the Constitution and the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA). This burden is not peculiar to my church alone, but is also a substantial

burden to at least 3 other religious organizations in my township alone, and to all other churches, synagogues, temples and mosques in the Highlands zone of control. Let me explain our concern.

If a religious organization owns (as ours does) property in the zone of control, particularly the Preservation or Planning Areas which has been classified as a Protection or Conservation Zone, there are severe limitations placed upon the ability to develop those lands for religious operational purposes. This has already resulted in the denial by NJ DEP of needed permits to religious organizations to develop their property. This violates our rights under the Constitution and RLUIPA. Because of these violations a church owning property in Lopatcong Township filed suit yesterday for relief against Commissioner Jackson acting in her capacity as Commissioner in United States District Court in Trenton

While I personally share the concern that our state has over-zealously developed its land, it has not been overdeveloped by religious organizations. We are not the ones who have cut down or paved over thousands of acres of woodlands and farmland for tract housing and shopping mall parking. Yet a substantial burden is placed upon religious organizations to help remedy the situation we did not cause by limiting in our ability to exercise our right to practice our religion in the restricted zones. Furthermore, even religious organizations operating in the Planned Community zone are substantially burdened, if they are using property they own in highly restricted zones as collateral for loans. The restricted property is devalued, and may result in the calling of existing loans or the inability to obtain loans for use in the Planned Community area. Either way we lose.

The very government which literally permitted the over-development is now seeking to limit our free exercise to serve the very public they have permitted to settle in these areas with the necessary services religious organizations provide. Religious organizations like ours serve the public good. The services we provide cannot by law be provided by the government, yet they are needed by our people and are called upon in times of distress and need.

It is unacceptable to presume that religious services provided to the public can only now be carried out in the Planned Community zones, because the very nature of non-profit and religious activity often is such that *it must be provided in the geographic area served by them* - or their mission is compromised. The exemption for schools, hospitals and qualifying religious organizations recognizes this so schooling, medical care and religious activity can happen in the communities where those who need those services live. Otherwise, people would need to commute across many miles for schooling, emergency medical care and exercise of their religious rights, and that is unacceptable.

The Constitutional and legal problems caused religious organizations by this Act and its application can be easily remedied by making the exemption for places of worship available to all religious organizations. I urge the broadest possible interpretation of "a place of worship" in the application of the exemption. This prevents the very difficult political problem of having the Governor and the State being perceived as hostile or adversarial to the mission of religious organizations which serve the people through activity for which there is no adequate substitute in our culture.

This Act and its application may not be by intent hostile toward religion, but facially and in effect it is. It must be changed to exempt all lands owned by religious organizations for bone fide religious purposes irrespective of when those lands were acquired, or what structures mayor may not exist on them. If those lands are needed for religious activity, they serve the public good so they merit exemption.

The Highlands Act and the proposed regulations of the Draft Regional Master Plan pit public good against public good- with the result that the public suffers. Good public policy does not protect the interests of one part of the public at expense of the civil rights guaranteed by the Constitution to all the public and when it does it needs to be changed.
Thank You

Richard Longo of Boonton:

My name is Richard Longo. I live in Boonton Township, Morris County. My property is in the preservation area. By the enactment of this law you as the council have been made part of an unconstitutional strike against the citizens of our state. What you are doing is a duplication of efforts. By having the Council formulate a regional master plan, the duplication is that the majority of municipalities already have in place ordinances, regulations, zoning, planning boards, zoning boards, environmental committees, health officers and code enforcement officers and others to make sure that there would not be any type of development that would harm the water quality or water supply. The act takes away the authority on the local level for our elected officials to do the job of protecting their constituents. Outside political influences are more or less saying, "we don't care if you've been elected, we're here from the State government and we are here to "help" you."
THAT'S SCARY!

I believe that the Council should not adopt this Regional Master Plan, and advise the legislature to repeal the act, because it's unconstitutional and violates the basic rights of our life, liberty and pursuit of happiness. Thank you

Adrian Hartung of Pohatcong Twp.:

I am a farmer in Pohatcong Township. I see many older farmers who are going to have a problem divvying up the property they have. The surrounding farmers worked hard to pay off the farm. My son passed away, so I can't pass on my farm. I live on 16 acres and have 22 acres total. The Pohatcong Township Planning Board has examined this issued. My wife passed away in May. I spent \$11,000 for 8-acres and an 8-acre subdivision. I cannot sell it to an interested buyer. It's like a bank where I can only look at my money. The property has been appraised at \$20,000 an acre. I paid death taxes on \$20,000 an acre. This represented my lifetime savings.

Leslie Van Dorn:

I am here today because I am concerned about the impact of development on the ecological system. My father was the head of water protection at the New Jersey Department of Environmental Protection. When you develop too much, you run out of water and impervious cover pollutes the existing water supply. The Al Gore movie shows that it is too late once this happens and maybe too late to turn back. I support the farms and the farm land and I agree that we need to help them. But I have no sympathy for the in Hopatcong, Lopatcong and Mansfield. Let's save the land.

Assemblywoman Marcia Karrow, representing Warren and Hunterdon Counties:

I represent Warren and Hunterdon Counties. I am offended about “not supporting the plan.” I request that the next meeting fix that reference. I complement the Council that there are funding requests in the Master Plan. I support the Garden State Preservation Trust and the water fee, but the devil is in the details. I support the extension of the dual appraisal period and I have introduced legislation for the last twenty years. I wish that the council could support TDR statewide. I need more time for the Act. I don’t believe the legislature intended the Highlands Region to be so extremely difficult to live in.

Section 10, 11, and 12 are very specific. For example, section 11 refers to a determination of human development that the region could sustain. There are no projection numbers for developability. In section 11, the council needs to show where development will be allowed. JCP&L will not connect properties in the Preservation Area. The Legislature wanted to protect the most sensitive lands to protect drinking water. The financial component requires a cash flow timetable. The master plan should include the cost of implementing the plan and the source of funding.

I have no idea how much it will cost and there are pages and pages of requirement. The transportation component requires projects to promote a good system. There are no projects in the plan. The transportation section is about putting in trails, it is the need to include information about economic growth, the resource assessment shall have no binding or regulatory affect therein. The conformance period requires jumping through hoops. The Council is overstepping the intentions of the Act. The Planning Area is advisory only. People lose money on Wall Street but these landowners do not get a chance to sell. The Highlands Council is overreaching. The words are very clear that the Planning Area would allow ratable growth without interference. I believe in the Constitution and it is wrong and contrary to the Highlands Act. The Council should only be influenced by what is in the legislation.

Sam Akin of Washington Twp. (Morris):

I own 115 acres in Washington Township (Morris County) and it is a preserved farm. I was initially concerned that the Council is a non-elected board, but now I am concerned because there is no funding for preservation. I do not support the right to enter lands without permission. I thought that a preserved farm would not be affected. I own a historic farm with a creek flowing through it. The original buffers were fifty and now there are 300-foot buffers, and 1,000-ft. from vernal pools. I have 30 acres of woodlands, half of which are in the preservation area, the other have in the planning area. The woodlands are in the protection zones and the only use now is for regeneration since they can no longer be used for timber. The plan requires municipalities must conform and it requires mandatory recreation, historic and cultural planning. The septic density has not been completed yet, and the New Jersey Department of Environmental Protection as 88-acre and 25-acre density. The municipality will be required to include 88-acre densities.

Nancy Gladfelter:

My family has lived in New Jersey for ten years. The lack of water every summer and poor quality is of great concern. I am also concerned about flooding and run-off from impervious cover. Lawyers shoot holes in the local ordinances and I would like to see the Plan include specifics. Additional information is also needed for build-out and capacity.

Amy Hansen of NJCF:

There are very good natural resource area protections. I am concerned, my family farms 38-acres organically and we found good land in the Muscnetcong River Valley. It is important for the economic health of the region for agricultural production. In order to protect agriculture, the Council should create incentives for impervious cover for 5% of total land area. The Highland Act includes this but it is not in the current draft of the Regional Master Plan. . . need for lot and block numbers. I support the conservation zone policies but I am concerned about clustering as this would require wastewater systems and the land includes sinkholes. Kaarts features must be avoided, and there is a need for scenic resource protection. Farmland can be preserved by TDR and Farmland Preservation.

Jeff Bradhurst of Holland Township:

I own a 130-acre farm in Holland Township in the Preservation Area. I farm the land and I am a forester. The big picture is that cities are sucking water and we are running out of water. The Highlands area is not short on water. The Regional Master Plan is inflicting pain on the people in the region. The plan should require conservation in the cities, not in the homes in the region. When the cities run low on water after 2030, what then? The plan should require conforming municipalities to use renewable energy – solar panels should be exempt, for instance, and windmills should be promoted. Forestry – 40% of forest does not get to aquifer, fields are better than forests. We cannot cut the woody matter.

In 1900 there were very few trees and now there are extensive woods. The Plan is like a bulldog on the neck of the farmer. You cannot rotate fields and forests. The Plan wants to develop a woodland certification program and has no expertise in forestry. There is a need to track this. Who is paying for this duplication? The state is broke and we are adding layers of government.

Robert Finke of Washington Township:

I am a resident of Washington Township in Warren County and a Highlands victim. This is a hate crime. What about all of the farmers and the landowners? They are taking private property and giving it to the environmentalists.

Al Cappella:

I was born outside of this country and came here to farm. My father thought this was a sparsely populated area. The burden of the preservation is on my shoulders. I bought land in 1968, 1978, and 1996, about 250 acres in Mansfield. I paid for it by farming and I am concerned that my property is being taken without compensation. The plan includes vague language to preserve agriculture. Without compensation, the message is that it is not worthwhile to live in New Jersey.

Yasmine Barto of Bloomsbury:

I am writing to voice *my* opposition to the proposed regulation above in its present form. Implementation of the proposed regulation would corrupt the original resolve of the act by becoming a vehicle for manipulation and intrusion. The creation of 3 zones of land use restrictions has an increased and unlimited negative impact on land owners. It becomes a master plan of unprecedented power couched in altruistic motives seeking to legitimize

excessive restrictions. It makes the word "exemption" worthless, for all rightful and reasonable exemptions fall into newly made categories of restrictions.

This attempt to restrict land has a dubious hidden agenda. Interpretation, as it now stands, limits or prevents any future use by religious organizations. It violates the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. 2000cc, et seq. which was passed by Congress and signed into law specifically to protect individuals, houses of worship, and other religious institutions from land use ordinances and regulations which place a substantial burden upon them. In effect, the regulation is discriminatory against religion and religious people who fall within the Highlands Area. A solution would be to recognize all bona fide religious activity as exempt from the regulation because of the Constitutional and federal statutes.

Moreover, land owners, who propose to build, must defer their projects by the inability to borrow capital due to the uncertainty created by such legislation. It amounts to a confiscation of property. Boundaries and guidelines to protect the land owners must be a priority, or private property rights will be irremediably damaged.

Everett Chamberlain, Freeholder Director:

The Act was a terrible piece of legislation. The Plan is worse than the Act. It is big government by a Governor who does not care about property rights. The New Jersey Department of Environmental Protection is not accountable. It usurps home rule. It must stop until a dedicated source of funding is created. A comprehensive economic study is done on the tax implication on the Highlands municipalities. The Pequest Sewer Authority is impacted by the NJDEP's limits on the effluent from this plant. The discharge regulations cost taxpayers millions of dollars. If this Plan goes through, we will bankrupt the municipalities. I would like to see the Act repealed. Fund the Farmland Preservation program and Green Acres and buy the land.

Steve Kalleser:

My name is Steve Kalleser. I am a Certified Forester, by the Society of American Foresters. I have worked as a forester in the Highlands region for more than seven years. I work for Gracie & Harrigan Consulting Foresters, Inc., a firm that has been practicing forestry with distinction in the Highlands for more than 25 years.

I began devoting my time to the Highlands following the release of the first draft of legislation in 2004. Upon the signing of the legislation into law, I and other foresters actively engaged the Highlands Council and staff in regards to the future of forestry in the Highlands area, even though our brand of forestry had been exempted. We also submitted comments in regards to the scoping document for this RMP. I was a part of the Sustainable Forestry Technical Advisory Committee, and the lead author of a 34-page report on sustainable forestry that was distributed at the Technical Advisory Committee "charette" back in March.

That report was liberally distributed. Several people within the staff received copies, and several people on the Council received copies. We were probably the only Technical Advisory Committee to have done extensive research, and certainly the only one to bring a complete report with us to the charette. For our efforts, we were congratulated and thanked and told that members of the staff wanted to visit our office to examine our sources.

I felt confident that the sound scientific basis of forest management was understood and would be incorporated into the RMP. Upon reading the draft RMP and several of the draft Technical Reports, I was disappointed to see that very little of our contributions were included in these documents.

Our report detailed the existing regulatory environment of forestry, the ecological and economic importance of the disturbance-dependent oak forest, as well as nine items that needed to be addressed as part of the Regional Master Plan.

- To meet the needs of a growing population partly by increasing water yield through sustainable forest management of watershed lands. *The Regional Master Plan makes no mention, and the Water Resources Technical Report has not yet been released.*
- To protect water quality through scientifically-based and proven Best Management Practices

The Regional Master Plan not only does not make mention of forestry and wetlands Best Management Practices (Cradic 1995), but suggests that such regulation does not currently exist by stating "Coordinate with the NJDEP Bureau of Forestry to develop and implement forest management practices to promote Highlands Open Water and Riparian Areas protection requirements and standards for forestry activities on public and private lands to the maximum extent practical." (page 95) The Ecosystem Management Technical Report does not mention forestry and wetlands Best Management Practices, or the current regulatory framework in which forest landowners operate.

- To encourage biodiversity through creation of multiple-species forests with multiple age classes, regardless of public or private ownership, specifically through harvests that create early successional forests aged 0 to 20 years

Early successional forest is mentioned in just 3 sentences in the entire RMP, with no Discussion of how these forests are to be created. Unbelievably, early successional forest is not mentioned in the Ecosystem Management Technical Report at all.

- To encourage biodiversity through improvement of understudy flora

The RMP makes no mention of the management actions described in my report. The Ecosystem Management Technical Report goes so far as to call the sunlight needed by understudy flora "light pollution" ("Human development also has indirect impact by creating different intrusions of varying impact into adjacent natural habitat and recreational open spaces. These intrusions include increased air, water, noise and light pollution; changes in microclimatic conditions due to increased sunlight and wind; Increased populations of invasive weed species; and increased frequency of disturbance due to direct contact with humans, human pets, and associated rural/suburban pest species." Page 40)

To utilize established and proven methods to "restore" forests damaged by natural or unnatural agents *None of the methods discussed in my report were mentioned in the RMP or the Ecosystem Management Technical Report.*

- To work towards placing all State-, county-, and municipally- owned open space under active forest management plans *Recommendation carried.*
- To recommend, when appropriate, that DEP Division of Parks and Forestry and Division of Fish and Game lands be certified as sustainably managed by an independent third-party certification program such as Sustainable Forest Initiative *Third-party certification not mentioned in either the RMP or Ecosystem Management Technical Report. Instead of utilizing an existing team of experts that has been operating in this field for more than ten years, the RMP recommends hiring additional staff and creating a new program.*
- To standardize municipal land use laws within the Highlands Preservation Area and those municipalities who choose to "opt-in" where those laws affect tree cutting or forestry in accordance with Section 30a(7) of the Act *This is not listed under the "Conformance Requirements" section of page 126 of the RMP. The Ecosystem Management Technical Report briefly mentions such ordinances, but makes no recommendation.*
- To standardize or improve conservation easements and restrictions funded by, approved by, or relating to the Highlands, in order to allow forestry in accordance with Section 30a(7) of the Act *Conservation easements, particularly in relation to TDR, are mentioned throughout the RMP. However, the terms of the easements generally refer to allowing pre-existing uses to continue. In the Land Preservation and Stewardship Technical Report, the need for a forest conservation easement program that allows for forest management is described on page 33.*

In summary, only two out of nine major recommendations actually made it into the RMP or Technical Reports in any identifiable way. Those recommendations that were contradicted were done so using vague language, and were not supported by citation.

This does not include six other recommendations made in the same report regarding fields related to forestry.

As if this is not bad enough, pages 50-54 of the Ecosystem Management Technical Reports are so deeply inaccurate as to require a line-by-line rebuttal that I have not had the time to prepare yet. Truly the person responsible for this section never made any review of literature available regarding forestry. These four and a half pages contain exactly one citation (actually, a telephone call to be more accurate), whereas the report here before me covers the same topics in 34 pages, citing 64 sources along the way.

If implemented as is, the cost for private forest landowners to comply with Farmland Assessment will increase dramatically, with no discernable benefits realized to the landowner or society in general. This situation is unacceptable.

The reason the two reports vary so widely is because one started with a literature review, and grew into a technical report, whereas the other was written with political goals in mind and remains completely unsupported.

Dave Tullo of Lebanon:

I own 125 acres and I've done some farming on the property. I've been there for about ten years now. I have had subdivision issues. I got all the paperwork in but it's up to the county I handed it into the township, and then I contacted an engineer for a major development, so that's what I opted to do, we can cluster-build on ten two-acre lots. I have several grandchildren now, and this has affected me terribly.

I started a couple years ago with an engineering company, they didn't get all the paperwork in on time, and I had the soil logs done for 16 lots. They were only 25 acres, I was to preserve a hundred acres, add one long house, and a 6-acre lake. I spent money on surveyors, attorneys, soil samples, all that stuff I spent over a hundred thousand dollars, it fell short of the date, August 2004. I took a second mortgage out; a home equity account, to pay for this, I'm still paying for it. It's been over two years, no one has mentioned anything to me about compensation.

Like I said . . . I have a desire to do the right thin. This is the cards that have been dealt to me, in the end I'm out some money. Got to do things along the way, got to. . .And I fell short. I put a lot of money into the land, I still work hard to keep it looking like a farm, as well as a day-time job, I mean, what you've done here is terrible, with this Highlands Act, or the way that it is written. It's been a long time for me anyway I've been into land preservation; they tell us they would give us about the third of the cost. The developer wanted to purchase, I think 13 lots, with about 3 percent coverage. He wanted to develop 25 acre lots. That begin to change, I'm getting contractor quotes, and this loss is a lot of money! Last December, I was going to get a million dollars.

I don't know how this is affecting your pocketbook, but it's affecting mine. When you start affecting people, and their family, and there grandkids, they get pissed off. All we can do is represent ourselves here. And I'm highly pissed off at this point, it's been two years. This is just BS. I'm the kind of person that helps anybody in need. I don't know if I'm hurt because I've been taking advantage of, or I'm just mad. I'm the new farmer! I wonder how the older farmer must feel. I don't know what he would have to fall back on. I'm not sure anything at all.

I mean the money is one thing, this I think is stealing. And stealing is wrong. Would I go in your pocket and take your money, or your family's money, especially your children's money? You're taking my pocket money, that's exactly what you've done to me. You don't know my situation; you don't know my children's situation. I have three children, and seven grandchildren. It takes a lot for them just to survive these days. It's a small fortune. At this point, this is crazy what's happening in this area! This is on a personal basis right now. Kids are everything, future is everything.

I know that you are concerned about fresh water; I think that it's great that you want to protect fresh water; I think the main thing is compensation. I think you need to talk to people about compensating them monetarily, otherwise I think it's grievous. I can't sleep with this whole damn thing. This wouldn't have happened many years ago, if you would have stolen somebody's horse, somebody's cow, and somebody's lands. I don't know what would have happened.

I'm just pissed off about the whole damn thing, but I'm going to wait to see how things are going to progress. But I don't see how they are going to progress in my favor at all. There are a lot of people here who feel the same damn way. Anyway, How would you feel if the DEP came to you and said, "Your car is polluting the environment, it can't be fixed, you're \$25,000 dollar car is going to have to be taken. But we are going to give you a few thousand dollars for it." How would you feel, it's the same damn thing! Water quality, air quality, I understand. We all need water quality and air quality. But I think compensation is a big part of it, I really do. Septic systems are a very sore subject, yet we all have them in our backyards. But I believe that should be checked. Anyway, I think I've probably said enough. I don't know how things are going with the rules and regulations; I don't think you take enough people into consideration. Stealing is against the law, I think. If you're car is polluting, and they take it and give you a few cents on the dollar, you probably wouldn't feel it, but when it affects me and my family that is enough. Thank you.

August Gudmundsson, Trails Unlimited:

I am a resident of Warren Township near Hackettstown. I have been involved in preservation of water resources in this area since I was a Cub Scout. My organization has 4,000 members here in New Jersey; we care about water a lot. I am an avid sportsman, we are all everyday users of these resources. We're not the folks who live in the cities who are dependent upon this water, we have wells. Water quality and the quality of life in this area have degraded severely in the last 40 years. I'm hearing from people who have been here 10, 15 years. 40 years ago when I used to come up the Muscenetcong River it was a lot different. There's a lot more development here. Home rule has led to wonderful things like the Diamond Hill failing septic system right up the road. It's led to Mansfield Township buildings polluting everyone downstream. Home rule is important but it's failed us. Home rule has led to the cancer of development you see in the Hackettstown valley, the 5,000 units that they build up there.

The Highlands Act is probably flawed in many ways, but much like the old saying, "Democracy is the worst form of government," the Highlands Act is the best thing we've seen in a long time. Our water quality and our quality of life out here has degraded. When I moved into Liberty Township in 1986, our property taxes were \$3,000. Last year I sold, my property taxes were \$10,000. The simple formula is, when they build a house when they build a house in Warren County, the average tax is \$10,000. The average house has two kids, and just the kids are costing you \$18,000. Every house in Warren County has a negative impact on your town's property taxes. The last 5,000 homes that have been built in the last ten years or so, just the one's in Mendham, costs us about \$32M dollars a year. That's simple math. That's why my property taxes went up.

Everyone that's got a well, just look upstream. Those three or four hundred homes they build, with the truck and the pesticides, and the crap that they put on the lawn, that's what you are washing your kids with. When you turn on your tap, your water is polluted. You are putting that in your pasta pot when you're cooking spaghetti.

The Highlands Act ostensibly is looking to protect a lot of residents who have well water. What can happen if we continue, a great example is the Passaic River, which has to be cured just so you can drink it. We have clean water, the Highlands Act wants to protect it. It doesn't just protect it for the folks in Somerset or the other affected counties, it's for all of

us. I realize that people are going to lose money on this. Large landowners are going to lose money. You know what? When they opened up Route 80 they made a buck, when they opened up Route 78, people made tons of money. Property values soared, they won. This time they lost. Someone said, you don't have to lose money in the stock market, you're right, you don't have to play. People lose money every day. People win every day. That's called investing. People lose money and it hurts. The gentleman who worries about his grandchildren being affected, that's bad. But it's also bad when there are 50,000 people who are worried about the water they are giving their kids. This is protecting our water. This is protecting our quality of life, our way of life. This is great for our area, and if it isn't you are listening to the wrong people. If you own a home in the Highlands, your house is worth a hell of a lot more now because they are not going to be building any more. You have a home that is now worth more. As for these large tract owners, well it's not worth 6M dollars any more; it may only be worth 3M. Yeah, you lost some money. I'm sorry; you know what, in ten years it's going to be worth more. Because they are not making anymore land. Because we have to protect what we have. It's been developed to damn long. Thank you, you will be receiving comments from my organization.

Robert Mackey:

I'm not a good public speaker. Since I can't ask a question, the subject I wanted to talk about and address is the entrance of people in my house without notification or a warrant. It's in the legislation, it shouldn't be in there. This legislation shouldn't exist. To the legislature, and anybody from the State of New Jersey who enters this land without probably cause, without a warrant, they are going out in a stretcher. I'm very upset about this legislation. We've had a farm all my life. My predecessors were my family. It's now farmed by my son. His equity has dropped to zero because of this legislation. If this legislation passes, like Everett said, it's going to be an economic disaster for Warren County. I want this legislation repealed totally, in its entirety. I will go to the Governor, and I want you to make an appointment for me. I want to talk to him about saving water quality. I'm not stupid! I've run two farms for forty something years, I'm still in the business. I'll be out of business if this legislation passes. The farm is becoming less and less sustainable. The more legislation that passes it becomes less. There's no money in farming, not any more. I feel sorry for anybody that's in farming today. I'm not speaking just as a past farmer; I'm speaking for people that don't think they are going to be affected! Tax payers in the State of New Jersey are going to be asked to pay for this. And it's going to be on their shoulders. Come hell or high water, they are going to wind up paying for it. Not just the people who are being pressured out of business by this legislation. I want it repealed and I want your Council abolished. Thank you.

Nancy Chambellan, Warren County Environmental Commissioner:

As an interested resident, Warren County Environmental Commissioner and Warren County native, two years ago I entered the Highlands Regional Master Plan public process. I came with reservations and criticisms for the way the NJ Legislature mapped water protection, or rather the way it miserably failed to protect critical water resources in Warren County, contrary to specific federal identifications and recommendations to the NJ DEP.

Having been regularly involved through the shaping process and now reviewing the draft product, I am pleased to know that the Highlands Council has heard what is unique and pressing in Warren County. NJ DEP policies continue to be at odds with federal agency recommendations regarding the critical water resources of the Musconetcong Watershed and

the Request Watershed. I am encouraged that the Highlands Council's Land Use Capability Map is more consistent with federal recommendations and what this native resident knows to be the natural truth of the local resources.

It is my sincere belief that there is more good than bad in this draft Highlands Regional Master Plan. The Council reasonably has balanced treatment across the seven Highlands Counties, recognizing the unique resources of each without sacrificing anyone County to political interests of the well-connected. It is a marvel that with so many competing interests, a truly resource-driven product has materialized without caving to gross political distortions.

This Regional Master Plan is a good start for protecting natural treasures, historic treasures and especially critical water resources for the present and for future generations. I am convinced that the Council has successfully created a reliable baseline on a broad spectrum of scientific data. Mostly current to 2002 with a few data sets of Warren County stuck in 1974, it is largely a fair and scholarly application.

Additionally, I would urge the Council to address and map known contaminations sites in the Highlands. Of particular concern are the realities of unremediated Superfund sites which warrant more scrutiny and stringent planning.

Since fragile karst limestone aquifers are the highest value water resource and the most vulnerable to rapid dispersion of contaminants and sinkhole activity when disturbed, I ask the Council to recognize karst limestone as a high value resource in the RMP and develop strong policies to be proactive against contaminations and calcium erosion activities in the overlay.

I particularly urge the Council to develop stringent policies concerning development proposals of unpremeditated Superfund sites overlay. Specific to the Washington Borough MP3 model for Town Center Development, there is weakness in the model for not clearly addressing the realities of being the long-term home of the unpremeditated Pohatcong Superfund site with all its TCE and PCE water contamination and vapor intrusion. . In doing so you would be offering a better model for responsible development in the Highlands. WCEC would be happy to work closely with both the Highlands Council and Washington Borough to proactively address the extensive TCE and PCE issues and the emerging documentation office vapor intrusion challenges threatening residents' wellbeing.

In this realm and others, there is much need for cooperative, consistent interfacing with other State bodies through memorandum arrangements for responsible implementation success.

Lastly, I commend the Council for being responsive to local public participation as evidenced in your recognition of the importance of agriculture to Warren County's unique community of economics in the Land Capability Map, policies and grant supports. I urge you to continue your efforts to move the Legislature to extend the Garden State Preservation Trust; enact a Water Consumption fee mechanism dedicated to open space and give a broader receiving area base to the TDR tool for fair and just compensation where it is warranted.

I look forward to continue participating in the public process and workings of the Council applied to Warren County as implementation of this Regional Master Plan moves forward. I thank you and commend you for a job well done. I am convinced that what you have offered in this Regional Master Plan draft is a good place to start. I applaud your valiant effort and look forward to working with you in the days ahead.

Jacob Black, Warren County Board of Agriculture:

To me, it's a bunch of crap. Think about it. We are denying a whole generation the right to farm. I have a piece of property that is now worthless because I have a stream running through it. There are a lot of other farmers here. Same thing, it used to be a good thing, now it's worthless. Now we have 300 feet buffers. What the heck does that do? Is it worthless now? Are we going to be allowed to farm it? It's gone! How long are we going to be able to farm? Is it going to be a year, two years before you guys decide, no, you can't do it no more. I know one thing, I'm not going to end up there, and it's a worthless piece of property. You don't want to pay for it. I'm not happy, and every farmer in here needs to jump up and say, you guys need to go!

Andrew Drysdale:

Didn't have much time to write this down. So I'm just going to have to say it. I couldn't make it to yesterday's meeting, I have to work. I'm 71 years old. Social Security doesn't do it. We tried to subdivide our property; we spent about 60,000 on application fees with the town. And the whole process was stopped by the Highlands Act. Some people say it's an investment; you have to let it go. I started farming my grandfather's farm in 1947, but I had to get a second job to support the farm. That's how I made my living. What's left of 120 acres is 16 acres, which we tried to subdivide. This legislation was pushed through by special interests and corrupt politicians and it's going to be overturned. People from the state need to realize this. We put an ad in the paper, we paid for it ourselves, that this is coming. This is happening in the planning area, but the horrible rules of the DEP are going to affect everyone. I haven't read it all, but you shouldn't press these rules, it's a horrible thing to do. One thing to do is not finalize this plan until there is money in place, until the legislature has fixed these problems. Half of this should be thrown away. I was around when there was a lot less trees than there are now. Back in the 40s there were a lot of open fields. I think this is all a bunch of nonsense. There are practical things that could be done to preserve water, and make it clean. You don't have to do this; I really think you should give this some thought.

Susan Buck:

I live 23 worthless acres in Oxford. I would like to thank Mr. Alstadt for being the only person on the Council for voting against this. I also want to thank the other members of the Council and the staff who had the courage to come here to Warren County. And I'd also like to thank the people in the audience who have resisted the urge to "lock and load." I have made numerous comments at other meetings, so I'm not going to repeat them, but I wanted to comment on some things that were in the ecosystem technical report in the Draft of the Regional Master Plan. We know it's not about water, or about the farmers, who don't know anything except that it's about protecting all of the critters. Very, very crucial stuff in there that makes absolutely no sense. The Highlands Act specifically said know agriculture is supposed to be exempt. That technical report specifically says there is to be no change in your land. You can do absolutely nothing with your land except let it go back to forest. I've changed my farm three times in the 20 years I've owned it, depending on what the market

was and what I was able to sell it to. We are supposed to put intercostals buffers between our lands so we can keep down these costs to the farm market.

The Plan is for trails, the urban people to come out and walk wherever they want, whenever they want, leaving their garbage there, breaking into your house . . . you have to worry about what the backpackers are up to. In the Technical Report it says that the biggest problem we have with our forests is that they are individually owned parcels... This is the forest management problem. The last that I looked, taxes are high in New Jersey. I'm deeply frightened by a plan that discourages individual forest parcels. It comes right out and says this is a problem! I think we have to scrap the plan, go back to do what the legislation says. I hate the Highlands Act, I think it's unconstitutional.

They should scrap the plan and do what the Highlands Act requires. The first time I came here to comment, I mentioned off the top of my head 11 things that were dictated by the Act that were not in the Plan. I've found more since then, things in the Plan that contradict what's in the Act. You need to make a list of the things that need to be changed in the Act in order for this to work, that need to be addressed. You have sat there and produced reams and reams of paper, costing millions of dollars, but there is no point in going any further with this. Thanks.

Devlin Mackey:

I have taken at least a half a day off to be here, and I'm allowed only three minutes. Thanks, John for giving this opportunity to speak at this hearing. What I want to address is the Plan that is out. You want to see how smart you guys are? If you go out 57 you are going to come to a town called Greenwich. There is a development, and a Home Depot out there, and this town is a poster child for what's going on in the Highlands, what the municipalities are doing. It's not what they are doing; Greenwich Township did not want that there. The State of New Jersey and the planning commission in Trenton, and the folks at COAH put that there. They doubled the density of houses into Greenwich Township. Debbie Pasquarelli over there . . . that wasn't what she had to say back in the State plans. Because I don't blame her as well. The state does not plan well. Blind to the lines should start with a blank piece of paper, you should have started with a map to simply show you streams, bodies of water, highways and roads for landmarks. What we have in the plan revolves around bodies of water, most of the bodies of water, just because there is a house there, or several houses, or a town, you don't just say, there's development there already. Let's put more on the shore of that river, let's put more on the shore of that stream. That's not blind to the line. You've colored purple around some of these places that already had something some development. I do want to complement you guys, you did go a little bit further in detail, going to the map in detail in many regions. However, that only proves that the legislature is legislating this. The lines are purely political. There is no science to anything they did. There's limited science in what you did.

Regarding the technical reports, you've had testimony that said you did technical reports, most of them are not existent, which tells me, you don't have a technical report. You created a plan based on those areas of development, and now you are going to try to come up with science to back you up. Brad Campbell from the DEP was at Harmony Development a couple of years ago, there was a plant across the river that had a spill which contaminated the flow of river. Brad was there and said that we are creating the science as we go along.

We'll just create whatever science we want. You are doing the do the same. You can't just be blind to the line. How can you build along the Muscencong River in one county and not build in another county?

Looking through your plan, I go from one section to another, yet it's hard for anyone here to comment on the Plan and all the technical reports that don't exist, on a Plan that refers to the technical reports that don't exist. I know this is a draft plan and you are trying to come up with something that will be better. Marcia made a comment that I agree with, that it ignores some of the towns. This is totally about a way to legislate to the towns to do what the legislators want. Up to and including Kurt Alstede a week before this thing was out, talking to me and others about what was going to happen, saying certain things were going to be in there. You didn't invite farmers, you didn't invite the Department of Ag, to participate. And that's what happened in the last couple pages of that plan. Kurt, from your people, from your council, now you have to ask them what is this mess? That's wrong period.

Julia Somers:

I'm Julia Somers, Executive Director of the New Jersey Highlands Coalition. The Coalition believes that the Regional Master Plan is off to a good start. Making suggestions to improve policies and the values statement shows significant strides towards implementing the mandate of the Highlands Act to protect the Highlands water, forests, wildlife, farmland and other resources. However, we are taking advantage of this opportunity to make comments essential to making changes both in mapping and in policy.

We are concerned that this plan is missing precise data required for municipalities to conform to the plan. It is our recommendation specifically for municipalities with densities in areas of the Highlands that will be served by septic. We look forward to the release of critical elements, including technical reports, as this will serve as a protective document. We think you have done the right thing by mapping nearly 65% as protected zone; there are nearly 200,000 areas of which that lie in the planning area. This reinforces the coalition's position of sanctioning areas in need of environmental protection. This does not ignore that fact of protecting the watersheds, protecting areas that provide water for a million of New Jersey residents. That said, the Land Use Capability Map as it exists does not make crystal clear or emphasize the relationship between environmental policies of the map particularly in the purple planned community zone. While the solution may be as simple as making a notation, or making changes to the map, there must be a way to ensure that anybody reviewing the map understands that there are wetlands, streams, river corridors, flood plains and other environmental features which are protected from development. And they will be protected even when they are present in the planned community zones.

The Highlands Act is about protecting the water supply for the future of the state. That water makes up all or part of the water supply used in 16 of the state's 21 counties. This directly affects a huge percentage of the state's economy. What is happening here is crucial for the future of the region and New Jersey. However, the Draft of the Plan has not yet achieved the mandates of the Act. It does not include policies and standards for the . (?). . it does not lay out clearly how to prevent future harm to the region. The water quality plans of the draft RMP should be stronger than the regulations of the NJDEP, wherever scientifically

justifiable. After all, we wouldn't have need of the Act if the DEP had been successful in protecting the resources of the Highlands Region in the first place.

These are things in there that need to be corrected by the council, issues such as water quality affecting the region's aquifers. How groundwater pumping affects nitrate solution. How groundwater pollutants are affected because pumping. The council must prioritize and address where water is scarce, who is going to get water first, where and for what purpose.

Finally, I ask everyone to remember that anyone who says to you that they can no longer develop their property is not correct. Everyone with a vacant lot can build a home or sell their property so that someone else can build on it. Today, there are close to over 25,000 of those vacant lots in the Highlands. That's a lot of new home building that can still be built in the Highlands that are exempt of this Act. We have concerns about the development rights program, about towns in the planning area, about scenic areas, and townships that are required to opt into the Highlands Plan, about clustering on agricultural areas, about agricultural soils, about the complexity of the conformance process as it is presently proposed. We will submit those comments to the council and we look forward to working with you as we build a strong sound Regional Master Plan that fulfills the promise of the mandates of the Act. Thank you.

Jim Kelsey:

Independence Township. I'm glad to be here with other people from Warren County concerned about this Act. I wish other members of your Council were here. First of all, I would like thank Marcia Karrow for pointing out how the council how this plan oversteps even Highlands Act itself! As always, Marcia, very educational. I would like to thank Congressman Garrett's representative for helping to secure \$10M dollars in funding, it's a start, but \$10M doesn't go very far towards just compensation when we are looking at over \$22 Billion dollars of lost property value in the Highlands. Independence Township is a poster child for 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 in the preservation or conservation zones, you take away all of our future commercial office 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 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 the 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 that 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 having to pay compensation.

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 very 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 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, the 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 populated Democrat areas of the state without just compensation by his majesty the state of New Jersey and its bureaucracy. Thank you.

James Kesler:

My father already spoke. I think I speak for most farmers here. Most farmers do not intend to sell our land for development. The only reason we've ever had to develop, or intended to develop, was if the environmentalists made it impossible for us to farm. Every year, we have more and more rules. They took the water rights back in the 80s, now you have to apply to use the water on your own property. Every day, they take the hunting rights away, now you have no place to hunt, not even a bow and arrow. So you go and get dogs, to kill the groundhogs and everything else. And now, they want to come in, without any

permission, come into the farm. I used to have a dog, that wasn't friendly to people, but I had to get rid of it, because I couldn't keep people off of the farm!

Now they want to send more people out, and you might have a problem at some farmer's houses. So this is just a total violation of our constitutional rights. I don't think we should have to put a dog or any animal down to sleep because people want to come onto your place without permission, that's why we should allow trails.

Also, we need spray. And that's necessary and technically justified. The only kind of farming that they want is what they call organic farming which is not technically feasible if you grow certain crops. The other thing I wanted to talk about is the so-called Smart growth that was state mandated in Greenwich Township. The State mandates that you do that kind of development, which was far more than what anyone else around here would have wanted. But then you don't give the Township more money for the increase needed in police, fire, etc., because when you put that amount of people in, there's a greater increase in the amount of crime and gangs. Number two, your granting more license for pollution, and you have a greater fire hazard. Because when one house burns down, it burns the whole apartment down. So what the State mandated was not suburban sprawl, which most people don't really like, they mandated urban sprawl. They now need a lot more fire protection, and the State never gave them any more money. So I think it would have been better to leave the zoning the way it was.

END OF HEARING

WRITTEN COMMENTS SUPPLIED AT HEARING:

Ann Hardinger:

The borough of Washington needs attention relations to its commitments to the Highland Act. The budget time is now!

Fred Kahan:

As a frequent visitor to the Highlands Area in pursuit of its nature and beauty, I cannot overemphasize the pictorial value of this unspoiled resource for all citizens of New Jersey, whether they are in the affected counties or not.