

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

Date: January 18, 2007

Commencing at: 4:00 PM

Location: Sussex County Technical School,
Sparta, New Jersey

Before: Hearing Officer Glen Vetrano and
fellow Highlands Council Members
Tracy Carluccio Mimi Letts, and Scott
Whitenack

Hearing Officer Glen Vetrano: 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 Glen Vetrano 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 Council members Tracy Carluccio, Scott Whitenack, and Mimi Letts, as well as Dante Di Pirro, the Executive Director of the Highlands Council and staff.

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 March 2nd. 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 blue 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 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:

Assemblyman Guy Gregg: Councilmen, Assemblyman Guy Gregg. I'll be as brief as I can. My New Year's Resolution is to be brief and to be optimistic. So I'm going to try to do the best as I can with both of those. First of all I'd like to welcome the members of the council to district 24, to Sussex County. A district that has 17 municipalities that are in the Highlands Region at this period of time. I wanna open my remarks, and I may break some rules but I guess that's the prevue of the legislature, to remind everyone that I don't think throughout the debate of the last 3 years in regard to the Highlands Act that there is anyone, even the folks who voted for the act and the folks who voted against it, that did not believe strongly in the purpose of where we were trying to go with this Act; to ensure that we have clean water for the future generations. With that said, it was a departure when the act was created. We know that has occurred because for the last 2 ½ years that the act has only created more questions and I know it's created more concerns for our citizens. I think owe them clean water but we also owe them the rights to their property. The act was originally designed to protect water but ultimately eroded into a fundamentally flawed concept. And that concept was created by questionable science, and I heard that brought up today, that it's questioned on a daily basis. It was created on the basis that there would be funding that would be able to do what we've done in the past in this great state and had willing buyers and willing sellers for the past 25 years. The farms would be preserved, the open spaces would be preserved and our sensitive lands would be preserved. No greater caretakers are in this great state we live than Sussex County in Northwest NJ. They have the history and culture of protecting great property because it is the, part of their culture. And that was missing. And I guess what I had hoped what we would have, as we moved forward from the bill to the master plan, would be more answers for these folks, as it relates to ensuring that their personal property rights would be taken care of; that the municipalities would have a tax base that would continue; that they would have their property taxes paid in the event that they ran was so determined to be unusable, or that they would not have a town center or the things they had planned for, couldn't happen. I still don't see that. I see regulations and a plan that still are moving forward to more encroachment without any due compensation not less. And I will be brief as I said. I am very much looking forward to listening to the people behind me. I am just one. I am a representative for you. I did, and continue to, fight for

the rights of the people. I believe that the act still should be looked at. The master plan certainly gives us an opportunity to improve upon that. I am uncomfortable and what we see today will do that. It is critical that while we protect our resources we remember that the most important resource we have is the freedom to have our property. So with that, I thank you and I look forward to [clapping overrode end of words].

John Kurlander: Council Members, I first want to thank you for inviting the public to comment on your plan, and also thank you for devoting the time and energy to try and reconcile the needs of property owners with the needs of consumers of water throughout the state.

I have attended many of the public outreach and landowner meetings that you have hosted at your facility in Chester and I've spoken with several members of your staff. I've also had the opportunity to speak with many property owners who have been adversely affected by this far-reaching Act.

My father, Jack Kurlander who passed away April 24th last year, he developed many of the ski and golf recreational assets in Sussex County. And your plan states that it will "propose how these features may support a Highlands tourism economy" with a focus on methods to maintain, advance, and expand recreation and tourism in the Highlands. Now before my father Jack died, he told me that I should study this Act carefully, because it would have such a great impact on so many livelihoods of the people who live and work in the recreation industry in Sussex County. The great irony of this act is that none of the industry that this act will maintain, advance, and expand could ever be built now.

Now, I attended the first open forum that the Council hosted in Morristown on January 9th, and I know that I have short time so I'll try to be as quick as I can.

Listen, the big picture is, I took my father Jack's advice and I've read much of the plan you've presented. It's great treatment for insomnia, but the headaches are killer! This plan is not concise.

I was listening to Mayor Bloomberg of NYC, last Friday morning on the radio and I was struck by something he said. He said that the problem with lawmakers is that more is written about procedure than is written about policy. Further, Mayor Mike stated that the reason lawmakers are great authors of procedure versus great authors of policy is because it's easier to write about procedure. Now, writing great policy on the other hand, is difficult to do. And most pointedly, the writers of procedure are never the ones jumping through the hoops.

Now, if you're really having trouble sleeping and you have the time and inclination to do so, read the section on defining and testing what are known as upland forests. Bring a tape measure, laptop, survey tape, and you might wanna bring a big lunch. And don't forget the aspirin. Where is the common sense policy? The convoluted procedure is easy to find.

And speaking of trees: Now, I know it's not a new line, but I'll say it anyway, and I'm sure that anyone here this afternoon who has printed out portions of the text you people have generated can attest to it; there is one legacy you folks can bank on, this act has sure contributed to killing many trees.

Now, another old line that you've heard before relates to the funding of this monster. Forget for a moment funding the new layers of state bureaucracy. Sooner or later someone has to pay property owners for sacrificing their collective bundle of property rights for the greater good. We are talking about billions of dollars in negatively impacted equity. I think the plan has really put the cart before the horse.

On page 1 of your just released TDR technical report it is stated that, and I quote "At its essence, TDR is a straightforward concept..." 74 pages later, the technical document ends. That's a straightforward concept? Can someone tell me why it took 74 single spaced pages of text to define it? And still I have a lot of questions how TDR will be capitalized.

We already have the toughest environmental laws in the country and it's my opinion that the town and county engineers and planners have done a great job ensuring that water resources and the environment are protected. And I think there is a rush to tighten regulation that is overdone. I found it ironic that on page 68 of the plan that "From 1984 through 2004, NJDEP conducted water quality sampling in water bodies throughout the Highlands Region and the results showed stable or slightly improving trends in water quality." The primary impairments are fecal coli form, bacteria, phosphorus, and temperature. Now before jumping to the conclusion that the fecal coli form and bacteria are the result of failing septic systems, have you ever seen so many Canadian geese in all your life?

The last thing is, I think you're plan really, uh...While I do agree with your plan as far as septic systems polluting ground water, I think that could be legitimate. But I don't see why the plan is penalizing systems that haven't even been built yet. You know how about focusing on existing systems that are failing. There's nothing in place right now to register these systems, there's no inspection process. You know, you're penalizing... Penalize the people who are polluting now. And with that I'll wrap it up. Thank you.

Steve Ward, Hopatcong Borough: Thank you for the opportunity to ...I'd also mailed those comments in to Dante DiPirro on behalf of the Borough of Hopatcong earlier this week, included in there is a map of the areas in which we're looking to have within the boundaries of the Borough of Hopatcong reclassified. First within the Planning area there is we're seeking to have the town center, the state designated town center, mirror the Planned Community zone within the Highlands Plan. They are areas densely developed; they have public water; they have other public utilities. In our preliminary meetings with staff from the Highlands Council, the comments we heard the reason they were put in as a protection zone was because they didn't have public sewers. Within Hopatcong at the present time, we are installing public sewers. And these are some of the areas that are being considered right now for public sewers. So we think it is most appropriate that the lines for the planned community zone mirror our con center designation which is again a previously densely developed area.

The second area is within the preservation area; there is an area that has been zoned within the Borough of Hopatcong since the 1970s, at least as far back as the 1970s, as an M1 light industrial development zone. The Borough is seeking to have that area, which is right now listed as a protection zone within the preservation area, changed to a planned community zone within the preservation area. We do have a lot of successful businesses there currently. A lot of them want to expand. We're concerned for two primary reasons. We don't want to

lose existing successful business, who, we might not be able to accommodate their expansion within the rules of the Highlands plan and also our ability to attract and entice new development to their area. It's actually a very limited area. It's less than a mile and a half in length and we're looking to go back a depth of 400 feet from Sparta-Stanhope Road. Those are the two primary issues. There are a couple other clarifications we're looking for in the letter. I appreciate the opportunity to speak in front of you.

Ed Szabo: Thank you, I'll try to make this brief. I've got 13 brief points I'd like to make by way of summary. I feel like the Highlands plan is incomplete and the scientific standards for clean water, as promised, really haven't been developed and presented. I feel like the Sussex County plan has not even been reviewed by the State yet we're asked as the public to comment on it. The State Smart Growth office states it's too early to determine if conflicts in plans exist. Well, if it's too early, how's the average guy like me, John Q. Public, gonna be able to understand any of this? My feeling is that there's no logic, reasoning or rationale for even being here, especially at 4 o'clock in the afternoon when the public is working. Land values in the Highlands have plummeted over 90% last year. I honestly feel this is an unfunded mandate; it's a taking; it's eminent domain no matter how you slice it. Lower values mean lower revenues and all the rest of us are going to pay for it by picking up the pieces. The state budget is in deficit \$4 billion already. They don't give us any assurance that there's gonna be any real money for any of this. I fear that the voluntary municipal agreements that have been lauded for so long will end up being mandatory compliance and that's a real fear. The exemptions to the various rules are designed only to the people who make the most noise. I think they ought to be reviewed very carefully. Even to the point where some people have complained to me that 88 acres to build is pretty ridiculous. The impact of spec builders outside the Highlands has started. I live in Stillwater. We're a distance from here and we're not specifically involved. But we're sure going to be because we've seen more action recently than we've ever been _____. Unfortunately, state credibility of anything involving financials is really at an all time low and we all know that it is deservedly so. Thank you.

Mary Emilius, Vernon: Hi, folks. My name is Mary Emilius. I'm the director of Kline Community Services for the Sussex County Economic Development Partnership. I'm also a resident of Vernon

The counties that are affected by the Highlands Act are mostly rural including and especially Sussex County. As a rural area, we have had continuous challenges in trying to remain sustainable with a dramatic lack of business rateables. The national average tax burden is 60% residential, 40% business. The Sussex County tax base is comprised in many of our municipalities with over 90% residential burden on the residential tax payers. Couple that disparity with the highest property taxes in the country and you really have a critical issue for many homeowners.

Has the Council done due diligence on the effect the Act will have on the business community and most importantly, identified critical businesses that will leave the area because of restrictions imposed by the Act? Another issue that will be impossible to determine is the number of businesses that will totally avoid coming here because of the Act. Has the Council determined an alternate economic catalyst to replace the current and future jobs that will be lost as a result of businesses not being able to expand or locate here?

Now it's understood that the primary purpose of the Act is to save New Jersey's drinking water, the whole area's drinking water. We all agree this is important. The science has been presented and although it is subjective at best, it is also lacking in the science of economics. The economic collapse of the area will not affect the Council members, or citizens of New Jersey the Act is intended to provide for. It will affect the people who live and work here. I would like to suggest that to the residents and businesses of Sussex County it is vitally important that we be entitled to the same rights and privileges all other Americans enjoy.

Therefore I ask the Council to provide the citizens of Sussex County with the economic reports and due diligence on the Highlands Area economics that have been done so that we can be assured of a sustainable future on par with our fellow Americans.

Michael O'Krepky : Good afternoon, my name is Michael O'Krepky. I am a professional engineer, certified municipal engineer, Municipal Stormwater management Plan Coordinator, Municipal and land use board engineer, homeowner and taxpayer within the highlands region and commercial property owner and tax payer within the highlands region. I've reviewed the Proposed Highlands Water Protection and Planning Councils proposed plan and found it to be lacking in scope to ensure the protection of the water supply due to its lack of clarity and protection of land use rights to ensure the long term viability of the plan itself.

I believe the best way to illustrate these issues is through specific examples. Our office has a client who has an individual building lot within the Highlands region on which they would like to build a single family residence. In September 20th of this year, actually last year, on our client's behalf, we submitted an application to the DEP for an Applicability Determination within the Highlands Region. On November 30 we finally received a letter stating that our application was clerically complete. However within the letter, I'll paraphrase, the state of the state in its letter, and I quote "That the construction must commence on or before August 10, 2007 as per NJSA 13:20-28a.(3)(c)(ii) or otherwise they won't be allowed to continue." To summarize, the NJDEP is reviewing the application; it could take as long as it likes but the landowner is subjected to a hard deadline by the DEP. I can not explain to my client why this combination of laws and actions, or lack there of, does not constitute a 'taking' or damages to the property or the property owners land use rights.

The case I just discussed is in direct contradiction to the statement outlined on the highlands council's website. The website states and I quote "Two exemptions allow for the construction of a single family dwelling on a lot in existence on or before August 10, 2004,....." and it goes on, end of quote. On the surface this appears simple enough if you are a land owner in the Highlands region. Theoretically all the land owner has to do is fill out the Highlands Applicability Form (along with all the checklist plans, designs, surveys, and other calculations) pay the \$ 750.00 fee and, providing the landowner meets the criteria, you will be exempted. Unfortunately I understand this is not the case as I outlined in the case I just described. This is not dissimilar from other DEP processes, such as the Individual Hardship Waiver. I am working for a client in another application called an 'Individual Hardship Waiver' for over two years with no resolution in sight. This is very similar to the process outlined in the Highlands Act. It is not a simple process. It is not____. Some don't.

Being a taxpayer in the state with the highest effective tax rate and owning a residence within the Highlands Region, I am very sensitive to any issue that may negatively affect the tax base. Although property owners may individually be compensated for their taking for the loss of land use rights, the tax base will be decimated. The properties become useless and the tax bases and tax rates will go up. And in summarizing, because of the reasons I mentioned above and many others of which I do not have the time to mention, the proposed Act is creating a tidal wave of lawsuits. When I compare this Act to the process and laws that created Stormwater Management Plans within townships there are many differences. The Stormwater Management Plan is transparent, clear, properly funded, and does not negatively impact the tax base. The proposed Highlands Act is the opposite of all the attributes I just described. Therefore it is my professional opinion, this proposed plan should be revised to ensure the protection of land owners, proper short term funding as well as long term tax relief. These steps will ultimately ensure the long term viability of the Highlands Act and the water supply the act is attempting to protect. Thank you for your time.

Councilman Neil Desmond, Vernon Township: Good afternoon, I will be very brief to let my manager give most of the comments. Just a brief history though, and John Kurlander can appreciate this, some sixty years ago residents of Vernon Township had a vision for a four season recreational community. Today, we have a great balance. We have farmland, we have residential homes, we have a world class developer; we have an opportunity to realize the vision that was laid out some 60 years ago by some true visionaries, residents of Vernon Township. We had an opportunity to meet with some of your colleagues a couple weeks ago in Newton. We are in the process of putting together the data that you have requested. My only concern quite frankly, outside of my managers comments which will field directly with our town center designations which we were granted in 2003, are the farmers in Vernon, the landowners in Vernon, who feel very much so that they are not being heard. Whose families have owned their farms for generations and now face the prospect of not being compensated fairly for their property rights. Before I turn it over to my manager, I would just reiterate to the Council that it, as it reviewed these plans to please not forget the property owners, the farmers who have done their diligence over the years, who have farmed the land, who have kept the rural character of our municipalities throughout Sussex County, please, please, please don't forget those people.

Don Teolis, Vernon Town Manager: Thank you for hearing us today. I would like to focus mainly on the town center designation for Vernon. Many of the things that have already been said take the wind out of my sails here. So, I'm going to focus on the fact the Vernon town center designation was received in July 2003. The township has been working diligently to follow the plan orientation agenda and doing our part. And we intend to submit a full plan endorsement application before the town center designation expires in August 2009. To the extent that we follow the PIA, we've done things that have created substantial down zoning. We have the creation of a local stream buffer ordinance. We have a creation of an access management plan for Vernon. All the things that we set out to do to make Vernon a better place to live and to try and follow the guidelines that were set forth for us, we have done our diligence. With regards to the map that has come out recently, we had voiced our opinion at last meeting, that we had with the county, with regard to the fact that the town center was eliminated from the map completely. And the reasoning was given that the map was for purposes a little different than we had understood at the time. We understand that the map was for land use capacity as opposed to delineated things like the town center but I feel that's a pretty important element of something we need to be

recognized for, as I just explained with regards to the diligence we put forth so far and the money that's been expended. \$11 million in costs to get our town center moving. We need the reassurance that our town center will be acknowledged and that the area will be delineated on the map either by way of an over layer or a town center boundary as designated by the state planning Commission. Without that, moving forward, how can we be assured that as we try to do what we're supposed to do, do our due diligence, we will be able to proceed and the money and the time and the effort spent to try to make Vernon town center what it's supposed to be for the community. That's the main concern at this point from my perspective. This is essential. I'd like to thank you all. I'd also like to thank Senator Little and his staff for all the help they provided us in trying to move this forward. And all the diligence and assistance in the Highlands matter.

Doug Kistle, Mayor of Franklin Borough: Good evening Glen and representatives. We thank you for being here tonight to listen to us. When I first looked at this master plan this was in early December, I saw 250 pages and boy was a lot of work to read that thing. When I saw Franklin was in the planning area, I thought everything was good. Some people asked if I had arranged it that way but it wasn't. But after reviewing it, we found out it was very constrained due to the zones protection and conservation. And we felt they were quite overdone. But Franklin, with the help of our planning Director, Jim Kilduff, and land use attorney from Clark, Laddey & Ryan, Mrs. Ursula Leo, and our other planners, we put together our revisions. And Franklin has submitted our revisions to the Council reference section 15 NJSA 13:20-515 on the 1st of January and yesterday. And I must compliment them on their quick response because at 6:15 this morning, they picked up the package and took it. I think that's very good of the Council people. Also in section 42 of your master plan the designated sewer service area shall not be revoked. I hope that stands firm because we are definitely in the wastewater management plan to show all these areas that we are asking for revisions on because of that. Opt in or opt out? Well, it all depends on the comments coming back from the Highlands Council and I would hope that we could expect a meeting from them in the near future, because time will be running out. I just want to comment on one thing I saw in the NJ Herald on 114 from ___ that the plan should be done approximately by late spring or early summer. But then it says pending a substantial portion of the municipalities that have conformed. And that's a true statement. I'm just quoting the papers. And then my question is, what do you consider a substantial portion number to be out of the 88 municipalities? So, that's my question. Thank you very much.

Jean Smolha, Warren County: I am going to be very brief. I'm from Warren County. The comment I have to say to all of you: The state of New Jersey has no money. Our tax base is out of this world. And you are coming in here and you are taking our land, of which I have 230 acres. I am preserved so I am better off than a lot of the farmers here. They've worked hard all their lives and since you have no money, our property values are gonna go down to zero. And you're not gonna pay us anything. And that's how you're gonna take this land over. It's the biggest eminent domain this country has ever seen.

Dennis Miranda, Chair of North West group of the Sierra Club:

Good afternoon, my name is Dennis Miranda, Chair of North West group of the Sierra Club. Twenty years ago this year, I joined with Tom Gilmore at NJ Audubon Society to help found the Highlands Coalition. And congratulations are due because the state of New Jersey has brought to this juncture the opportunity to preserve for future generations, not only a stable source of water but also the foothills of the Appalachian Mountains here in NJ. But here in Sussex County, where we may have a wealth of nay sayers, we are investing in the greenery of the future generations at the risk of having a few less millionaires. The reality is the Highlands Preservation Act is to protect the zoning effective 2004. The DEP has military process to consider exemptions to allow for development. There are infrastructure approvals and town center approvals that will allow for development to occur for years to come. But while in the Vernon valley looking across the horizon at Hamburg Mountain in the ____, I know that we will insure that future generations will see the same silhouette of those mountain regions against the plain black sky for years to come. And here in the gateway of the Highlands, there is a great wealth of resources that the Highlands Preservation Act will help ensure. And the reality is that we need to do more so that the sons and daughters and nieces and nephews of this generation can embrace what we have. Towards that, railroads and colonial roads are deserved being seen as byways with federal and state designations. We need to have increase in staffing at our state parks. Why is it that we have ____ at Kittatinny state park but we have none at Wawayanda? We have no programs for the public. We have no access to some of these natural areas and open spaces because we have a shortage of personnel. We need to invest... The plan works and the future of the Highlands will be ensured if it gets approved. And the regulations are in place to make sure we don't have more Riverdales than we need. Thank you.

Howard Goddard, General Manager of the Limecrest Quarry in Andover, Lafayette, and Sparta: Howard Goddard. I'm General Manager of the Limecrest Quarry on Limecrest Road. Our land area is approximately 400 acres spreading into 3 townships: Andover, Lafayette, and Sparta. According to the Draft Regional Master Plan, we're a Protection Zone within a Planning Area. We believe we have a special asset which requires special attention within the area of the plan. I have been in the quarrying now for nearly 40 years. I have worked in various parts of the world and numerous quarries. To me, a quarry is a beautiful thing, but that's not the case with everybody.

That being the case, and the fact that the quarry has a limited economic life, at some point the quarry will cease to be an active mine and some development will be needed to absorb it into the surrounding area. I have seen a number of uses to which a used quarry can be put and some turn out to be very beautiful. The people of this area can make, what is sometimes viewed as a blot on the landscape, something attractive, through open discussion between the county, the three townships, and the residents who have something positive to offer.

What the Limecrest quarry has, in common with other quarries, is a large body of water, which can be made beneficial for the people of this county. We had hoped one day to cease quarrying operations and redevelop the property as a golf resort. We feel that by placing our property in the Protection area, gives another obstacle for the redevelopment of this property.

Our current operation requires us not to empty the quarry of water, which has an area of approximately 65 acres of water, about 2 ½ billion gallons. It's been noticed that since we stopped dewatering it some 2 years ago, that the water table in the total area has risen. If prospects for development dissolve, we will have to go back to deep-hole mining for the products that we make there.

I would ask you to specifically consider the benefits of the quarry property before enacting legislation which will diminish, if not eliminate, the benefits that can be obtained from such quarry.

Ken Nelson: My comments today focus on two areas of interest to me – Water Conservation and the Protection of Historic, Cultural and Scenic Resources. However, first I need to offer a disclaimer. Although I am the planning consultant for several municipalities affected by the Plan, my comments are strictly my own and do not necessarily reflect the opinions of anyone associated with those municipalities. My comments follow:

With respect to water conservation:

I understand that the Council's primary mandate is the protection of the Highlands water resources. However, in my opinion, it is equally important and fair to promote conservation efforts, as well, by all residents, businesses and other users who rely on Highlands' water. Consequently, the Plan should include stronger language about conservation, including, but not limited to, user fees that will discourage the wasteful use of water, a detailed analysis of how the use of water is monitored and metered by the end users and other issues that relate to the inadvertent or possibly, in some cases, the intentional misuse of this important resource. I understand that the Council does not have direct control over those users who are not within the Highlands' boundaries but it is the Council's moral, if not legal, responsibility to make its position very clear in this regard, with facts and recommendations that other governmental agencies, the Legislature and the Governor will understand.

With respect to the protection of historic, cultural and scenic resources:

The Highlands contains many historic, cultural, and scenic resources that may actually be threatened by the plan – not purposely but via the law of unintended consequences. As we know, development pressures in the location outside of the Preservation Area have increased dramatically and will continue to increase once the Plan is adopted. The fear is that as development and redevelopment occurs within the areas designated as Planned Community Zones (both in the Preservation Area, as well as in the Planning Area), many important historic, cultural and scenic resources will be lost. As the urban areas within the Highlands, such as Dover, Morristown and Hackettstown or the smaller localities such as Boonton, Pequannock and Hamburg struggle to maintain their identity, they should not have the Highlands Plan being used as the instrument to justify the destruction of their community character.

This need not be the case. The Council can and should identify these resources with more precision and offer detailed guidelines and recommendations regarding their importance and preservation. Otherwise, I know from experience, that the Highlands Plan, in the hands of the unscrupulous, will be used to justify the destruction of these resources.

Susan Kubie: I just have some questions. For the Highlands, for the open space, for water and everything: What happened to the Tocks Island, the state parks, to the all of the other open space that the state has? Isn't that enough? What about other options like the coast of NJ? It's all ocean. What about desalinization plants? People that are putting up major buildings, recycling the water for things like that? Why can't you, why do you have to take all this property and not give people a voice? It's like you've owned a property for all your life and then somebody comes in and it's like communism. They just come in and take your property.

Peter Buist: Members of the council, thank you for this opportunity to comment. My name is Pete Beust and my address is Box 71561 Fairbanks, Alaska. I retired from a 30 year career with the Alaska Department of Natural Resources. Retirement allows me to spend time here in Sussex County, where I was born. Back then, we had more cows than folks. And so NJ is my Florida. My time here each winter is spent on my family's 250 acres down on Hamburg Mountain in Vernon Township. And our property is completely within the Preservation Zone. This property's been in my family since the 1860s. For 145 years even without adult supervision or planning oversight from the state of NJ, we've kept the land undeveloped. Arguably, we taken pretty good care of it. It still produces clean water some of which flows to the east into the Pequannock while others flow west into the Wallkill. I find it kind of ironic that my domestic water supply there is the lake on the property and you guys are drinking water you bought at Shoprite. We use the land ourselves and we allow many of our neighbors to use it as well for hunting, trapping, fishing and woodcutting. The only thing that enables us to be able to afford to pay our taxes and thus keep this land within our family is the Farmland Assessment Program. We had a state approved woodland management program in place since 1970 before it became fashionable to do so. We're certified as a NJ tree farm. We sell firewood and occasionally long saw timber from this land. And still the water flows cleanly, just as it did 145 years ago. The framers and political supporters of the Highlands Act and indeed this council are promising a lot of things including equitable treatment to the landowners such as my family. Well as a certified forester and a retired bureaucrat with 30 years of bureaucratic miles on me, I have a pretty good idea what these sorts of political promises are worth. I also have more than passing experiences of future funding with legislatures. None of these promises are worth anything. Thus my cynicism about how fairly my family will be treated by the purveyors of this act as a reward for 145 years of dedicated stewardship and conservation. But to put a point on it, we don't trust ya. So instead of promising things that aren't likely to really happen, I would like to urge you to specifically dashly, implement all the changes to the regional master plan recommended to you by your own sustainable forestry technical advisory committee. That's my substantive comment in amongst the rest of it. The professional scientists on this committee on producing the data, their document and their recommendations that they gave ya. It would not only be unfair to forest landowners like my family but unwise for you ignore this professional advice and proceed with what now appears to be a politically expedient version of the master plan. Thank you.

Tom Hall, on behalf of Intrawest which is developing Mountain Creek resort: Mr. Chairman, members of the board, I am delighted to be here on behalf of Intrawest which is developing the Mountain Creek resort in NJ. Mountain creek has developed more than \$250 million worth of recreational and related efforts already and is part of a \$1 billion overall four season resort complex, which Governor Corzine came to the grand opening in the Appalachians. He said this is a remarkable example of economic development in an

environmentally satisfying way and we'd like to keep that up. The plan in the recreation and tourism section beginning on page 176 notes appropriately that tourism is our second largest industry in the state of NJ. But curiously, the draft plan is absolutely silent as to the forms of recreation which my client actually provides. Downhill skiing and snowboarding, which provides employment for 1100 people and creates 500,000 visitors per year is, and is very important to the local economy, is not mentioned. It's not mentioned in the initial descriptive paragraphs, it's not mentioned in the description of facility based recreation. The only hint of our industry is on page 180 where you say there something about winter sports recreation. There's no mention of the water park which we open in the summer and it's also a substantial contributor to the regional economy. There's very little mention about golf that is a huge attractor of regional visitors and is a key part of the overall recreational tourism industry. In our opinion, the recreational and tourism section need to substantially revised to have a far more expansive and welcoming view of what private recreational services are offered to the public. It's key to the economy of the region. Similarly, language from the draft addressing specific functional ___ suggests that a perhaps a full comprehension Highlands economy has not set in to the Highlands Council. For example on pg 167, the draft plan wonders why the average trip is 50-70% longer in the NJ Highlands than as suggested in the regional transportation model. The plan suggests that it's due to the sprawling low density land uses. We would suggest that many residents of the Highlands are forced to commute long distances to work, a problem that could be addressed by more employment opportunities within the Highlands region. Intrawest which is developing Mountain Creek, proposes to provide substantial local employment both during construction, we anticipate having 4000 construction jobs plus over 5000 trade manufacturing services jobs, and during operation we'll be considerably over 350 new jobs, a \$10 million dollar annual pay roll, year round equivalent households with a disposable personal income of \$92 million. Our ability to do so is dependent on our ability to fulfill our master plan which calls for substantial redevelopment of the facilities. That master plan enjoys substantial state, regional and local support. The state has provided substantial past support for this project. Mountain Creek has a stewardship interest in Hamburg Mountain. It sold back to the state a substantial portion of Hamburg Mountain. Recently, the state legislature modified the work control laws for Mountain creek to build a village with numerous development restaurants and shops. And the state identifies the project as part of the growing town center designation. We are very concerned about some specific portions of the plan which will impact our ability to carry out a master plan which has gone through substantial state and local review. And Tony Dilodovico is here to talk about those specific issues. Thank you.

Tony Dilodovico, Vice President of Schoor DePalma on behalf of Mountain Creek resort: Good afternoon, my name is Tony Dilodovico, Vice President of Schoor DePalma. And I'm here to address, as Tommy said, some concerns of the plan for the redevelopment of Mountain Creek. We passed the first test in the plan by having majority of the redevelopment site shown as to be in the Planned community area. However, portions of the site are in the conservation area and it brings up questions that don't seem to be answered in the plan as to facilities that are located in the conservation area for snow making and the like. Can they still be utilized through the redevelopment of the site to advance the ski resort there? And in addition, we need to put, in a true redevelopment site, we need to put stormwater and other utilities in areas that are currently shown as conservation areas. It's unclear if that can happen. But the biggest issue that we have with the redevelopment site and the plan is that although a significant portion of the redevelopment is shown in the

planned community area, there are then a slew of restrictions that area in place upon development and redevelopment area, that there is no specific data given to me and other professionals to evaluate how it specifically impacts various sites and specifically Mountain Creek. There will be thousand foot buffers on vernal pools, hundred foot buffers on all Highlands open waters, there be limited disturbance on steep slopes, there'll preservation of rare species habitat, there'll be restrictions on water use and STP capacities, there'll be low impact development standards, there'll be wellhead protection areas limitations. You can imagine a ski resort that issues such as steep slopes, water use, buffers on waters that are used to transfer water around the site without significant impact on the site. What I don't understand is why that data, there is a slew of maps within the report that indicate these various issues: Water availability areas, recharge areas, steep slope areas, and the like; But that data was not provided to anybody. The maps were generated. The data must exist. We would need that data so that we could take our planned community site, then we could put the various other layers on top of that as to the restrictions on wellhead protection areas, on 300 foot buffers and the like. Then we could narrow it down to show that these are now the areas that are left for redevelopment. And then even with that, I still don't have the specific standards on low impact development techniques and what not to say then even in these smaller areas that this is what we could do. So without that underlying data, we can't evaluate it and the question is why wasn't that data made available? And in addition, why doesn't the plan itself show this type of analysis? That yes, here's 150,000 acres for planned development communities. However, these are the restrictions and now here's a map of what area is left for redevelopment or development, if there is a significant amount to show on a map. The question comes up that these are development or redevelopment areas, why aren't existing department of environmental protection regulations sufficient to be applied to those areas to allow for redevelopment to occur under those standards. Thank you.

Rich Longo, Boonton Township: My name is Richard Longo. My wife and I live in Boonton Township, in Morris County, on 12 1/2 acres and we are in the preservation area. After this law was enacted, some of the original boundaries for the Preservation and Planning areas have been altered. In my town, the original Preservation boundary was mysteriously changed. I say mysteriously because none of the town politicians know how or why it was done. Well, I've conducted some scientific water studies on my own. From maps of the original Preservation Area, and my knowledge of my township, my township is small. There are 44 ponds in the township. There are two major feeder streams that feed the Rockaway River. The Rockaway River flows for 2 1/2 to 3 miles through my town. This river is the main source of water for the Jersey City Reservoir, which is located in Boonton and Parsippany. Also there are numerous wetlands and vernal pools in my town. I'd like to know what kind of science the council used to determine the Preservation and Planning Areas as they are now. After I conducted my water study, I did another study which I call *Political Science-It's Not About the Water*. This revealed that as a result of the mysterious change of the boundaries, most of my municipality was removed from the Preservation Area and put into the Planning Area. At this time and date, property owners in my town such as all the elected Township Committeemen, one County Freeholder, the township Administrator, the township Deputy Clerk and some township employees all were in the Preservation Area, but now are in the Planning Area. Also, the same situation exists for members of the Zoning Board, the Planning Board, the Board of Education, and all but one person on the Environmental Committee. My township is situated almost entirely in the Rockaway River watershed. I estimated at 90-95 percent of the water in the township is not now in the Preservation Area. It originally was. So folks, as you can see after my *Political Science-It's Not*

About the Water study, it seems to be more about politics. I am a retired law enforcement officer. I retired as a Detective Sergeant from the Morris County Prosecutors Office. In the early 1990's the Prosecutor chose me to form the first ever Environmental Crimes unit in our county. I was honored to be chosen to do this. I sought information from many sources including the Environmental Crimes unit of the Attorney General's office and the office of the New Jersey DEP. I attended various schools and seminars and was accepted at the leading environmental crimes training school at the federal law enforcement training center at Brunswick, Georgia. Now you couldn't hold me back. I was gonna arrest ya if you spit on the sidewalk. I formed the unit and we conducted numerous investigations, some of which resulted in criminal charges and convictions. During my tenure in the unit, not once did a complaint and subsequent investigation result in a criminal charge of water pollution caused from building one house, ten houses or 100 houses. The facts are that the water pollution in this state was caused from 30, 40, 50 years ago. The causes were from industrial and commercial sites, municipal landfills, and what we call in law enforcement, midnight dumpers. Never was there any pollution that I know of from building homes. I am not against preservation if it's needed. Preservation is a knee-jerk reaction and has been for many years. Recently, the commissioner of the NJ DEP, Lisa Jackson, stated publicly on the NJN Channel 8 special "Drought and Deluge" that her department was seriously considering building reservoirs in the Delaware River Basin to prevent salt line pollution to the water supply in that area. If the water supply is that critical outside of the Highlands area then they can build reservoirs as we have done in the Highlands Area. This act and the RMP are not needed. And I feel it is unconstitutional. As I have said before, it's not about the water it's about politics. Thank you.

Scott Olson, Byram Township: Good afternoon. My name is Scott Olson, and I'm from Byram Township. I wanna thank you for the opportunity to speak today. I'm a supporter of strong regional planning, and I commend you on the work you have completed so far with this Draft Regional Master Plan. I say so far because I, as you, know that there's still much work ahead and I appreciate the fact that you accepted comment from the public and are allowing us to participate in this. I do have some specific concerns, however, that I would like to address, one specifically today- the others I will be submitting in writing at a later date. Byram is the "Township of Lakes," so it was surprising for me that two of our largest lake communities included in the purple "Planned Community Zone" when the draft plan was released. I realize that the overlay zoning does not super cede the environmental constraints on these areas, but I believe that a "one-size-fits-all" zone, incorporating developed areas in places like Dover and Parsippany, should not apply to communities like Lake Mohawk or Forest Lakes in Byram, where our water resources are already strained.

The "Planned Community Zone" overlay - an area designated for additional, dense growth and potential transfer of development rights - must not be applied to lake communities. The intent of the Highlands Act is to protect, enhance and restore our water resources. To show planned growth in areas already densely developed those that are already impaired, is foolish.

I ask the Highlands Council to consider creating a "Lake Community Zone," which will encourage the enhancement and restoration of water quality. This zone should allow for possible in-fill development where it was appropriate, but would include elements designed to protect the natural resources of our lake communities. These would include: regulation of phosphorus products; mandatory septic management programs; lake and stream vegetative

buffer requirements; a floor-area-ratio ordinances for lakefront and lake community lots; and other proactive planning and protective regulations

By recognizing the unique features of these communities without encouraging excessive new density and development which could impair the adjoining water bodies, you can make great strides towards the goals of enhancing and restoring the water resources of the Highlands, as charged to you by the Highlands Act. Thank you for your time.

Al Olsen: First I just want to make just a comment. I thank you for your opening comments. This is the 3rd hearing I've attended, the 1st I've spoken at. And I like the fact that you stressed it's a draft. It's the first time I heard it. I think it's important. Secondly, I think we should stay well past 8 o'clock if necessary and well past 10 o'clock if that's necessary too. Because I don't think people should be held up to a restraint. My family has owned property in the Highlands for 60 years. During that time, no one has come to offer to buy the land or buy some sort of rights to preserve the water. Not the state people, not water distribution companies, none of our leaders have done it. As a result of this legislation and this plan, my net worth has been severely reduced, my retirement at jeopardy. I think we can all agree that good water is important, good supply is important. It's a noble cause. The process is what is corrupt. I believe in the efficiency of the open market not bureautic plans, master plans that sounds, as was said before, like the Soviet Union, and they collapsed under the burden of that. Now as far as the regional plan itself, I think it's a poor document for 3 basic reasons. It's constrained by a bad law. A law that told you the solution before you studied the problem. It has no funding in your plan to make property owners fold. The council is made up, in my opinion, to narrow a base of inputs. The stakeholders need to be broadened to include people like economists, investment planners, water distribution people, technical experts and productivity and that kind of thing, commercial farmers, local industry. Then regarding the law, which is a little different, I think it's a terrible law. I think it stopped or slowed down a major growth area of the state. It doesn't address water as a commodity, but it addresses it at a land use data, with no consideration for the water demands side or the wastes and the incentive for those that use the water to conserve. It has draconian environmental codes and complex land use administration. And when you look at the amendments in the law, all those amendments focus on protected political places and political spheres of influence and not making people better. It confuses water sourcing with dictates of best building codes, transportation issues and recreation issues. Let's focus on the water. The other things can fall out. It pits most of the state, a good portion of the state, against the Highlands. In fact it attempts to make the Highlands a colony. And like colonialization anywhere, it rapes it and steals from the residents. Just for your information, regular gasoline \$2.29 a gallon two days ago, milk was \$5 a gallon, cola \$1.25 in 3 liter bottles, a bottle of water \$1.39 and probably something like \$6 dollars ____, tap water out of East Orange 4 tenths of a cent. If you listed those items as to importance, what would you put first? I think you should pay for it. The watershed discussion on Newark where they bought it on the open market, unfortunately it stopped in the early 1900s. Description about what the open spaces that makes up the plan 44 almost 45% is open space in the preservation area. That's amazing. Okay, what's poor in the plan: no funding, costly administration costs with visibility on sleazy, potentially sleazy, backroom political dealings to transfer ____ rights. No clarity on how property owners can be made whole. No plan for users to pay for the water. No discussion where water is lost in all the systems. No discussion about technology and its potential. ____ How about the fuel cell power generators coming down the pike. Their byproduct is pure h2o. Lip service to agriculture, no job

growth. An alternative, you asked for alternatives. I've got one. Repeal the law. Create, enact another one and create a Highlands Watershed Authority. Don't sell it. Have the authority to have them issue bonds to go out on the marketplace and buy the land. It would seek desirable watersheds that are valued at the top and seek willing sellers. I did a calculation on 360, on buying all 365,000 acres of Highlands total highlands minus 50 states minus developed land with a 5% interest at \$60,000 an acre would add the cost to .8 cent. Perhaps there could even be some funds used for technologic development, Rutgers funding and to fund trump lines and sewer lines to the places ____ that use septic tanks now.

Marjorie Strohsahl: Good evening, my name is Marjorie Strohsahl. I am a member of the New Jersey State Federation of Women's Clubs of GFWC, and also their Representative to the N J Highlands Coalition. I am a resident of Sussex County. My Federation was organized in 1894, and is the largest women's volunteer service organization in the state and is a member of the General Federation largest of its kind in the world. Historically, the Federation has always valued preservation. Over 100 years ago, we saved the Palisades from destruction. In 2004, we were one of the driving forces which urged passage of the Act. Today, this Federation, comprised of well over 12,000 members, wants to see the Act fully implemented.

The New Jersey Highlands Council has done a monumental job in putting together the Draft of the Regional Master Plan. The Highlands Coalition has worked with the Council in many areas of development of the Plan. It will take much cooperation from all municipalities and residents to fine tune this Plan for the betterment of all New Jerseyans to ensure protection of the water supply, because that's what it's all about, the water. The Highlands Region is in seven counties, but sixteen counties rely on Highlands' water. It provides 65% of the states' drinking water, which goes to 5.4 million people.

Can we ignore that fact? Should we wait and do nothing to protect our water supply? And keep overbuilding in our state? If so, we will wake up one day with no fresh water. If we spend millions today in land preservation, we won't have to spend billions tomorrow for water treatment for water which is less than pure. The New Jersey State Federation of Women's Clubs urges everyone to support the Regional Master Plan, to work together to find common ground, to preserve our water, because that is what it is all about!

Richard Hodson, Mayor of Hopatcong: Hi, guys. I've been to several of your meetings so I am familiar with some of the work that you did. They were Excedrin type meetings when I came away from them. The meeting that we had up in the county with some of your staff, we discussed what we think or agreed to as errors in your mapping. And I presented a map that showed that Tuesday when some of your staff was in Byram, it's on a better scale than the map that we're presented today. But that addresses part of our concerns. The map I presented is made from an aerial so you can see large parts of the town center that are already built that should have been purple and which in some areas is green on your map. And also active recreation areas where there are schools and civic center, tennis courts and you have those green and they should also be purple. But we have other concerns about the plan. One is the 300 foot buffer from open water and we occupy the western shore of the largest lake in the state of NJ. About 40% of that is sewered, part of it's on town water. And the 300 foot buffer is an exceptional hardship for many of the homeowners there. This is an area again that is already built. We ask that you look at a strip along Sparta-Stanhope Road and consider that, though it's in the preserved area, that you consider that for

development. Because I think everybody knows that the original lines were not drawn by science. They were drawn by politics. They look for geographic lines were the lines could have easily been a railroad as opposed to a road. There's a railroad on the other side of the property we're talking about. When the Act was being discussed and there were, I believe, promises made about existing development. We were certainly led to feel that they were going to be protected. They are protected but it doesn't go far enough. The Act is quite onerous for those property owners. Where there's a case of a stream of properties, in this case industrials, right at the edge, they're in the dark green, they're in the conserve. But they're right at the edge, right at the boundary. They're not at any special water recharge area. In fact, there aren't any in Hopatcong. But they're not. There's nothing special about that land. Why that wasn't just carved out or why now it isn't carved out, why there isn't a process for a community to say, not just opt-in but if we put in that one we want to take out a different one. The plan would be better. There are areas in the borough that should have been in the dark green. They're not, by the way. But there are areas that we've asked about that should be taken out. One of the tests of the acceptance of this plan will be how many towns sign on. And if none of us, of the 88, say forget it, then it will be a mark of what you've done. It's all well and good to say I've created a plan but if no one accepts it, it's for you to mull over as you sit around and drink water or have a sandwich or whichever. So thank you.

Jarrod Cofrancesco: Good evening, thank you council members for giving us the opportunity to come out today. My name is Jarrod Cofrancesco and I'm the general counsel for the Grennell Group of Companies in Sparta, NJ. Because it has to do with the master plan, I have to comment on the statements made by the Sierra Club member. He had stated, insinuated that he, along with his club members, were investing in the clean water for the state. He needs to be corrected because as of today, the only people who have invested in the clean water are those who own property in the Highlands region. Then there was something very alarming about what he said and then I'll be through with him after I make this comment. He told and he started his speech about how he was all about clean water, which no one will ever argue against. But what is concerning is that he ended his comments by saying we don't need more Riverdales. So I think that there's a mixed message there. Is he talking about water or is he totally about anti-development? I'd like to just explain how the master plan affects me. My family lives in Sparta, NJ. We own approximately 1200 acres in Sparta Township. Half of that acreage is residential, the other half is commercial. What takes place on that property is an abundance of things. We operate our businesses. It encompasses a concrete manufacturing facility, a recycling facility, a trucking company, we farm. We have 100 head of cattle. We have 75 head of horses. We grow crops. We hunt. We fish. We do timber. We do it all on this property. Preservation: The Highlands Act came out and 450 acres of this property was called preservation area. It took out 450 acres. How can it be zoned residential? Now the Highlands Council has rolled out the master plan and it has taken every last one of those acres and designated them protection or conservation zone; effectively reducing, if ultimately passed our ability to do anything with those properties. It leaves me with the ultimate question that I would have to the state at this point: how are you gonna pay me and when are you gonna pay me? If you don't pay me, if you don't pay me, what you're telling me is that I'm responsible to provide the entire state with clean water. My rights to my property, along with the other property owners in the Highlands Region, are subservient to those in the southern part of the state. And that's not right. I know, I know the state has talked about the TDR program but quite frankly I know it seems like a lot of bells and whistles at this point. There's no hard facts about how

it will be implemented, when it will be implemented, or what the values will be. This leaves us property owners in a very, very precarious and difficult position. If ultimately, you're unable to pay for this property, now, in 2 years, and even if you're able to pay for it in 10 years, that's certainly not compensating us now. It's a real problem and there's got to be a way to come up this money or you just can't have the property. You can't have it both ways. I just want to end with one final comment. Those towns who are going to be asked to opt in to this master plan, what they're ultimately being asked to do in my opinion, is to give up the power to control the future growth of that town; to dictate by the citizens of the town, their giving up the power to dictate the future development of that town. What this master plan will do is ultimately cap the ratable bases in those towns, which will curtail financial and future development and growth in those towns. I think it's a real problem. And I think the gentleman who just spoke previous to me hit it on the head. What are you going to do when no towns opt in? I think at that moment maybe, maybe this act will take a different turn and will be repealed. And I hope it is.

Rich Zeoli: Thank you very much. I think that I wanna limit my comments strictly to this draft plan and I think that this draft plan, you guys should table it. And we should go back to the Legislature and ask them to review this. I think we have a lot of very unhappy people in this room tonight. I think we have a lot of unhappy people in this county. And I think that what Assemblyman Gregg said about having the best of intentions, we all remember when the state plan was introduced in the mid 90s, and that "best intentions" hurt a lot of people in this county. I think as an alternative what I would propose that this council should begin to examine; when I worked for Congressman Garrett, Congressman Garrett worked very hard on the Federal Highlands Act, which is an exact opposite of the state Highlands Act. It is a federal act that enables landowners, who wish to have their property preserved, the funds to do so. It does not take away their land without justly compensating them, violating their constitutional rights. It gives them the ability, if they wish to preserve their land; it gives them the tools to do so. And they set aside \$10 million to do it. And the state of NJ is ignoring that like it never even happened. And everybody talks about, "we don't have the money, we don't have the money"; we are spending such money in bureaucracy and oversights to implement the Highlands Act, that's money could go towards justly compensating our landowners. And it's money that could go towards working with our landowners to say if you wanna have your land preserved, we'll create the funds to be able to do so. This plan, even the parts of it that are not mandatory, the parts that are looking to work as a guideline, a voluntary; I think, as everyone has said here today, there's no reason to believe for a second it's going to be a simply a guideline. The towns that were asked whether or not they wanted to opt-in, I heard a comment just a few moments ago from a person who was a local councilman, who said that they were basically told by the state, if you don't opt in, don't look to us for any legal protection whatsoever for any lawsuits in your town as a result from this. I don't consider that really voluntary. I think what we need to do tonight is not just simply accept, and I've heard this comment so many times tonight, well we're not gonna repeal the act, we're not gonna repeal the map, we're not gonna redraw anything, so let's just work with what we have, but we are the citizens of the state of NJ and I know the people up here complain all the time that our school dollars are constantly sent to Newark, and now our drinking water is sent to Newark. And I think that we do have a right to say we're not happy with what your great intentions have produced and it's time to reexamine this plan to say to ourselves, that we're going down a very wrong road. My suggestion to this Council would be to go back the larger body and say, "let's call up Congressman Garrett and Congressman Frelinghuysen and work with the federal guys to see

how they created a voluntary plan that was in a way to justly compensate our landowners while the goal of preserving the Highlands is fully intact under the federal legislation. And let's not go down the road, passing what is clearly, clearly something that the people of this great county don't want right now. Thank you.

Freeholder Zellman, Sussex County: Council members, I appreciate you being here today and I wish the entire could be here to hear the words, the important words of the citizens of Sussex County. I'll tell you I'm here today as 3 halves as freeholder, as 1st vice chair of the North Jersey Transportation Board, and as a member of the housing technical advisory committee. Conservation is a way of life in Sussex County, with over 30% of our land in public open space and over 10,000 acres in farmland preservation. We have always had an eye on conservation and on water quality. For over 6 years, we have worked on the Sussex County strategic growth plan and, which is yet to be reviewed as this document has been unnecessarily delayed with no review in sight. We're looking forward to the implementation of our strategic growth plan and urge the Council to not bend to other "political powers" and to move forward on the review of this plan and the preservation of our 11 sectors identified by the state plan. In addition, I have other areas of concerns: equity issues as mentioned previously, available funding for compensation to landowners and municipalities who've lost taxes, inhibited economic development. And yet we are paying higher taxes. In addition, as a trustee of the North Jersey Transportation Authority, I know we at the project authorization level, met with Adam Zellner and with Steve Balzano to talk about priorities in the state transportation plan in the Highlands. And I hope that these priorities will remain intact so that not to negate anything that the DOT and NJDPA do together through any kind of review through the Highlands Council. As a member of the Housing task force of the Highlands, I would like to encourage the council members to get further input from the task forces. I, with a great deal of expertise that was on that task force, only met once and I don't how you can create a housing plan with a housing task force that only met once. And it sounds like the forestry plan is not implemented either with the recommendations. So in closing, I would urge consideration for your review of our Sussex County strategic growth plan to retain the integrity and identification of our 11 center designations and to consider the needs of municipalities, particularly those that were mentioned here this evening. Implement the transportation priority guidelines that match those of the NJTPA so that the scoring process done by the NJDOT and the NJTPA are not negated once they reach the Highlands Council. And then be sure that the needs of the rest of the state and, in particular the end users of our water, help pay the price for water conservation. Why should 150,000 people in Sussex County pay for the water of 5.4 billion people in 16 counties? Thank you.

Bob Vreeland, partner in Black Oak Golf Club in Long Valley, in Morris County, Washington Twp.: My name is Bob Vreeland and I am one of the partners in Black Oak Golf Club in Long Valley, in Morris County, Washington Twp. My partners and I assembled over 500 acres starting in the late 1980s in order to construct a mixed use golf course and residential project. Black Oak Golf Course is the final segment of this mixed use project known as Four Bridges, which consists of an 18-hole Audubon International Signature Silver Level Designated golf course, a club house and 49 single family residences. Because the local zoning ordinances did not address a golf course as land use, Washington Township worked with us and adopted a golf course ordinance. As early as April of 1998, the Washington Township Planning Board began conceptual hearings for the project. With the ordinance in place and planning for the project completed, applications for preliminary

major site plan approval were submitted to the Washington Township Planning board. By Resolution, dated December 9, 2002, the Board granted approvals for the final residential and golf course components for the project. In addition, in July of 2004, the golf course received the unconditional approval of the Morris County Planning Board. Beginning as early as 1996, we applied to the NJDEP for Freshwater Wetlands permits in order to begin the process of State approvals necessary for the construction of a golf course. We secured and implemented a State approved Forestry Management Plan in order to accomplish the clearing necessary for the creation of 18 golf holes. In November of 2000, the process of obtaining the necessary water permits from the NJDEP was commenced. A water Use Registration was finally issued in June of 2004. Likewise, State Freshwater Wetlands permits and Stream Encroachment permits for the golf course were issued in 2003 and 2004, respectively. Construction, on the golf course, started in late 2002 in areas not requiring State permits. Despite NJDEP's awareness that the golf course had received all requisite local approvals and that it had issued permits itself for the construction of the golf course, it called a halt to construction in November of 2004 because of the Highlands legislation. My point in laying out all of this history is to illustrate that your draft plan would make it appear that all of the above never happened. All of the land area described in the above approvals has been placed in the protection area. We fail to see how a master plan for a particular area can not take into account the construction of dozens of new single family residences with dozens approved and construction about to commence. Neglected also is the related infrastructure for that housing and a golf course, including; roadways, utilities and more than 30 acres of storm water detention facilities. As this process moves forward, we urge you to consider this site as part of a planned community zone. It just makes sense and takes into account the prior actions and approvals of every layer of regulation in New Jersey, local, county and state. Thank you for this opportunity to comment. We look forward to working with you in the future.

Dennis Karakos

Yes, I'm Dennis Karakos and I live locally here in _____. And I'm speaking on behalf of myself as a resident although I'm a professional engineer. I've been practicing in this county and Passaic County for over 25 years, specifically in environmental engineering. But I'm not speaking on behalf of any clients or the firm that I work for. This is personal comments and I appreciate your time. I didn't prepare a speech tonight. I just scribbled some notes down, on just some things that I've experienced over the last several years in dealing with Highlands. So I'll just begin by saying that in my work I've had to submit sewer service mapping on GIS, showing existing sewer service areas and on several occasions I have submitted this information to agents of the Highlands Council. And the mapping has still come out incorrectly. And I guess what is annoying is that the statements on the metadata for the GIS mapping indicate that the information has been checked. They have interacted with the agencies that provided the information and they've done a thorough review. And I found that to be not the case. Nobody's ever called me to get my opinion or to get clarification on anything. So, that's a frustration as a professional. I think it's just professional courtesy for somebody to call and ask a question, get it right. If somebody takes the time and effort to try and make something clear and help the Council, they should do the same. Whether the Lackawanna cutoff is an issue or not, I've read in the local papers that there's some objection to it. And I think that obviously, if we had a new rail system here, that would reduce automobile traffic and I think it would be a real benefit. I can't really see any environmental harm there. Regarding impaired water bodies, I would briefly look at the draft document and basically it seems that it's very vague. Basically it seems like

most of the Highlands has impaired water bodies. My experience and my knowledge is that an impaired water body can be one that has total phosphorus of greater than .1, which is a very small amount, .1 milligrams per liter. That, in and of itself, does not impair a water body. There's a lot of other factors that go into whether the water body would be impaired. Similarly, fecal coli form, which we all know is a naturally occurring thing, shouldn't in and of itself be considered a cause to designate a water body as impaired. I looked at the map. I saw the Vernon town center was shown as a conservation zone, when it's already been designated as a town center. What do these approvals mean if they're changed after a town center is approved? What good is it if you're taking back that approval? I know that clients of mine have to pay a fee. They are public water purveyors and they have to pay a fee to the Highlands. I think I understand the logic there. They might be using the water and not returning it to the aquifers, maybe that's the reason. I'm not sure but the people on septic don't pay a fee for their water because they are usually on wells. But I can see also in systems that do return the water to the ground so they're basically taking water out of the ground and recharging it, they're still paying a fee so that doesn't seem logical.

Tammie Horsfield: Good evening, all. Thank you for allowing us the opportunity to speak. As an original member, however, on the Highlands Task Force, I must preface my comments by stating how disappointed I am on the Council's recent decisions to step outside the intent of the Act. And to make it a plan based on personal agendas, at a complete lack of consideration for property values, municipal concerns, it steps away from the original intent of protecting our water resources. As a member of that task force, one of the biggest concerns that I had was the equity issue, the equity of property that was considered for acquisition. I was told not to worry, that there would definitely be a mechanism for funds to allow the purchase of land in the preservation area. When I voted on that plan, after much pressure from the state of NJ, I was promised it would be done fairly and equitably. I stated at that final meeting at the water commission, that if the property owners were not fairly compensated, that I would be one of the first to stand up and ask for the act to be rescinded. I think it may be the time to do just that. This plan is no longer about protecting our water. If it was, there'd be a lot less concern. After all, who could say they don't wanna protect our water and keep it clean? This master plan has been redrawn to accommodate the wants and needs of the individuals of the council and the pressures from other external interests outside the council who wish to take our land. It's no longer meant to be a good sensible plan based on science. I say science, not data churning or modeling. Science, if it was, it would be concentrating on our water resources and our lake communities and the ways we can assist with wastewater management issues in communities. Instead, the council is putting its hands into Smart Growth initiatives and transportation issues to name a few. Those issues have already been addressed in our own county strategic growth plan. A plan, by the way, that was prepared by Sussex County representatives who spent over 8 years (I was one of them) and over several hours preparing, flowing, by the way, the goals of the state development and redevelopment plan. Instead, the council should be focusing their efforts on putting together an inventory of businesses that, by the way, have already left the Highlands region and the state of NJ. And asking how those losses might affect the plan, what is the economic impact the preservation efforts have on our state and on our region. I don't believe that economic impact study has been done. What, ever, in the inventory of business loss is normal churn, cause there will be normal churn, and what is directly affected by the implementation or the thoughts of an act or a plan with a regulatory hand? The answers to these questions are important. What is the economic risk versus the preservation goals? How much can be preserved taking into

consideration the cost to acquire the land, the loss of business taxes, permissive fees and revenue these businesses produced to support infrastructure, economic, resident and municipal needs? There should also be a mechanism to continue to track businesses who leave the Highlands Region once your master plan is approved and to understand reasons for the move. Is it directly related to the Highlands, is it because of lack of expansion opportunities, increased property values or whatever? If not, why are they leaving the Highlands Region? I can think of no other. I feel strongly that before this plan, any plan of this context, can be instituted, there needs to be an economic impact study completed to see what the economic impact would be on the businesses in the protection area, conservation and planning areas, and also what impact the lack of future and current expansion opportunities will have on us locally and statewide. These decisions will severely impact our economy in Sussex, the Highlands Region, and the state of NJ. Again, we need answers regarding funding mechanisms for land acquisition, economic impacts and business development and sustainability. People are hurt and their lands are devalued. I hope that you will reconsider the way the act is being drafted today. I don't believe the Council's ever done any estimates on total value of pre-Act land values in the preservation area nor have funds been identified should property owners offer them for sale. But the Council continues to extend further preservation efforts in the plan by adding conservation areas and protection areas in areas which were once documented as Planning Areas, Planning areas that were not to be regulated by the Highlands and were not included in the preservation area of the original act. And now it's been added for the list of potential takings. I'm aware of the opt-in process for municipalities but again, it doesn't work. Opt in to me says, opt in and comply or we'll punish you. There's something wrong with that process. I feel it now borders on socialism. What happened to good intentions? I am disappointed in the Council's decisions and perceived power. And I wish that the original Act, approved by the legislature, address such issues and also timelines. There are no timelines here. Landowners should not be held hostage, waiting for the state to find a way to pay the bill. Every year, their land values diminish more and more. I fear a date will never be set to finalize the land acquisition period. I can only hope that we will reconsider this taking and take a look at what the state can pay for and not take a dime more. After all, this should not be a land taking. It should be a water protection effort. That was the intent. That's how I served on the task force. I'm disappointed that it's not that today.

Andy Mulvihill, principal at the Crystal Springs Resort companies: Good evening, my name is Andrew Mulvihill. I'm a principal at the Crystal Springs resort companies. Thanks for your time coming up here. Our companies own over 5,000 acres in Sussex County, in 6 municipalities. At our resorts in Vernon and Hardyston, to date, we have invested \$1 billion in the last 40 years. We've been at it quite some time. We employ currently over 1000 full-time, 10,000 people part-time and subcontractors. We certainly understand that the #1 reason we're successful as a resort is because how beautiful it is up in Sussex County, the fields, the forests, lakes and streams. But we've worked hard to preserve and protect this asset and develop it responsibly. We've preserved 2,000 acres of our property as open space and we've formed a private land conservation trust. We're actually the only carbon neutral developer in the state of NJ at this time. We've employed a full time ecologist. We've got nature clubs at our resort. We provide bird watching hikes for residents and guests. And our golf course has been certified by the International Audubon Society as environmentally friendly and we have safe practices on them. And we even have a bog turtle enhancement program on our property to improve the habitat for bog turtles. That all said, Sussex County as I know it is meant to be the playground of NJ. I've certainly heard that quite a bit. But

that means to me just a little bit more than hiking and birding, because hiking and birding don't provide jobs or rateables, which is what we need, some industry, up here. So for 40 years, we've been working, our companies and our group, have been working with the municipalities, the county and the state to create a world class resort area and we're getting there. We're almost there. We've got 7 golf courses, as you heard. We've got one hotel built, one on the way. And our friends at Mountain Creek, we've got a beautiful one that they've done. Got some world class restaurants, world class wine cellar, there's a lot that we've accomplished. We've done all this by obtaining hundreds of approvals from all levels of government over the last 40 years. We've established sewer service areas that took years and years to get done and to negotiate with the DEP on what should be in and what should be out. And even recently, we've obtained a water allocation permit to complete our development at Crystal springs. It cost us \$1 million of studies to complete 5 years and after all that and extensive research the DEP said you know what, you have enough water. And you have enough land to replenish the water that you're gonna use. So we felt we got that and we think we got that checked out. Unfortunately, or fortunately, excuse me, all of our property is in the Planning Area. And while much of it is in the Planned Community Zone, unfortunately, a big portion was placed in the conservation and protection zone that as you know prohibits development in many ways. I think there was a mistake made and I'm hoping that we can make an adjustment. Because this doesn't follow the 40 years of planning or the science that's been behind what we're doing. Frankly, if we're unable to develop the balance of our property, it's gonna be disastrous for us. Because there's been millions of dollars invested in infrastructure and in anticipation of this and, frankly, could lead to bankruptcy. And that's a reality; it's not an empty threat because we've seen the ski areas, each of them, in the county go bankrupt, some of them multiple times. We've seen the playboy club, the big resort hotel, went bankrupt many times and in fact, Crystal Springs, we bought out a bankruptcy in 1995. So it's not easy to be successful in this county and, frankly, there aren't a lot of choices for industry in the county. I don't think it's certainly the intention of the Highlands Council to shut down a clean industry in the county or to kill a tax ratable. Should that happen, the millionaires that we've got that invested, they'll take their lumps and they'll invest elsewhere. But really the people that are going to be hurt are the taxpayers who count on the rateables and the thousands of employees who are going to lose their jobs. And sure, they're going to find jobs elsewhere, but rather than driving 10 minutes to work, they're gonna be on the highways, clogging the roads, polluting the water. And I don't think that was the intention. So I hope to work with your group on straightening some of these issues out so that we can continue with what I think is a very good clean industry for Sussex County. And I hope to have that opportunity. Thank you.

Alison Smith, Vernon: I'm not only a Vernon resident but a Vernon business owner that relies heavily on tourism. The state development and redevelopment plan has clearly defined Sussex County as an area primarily suitable for hospitality and tourism sector growth. I would like to explore the impact the Highlands Act will have on this specific job sector. First of all majority of jobs in the sector are, for the most part, part-time wage or lower wage positions. Currently over 60% of our residents commute outside of the area in order to get a job that can provide a reasonable wage for them and their families. If the Highlands Act is in fact a regional plan, then the Act must include and make provisions for the entire region it will impact. With the passage of the Highlands Act, the future of creation of these lower paying jobs is even at risk. Case in point is Hidden Valley Ski Area. As an alt business, Hidden Valley needs to remain competitive and evolve with the market in order to continue to exist. One of the 3 ski areas in NJ, Hidden Valley is the second largest and Vernon's 6th

largest taxpayer. It creates over 200 jobs every year and is a clean and beneficial industry for the local environment. We were told by several state employees that Hidden Valley was inadvertently placed 100% in the Highlands preservation area. This error has caused major problems for area. The owners have decided to try to increase revenue by building a tubing park. Because of this error, Hidden Valley was forced to apply for exemption and had to pay a \$500 nonrefundable fee to have their case for exemption reviewed. After all was said and done, they were denied the right to develop the tubing park. This request, by the way, did not require any building, paving, or wastewater management. It quite simply called for a dirt trail to be placed for the tubing experience. The exemption was denied. They also offered a conservation easement to assist with the project but again were denied. They are out the \$500 application fee which they shouldn't have had to pay to begin with. Their expansion opportunity to help sustain their business is lost and it is quite possible it could be added to the high list of businesses forced to close in NJ. NJ could lose one of its only 3 ski areas and Sussex County would lose a critical tourist attraction. Another big loser will be Vernon Township, for we're losing a major taxpayer and employer. How do you explain how this conforms with the goals of the act to continue to promote historic, cultural, scenic and recreational resource opportunities that preserve the natural features of the Highlands region? How do you compensate needs of Vernon taxpayer if Vernon has to raise real estate taxes due to the loss of this business? Ho do you compensate me as an owner of a business that relies on tourism the loss of revenue that this tourist attraction's lost? The plan should permit Hidden Valley to expand their business. On a more personal level, my husband and I have a significant investment in Vernon's town center, which Don Teolis has already spoke about. As you look at the town center, keep in mind that there are individuals with significant investments that are negatively impacted. So it's not just a town that will be losing. We feel the town center should not be included in the layout to proceed with the town center plans as approved by the state. We also have, our home is also included in the preservation area. Before the Highlands was enacted, the property was sub-dividable into 1 or more additional lots. My husband is in retirement age and this was part of our retirement plan, along with the investment in the town center. The plan is negatively impacting our future. As the gentleman from Alaska so eloquently stated, the very vague proposal to compensate us will never replace the real dollars we'll be losing. We ask you reconsider the restrictions.

Robert Dennis. Byram Township: I'm Robert Dennis and I'm a landowner and a resident at Cranberry lake in Byram Township. And my comments are concerned how lake communities, developed lake communities are designated under the Highlands act and it appears to me to be an inconsistency of how various lakes are treated. Cranberry Lake was created in the 1830s to supply water to the Morris Canal. It's water flows to the Musconetcong River, then to the Delaware, and ultimately to the Atlantic Ocean. The same as does the waters of Lake Hopatcong. In the 1920s and 30s, Cranberry Lake became a major lake development consisting of hundreds of small lots. Today it is one of the major communities in Byram Township with a housing density similar to that of Lake Hopatcong although it is a much smaller lake. The Cranberry Lake community is virtually surrounded by state owned land, on the northeast by US highway 206 and on all other sides by the Allamuchy State Park. The only build-able land of multiple acreage remaining is land owned by the state or by me. My family acquired our land in 1834 prior to the creation of the lake. Much of our land was the family farm, known as the Rose Farm. My family has resided on this land continuously for the past 173 years, me being the 5th generation and my adult children the 6th. When Cranberry Lake was being developed in the first half of the last

century, my family leased out land near the lake to people so they could construct cottages. Well what's ___ is these lease sites remain today on unsubdivided land. Similarly, the state of NJ has leased about 15 lease sites for the same purpose. Because these lease site parcels are not subdivided, both the municipal tax map and the highlands map show these areas to be open land, which it is not. The remainder of my land was kept open and unsubdivided for use by future family members or for possible limited development with a housing density far less than what exists in the majority of Cranberry Lake land today. My family has practiced land conservation long before it was considered popular by environmentalist and the government. The land could have easily been sold for development many times over when there was little or no zoning and wastewater regulations. But they elected to retain the natural appearance of the area. Then in 2004, came the NJ Highlands Act and all Cranberry lake and virtually all of Byram Township is designated in the protection zone of the preservation area. My land can no longer be used for future residential purposes. Even the exemption from the act allowing use by an immediate family member of the lots owned prior to the act is of no benefit. How can 8 grandchildren build 8 houses on an unsubdivided tract of land? Cranberry Lake is clearly an area with existing concentrated development and should be designated a planned community zone under the Highlands Act. Finally, all land there should be designated as such especially since all surrounding lands are already protected from development by state ownership. Other developed lake communities like Lake Hopatcong and Mohawk are shown as planned community zones. Moreover, the water flowing from Cranberry Lake merges with the water from Lake Hopatcong to help form the Musconetcong River, except Cranberry's contribution is miniscule compared to that of Lake Hopatcong, the state's largest lake. I see no scientific or other fair reason why similarly developed lake areas, which are in the same watershed, in this case the Delaware River watershed, should be designated differently under the Highlands Act. If I wanted to be part of my family's 173 year old tradition of exercising responsible use of the land, I could not today replicate the development existing at Cranberry Lake, the Highlands Act notwithstanding. Current zoning, land use, and health regulations would require development far removed from what was the norm in my community. Anything I could legally do would not threaten water quality. I know you're charged with implementing the intent of the Highlands Act to recognize what exists at developed lake communities, such as Cranberry Lake. They should acknowledge the effectiveness of current state and local regulations in correcting deficiencies of earlier rules to impose the onerous restrictions of the protection zone in a preservation area in an already developed lake community is unwarranted, unfair. In the case of Cranberry Lake, it's just 80 years too late. Thank you very much.

Douglas Hiscano, Byram: My name is Doug Hiscano and I'm a shareholder in a family corporation that owns land in Byram and Andover Townships. I also own another parcel of land in Byram with my immediate family members. My ancestors started quarrying this land over 100 years ago. I'm proud to be part of the 5th generation to live on this land. Over the years, we've strived to be good stewards of the property features ponds, streams, vernal pools, wetlands, in fact it's pretty much a poster child for all you're trying to protect. All told, our land holdings are well over 1,000 acres on only 5 lots. It goes without saying that the Highlands Act and its attending legislation has a profound affect on our property rights. Now, I'm not here to protest, I'm here to support the Act and its objectives. Because for over a century, my family has viewed our land for centuries the same way you do, not as a center for big mansions, but as a unique resource worthy of your protection. But I need to draw your attention to what I perceive to be a glaring error on your map, an error that may

eventually permit inappropriate high density development in close proximity to my family's property in the preservation zone. I attended last week's hearing in Morris Township and heard you assure the audience that all plan ___ developed for the Highlands was based on scientific data not politics. I'd like to see data that supports this boundary. Why is this line straight? Are there no resources north of this line? When I look at the map, I can see that lands designated ___ preservation, are typically surrounded by buffers. Where's the buffer here? If I understand the situation correctly, anyone who owns property on the other side of the line will be able to fully develop their land, land that has increased substantially in value because it now borders preserved land. And those who own property in the preservation area are not only restricted from building but face the prospect of substantial development and all its attendant negative impact right on their borders. Most are very concerned about reports we've been hearing about the reopening of the Lackawanna cut-off rail line and the proposed station on Rosevale Road. I understand there's been discussion of building a transit village on pristine land on this quiet country road. The parcel developed is very close to my family's land. Can you explain to me how this is good planning? I don't know whether this is simply an oversight or the result of some backroom deal. I do know they owe it, to my family and the residents of the surrounding area, to protect us from this sort of threat. It is unconscionable that you would so thoroughly constrain our land while at the same time turn a blind eye toward a potential development that has such a profound data impact on this region. Thank you. I will email these.

Andy Bickerton, Ogdensburg: Good evening, folks. I and a group of people from Ogdensburg are concerned about 3 pieces of property that either should have been preserved or were removed from the high conservation area. It is a roughly 20 acre lot that has a stream running off the mountain, going across it is thick forests. There's another piece of property on the borders of ___ in Ogdensburg, in the west mountain area. That was removed from the Highlands. That opens up, I hear through the grapevine, 200 luxury town homes on the ridge over the valley. The rest of the west mountain is being developed by ___ and other luxury home builders. The last piece of property I'm really gonna zoom in on is a piece of property around our town municipal pond, Heater's Pond. Now that pond was developed and created as municipal water supply and was a municipal water supply for 40, 50, 60 years, I'm not sure. Until the town drilled some wells in the town, excuse me in the valley. Now these areas I'm talking about are recharge areas and we're concerned about the water quality. The people in town, I'm not representing but a group of us a little concerned about these recharge areas and the fact that the wells may someday have problems or that we may have to reactivate Heater's Pond as a municipal water supply. Almost all the land around Heater's Pond is preserved as state land or donated land and then suddenly one piece of land was preserved according to the 2005 railroad tracks along the east mountain, everything east of it was preserved forest. This piece of land has wetland on it, have the vernal goes into Heater's Pond, the other half runs downstream to Wallkill road and also charges, if you go on Google Satellite and hit the zoom down, you'll see the vernal pools and wetlands and this is pristine again. If you want a snapshot of lands you really want to preserve, this is it. Well, 3 pieces of private land in the middle of the Highlands, and I'm talking about farmlands for hundreds of years, but the last 3 years, the last 3 pieces of private land in that lot, in this big section were bought by the town Planning Chairman, the town Planning member who is also a builder in town, and a building corporation. Suddenly, the latest map shows that all this land around the town pond, runoff into the Wallkill and into our potential, future municipal water supply, is now zoned for development. I talked to the town planning chairman on this and he, I'll swear on a stack a bibles in a court of law, he

told me I had the Highlands moved Andy. I said who the heck are you and who you know in Trenton that had the Highlands move. Oh, my friends, a local senator. I was in disbelief. Why would the senator put the concerns, the needs, or the wants or interests of the developer over the potential water quality for all Ogdensburg residents? Well last town council meeting they passed out the latest map and sure enough a big chunk of this preserved land is now off the map. Gentlemen and ladies, all these political sciences; I mean I'm a former research scientist and I'm in disbelief. This is incredible, this is unacceptable and ___ the town. And it questions my integrity thoughts, your integrity, the integrity of the whole system. I have to severely question it. I want you to go back and relook at these things. A piece of land on Sparta-Ogdensburg line, the West Mountain, this piece around here and there's actually a 21 acre lot down that supposedly townhouses on it that probably should have been preserved. And this is unacceptable and it goes against everything you people represent. And please get my faith in you back, relook at it. I'm really disappointed a state senator if that is true but it appears to be so. Thank you.

David Troast: For the lack of sounding like a broken record, this is the second time today and you guys probably need the break. I'd like to thank the council for extending the public comment period for an additional 30 days. I personally requested that and I thank you for doing it. I think it was the right thing to do. On behalf of Sparta Township, we have accepted the preservation area restrictions with a couple of caveats to that. No. 1: We are still concerned with the property equity issue for the municipality tax rate as well as the private property owners that are part of Sparta Township. However, Sparta does not accept the blind to the line attitude that's being portrayed at numerous meetings that I have attended. This plan will not spill over into the planning area unless a municipality opts in. That also includes other governmental agencies that might try to backdoor other standards based on the Highlands plan. Now I am not against new standards for the entire state, but I sat in a room with senators that decided this was good that this was good and drafted the laws and the legislation. And they promised that the Planning Area would be optional in all regards. Sparta professionals have met with the Highlands staff. I think we've had some positive meetings. We have exchanged information. Unfortunately, I think the plan was released premature and I think that's due to political pressure. And that's unfortunate because now you have a document that has to be significantly changed. And the map will change in Sparta 'cause you've left out over 1200 existing lots. You've left out large areas that are served by public water, that have approvals, that are under construction. A lot of these parcels happen to be some of the parcels in the town center, which by the way, that is a state designated center despite the unhappiness of the Sierra Club. It is a state designated center and it will continue till 2009 when we are reviewed again. The plan neglects to focus on one of the statutory requirements and that is smart growth. There has to be smart growth areas shown in the plan and I believe that is in the preservation area as well as in the planning area. This is not a preservation plan, this should be a plan for the future, which includes preservation but it also includes reasonable growth and a reasonable for people to live. We have many people trying to get housing in this state and they don't necessarily want to live in the city. So, in closing, stay out of the town center; we accept the preservation area; make the mapping changes; and we'll go from there to see whether Sparta Township would like to opt in. We haven't closed the door, but up until this date, we have not seen the trust that we need to do that. Thank you.

Councilman Austin Carew, Vernon Township: Good evening, ladies and gentlemen. And thank you very much for coming to Sussex County and, quite candidly, for your hard

work on this particular issue. I do share and my town shares the ultimate goal of protection of water in Vernon Township. However my concern would be that your mapping of our town center would be counted to what your goal might be. It might encourage development outside of an area that at this point we aren't trying to encourage development. And this is something that Vernon Township and myself have diligently to avoid. Whether you know it or not, some of the towns in Sussex County do have a very good environmental ethic, whether you impose restrictions on water or not, the towns have done this themselves in the past. As an example, my town has actually won second place in the entire state of NJ from the DEP for the preservation and the protection of its water supply. And quite frankly, one of your members, Glen Vetrano, personally helped us do that. So we're quite aware of the value of water and the protection of it. However, we have 26,000 people in Vernon Township and 7% of the tax is paid by businesses. We're trying to change that in our town and by your mapping to preclude our town center in particular from allowing us to develop a strong economic base in that area of the town, which to be frank, there doesn't appear to be any natural environmental restrictions for that type of responsible development. So I would implore you to reconsider, if you haven't already, on the mapping and not to include our town center in that preservation area. Thank you very much.

Ingrid Vandegaor, New Jersey Conservation Foundation: Ingrid Vandegaor of the New Jersey Conservation Foundation, which is in Far Hills, NJ. I have been working at New Jersey Conservation Foundation for 8-9 years and I've worked both in land acquisitions but previously in GIS and easement stewardship. I gonna address, I wanna thank the Council for this important task that you are taking on, the regional master plan for the Highlands. And I'm gonna address my comments to the draft Land Preservation and Stewardship technical report of January 2007. In brief, I find that the definition of open space is not clear and I think could use to be clarified because open space can mean a number of things. It could mean all undeveloped land and to some people it means preserved land, it really needs to be strengthened and defined and clarified. In addition, I would say preservation of land needs to be clearly defined and often times these two things, when you bring them down from a mapping context, need to be classified because there are different levels of preservation of land, as I'm sure you're realizing. The more clarity that we can get with this, I think the more accurate the calculations will be for what is considered preserved open space. As we would know that developed areas within. There are military installations will not going to be considered open space. So that the calculation of open space we can translate then into the calculation of the funding that will be necessary to both acquire lands, steward lands, and fund the tools for landowners who want to hold and steward forest, streams, the wetlands, slopes on their properties and not sell their land, whatever those tools will be. I would also advocate for the extension of the appraisable and, restate it for anyone in the room that doesn't know that when we acquire land for preservation the act requires us to have an appraisal done of the property at the pre-Highlands value so that the landowners can be compensated at that number before the Act went into place. That's due to expire in, I believe, 2009, so I'm recommending an extension of that. It's a long process. Also, as far as transfer of development rights, that if the town wants to be a receiving zone for these rights to develop, that they opt in to the plan and have all of the conservation options also. As far as the agricultural easements, a 5% maximum impervious surface cover, I would strongly advocate for that as the prime soils are what we are trying to protect in the agricultural easements and if the impervious surface restriction is not included, then the soil can be covered and therefore resources are being protected. It's a very good aspect of the plan, draft plan. As far as the forest easements, there's a

recommendation that as far as the ___ program for forest easements and the DEP for forest easements, and I would say that the DEP is more appropriate body to handle forest stewardship. And I will close and say thank you for your work. We would like to see the plan strengthen natural resources. Don't follow political boundaries and I applaud your efforts to this very, very complex task. Thank you.

David Greenblatt, Environmental Defense:

Thank you for your time. I'm David Greenblatt from Environmental Defense. And I'm here today to say that we are very supportive of the draft master plan. We feel that the plan set forth a bold environmental vision, in particular a bold land conservation objective. However, in moving forward, the Council will have to balance that vision with its ability to transfer equity to people who own land that should be preserved. There is a number of strategies available, certainly federal, state and local funds in large amounts will be necessary to achieve that vision. But in our view, the TDR element in the plan is perhaps the most critical. And we're encouraged with the initial TDR framework proposed but what the plan does not include is the discussion of the revenue generating potential of that TDR program. And working with the Regional Plan Association, Environmental Defense has developed a tool to estimate what that potential might be. And based on our own calculation, by allowing developers to build at greater densities in receiving areas that appropriately defined, not in environmental sensitive and have sufficient water supply, we believe there's a potential for significant amounts of money to transfer to landowners, enough to save tens of thousands in acres of land. And in moving forward, we would encourage any interested parties to contact us because we have invested resources to develop this tool and in particular is an effective mechanism for designating high value receiving areas that are again not environmentally sensitive and have sufficient infrastructure capacity. Thank you.

Don Begaft: Thank you for letting me speak. I came back to this Council, I think it was over a year ago, and voiced some concerns and suggestions, which nobody's even recognized or came back to us and commented on. I am very disappointed that only four of you could come here with a board as large as you are and still yet no results to people that's being affected this way. I've been a resident for 70 years in Sussex County. My grandfather and his father was here. My children and grandchildren are here. So I've got a big concern. I've been a builder for 50 years. I have taken land and not built on it, just to preserve it so that some day when I need the retirement plan being self employed you don't have the federal government and stuff to back you up or a big corporation. And here I could have built on it 5 years ago and made me a lot of money and paid down the banks, I elected not to. Now, I'm being penalized and there's no compensation for this. You have no compensation and now the land in Sparta, which was out of everything is being put in it. And here you can't even pay for the first part and you're taking ___ on the second part. Other things that I'm very concerned with: you say that you're for water and protecting the water; we tried to put in a tubing park. We're taking land that was 90%, let's not stretch it, it was impervious, mainly runoff and ___ rivers and stuff like that, we've got impervious land. We wanted to put grass on that and make it into a tubing park. We wanted take the same land that your own act says is supposed to be for sports and things like that, and now these people can't use that. We're not gonna exist the way your act is today. Why are we in it when we have the same terrain as Mountain Creek and the other ones, and I'm not against Mountain Creek, I'm for them, they have to be successful or our whole county is gonna go down without steam, and you take us and put us in a different area then Mountain Creek? Why? Why are we sought out and have different rules? How can you be competitive? We've

got our hands tied behind and we're gonna fight. And we ___ and we can't build. They can build. This is unfair. It's just not fair and if you had the money and wanted to compensate us for the difference, alright. Buy our land. But you're not buying our land, your taking our land. And you're making it so that it's not feasible for us to live. Around the ski area is where building should be done, around recreation so that the people have something to do. Mountain Creek has done a beautiful job of that. You've heard testimony here today about they have tried to do this for four seasons. We wanna do the same thing. But if we can't do it, then how can we succeed? We've had gold medalists that come out of Hidden Valley, more than one. We have state champions; we have national champions every year. We're one of the largest and best ski racing programs in the country. We're recognized all over the country. And still yet, here you are turning around and making it so that we can't live. Forget about the 300 or so employees that we have in the peak season, not year round. But these are people that count on us, all kinds of people. And you're harming them. Yes, all the smart team work, there's none of us who do it, but I think we've been doing that and there's other ways to do it than just overdoing this whole act. Thank you.

Bonnie Begraft, Hidden Valley ski area: My name is Bonnie Begraft and I'm here tonight to represent my husband and the Hidden Valley ski area and also some other properties within the county. Basically, I wanted to speak on Hidden Valley first. Hidden Valley is a, is in a situation with the Highlands that we think is quite unique. It certainly deserves special consideration. As my husband had indicated, after the Highlands maps were released we discovered that Hidden Valley was inadvertently drawn into this Preservation Area of the Highlands. We were told it was an oversight and that someone had overlooked the fact that we were there. This oversight has the potential to devastate our family and threatens New Jersey with the loss of a great natural area, that for decades has provided families with access to nature and beauty that is NJ. The loss of Hidden Valley will have a profound consequence on residents of Sussex County, devastating the surrounding community of 120 home and condominium owners. Hundreds of families who are dependent on the income earned at this premier resort will be negatively impacted by this simple oversight. Hidden Valley, a 200 tract in Vernon Township, was originally developed as a semi-private membership club and transformed into one of Northern New Jersey's best tourism assets. My family and I have invested countless money and energy into the area in the hopes of someday selling the area to new energy to keep the area as a sporting and tourism attraction. The property includes an exceptional ski area, as my husband had indicated, we had an exceptional ski area, a lake, a picnic grounds with all of the amenities for corporate picnics. Winter revenue stemmed from skiing and snowboarding, which is unstable at best. It has forced us to host corporate picnics and to add a much needed summer revenue stream. The Hidden Valley's revenues are dependent upon our ability to remain competitive and after a few very long winters, it was determined that we needed to add to our tubing area to increase these revenues. We met with Noah McGuire, who was at that time the Commerce representative for the area. He suggested we submit an application for an exemption based on science, that we would not be impacting the environment to any extraordinary degree and that we would in turn offer the DEP conservation easements on the 45 plus acres surrounding the lake for hiking trails. We paid an engineer to draw plans for the conservation easements and met with the township of Vernon, who has fully endorsed our effort, rightfully so, since we are one of Vernon's biggest tax payers. We paid the \$500 nonrefundable application fee to have the council review our tubing area. The exemption, after one year, was denied. We have tried within the limits of the Act to do the right thing and it hasn't mattered. We are still denied. Are there any other means by which

we can bring this unique situation to the forefront of the Council? We are willing to work with the Council on a compromise. We just need to have an additional revenue stream in order to stay afloat. Is the Council prepared to offer us the \$3-\$4 million for the pre-Act assessed value of the property? Are there funding mechanisms being setup to support tourism related industries that are threatened with bankruptcy as a result of this act? I'm done on Hidden Valley but now I'd like to have more time to read some other things as well. My daughter, Karen Driscoll, owns 20 plus acres on Highland Lakes Rd, Route 638 Vernon, NJ. She says, my husband and I purchased these 20 plus acres of property in Vernon over 8 years ago. The reason for the purchase of the property was that when our children grew up and wanted to subdivide the property and build homes near ours for them to live. We've always been good stewards of the property and have run a sports store at Mastodon Lake for the benefit of local naturalists. We recently realized that we would not be able to subdivide the property as it was in the Highlands preservation area. Some drastic changes have taken place in our family recently. The passing of both my son and my husband have made the subdivision of the property an economic necessity. That property was our retirement. And my husband's unexpected death at a very early age has created the need for me to sell the property. Except I can't do that, neither can I build homes for my daughters. I would like the Council to refer me to an agency that would be able to give me the value of the land that we planned on. I would like to ask if there is a fund for extreme cases that require immediate intervention and financial relief from the terrible loss of our investment. I frankly don't have the luxury of time to wait for compensation. Please advise me as soon as possible. I apologize that I didn't realize that I could submit these this evening in writing. But I will do so through email. One last thing: My husband and I and my children and my grandchildren are owners of other properties as well under the name of Donald F. Begraft, Inc. These properties are over 100 acres and are in the townships of Sparta and Vernon. The Highlands has adversely affected these properties. In particular we own a 50 acre tract of land which is contiguous to the Hidden Valley ski area. This 50 acre tract was once designated for Multi Family Housing and at one time was considered for senior housing and an executive golf course, which is a 3 park. Now we have no building rights. We have also at one time offered this property to the Open Space Preservation organizations and they withdrew any interest in the property, simply because they have no reason to purchase it at this time. How will my children be compensated? I've heard testimony this evening and I've also found some other documents that indicate to me that there's no monies available at this time to compensate. You know, years are gonna go by before anything is taken care of here and I have a really great concern for this. I am also getting old in years and I was looking to retire and do something with this money as well as having it for my children. If you look around the room tonight, there were faces here tonight. We are people. We are people who are being affected by this. There are hundreds of thousands of other faces out there that don't even realize the impact that's going to be made on them and their properties and their futures. I wish that you would really consider what is going on here and take care of us. We are the people and we really need to be heard. I thank you for listening today.

Patrick Barton, Franklin: Good evening, Council Patrick Barton from Franklin. Real quick: As a councilman, fortunately Franklin is in the Planning area and Mayor Kistle and Franklin has already submitted our comments and a map that we'd like to see incorporated. Clearly, the map as it stands right now has missed the mark and I would encourage the board to really look and discuss with these council their comments and their future plan because no one in Sussex County is going to take care of Sussex County like the Sussex County people. Now I take off my hat as a councilman and speak as a resident, a lifelong resident of

Sussex County. All you have to do is drive through Sussex County and see the beauty. I travel to NY and you look at the countryside. My wife says that's beautiful and I'm like yeah, it's like we're home. We take care of this county. We take care of the county. No one cares more about the water source than us. We realize that we are the lion's share of the water. But the rest of the state needs to pay for that if they're going to take it from us. And I say that personally and I'll say it loudly. Thank you.

Jan Lucas from the Law Firm of Lucas and Goas: Good evening, Jan Lucas from the Law Firm of Lucas and Goas. We specialize in land use development. And let me just say that in that regard, it is our job to see to it that all land use development you do is done correctly and that you do the whole job. When a business is starting out, they start with a business plan and business plans include how it's going to be funded. Your plan does not include that ___ so I don't think your plan is finished. I don't think you're done. The mandate that stated the origination of the Highlands Act included certain lands and properties, as Mr. Cofrancesco pointed out, the plan was starting out, again unfunded. At the risk of making light of a very serious situation, I think Sussex County is saying to you "Show us the money". We are very seriously concerned that only have the job has been done. You've identified that you need to protect water and one would think that with such an important job in front of you that you'd get a huge amount of support. I'm not done yet if you could hold your applause. And until the job is done, we can't support it as much as we want it. We want clean drinking water. We want to be able to supply your drinking water. We want to maintain the quality of life we moved to Sussex County for, all of us moved to Sussex County for. Unfortunately for us we're not here a hundred and something years and the truth is we chose to be here. And we chose to be here for the beauty of the area and that will be lost if we don't find a way to protect it. But we won't find a way to protect it until we do the whole job. And I think that's what you are being asked by the citizens of Sussex County to do before you ask us to support your plan. Thank you.

Robert Tessier from Dykstra Associates, Sussex County: Hi, my name is Bob Tessier. I'm a professional planner and have practiced in northern NJ for 25 years. I'm a planning director for Dykstra Associates, an engineering design company in Sussex County. I was actually in this room, I hate to think it was 20 years ago, somewhere between 10-20 years ago when the Dept of Interior gave their presentation on their initial federal highlands study. I remember two particular things in this room from that meeting: 1, their clear statement that this was just going to be an initial, was just a planning document to document the resources of the area and that it wasn't a regulatory item. And I recall also that one young professional from the Department of the interior, in her opening presentation, pointed at the map of the Highlands this and NY section of it and said do you know how much private property is in the Highlands? But it's still there. I, they've come a long way since that initial meeting on the Highlands here. I see it in how well prepared in this plan. And looking at your plan I recall and remember Ebenezer Howard and the Garden City movement in Europe, in England, where London did put a big green belt around its city, preserved its resources but what they did in their plan was designate town centers, designated development centers. They had a balanced approach, I think in that regard. It was as much an economic development effort as there was a preservation effort. I recently attended the NJ Planning, the APA Conference down at Rutgers University and the president of NJ Futures spoke. He said if we don't, paraphrasing, if we don't designate where growth is going to occur, it will occur where we don't want it. And this is my recommendation to you in your plan. I really think you need to balance your effort. There is a tremendous economic forces in Sussex

County and coming to this region, people who want to invest a lot of money, those funds if your plan had recognized all the existing town centers, showed areas where you recommend the new town centers to be, showed areas where it would be appropriate to have future growth; You could generate the kind of economy transferring it through TDR that could compensate all these landowners. And I think that's where the balance comes in. You become an economic development agency and a preservation agency; you can get the economy to pay people for the properties that you are trying to regulate. More of what we need to have in Sussex County, more economic development for recreation cause it's an important regional role. We need more compact, mixed use, green transit oriented nodes and development centers that could generate a lot of transfer credits that could generate lots of funds to preserve these other properties that really shouldn't be taken without compensation. Specifically, I talked in the beginning about; I'm talking about specific properties. I mean for example in Sparta there's a Route 15 corridor or railroad line which Mr. Cofrancesco spoke about, industrial parks, 3rd floor industrial parks, industrial buildings everywhere, an economic development zone, an industrial zone and again it's on the state highway freight line. It could have bus line and transit. And, in your plan it's shown as conservation area. So I think in looking back at specifics and focusing back on the plan, you need to look at those kinds of areas and think about economic development and think about that as a driving force to promote the preservation that you want, rather than taking without compensation. Thank you.

Tom Speed, Wantage: Hi Tom Speed from Wantage. I want to take the time to thank you for having me able to come up and voice my opinion. One thing that I have found throughout it so far that I don't understand is all these studies you have had done so far and just about everybody who has come up here from a town or whatever has told me that basically, you haven't listened to anything that they have on record. You draw these maps with total disregard with anything that's already preexisting that should have been reflected in your plan. Now I see flaws in that and I wonder how many other flaws are there in the entire regional master plan. Is all your data flawed that way? Another problem I have is your funding. No visible means of funding for this plan to be enacted. As far as I can see, we're providing water to 65% of the state. I think those people should be asked to contribute fairly to help reimburse the some of the landowners. I'm a landowner in the protection area. I stand to lose a substantial amount of funds and equity in my land. Who's gonna take care of me? The town I live in, the town the property is in, Kinnelon? Now am I gonna keep paying taxes on that property? I can't use it anymore. Who's gonna substantiate, who's gonna reimburse Kinnelon for their loss in revenue? Who's gonna reimburse all these towns? Property taxes are just gonna skyrocket. We're already facing that now. I feel that funding, once this plan is finally enacted, which, I'm sure, is gonna take place at the end of the spring, cause you guys decided it already, But I feel that funding should be addressed right away. And part of the plan should also stipulate that until the individual landowners have been compensated fairly, they'll still be able to develop their properties based on the existing regulations in planning that are in effect currently. And until they are reimbursed for their properties, I feel they have the entitled right to use them as such. And therefore, that will expedite the funding of this whole process, which no one has even addressed yet. I didn't come here prepared or anything but as I sat here for this whole meeting, I decided to write down a couple of ideas I had, you know. I mean, when you delay the implementation of the regional draft master plan, how long was that? Quite a substantial amount of time from when it was supposed to be brought out, right? I'm hoping that you're gonna delay your final decision at least that amount of time. Because I have a

feeling you put the proper amount of effort into everything that has to be said. And I got a funny feeling, from the size of this crowd, neither does the general public. Otherwise this room would have been filled today. From what I understand is if these people, 65% of the state, they could care less. They have no implications to this. It's not affecting them whatsoever. I don't see how they're gonna pay for any of it. I think if you introduced how you were gonna fund it and how it was gonna cost these people, maybe they would come out and voice their opinions also. Right now, it doesn't affect me so why should I come and listen. Well it does affect me and it affects everybody else here. And from what I can see, from a majority of the people who have been here before me, you got a lot of work to do before you actually pass this. Thank you.

Frank Caputo, TM Brennan Contractors, Hamburg: Good evening, my name is Frank Caputo. I am a Project Manager for TM Brennan Contractors located just down the road in Hamburg. We are an active participant in the positive development of Sussex County. My statement is the collective view of our company and assumed view of most construction businesses in the county. I'd like to address issues that the Highlands Act has created for the Counties Construction businesses. One of the largest industry employers in Sussex County are construction businesses. The construction trades play a vital part in maintaining our economic structure. The State has burdened the building industry with some of the most onerous and expensive applications, zoning requirements, and near impossible standards to appease. The State of New Jersey was recently bumped to the paralyzing place of #50 in Business Friendly States. Even the States few business growth incentives such as the Business Employment Incentive Program add continuing layers of bureaucracy, most recently exhibited by BEIP requiring their recipients to pay a prevailing wage minimum. The Highlands Act only adds several more bureaucratic layers to an already overburdened approval process. The business growth environment has always been benchmarked by housing starts. With an 88 acre minimum lot in the preservation area, we can be assured these numbers will diminish even more in the County. Has the Highlands Council addressed the fundamental issue of the impact of the Highlands Act on job creation in the construction industry? Has there been a foreshadowed plan developed to substitute this primary driver of the Sussex County economy to avoid potentially extreme economic repercussions? It is our fear that the only future development that will take place will be those who have pockets deep enough to survive the erroneous approval process. Also, most of these developers may not even reside in the County and not necessarily have the County's best interests in mind. I'd like to conclude with this question and will join many in awaiting the answer not only verbally but in public documentation as well. Has the Council truly given equal treatment to research the County's economic timeline and the Highlands Act's alteration of its future schematic and its impact upon its major contributor, the construction industry?

Marianne Smith, Hardyston Township Manager: Hi, my name is Marianne Smith. I'm the Hardyston Township manager and I'm representing Hardyston Township this evening. I'm also a Sussex County resident, almost lifelong; a couple of preschool years lived somewhere else. But I have the same loyalty and passion that many of the people today have expressed to you in the love of our county. But tonight, as a representative of Hardyston Township, I only have a few things to say. 1. I wanna thank the senators' office and the Highlands Council and staff in particularly; We have had the opportunity, through the efforts of the senator, to have some fruitful, productive discussions with your staff on some of our concerns and we're hopeful in that will continue and we'll be able to resolve some of the significant issues that we have. The specific ones relating to our concerns

relative to the planning area and how the map reflects areas within our township and have sewer service area approvals and long standing links and state approvals for development. These approvals were granted over two decades ago and these developments have been being developed over the past two decades. One of our favorite developers, Crystal Springs, spoke to you earlier about the private investment that's been made within that particular development in Hardyston, the Crystal Springs Development. But public dollars have also been spent. Resources, obviously fiscal and human, using taxpayer dollars to forward the planning vision that has been put into place as I've said over several decade period by local planning efforts. We look forward to continue to work with your staff to show that these, these areas should be looked at for modifications to your mapping. Now we understand that the Planning Area is supposed to be exempt from the strict rule of the; obviously the Preservation area has a different regulatory obligation, responsibility and authority than you would the planning area. But it does concern us if your, the colors on your map are in direct contrast to other state approvals, contractual agreements, sewer authorities. These developments that we're looking to have included as areas appropriate for development, again have both local approvals, DEP approvals, water allocations, sewer allocations and over the years have allowed Hardyston Township to generate significant growth and the tax base that has enabled us to maintain a relatively stabilized tax to our residents. And that's very important. Your staff has communicated to us that the plan at this point is draft and it doesn't reflect local knowledge and that you're interested in seeking that knowledge from the local officials so that it can be incorporated. And we're gonna hold you to your word on that, to their word and their representation of you and we are hopeful and, again, encouraged by your willingness to work with us and we hope that we can resolve the specific issues. We will be providing additional written information and mapping to your staff to review in that regard. Three other major, more generic issues, obviously from the comments you've heard tonight, we'd encourage balance. We understand and agree that water quality is an important issue. 44% of Hardyston Township is already preserved as open space and similar to our counterparts in Sparta, we respect that. We're on board with preservation and we ask that our residents be treated with respect; that when it comes to exemptions and exceptions, and that their property rights are considered. The equity issue, as represented tonight, still seems to be an area that needs to significant review and reconciliation. In that regard also, implementation of your regulatory processes, they need to continue to be looked at so it's clear to the local, to the average person how they navigate through the process when they need to get an exemption or they need to get clarification on various issues. And again, just the acknowledgement differential in the authority and responsibility between the preservation area and the planning area, so there can be balance and that the people in Sussex County, Hardyston Township, particularly for my representation of them, can continue to grow in a balanced way and nature and its people can coexist together and nobody gets hurt. It should be a win-win. And I think as many people have said tonight, even those like Tammie Horsfield who've been involved in the initial process; that was the intention. That's what we want to be part of. We're not trying to be an obstacle but there are real concerns and as representatives of the residents, we need to work together to come to those conclusions that would be beneficial for everyone.

Andrew Borisuk, Vernon Township: Good evening, Andy Borisuk, 47 year farmer from Vernon Township. I have a statement here that I was asked to read and then I want to make a couple of my own comments. One of the recommendations of the Highlands Task Force was preserving the farmland and keeping agriculture viable and prosperous in the region. Support of the agricultural industry in the Highlands Region was the original intention of the

Agriculture section of the Highlands Act. I'm sure you have heard from many farmers within the preservation area that have heard their pensions, also known as property values, taken with no compensation. I would like to address this injustice and completely negative impact on the farming community. Many farms in Sussex County have been handed down through the generations and we are presented with a scenario that leaves the next generation absolutely no choice but to seek to live elsewhere. The average net income of Sussex County dairy farmers is a little over \$7,000. And the farmers' security lays in his land values. When times get tough, as they often do for farmers, the farmer could borrow against the property value of the farm. Sussex County farmers are not only left with little value to their land but can not borrow any longer using the land as collateral, since its value has greatly reduced. I suggest that this is in no way supportive rather it is basically cruel and unjust and will ultimately lead to a complete collapse of the agricultural enterprises in the eastern third of the county, the Highlands Preservation area. In any other terms, this would be considered theft. It would also be considered unconstitutional. Has the Council determined a funding method to sustain the farmers that otherwise would be put out of business as a direct result of the Highlands Act? Has the Council determined an alternative source of lending that requires no collateral for those farmers in the Highlands area? What exactly is being done to support those farmers and keep agriculture viable in Sussex? I would just like to say that I think this is, the equity issue is extremely important and if it's alright for the state to come in and steal a good portion of my pension, which is my land, for the public good, then I would say the state should be able to come into every one of your pensions, every one of your retirement accounts, and steal an equal portion of that for the public good.

Caryn Segal, Byram Environmental Commission: My name is Caryn Segal. I'm here to present a statement for the Byram Environmental Commission. And in the interest of disclosure we should also know that I'm on the Byram Township Planning and Land Use Board, Open Space Commission, and I'm also the president of a small water company that services 150 people in Byram. And I'm also a small business owner in Sussex County.

The Byram Township Environmental Commission generally supports the draft Highlands Regional Master Plan and believes that the Regional Plan reinforces the best purposes of Byram's new municipal Master Plan. These purposes include not only the protection of the Highland's surface and groundwaters but also the region's overall ecological values, including: Contiguous forests and woodlands; Endangered and threatened wildlife; Agricultural lands and activities; Air quality; scenic, aesthetic, cultural, and historic values; Open space and outdoor recreation; and also appropriate development, based on these ecological values and on the principles of Smart Growth. The Commission vigorously supports the Plan's call for energy-efficient Green Building and for a "sound and balanced" transportation system based on Smart Growth principles that will preserve mobility without fostering inappropriate development. The Commission does have concerns however; regarding some of the plan's mapping in Byram and looks to the ongoing discussions about the Plan to resolve these issues. The Commission believes that the Plan needs to clarify the 'opting in' process for Planning Areas and also how land-use in the Preservation and Planning Areas will be affected by the Protection, Conservation, and Community Development overlays. In addition, the Commission is concerned about the coordination between the Highlands regional plan and the Sussex County Strategic Growth Plan, particularly as this affects development pressures in towns bordering Byram's Highlands Preservation Areas. It seems incongruous to us that areas not even designated as Planning Areas directly abut designated Preservation Areas. The Commission also shares the

concerns of farmers regarding the integrity of agriculture in the Highlands region and believes that a secure funding source must be put into place so that they and other landowners in the Highlands can be justly compensated. Broadly speaking however, the Commission supports the Highlands Regional Master Plan and sees in that Regional Plan a valuable tool to help Byram carry out its vision for the future. Thank you for the opportunity to address you.

Art Walton, Vice President of Operations at Crystal Springs Resort: Hello everyone, my name is Art Walton. I am the Vice President of Operations at Crystal Springs Resort and I'm here to talk about jobs. I personally oversee about 700 employees and our resort as a whole employs over 1,000 employees. If growth is stifled, businesses die, people lose jobs and more of our residents will be sitting in traffic on Route 23 and Route 15. Economic goals and environmental stewardship can be accomplished in harmony with each other. With our Audubon certification, we have already demonstrated that at our golf courses. Our owners invested millions of dollars in our facilities with the expectation of sustained economic growth in Sussex County. This economic growth potential is the basis for many of these jobs. Employing over a thousand people in a rural county is a big deal. I hope your final plan seriously considers the consequences that job loss would have on Sussex County. Thank you.

Carl Richko, former mayor of West Milford Township: Good evening, I'm Carl Richko, former mayor of West Milford Township. I would like to thank the Highlands Council for this opportunity to address you. I support the Highlands Act legislation and the Council's efforts to protect the water resources of the Highlands region. New Jersey residents should have the right to clean and abundant water. I attended the hearing last week in Mahwah and heard many speakers discuss the pros and cons of the Highlands Act. One speaker said that he thought that the legislation was more about keeping land from being developed than to protect our water. I hope that most of us realize that the preservation of land and the quality of water go hand-in-hand. A good example is New York City. During the past 25 years, the city has bought thousands of acres of land around their reservoirs in upstate New York to protect their water supply. They know that buying and preserving the land is cheaper than having to build costly filtration plants. We need to do the same in the Highlands. More homes and people equal more point and non-point pollution into our above and below ground water supplies. Just look at the facts. As someone pointed out before, 65% of New Jersey residents get their water from the Highlands. That's 5.4 million people. And I do believe that they should be paying extra to protect their reservoirs. In urban and suburban areas five reservoirs and approximately 1,000 wells have been closed due to contamination. Without the Highlands Act, 3,000 to 5,000 acres of the Highlands will continued to be developed each year adding to water supply problems. One of the speakers at the Mahwah hearing was a leader of the Ramapough Indian tribe. He stated that Native Americans plan seven generations ahead. Hopefully, the Highlands Act will protect our water and open space for future generations. Again, New Jersey people have a right to enjoy clean, abundant water. I need to get more specific now and ask the Council to make some changes to proposed "growth areas" in West Milford Township. West Milford is entirely in the preservation zone, and well it should be. West Milford, the third largest municipality in New Jersey, has six large reservoirs, many lakes and ponds, and miles of C-1 streams. All of West Milford's waterways drain into Newark's or North Jersey Water Company's watersheds. Almost all of West Milford should be off-limits to development. I was very surprised to see growth areas listed on the Council's maps for West Milford and the neighboring

preservation towns of Ringwood and Wanaque. These growth area designations are placed around lake communities and near rivers that flow into reservoirs. This makes no sense to have growth areas in water supply watersheds or in flood plains. Also, two hydrology studies in the past 20 years have concluded that West Milford has reached its maximum use of its underground aquifers. Further development will create water shortages for many areas of the township. To protect our future water resources these growth areas near waterways must be removed. Thank you.

Toni Erb: Hello. After the meeting tonight, I've always been for the Highlands. But, after the meeting I had a lot more sympathy for people who are not being compensated. I don't see how you didn't do that in the beginning. That should have been the first priority. But when we here the exceptions, I know there are exceptions offered, and yet it seems to me that only certain people are given the exceptions: Large contractors or people who are politicians, friends of politicians who are given exceptions, for instance, in Ogdensburg. But the farmers who have been here forever, the people who have not a lot of money, but they have land, they're not being compensated for it. And there seems to be no particular sympathy. And the other problems, I would think that you made it set firmly in the beginning, made all the lines firmly, but have really done research. For instance, you have towns or town centers and they're not designated. And you make people suspicious. And more suspicious are the harder it is to get this exception _____. You have to have everything firm. And people who if they had known, well I'm in the preservation zone, now what am I gonna do? Well, am I in it or am I out of it? No one knows. No one was sure. It just makes people very suspicious. It makes me very suspicious because I really don't; I think you should plan it more firm instead of trying to make everybody happy. You're not gonna make everybody happy. And I think the man has to be prevented, that we have to be thinking, not 20 years from now or 50 years from now but 500 years from now. It works. People are still going to be here, maybe. Or maybe it's gonna look China where it's just basically rivers are like running sewers. And someone said something pretty denigrating about Newark. The thing about Newark is it's not who's living there or how they're living there but why is it like that. Because no one planned. There were farmers in Newark 150 years ago. And who wants to move to Paramus now? Because no one planned. Planning is not stupid. If we can go to the moon, we can plan places to live. We can plan for water. We can plan for clean air. And what are we going to do without farmers? Do you want three farmers in the country? Why aren't the small farmers counted? No one cares about all the farmers here, only the big farmers in the west, where's there's no water. I hope that we will be more consistent and more firm and think more of the small people, not the contractors. Thank you.

Dr. Sam Castimore: Thank you for this time for me to speak. I'm a lifelong county resident. I've been a farmer, really started working with my dad since I was 6, 7 years old. For me, a half a day a work is twelve hours. I don't understand in the state that people get to retire when they're 20 years out. If that was the case, I'd be retired when I was 26 years old. I'm 56. I'm just starting to get this farming thing right, I think. Everyday you don't learn something else on a farm is the day you need to die, because there's always something you need to be faster at. I also happened to have the privilege of going to the University of Pennsylvania to the School of Veterinary Medicine and having taught there for a year, am an honored engineer. I'm just a smart veterinarian, I hope and a farmer. I want to die a farmer, like Andy Borisuk, who talks about retirement. I'm not sure what age he's talking about. I think what he's talking about is the day that his knees won't work anymore____, his hips

won't work. I've had some knees redone, I had rotator cuff done. They told me that I better give up farming and raising kids. I said I am a single parent and still a farmer. I shouldn't be working _____. I can't wait to get up tomorrow morning and get to work. People outside the county, like you, made farmers like me worry a lot. You kicked my own family out of the farming business 45 years ago because the federal _____ control board said that we were the dairy _____ cows _____ integrated _____ farm plus the dairy was available. Boom! Now you guys have to, now all these taxpayers have to pay for open space. And there's just my cousin Jan that has the produce center across the square and I and my uncle Jake and the rest of my family, the 3500 hundred acres, you got the highest taxpayer in Franklin Township for free. By the way, I should sell you the roads as well because you gotta milk the cows at 3:00 in the morning and you know what that's like. Suddenly, now you have to pay for this open space. I, just leave me alone. I can't borrow money on my land _____ years if my farm equity goes down. I, it doesn't bother me that my neighbor buys a house 3 years ago for \$158,000 and then sells it 2 months ago for \$310,000, My farm didn't go up that much. Andy Borisuk's milk, my grandfather bought milk in this area in 1960 for \$10-12 100 grams, in a ford pickup cost 1900 bucks. And what are you getting for milk now, Andy? Still \$12 dollars 100 grams. He's one of the most efficient workers in the world. My father said you can't make a dairy farmer. I became a veterinarian. I'm thankful for clients like Toni Erb. She can't afford to own 130 acres and neither can I but I'm thankful that I can do small animals and support my farming operation and the other 5200 clients and 13,000 animals I take care of alone. So, I'm really concerned about this equity issue. If you talk to Glen Vetrano and say, "You know Glen, we're gonna take away your pension; we're gonna cut it in half". Why can't, I'm a die hard Republican. I was kind of thankful that Jon Corzine got to be our governor. He's a business man. He comes from Goldman Sachs. If you said to John today, "Hmm. Tomorrow, your portfolio is worth half of what it is. It's not gonna grow more than 3% percent because we have the Highlands Act, you know". If you told his portfolio was gonna grow 3%, he would sue your sorry buns till the day it turns dark. And you know that. And I just don't see how this is fair. Let me add a few things then I'll get off the plane. I'm not an engineer; I'm just a casual farmer. Now we preserve wetlands and when I was a kid, we _____ and made a pond before you sprayed them with some diesel fuel and DDT. We've got a tick outbreak here where there's never been ticks when I was a kid. I hunted, fished, played all over. I'm getting off this in a second. I'd just like to say that people need to pay for drinking water. They don't have to just gut everybody's equity here. And I think that hopefully our governor is listening to that kind of stuff and not just lip service. But he'll give you guys some funding for this thing that reimburses people for the equity that they did. I've been a steward for the land and my family for 4 generations. I kept the land open. I wanna keep it open. I wanna drop dead on that open space. But don't keep telling me that it's worth less and less and less and everybody around me with one acre builds up and up and up. In closing, I just wanna say one thing. This isn't the middle of the state of Texas. This is the tip of New Jersey. You can't control sprawl in this area because you're plugging up our roads now going into Pennsylvania. This summer we had a flood on the Delaware River, closed the bridges. There was no rush hour in the _____ clinic. It was bad for me. I would say 25% of my clients come from Pennsylvania and they drop their animals off going through. But growth, whether it's in China or in Northwestern NJ, it is the fuel that we all survive on. Do you want your kids to live in tents here or North Carolina? I want my kids to stay here. I want a sense of community that I feel like your board and I realize that it's even been driven by the legislature. They're taking away our sense of community and our sense of stability by trying to say this is a water quality issue. And in closing, water quality, what are we talking about?

This is one of the prettiest places on Earth and I drag myself all over this country when I can get away, which isn't very often. I'm glad to come back, up Route 15 into this county. It used to say "Welcome to the farmlands and foothills of Sussex County." Now it's got some other thing going on. That's ok I won't even complain. But as technology changes and our ability, just like at Ross's corner, to have a septic system for proposed 90 store outlet center, the water coming out of that septic system is clean enough to drink. I wouldn't drink it. You can drink the water, it's clean. It's sterile. It doesn't have a smell to it, nothing. The technology is changing as we go so you don't have to depend on what is naturally, already here anymore. The technology exists on cruise ships, put that water and regenerate it back out there; a desalinization plant, put it right back out in the ocean, collect the sludge and away we go. I don't know. I see your bottles, too, from Shoprite. I fished on Morris Lake when I was a kid. I drink water supply frequently on ___ in downtown Newton. You should go if you've never been. They always say if you want bottled water. Heck no! I want the water they have in Newton tap. I guess my final comment would be this: I went to Sunday school almost every Sunday when I was a kid. I think that there's enough wetlands and slopes in this county that you're really not gonna see what you see southeast of here or east of here ever. I'd welcome all those people who can't afford to buy the land own. I have 130 acres. I welcome you here and I hope they enjoy our gorgeous county. And I'm thankful for all those people. I was raised under the golden rule and that said "Do unto others as you would have them do unto you". And I hope you don't consider the politics of this issue. You go to sleep at night with a firm head on your pillow, saying, "I'm doing the right thing for our future and I'm doing what's fair for our neighbors". Even if you don't live in this county, you're still our neighbors. We're proud of the state and I thank you for your time today.

Andy Drysdale: My name is Andy Drysdale, my wife Lois and I live and own farmland in the Preservation Area, a portion of which is in the Conservation Zone of the Regional Master Plan. Yesterday, at the meeting in Voorhees High School I heard many people speak out against this Plan and the politically conceived Act that is its shaky foundation. I hope that all of the members of the council, who did not attend, take the time to listen to all of the public comments of all of these hearings and that the entire council responds by reporting to the Legislature and the Governor, exactly what has been expressed by the majority. Nearly a year ago the NJDEP requested written comments from the public regarding their regulations and got many of them. At the time they said they would modify some of these regulations. After a gestation period of about 9 months they responded with a bunch of excuses for their dictatorial rules and made very few changes. Please do not follow their wretched example. The excuse that has been used to promote this Act has been clean water and the environment. The reality behind it is money, political power and ignorance. As I have said before, water purification is not a complicated process. Already there are very inexpensive filters available to the public that will remove many of the impurities and with modern technology; I believe better ones will soon be available. Please make a Plan that is promoted only by incentives and is forced upon no one, that is based on the best science available and does not contain anything as ignorant as 1000 foot buffers around vernal pools. Thank you.

Marion Harris, Morris County Trust for Historic Preservation: I'm from the Morris County Trust for Historic Preservation and I'm here again to make sure that the subject of cultural resources stays on your agenda and to represent a small group of people who understand that cultural resources and natural resources are inseparable and can't be

regulated separately. First of all, we would like to encourage you to use your power to the utmost, to provide as long as possible, regulations that will protect both cultural and natural resources. We are very strongly in support of the plan. It's important, your work, and quite sympathize with all you've had to, to date. I would also like to talk about planning for the Planning Areas. It's a pleasure to hear a number of people have started talking about this. At one of the earlier hearings, there was an environmentalist who pointed out that in the Planning areas and also in the receiving areas for the TDRs, there are natural resources which might very well be in danger by turning development into those areas. That is equally true, at least equally true, of cultural resources because those areas that get development diverted to them are the ones that have been built up over the years. So fairly, those are the places where the historic buildings are. Those are the places where the industrial archaeology remains and if you don't specifically and strongly protect those resources in the places where the development is going, they will disappear. We learned that with the State Plan when we were trying to get this protection there and we didn't, the center designation process has not protected historic resources. And we are at a loss for those things. As for the kinds of protections that should be in the Planning area, that will be the subject of another set of comments at another place. Thank you.

Greg Daly, Oakridge: How you doing? I'm Greg Daly. I'm wanna say thank you for allowing me to have this moment. I'm a tree farmer in Oakridge from the Preservation Area. I also am a member of New Jersey Tree Farm. I'm the Chairman of the committee. I represent over 400 different woodlot owners in New Jersey. But it goes a little bit further than that because really we're very much connected with a lot of people who are woodlot owners and you know there are thousands of those individuals that are farm assessed. I would like to say first off, to everybody you've heard it twice tonight, people have been talking about the report that came across regarding forestry. Really it was not received into the master plan as well as it should have been. So I'd like to refresh and remind everybody that this is a paramount issue. I'm also aware, brought with me right now; I'd just like people to know that people who take care of the land, it's very obvious, you see here tonight, as well as tree farmers, we're very concerned about water. We're very concerned about natural resources. When you have a piece of property in NJ like I do, that's been in the family for 4 generations, and you're educated or at least, you listen to a consultant forester, who are very educated. These guys are not; these guys are not sent to school to cut trees. They are natural resource professionals. The things that were out in this 34 page report should be totally included and you should not be taking away; you should not be regulating farmers, tree farmers, agricultural farmers and taking away their livelihood. It's passion for me. It's unbelievable. I've been ___ tree farms in the last ten years I've been on the committee. I've been tree farmer of the year. I've been stewardship forester of the year. I also run a business that takes kids out to the woods and we do decomposition of a lot. We talked about the natural resources and we talk about the water on the property. And I've already invited the council once. You should come to some of these people's properties. You should see what's going on. You cannot have rules to legislate to people who are already stewards. You can't, you can't muck it up. It's already regulated. I have a very highly trained professional forester. What we do is unbelievable ___. Forget the endangered species, this ebbs and flows. One of the things I'd like to say here, also. Everybody's under a misconception. The Highlands Act really should no be mentioning anything about preservation. There's an ebb and flow. It's a misnomer of the term. We're talking conservation, stewardship. That means there's an ebb and flow. Things come and go. ___ forest out there providing the diversity from animals at different stages ___ occurs.

It's a beautiful thing. It never stays the same. There will be management in the forests of NJ. It will not be preservation. If there's not management, there will be natural management. You know what that means. Do you know what that means? You have to look at South Jersey, look at the Pinelands. Where the properties are managed, you don't have threat to the environment. Where they're not managed, they're preserved. It's unbelievable. There are tremendous fire hazards. It's spoken many concerns. It's a big concern. Do not belittle people's management of their forests in Northern NJ. It's not right when you do. You can see my ___ are open as I talk about these things because I really have a great ___ job. I really do. I'm almost concerned on how you can manage to continue to do it. There's special interest going on here. There's definitely something fishy going on. I mean if lines are being redrawn, if people's rights, if in fact, had I not been involved in 2 years, if in fact it comes down to me, in a very common sensical way, if there's no compensation, it's not an ___ property. That's it. I will finish. I would like you to make sure that the Council takes and looks at this; this has been signed off by professionals. They are not special interest individuals. They are individuals that went to school cause they love the land. Don't take away the rights of the foresters or the proper landowners that likes the land. Thank you.

William J. Rickey, Vernon: William J. Rickey, from Vernon. Also the people know me as Jamie. A lot of generational farmers here, I'm also another generational farmer. And I also speak with the authority of the founding fathers of Sussex County. My family settled the land in 1771. 1771, that's prior to the Revolution. John and Abigail Mitchum settled her farm where our farmland is now. Her father was a British loyalist, that's why they had the property. But they soon changed their politics and both of them are listed Patriots and served in the Revolutionary War, John as a surgeon and his wife, feeding the troops as they came through. And actually, British and Revolutionary heroes sat and ate dinner at her dining room table, a place where they felt safe. I said that because I think it is important. The Highlands Act already has reduced our equity. It's reduced my borrowing power, as many people have stated here today. But not only has it reduced our borrowing power and the amount, talk to a banker in Sussex County and tell them that you're in the Preservation Area. I ask you to do that. Talk to a banker and tell them you have land in the Preservation Area. They don't even want to talk to you. So it's not even reduced. It's almost nonexistent to borrow money on. We had a contract for sale that was signed for a six acre parcel for a farmette in 2002. We went to do a survey and we found that when the state and federal government purchased land from us for the Appalachian Trail, they did not do surveys. So the deed descriptions and lee and bounds do not match what was on the ground. We were held up for 4 years. The federal government just recently after 4 years restaked our boundary. In the midst of that 4 years, the Highlands Act came in. My buyer has now backed out of the contract and we were, which has resulted in a \$90,000 judgment against us to return funds. We're still litigating but we presently have a \$90,000 judgment against us, which is a direct result of the Highlands Act. I into moving projects forward now that I can get a proper survey done, now that I have a boundary. I'm heading into bringing any little project in because I'm probably gonna be referred to the Council. If I come to the Council, I'm afraid that you're gonna tell me what I'm trying to do is build out. So if I don't come to you with everything that I want to do on the property for the rest of my life, it almost seems fruitless to move anything forward. I'm gonna have to be... I don't know, I mean if this continues the way it's going, I'm gonna have to be very tactful in my moves. You know, my ancestors revolted when the taxes, to them, reached about 15%. Now, it's common knowledge that today, if you add up all the taxes we pay, it's roughly about 50% of our

income goes to taxes. Much of it's hidden though, we don't really know about it. When you've had regulation, acts like this along with eminent domain, I think you're starting to breed dissent between the people and the government that you really don't want to breed. I think you're really heading into dangerous territory with some of the most recent things that are come out. Acts like this and the eminent domain decisions that are being made and the way those things are being used I think you are heading into an area of dissent between government and the people. Sussex County went along with this plan. I'm gonna finish, I don't have that much. I've waited all day; some people stood up here for a very long time. I'm going to finish. I hope I can finish in three minutes but I'm going to finish. And I also hope that the rest of the Council is required to listen to the audio tape in full, all the way through to the ending. Not only of my comments from the beginning to the end of what, to the end of whoever's after me. I hope that they're required to listen to the audio tape. Now Sussex County went along with this plan and I really felt that the counties are being sold out. But what I realize is they weren't promised consideration for the plan they had been working on so diligently long before this came around. I sat here today and I listened to promise after promise that was made to people that were broken and broken and broken and broken. There's not a good track record being developed here. Like I said, we're talking about dissent, we're talking about division. Those are not good things. The fast track bill; what a smooth move that was. You got the builders, you know, one of the strongest lobbies that we had, has an alliance. You got the builders off your case and I'm not saying you personally. I'm talking about the people who pushed this act through, you got the builders off the case and they never should have backed off. They should have known better. Having no rules before the passage of the Act, I mean, how can they pass an act and then a year later come up with the rules. How can anyone possibly lobby against an act and they don't even know what it is? The track record is really bad. I think you're really going into dangerous territory. The no funding issue, I mean, is talked about over and over but we wonder why, you know, government seems so defective because we're not doing what we need to do. We're not doing the planning that we need to first, we're just moving. My suggestion is that you turn to the legislature and that you turn to the DEP and you tell them that this Act needs to be staved until all of these issues are worked out. Because this is unfair to the people that it's affected and it's heading down the road that you don't wanna go. Thank you.

Marie Springer, Vernon: Marie Springer, Vernon. I live within the boundaries of the Wallkill River National Wildlife Refuge on the side that actually in the Planning area. First, I wanna applaud you for sitting here this long. I've had two bathroom breaks, you had none. Furthermore, I've been working as a volunteer for the Wallkill Wildlife Refuge I've experienced the water issue in the real world. And it literally is an issue of water everywhere and not a drop to drink. Now, I'd like to refer to pg 151 of your draft where you talk about population density and offer recharge. I'd like to ask you to take serious studying into how the population density and how much the aquifer can actually satisfy in the entirety of your research and plan. Because I see in the area people whose property values have gone down the septic tank because they have no water. They, their wells are dry and state not allow them to dig deeper. So, they were talking about equity before anyone agrees to development in part of any area, it needs to be taken in to count whether there actually is water in the aquifer available for the population density. The other issue that's come up in my work is the areas outside the Planning and the Preservation area, those areas have been pushed into having real serious problems from the development being pushed to those areas and, you

know, the Highlands whole preservation issue is problematic for those areas. That's it. Thank you.

Michael Natale

Good evening, it's too bad that ___ but that's okay. Some of youse know me and some of youse don't but that's okay. I'm not gonna go on and shoot you know like how I did last time over in Mahwah and Morristown. Because many of the people tonight did cover my points that I wanted to say just as well. I don't have to repeat it what's already been heard and that's fine. And I'm not here to meet Dante DiPirro or ___ cause I see a lot of them behind me. But I don't hear a lot of them talking about compensating landowners. Whatever. People are on sides. I try to be on both sides because I work and I live here too. My biggest issue is cause I have 112 acres that's in the preservation zone of Sparta causing us to lose several million dollars, I didn't say seven, I said several, million dollars of debt. The banks backed us up and all the profits that I make go right back to paying the interest on the loans. All I do is running in place. I don't wanna work on that anymore. I'm tired of it. I wanna know where the politicians who passed this law, how come none of them gave money for our investment if they firmly believed in this. Why didn't any of them say, you know what, let's help compensate the landowners. Take a peek at the politicians ___ on this. Thank you. I went to Morristown and Mahwah and I notice there's a big difference down there versus what's up in Sussex, Warren and Hunterdon counties for these meetings. And I did see this and figure that these three counties, Sussex, Warren and Hunterdon are not affluent. People travel out of the county, close to New York City to make fifty dollars, all the doctors, lawyers locally. The local contractors, the farmers they're getting slammed and they're going down fast, very fast. As this gentleman over here has just spoken about conservation of our water, I'm all about that but, please, I'm trying to be on both sides over here. There was a good story about me in the NY Times on Monday or you could always go to the computer, www.nytimes.com, search box, Highlands, right around the third entry there's a big story right in there. Yeah. The press still cares about this stuff. But the thing I wanna know is, and Mr. Tom ___ again, if the press cares about us, Governor Corzine, where the heck are you? Do you care about us? You know, that's the part that really kills me. So, it's just things like that. We're just here stating our feedback, our input, I don't know how impact it's gonna make but it's hard ___ from what I've seen there's a lot of people going down, especially the residents of Sussex, Warren and Hunterdon counties. And it just really infuriates me just to see all the hardworking people that put their livelihoods into this, gone down the toilet innocently. But none of the politicians who passed this law got their land stuck up in the Highlands and their not being put ___. I just wish to see Governor Corzine at, at least, one of these meetings. You know, does he care about us or not? I think, quite honestly, and a lot of the people in here, no. And I see the difference between, like I said before, Sussex, Warren, and Hunterdon counties how a lot of us got hurt. When I was down in Morristown, when I was shouting at people, I turned as you recall and faced everybody and said "Everybody who thinks its right to take my land rights away, my 112 acres and not pay me what it's really worth ___, raise your hand". Somebody from Mahwah tried to raise their hands up. While I saw that person out in the hallway, that person didn't say a word to me. Speak if that's how you feel. I'm trying to be fair about it and no that person walked away, with their tail between their legs. That was it. It's like they talk tough when they want to but when you tell them the truth, they back off. I just hope, just hope that in time that at least from the turn out I'm seeing tonight or from what I'm hearing about in Warren and Hunterdon counties, this is where the lands that's being affected. And none of those politicians who passed that law are even sitting around in these

areas. With the exception being _____. Whenever it may be, I just hope that one day people wake up. There's a lot more people aware of this law now than before, versus 2 1/2 years ago. And doesn't matter where you are or for or against the law, you're going to feel the repercussions later on, even worse than what you think it is now. That's all. Oh and lastly this, Mr. Rickey was speaking earlier about promises being broken, yeah, it's like, you know, those politicians down in Trenton. I saw them and they said we're gonna pay fair. _____ I also believe in the Tooth Fairy, Santa Claus while we're at it. It's just ridiculous. _____ Never gonna happen. Okay, that's all I'm gonna say.

Julia Somers, Highlands Coalition: Julia Somers, Highlands Coalition. I just wanted to thank you cause I'm not sure many people realize how many times you have vigorously, you have already said to Trenton and to the governor that you support a renewal of the Garden State Preservation Trust. But I hope if there's anybody left in this room that they too will take the time and write to their legislators and write to the governor, asking him to renew that so that we can help the Highlands. And I hope also that they will support your goal for a renewal of a water fee, it's not really a renewal, for a new water fee, which is going to be an important vehicle to advocate conservation and preservation in the Highlands. And I just wanted to put on the record that you've already clearly supported this repeated and wanted to thank you.

William J. Rickey (again)

As it stands right now, unless something changes the Act, the way the Act is being moved forward, I'm actively looking forward to being a plaintiff in a federal case against the Act. But I really don't understand why you would want to have to pay me when our property isn't a watershed where the water flows north and south out of the state within one mile. I mean, I heard testimony tonight about lands that are right next to reservoirs that are slated for development and you wanna pay me; We're talking about _____ here. You wanna pay me when my water is in an opposite direction flowing out of the state within one mile. There are many areas of the mapping that don't make any sense.

Submitted written comments at Public Hearing

James Baldini – did not speak

Highlands Act

Why is this our responsibility? Who helps the individual secure their water rights -not the state - we do. No one was there to help me get my well dug; \$11,000 later I have water.

Why should anyone in this area be penalized for the overdevelopment of someone else's property. Other places have had this problem, it wasn't a state problem, it was a communities problem. New York City - bought thousands of acres in the Catskill mountains to ensure their water supply. Newton Owns Morris Lake. Because of their far sight they have kept and maintained a water supply that will last them through this century of growth. Hopatcong - When Hopatcong put its water and sewer in I didn't see the state mandate that the towns near Hopatcong pay into the program as is suggested by the water tax that would have to be paid- or suggested by the need for this problem to be a 'regional problem'. Why can't the 65% of the population this is suppose to serve pony up the money for their need. The land owners of northwest NJ are getting sacrificed on the altar of 'progressive growth' in those built up areas, These communities should focus on getting a bond issue and purchase the land instead of taking it in this manner.

Health reasons:

This plan will cause higher density in areas Ming away with the rural makeup of the landscape, bring more urban problems to the area (as has been the history with built up areas.) It's not a regional problem! It's the community that needs to secure the water. Buy the land from the farmers; there are many places where water can be had in the region. The towns and communities in this county have been proactively dealing with the problem of smart growth and natural resources, even before the state stepped in.

TSD is a shell game that has no happy ending. "Because the money from this change in zoning is a windfall to current landowners in the development zone, the state is justified in laying claim to this money and turning it over to people whose development rights were taken away as a result of the environmental regulation."

William Dusche – did not speak

I am one of the owners of four parcels on Rt. 94 in Hardyston Township consisting of 19 acres with approximately 1500' of road frontage. As the current map Highlands map shows us to be in the Planning Area, please respond in writing describing how this affects our property. We feel that with all the surrounding areas shown in green to be preserved as open space; it doesn't make sense to isolate highway commercial property .

Property Descriptions Are: Block 15 Lot 9.01

Block 15 Lot 9.02

Block 15 Lot 9.03

Block 15 Lot 9

Awaiting your written response.