

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

Date: February 22, 2007
Commencing at: 4:00 PM
Location: Passaic County Community College
Wayne, New Jersey

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

Welcome to Public Hearings on draft Regional Master Plan

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 Tahesha Way 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 fellow members of the Highlands Council as well as Tom Borden, the Deputy 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 the 7th public hearing, 6 of which were required by the Highlands Act. An additional hearing will be scheduled in Somerset County. The comment period has been extended to April 2nd.

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

Today we will hear from you. If you would like to speak, please fill out a colored Commenter form at the registration table. We encourage all speakers to leave a copy of their remarks with the Highlands Council staff. Please keep your comments brief so that we have an opportunity to hear from everyone. This is a listening session. There will be future Council meetings available to the public for consideration of changes to the draft Plan. If you have questions please see the Highlands Council staff at the registration desk.

Members of the public may also submit written comments. It's easy. Just go to www.highlands.state.nj.us and click on "Comment on Draft Plan." Keep in mind that no additional weight is given to a person submitting the same comment, multiple times or methods.

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

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

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

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

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

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

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

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

Things about the draft Plan to note:

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

Recognition of Elected Officials

I am pleased to welcome the elected officials here today, Freeholder Terry Duffy and Mayor Joanne Atlas, Ringwood.

Opening to Comments

With that, I would like to open the comment portion of the public hearing. We want to give everyone a chance to speak. Given the number of people, we are asking people to confine their comments to 3 minutes. Council reserves the right to expedite the process, if necessary, so as not to deny anyone of the opportunity to speak. When I call you, please come forward to the microphone and state your name and any official affiliation clearly for the record.

Final Ground Rules

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

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

PUBLIC COMMENTATORS:

Passaic County Freeholder Terry Duffy: Good afternoon everyone. I appreciate the opportunity to testify here. Let me begin by saying I am in favor of the Highlands Act and I support all of the environmental goals of this act. What I object to the act's inability to properly compensate property values for the loss value of their land. I believe this is eminent domain at its worst. Here is eminent domain on a grand scale. The State has come through and declared land cannot be disturbed, it is unusable. Therefore it no longer has any value. If for some reason the property owner is lucky enough to have someone interested in his or her property, the State has first right of refusal. If the State refuses, it still must approve the sale anyway. Put yourself in the property owner's position. If you had a contract for your property, do you think it should require state approval? It is a gross abuse of power by the State to place the burden of the Highlands Act on the property owners. They are putting environmentalists against the property owners.

Let's look at who are property owners: They want to protect the quality of our water as well. Generally they are people who have owned their property for many years, even generations. They have been paying taxes on the property for decades. They are not the major developers or speculators who recently bought the land and want to flip it over for high profit. By failing to properly compensate them for the value of their land, The Highlands Council is asking the landowners to finance the cost of implanting the Act rather than take the responsibility to find the funds themselves. The council needs to do some more work. They must find a fair solution rather than just dumping the whole burden of the cost of the

Highlands Act on the property owners. There are two things that need to happen to make this Act a fair one.

First, property must be valued at the pre-Highlands Act value. To value it after the State has declared it unusable is truly eminent domain. Second, the Highlands Council must find the funds to implement the Act. They must reimburse the property owners. In 2004, \$110 million was allocated by the federal government to buy and protect environmentally critical areas. The Highlands of New Jersey was specifically included in that funding. The Council should be pounding on the doors of our senators, members of Congress, and the Secretary of the Interior to have those funds released.

In the year's state budget, there is \$3 billion in debt payments, that's 8 percent of our budget, going just to repay the debt. The legislature needs to lower the debt and buy-out the homeowners. Trenton must be held accountable. The legislation needs to find a solution, and not take the easy road out of eminent domain.

One main solution is included in the Act's Transfer Development's Rights (TRD). It allows landowners to receive compensation for the transferable development potential that they lost. The catch is that they need to find somewhere else in the State that will increase development to accommodate the loss. Imagine trying to find a community that will welcome that increased development. Besides the program being created on such a weak premise, it requires the establishment of the TRD Bank. It would be state-owned, creating a costly bureaucracy. The State should buy the rights without having to find them elsewhere. Thank you for your time.

Dennis Kirwan, City Planner for the City of Clifton: I am here to talk about the TDR Program and how it relates to the City of Clifton at this point in time. The City of Clifton is interested in partnering with Highlands Council to become a receiving area for the TDR program and right now we are asking the Highlands Council to facilitate a much quicker grants program to facilitate the planning monies that have been promised to conduct the studies necessary. Part of my review for the City of Clifton has also included obviously a review of the master plan and some of the suggestions that I think that we as planners should look at is the identification of these purple planned areas and the identification of the preservation areas.

As a municipality that is interested in the receiving end of the spectrum, I think the identification of these preservation areas will lend itself to an extreme amount of TDRs that may be available and may not be able to be absorbed into the planned areas or even within the county of islands or even outside the Highlands counties. I think there is an enormous amount of TDRs there that may or may not be able to be acquired or potentially paid for.

My other concern is that the purple planned areas have been identified into areas that are not able to handle any more capacity. They are not able to handle any more growth. In some instances we have purple areas which are identified as deep slopes and wetlands areas which are totally inappropriate for development.

What my suggestion to the Council here and the staff of the Highlands group is to establish the criteria which you have already established. But now to turn it over to the municipalities

to take the criteria that you've established and use it on a town by town basis and have the municipality come back to you and say this is what we used using your criteria and now these are the areas that we've established as purple areas, as green areas, because I can tell you that the municipality has a lot greater knowledge of what's on the ground versus the Highland staff because they don't have the chance to get on the ground and identify some of these areas.

Some of the purple areas that are out there identified are extreme examples of poor planning. And to perpetuate that, I think goes against the grain of good planning that the Highlands Act is based upon. So I ask now that the Highlands Council turn this over to the municipalities and using the criteria that you've established, present a Master Plan of their own, and present it back to the Council back at some future date. Thank you.

Carl Richko, former Mayor of West Milford: If there is anyone out there that doesn't believe that we need the Highlands Water Protection Act, just look at these headlines from last Friday's *Record*. I'm going to quote from it, it says, "If you fish or swim, beware. The study shows New Jersey waterways fail pollution standards. Further quote, it says 70% of the state's waters, including crucial sources of drinking water such as Oradell and Wanaque Reservoirs, fail to meet pollution standards. Pollution pours into the state's waters from sewer plants, storm drains, and farms. In some cases, the water is so polluted it could harm humans who fish or swim in it. It's no doubt that New Jersey's waters are in trouble because of overdevelopment in watershed areas. I'm glad that the Highlands Council scheduled this meeting in Passaic County, and I thank you for that.

About 5 million New Jersey residents get their water from the Highlands region. Approximately two thirds of that comes from the northern part of Passaic County from the towns of West Milford, Ringwood, Wanaque and Bloomingdale. The Pequannock River and Wanaque River watersheds encompass these towns. I was disturbed to see planned growth areas, better known as the purple areas, around our lakes and rivers. An example is a purple area on the Pequannock River between two of Newark's reservoirs.

I can see developers proposing further development on a C-1 category river, or even misinformed town councils proposing it. But I cannot comprehend how the Highlands Council, given the task of protecting our water supply, is proposing increased development in a fragile watershed environment.

In West Milford, two hydrology studies concluded that West Milford does not have sufficient underground water supplies to sustain further development. I'm sure this is also true of the other Northern Passaic County towns that rely on the same aquifer. We have been fighting developers and questionable politicians to stop unwise development. I sure hope that the Highlands Council will support our quest to support our water supply in crucial watershed lands.

We have been told that the Highlands Council will quote "revisit" the purple areas around the Highlands waterways. I urge you not to modify these purple areas, but to do the right thing by changing the color purple to the color green. It was not environmentally wise to develop around the lakes many years ago, and we know now how damaging these developments are. The Highlands Council should not perpetuate this mistake by promoting future development. Thank you.

Charles Coronato, Wyckoff, member of the Board of Directors of the Pequannock River Coalition: I support the existence and implementation of the Highlands Act but I'm concerned that the current draft of the regional Master Plan is badly strained from the original intent of the original legislation. As I've read the plan, the intent of the Act is to protect our water supply in a manner that is clear and would prohibit activities that degrade valuable water sources. In effect, the Regional Master Plan should be the last word on which land parcels and waterways not only should be protected, but would be protected. Yet when I look at the draft plan and see where many of the planned community zones are currently located, I don't see that level of protection.

Currently, there are planned community zones located in areas with steep slopes with wetlands and astonishingly there are planned community zones located in the buffer areas of C1 waterways. You heard Carl just speak about that.

Now, I understand the job of the council is a difficult one and I'm sure it's not always easy to do proper triage and decide with absolute certainty which lands are the most valuable in our water resource. But in the case of wetlands and C1 waters, the case is clear. C1 is the highest designation possible for a waterway in New Jersey. It isn't just potentially a valuable resource, but a proven valuable resource. It is unconscionable that a planned community zone encroaches on any C1 buffer, and right now, that is exactly what is taking place in the current draft.

Now I know it will be said that the Highlands Act will not affect the current protection level afforded to wetlands and C1 waters; that the wetlands and C1s are already protected, but what's the point of that? If it's supposed to be off-limits, then it should be off-limits, period. The Regional Master Plan should be absolutely consistent with this. Instead, it lets in the current draft form in these sensitive areas, supposedly protected by existing rules, will in effect have a bulls eye on them. And they will be the target of attempts to develop them in inappropriate areas. This confusion cannot be allowed to remain in the final draft. C1s, steep slopes and wetlands deserve absolute protection. Please remove the planned community zones from these places. Thank you.

Michael Curran, Ringwood: I reside in Ringwood; I am the proud owner of a 46-acre track of land in Wanaque, New Jersey. I've owned it since 1979 and I guess I had hoped to keep it until I was ready to retire and use that to supplement my retirement income. Unfortunately in 2004, the Highlands comes along and literally took me out at the knees for any long-term development potential. In the interim of time, I did have and I do have in my possession a contract that is unexecuted but it is to the tune of 1 million dollars for that 46-acre parcel. Obviously it's not going to have that type of value right now, but I did go through the entire process when the Highlands passed.

I offered it to the State Department of Environmental Protection. They sent appraisers onto that property. The appraisers came back with a report and an appraisal I find to my dismay now and maybe the Council can help me, that I have the same value for pre-Highlands as I do for post-Highlands. And that just assaults my intelligence!

I pressed inquiry with the lady that was handling me with the Department of Environmental Protection, she advised me that the appraisal indicated that the property has severe steep slopes. She says that the appraisers claim that the property has 100% grading, 45 degrees or 100%. In other words, one foot in, one foot up, one foot in, and that's not the case. It's certainly not in my estimation, the case.

So, not being an engineer, what I did was establish a fault line to go perpendicular to the steepest contours of slope and divide it by the linear distance. And I came out with 24% on the slope. I proceeded to draw that all up and sent it back to the NJDEP. And they said what engineering school did you go to? And I said, no, I did not go to engineering school but I know how to push a pencil around and come up with that.

The long and the short of it is this, I went at my own expense and hired a professional engineer. He agreed with my calculations, he not only did that, he provided me with a profile for a haul road, or a driveway if you will, to get across from my access road up to the high point, which would be the most developable and the most valuable on that tract. He did cuts, profiles a plan and the grades on that, which one switchback was between 3 and 12%.

By the way, I understand Mr. Carroll is here and he was a big help in moving that along. But unfortunately, the Department of Environmental Protection made me an offer of \$250,000, a ¼ of a million dollars. I said that's a little bit short, went into the whole thing about previous contract and what else went and provided them with a copy of the engineer's report, where the steep slopes which their appraisers had come up with, were completely inaccurate. The lady I was dealing with refused to move me on to the appeal process. So I appreciate whatever help the Highlands Council can do for me. Who can I talk to about this? (He is advised to talk to Tom about this after the meeting about a possible exemption from the DEP.) Okay, thank you very much.

Dale Meadows, West Milford: I live by Upper Mountain Lake. I do support the Highlands Plan, I do think that it should be stronger. Specifically, I live in one of the areas that's protected. And in this area, much of it is already overdeveloped. It has a very high concentration of people already, we rely on well water and we also rely on septic. Now, they haven't put in sewers, so any additional development is going to be at the expense of polluting the local ground waters. Much of the groundwater already people constantly talk about their wells not having enough water. So this is a definite concern.

Another point that I'd like to make, and then I'll sum up, is that I've heard many people who talk about the effect of the Highlands Act on their property. Now I have a property that is basically sub-dividable into three lots. I bought it under that assumption that it is not sub-dividable because I live in a restricted area. Now the property taxes that people pay should be lower based upon that. And when people do subdivide and pull in millions of dollars, by fairness they should have to pay a back tax based on that value of the property to the rest of the surrounding people who have been basically footing their bill for the last 10 or 15 years. This is fairness in practice and in trade, in my opinion. Now if somebody, like myself, who doesn't mind their property now being subdivided, then I also think that we should be locked into lower real estate taxes. That's my opinion.

Kris Hasbrouk, Consulting Forester: I have some issues with the forestry aspect of the Plans. I am on the list of approved foresters with the New Jersey Forest Service. I am a member of the American Association of Foresters and the New Jersey Forest Association. In 2005, the Forestry Association developed a position statement and recommended that a Sustainable Forestry Technical Advisory Committee prepare a plan. And they did.

My question is whatever happened to it? The plan basically described the best way to generate more water and better water was through active forest management. That's the best way to develop a vigorous and healthy forest. There is a ecosystem management technical report which has some disturbing clauses in it.

One of them is, it says clean high quality water is one of the Highlands most important natural resources. Undisturbed forests provide essential ecosystem functions of surface water filtration and ground water recharge. There is no definition of undisturbed. I would assume that it would mean a land use change. But I question whether the assumption in the report is that it means a timber harvest. The best way to make a vigorous healthy forest is to do things and harvest so that only strong, dominant trees are left to grow.

Another issue also with that report is that it mentions Sylva culture. Sylva culture is the art and science of growing a forest. But it says here wood production, basically timber, fiber or wood production is not only, nor should it be, the dominant objective of Sylva culture within the Highlands region. That sounds like your rebuke to me. It sounds like the Forestry Industry and the Forestry communities are doing something wrong. I think that should be changed and it should say that Sylva culture should produce the highest quality water and water quantity.

The next one is the talk about fragmentation and the need for core forests or big forests. We have big forests. The state owns a lot of forest land, between wild life areas, and state park or state forest lands, the Newark watershed. There is at this time not much forestry happening on any of those properties. So one way to increase the quantity of water and the quality of the water, would be to develop forest management on those lands.

The last issue that I have is in the ecosystem management technical report, a mention is made of using the Landscape Project Version Three to come up with information about threatened endangered species, and I can't seem to find that. It doesn't seem to be available to the public so it is very hard to review and come up with opinions about its use. Thank you.

George Becker, Franklin Lakes: I live in Franklin Lakes, and I am a member of the New York/New Jersey Trail Conference. I am chair of the nominating committee and part of the steering committee of the Darlington School House. I would like to compliment the folks who run this meeting, having some experience with long days and nights away from family, you're listening to the voice of the people and this is the political process at its very best and it is appreciated. I am grateful too, for the *Bergen Record* and the person whose byline is Jan Berry. He, with impartiality, has kept us informed for a very long time.

I'm submitting the documentation for two discrepancies. It is clearly characteristic in the Highlands Region and Preservation Act Boundary Description in the Posts Brook/Doty

Road area of Haskell. They were prepared by my son Dave Becker who lives on Lake Iosco as I did for most of my life, and he is presently out of town.

One of them is mislabeled a stream. It is clearly a characteristic of the Highlands where this occurs but the references to maps going back to 1870 and 1893 which I am providing documents. Perhaps the most telling point about this most telling and unlabeled feeder stream (discrepancy one) it runs perpendicular to Posts Brook. It is simply a small, inconstant difficult to locate stream that runs into a larger Posts Brooks.

Finally, as a point, you frequently hear the expressions, "Well it's not brain surgery or rocket science." Well I don't know about rocket science, but I know about a bit about neurosurgery since that was my day job for 30 something years. I think your job is much tougher than mine. I was only responsible for one person, the patient. You are responsible to eight or ten million people. Thank you.

Anita Yarrosi, Ringwood, New Jersey: I have lived in Ringwood for nearly 24 years. I live on top of a hill which looks over Skyline Lakes and further out towards Skyline Drive and the development in Kensington Woods now known as Coventry. In the last 10 years whole swaths of forested land have disappeared and now, where I once looked out upon ridges covered with maple, oak and pine, there are huge homes with enormous lighted windows blinking back at me.

What especially concerns me is the most recent development that went up just across the lake. The houses stick out like lit Monopoly pieces throughout all of the seasons. That ridge was forested land with plenty of permeable surface under its canopy to catch rain water. A few years ago the developer came in and clear cut 38 acres overnight. Now it is filled with asphalt, cement, lawns treated with pesticides and fertilizers, and septic systems. Below it sits Skyline Lake(s) and the older development that surrounds the lake itself. Each year these small pieces of property are improved mostly vertically, taxing septic systems and increasing the amount of impermeable surfaces surrounding the lakes. Multiply this by 3 times over and *you* have the same scenario in Erskine and Cupsaw Lakes, not to mention the development above Fieldstone Drive and the ridiculously crowded development in Wanaque near the water tower on Skyline Drive, where my son used to mountain bike in the woods as a kid.

Now the Highlands act wants designate these lake areas as Planned Community Zones, inviting *yet* further development in already overcrowded, over used space that impacts not only the lakes but the wetlands and stream corridors that feed into them. I supported this act chiefly because I knew Ringwood was designated as being in a conservation area set aside for protection of the watershed of the Highlands.

Please reconsider your designation. There is not a single township in this area that can be relied upon to prevent developers from putting enormous homes on land which they've held until they could make it most profitable to build. They sue municipalities, at the taxpayers' expense and generally get their way. When *you* designate these already crowded lake areas as planned community zones, what is to prevent the developers from buying up the smaller homes and building multi-density housing down the road?

Also, I would like to know if the funding necessary to preserve all of these ecologically sensitive areas from the builders and developers is really going to be available. It is one thing to create a Regional Master Plan and another to enforce it with the financial teeth necessary to make it happen.

Dianne Swanson: I just have some things that I'd like to highlight about the Preservation Plan, and I will admit I have not taken a great deal of time to thoroughly review it. I'd also like to note that I have no affiliation nor am I paid by any environmental group or agency nor am I paid by a government agency. What I'd like to have the Highlands Council address is why they excluded industrial properties and commercial properties.

I'd also like to know, from casual observance, why the planned zone or the purple zone is one that is already densely built-up and you most likely could not find a spot for another home or location. It's my observation also in Ringwood, that many of these homes when they sell around the lake areas must have poor septic systems because as soon as the homes sell, the new buyer is putting in a new one.

Everything has to go for Highlands approval. That means increased fees for whoever wants to do something with their property including industrial property. You have to go for Highlands approval even though you've already got approval. They drag it out, you get nothing done, then eventually the permits and the authorizations that you've gotten from the town have expired and they are like, "Oh well." So I too would like to talk to the gentleman about what I too could do with my property.

I'd also like to know why something isn't being done. If 65% of our water goes to people downstate or they rely on our water, why can't they be required to stop watering their grass and wasting the precious water? I have a well. I deliberately do not have grass because I don't want to mow it, I don't want to cut it, and I don't want to water it. I have a forested acreage. I'd also like to know why the map didn't show the already watersheds state-owned or protected property? And I would be more than happy to turn in my questions, comments, whatever you'd like to call them, but I'd also like to see a response of them.

Barbara Kushner, Board Member of the Pequannock River Coalition: We are concerned with the fact that the Regional Master Plan assumes that all of the existing development in the Highlands is appropriate. The Regional Master Plan states that the planned community zone consists of areas with concentrated development signifying existing communities. These areas tend to have less environmental constraints. However we must recognize that the existing development of the Highlands was improperly planned and cited in areas of high environmental sensitivity. To accept existing development patterns is to disregard a central tenet of the Highlands Act, that's to restore resource integrity of the Highlands. While current development should be acknowledged, the emphasis should be on land use that heeds resource constraints, not on repeating past mistakes. Instead the Council's Regional Master Plan places a stamp of approval on past decisions that have sacrificed significant resource values and are at odds with the actual plan capability.

Susan Gyramati, addressing the Land Use Capability Map (LUCM): I have attended probably 90 %of Highlands Council and Committee meetings and never flagged in my appreciation of Council Members' courtesy and openness to public comment, nor have I

failed to understand the lack of reality of the Highlands Act charge to the Council to provide an immediately viable resource and capacity based Regional Master Plan given the enormity of problems with respect to existing as well as faulty and non-existing data. It is, therefore, with profound regret that I have to express my dismay over the Land Use Capability Map and the rationales that underlie it.

1. The LUCM is presented in the format of Overlay Zones which were sprung on the public with the actual publication of the map. If Council Members were aware of them, they were not discussed at any public meeting. That might not matter if they made sense. Those of us who know our turf know that they do not make sense. Specific comments at this hearing will tend to be focused on the Planned Community Zone/Specially Planned Areas designation which pertains to our area of the eastern portion of the Highlands. I will not go into specifics tonight in the interest of saving time and avoiding repetition but I associate myself emphatically with those of my colleagues who deplore the absence of known environmental constraints on the map and the obvious reliance on repudiated sewer proposals as well as densities of older developments which are irrationally depicted as potential growth areas. The key issue here is the application of different criteria to each of the three which I think violates both letter and spirit of the Highlands Water Protection and Planning Act by failing to provide a true picture of the environmental resources that need to be protected.

2. The Highlands Act, as we all know, divided the Highlands into a Preservation Area and Planning Area. This division has all-important legal, regulatory and planning implications which have been severely distorted by the overpowering visual (and textual) impact of the Overlay Zones. The preponderance of the press coverage bought into the notion that the Draft Plan has expanded the regulatory protections and development limitations of the Preservation Area to a very significant portion of the Planning Area. This is completely false and creating false hopes and expectations. No label of "Protection Zone," or Conservation Zone for that matter, is expanding Preservation Area regulations beyond the Preservation Area. Ironically, the zone labels also cause confusion in the Preservation Area by creating potential growth areas and criteria that contradict the Highlands Act and erode support among that segment of the residents who backed the enactment of the Highlands Act.

3. Everyone should be aware that the Highlands Act is not entirely, or even principally a preservation act as many might wish. Not unlike the State Development and Redevelopment Act, which conceptually lays claim to balancing growth and preservation, the Highlands Act categorically requires the planning and implementation of both elements. The fact is that much of the mapping of the preservation elements-waterways, flood plains, wetlands, slopes, etc exists in both GIS and conventional format and can be made available in simplified conventional format or detailed GIS layers, it being understood that the general public has little or no access to GIS. The infrastructure data on sewer and water availability is notoriously bad and will require more time for collection, correction and assessment before it can provide any basis of capacity analysis for identifying suitable growth areas. Again it has to be emphasized here that service areas in the Preservation Area have been revoked and capacity applies only to locales where pipes are actually in the ground. In the Planning Area infrastructure capacity is less restrictive but relevant to the overall development capacity of a site and/or its effect on an adjacent Preservation area. Again, my point is that the Overlay Zoning that we have been presented with is not helpful for the planning decisions that will

have to be made or to a public understanding of the Highlands Act. Thank you for your attention.

Jerry Flach, North Haledon: I am a volunteer on the Open Space Committee for Passaic County. I am one of those human beings that needs clean water and for that matter, clean air to live. So I'd like to take one minute to reflect on really the joy that many of us felt when this key legislation passed and certainly how it continues to have the capability to put New Jersey on the leading edge of environmental awareness in action. Most important, I want us to stay focused on our primary goal, clean water now and for the future.

I also have concerns for the purple planned community zones. And know that we need to secure protection also in these sensitive areas. I hear a lot of today about the risks to our water supply or lack of water, it sounds like. And certainly that the plan needs to assure disciplined processes for ongoing monitoring of our water supply and corresponding responsiveness. Our shared goal remains to strengthen water protection which this legislation was intended and this plan was to assure.

I also want to point out one lesson we can learn from nature among many, and that Nature rewards cooperation. And as such, we must work together to meet our economic, our environmental and our human needs. And I thank you, and my children thank you for your attention to our life support systems.

Jeff Tittel, Director NJ Sierra Club: I'm here not only representing our more than 750,000 members nationally, and our 24,000 members in the state, but also our members here in Passaic County. As someone who's spent most of my life in Passaic County, and probably learnt most of what I know about the environment in dealing with environmental issues here, The Highlands Act in a way is a dream come true for a lot of us in this room because I know there are a lot of familiar faces. We've spent years fighting sewers and power plants, quarries and condos getting open space funding and accounting. So when the Highlands Act passed it was a quantum shift.

I was on a planning board when the town engineer said, "Why do we need to have the tension basins in the Newark waterfall?" When in effect the biggest tension basin is at the bottom of the hill, it's called a reservoir. That was the mentality, and it's one of the reasons we needed the Act.

Coming up here I was thinking a little bit, and I thought about the saying, "What happens in the Highlands doesn't stay in the Highlands, the rest of us drink it." And when you look at what's happened in the last ten or fifteen years with water quality, we've seen substantial declines in both quality and quantity.

Last week, the state's 303 came out, and that's the biannual that we have to put out for the federal government. It's an assessment of characterization of our waterways. It shows the biggest decline happened in the Highlands. If you look at where our list was a few years ago, fifteen percent of the streams met all criteria for clean water, now it's down to ten. The areas of New Jersey that showed the biggest decline, going from either being clean or pristine to showing impairments were in the Highlands, especially in the planned area.

When you look at the overall numbers, only 51% of water of the drinking water in New Jersey actually meets drinking water standards, only 18% meet primary contact standards. What we see happening is, if you look at just non-attainment for aquatic, we've gone from 65% non-attainment to 75%. What we see is a state that is running out of water. What we see is a state that needs to make sure that the Highlands Plan is strong and complete and is protective of those resources.

\$100 billion dollars a year worth of economy is based on the Highlands. But this plan does not get there. We want to support the plan but we also know that the biggest gap when it comes to coming up with clear standards and clear measurement of the Highlands is water. There are lots of pages there. There's a technical document of 300 pages and I've been through it, but when you go through the whole thing, there are no conclusions.

How much water is left in the Highlands? How much water is available for development in the Highlands? How much water is needed outside the Highlands? What's the future growth outside the Highlands? Those questions really aren't answered. But more importantly, how much development can the Highlands accord if any?

I think it's up to The Highlands Council to make those decisions and there going to be tough decisions. Because when you go through it, and you read through the different data layers, and the entire view of the Highlands, if you look at HUC 14s, which are water units, or land units based on waters; if you look at where there's ground water depletion, also surface water depletion because of outside use, and impairments, you'll find less than three HUC 14s that are not impaired and have plenty of water. Everywhere else shows impairments. If you look at the development areas in the Highlands, the community development zones, those are the areas which have the least amount of water and the most impairment. Yet, that's where the growth is supposed to go? It doesn't make sense.

My firm belief is that there's still time to fix the plan and that's why we're here. We know that New Jersey's future and economy depend on it. When we look at those reports, those numbers don't lie. We need a strong plan and we need to make those tough decisions. The old saying is, "Is that glass half empty or half full?" We don't know because a proper assessment isn't done. But we do know is what's in that glass is getting dirtier and dirtier every year. Thank you.

Robin O'Hearn, Director of Skylands CLEAN: I am Robin O'Hearn, Director of Sky/ands CLEAN, which serves as an environmental watchdog in Ringwood, West Milford, Bloomingdale, Wanaque, and Pompton Lakes. I testified earlier, but I am back tonight because I have become even more adamant in my opposition to the Specially Planned Areas located within the Preservation Area, especially around environmentally sensitive areas such as local lake communities, Category One waterways, and flood zones. I am against this Planned Community designation for a host of reasons, which include the following:

FAULTY MAPPING

1) Contrary to the Act's requirements, these areas were mapped without the Council providing either a build-out analysis of the preservation area, or a capacity based analysis of needed infrastructure. If this analysis was done, it has not been released to the public for review.

2) The limited 'capacity analysis' that was done proves that the upper Passaic basin is in a deficit, which is shown on RMP maps. There is not sufficient water to support existing development, let alone new development that Specially Planned Areas will incur.

3) The extensive environmental features in this area, prime aquifer recharge, top quality watersheds, steep slopes, highest quality wetlands, highest level forest cover, top notch riparian buffer areas, and significant habitat for T&E species, are all evident in the RMP mapping. These should PRECLUDE any Specially Planned Areas in Upper Passaic.

4) These SPA maps cannot be recreated, nor can they be justified based on lack of environmental constraints. No one on the staff has been able to explain how the SPAs were determined or how they were assigned.

SPAs ARE IN CONFLICT WITH THE ACTS PROVISIONS.

1) Specially Planned Areas in the Preservation Area are in conflict with the intent and goals of the Act, which are to preserve, protect, and enhance water quality, especially since they are overlayed primarily around lake communities, and on environmentally sensitive areas including 7000 acres of wetlands, steep slopes, flood zones, C1 waterways, and in buffer areas of State Open waters.

2) The Specially Planned Area is not required in the Act, but is a creation of the Council staff. This overlay will only serve to undermine the protections afforded by the Preservation Area.

SEWER SERVICE AREAS WERE USED TO CREATE THE SPA ZONES.

1) The Specially Planned Areas are based on "future" sewer service area maps created in the 1970s and 1980s, which were never built and do not include pipes in the ground. They also match a request by the West Milford MUA to include nearly 10 lake communities based on their unsupported claims of 'failing septic systems.' I have brought copies of these maps and documents this evening which I will give to council staff supporting my assertions. Such "future" sewer service areas were specifically rescinded by the Act.

2) The existing sewer service areas in Upper Passaic County that include Specially Planned Areas do not have capacity to support additional growth, according to the Council's own wastewater utility technical reports.

SPAs DO NOT MEET THE CRITERIA FOR REDEVELOPMENT

1) Specially Planned Areas do not fit the definition of redevelopment in terms of impervious cover. In fact the criteria for Specially Planned Areas in the RMP shows that only a minimum of 30% impervious qualified it for the designation.

2) The Specially Planned Areas are not necessary, as the Act already provides many development opportunities in the Preservation Area through infill development on single family lots, expansion of existing commercial structures, brownfield remediation, and redevelopment of areas with 70% impervious cover.

SPAs ARE NOT SUPPORTED BY LOCAL COMMUNITIES

1) The communities slated for Specially Planned Areas have not requested or endorsed these zones as redevelopment areas. While the towns would have the 'option' to develop or not, that puts the ball back in the communities court as far as protecting these areas from aggressive developers who will use legal means to force in additional density.

2) The conformance process is too late to begin making mapping corrections for a major issue such as this. If communities say that they want the Specially Planned Areas removed, that should be done 'pre-conformance' during this comment period. If these zones are institutionalized, then the communities have to zone for them as part of conformance, which will make it easier for more development to occur.

3) The mapping of the Specially Planned Areas does not include the underlying constraints Of flood zones, wetlands, slopes, c1 waterways, and critical habitat. These sensitive features are protected by the Act, but now will be the basis for 'rebuttable' challenges to local zoning, placing the burden for protecting these area on local planning boards and watchdog groups, not on DEP and the Council, which are charged with protecting these areas through their rules. A "Lake Management Zone" (a suggested alternative) would be just another name for the same type of zoning overlay. I would strongly oppose such an 'overlay zone' on the RMP. What should be developed and implemented in the Preservation Area is not a Planned Community Zone, which is clearly stated in the RMP and throughout minutes of the Highlands Council meetings to be purely a mechanism for redevelopment. Such a zone just creates a zoning nightmare for the communities involved, and does nothing to protect, restore, or enhance Preservation Zone communities. Instead, the Council should be looking to create Lake Management POLICY, which can include ordinances to control fertilizers, reduce runoff, implement storm water controls, implement septic management plans, re-vegetate lakefront areas where possible, and limited expansion of homes through floor area ratio ordinances. This would go a long way toward protecting the preservation area, while dealing with the inevitable infill and redevelopment activity that will take place in the decades to come. This policy would apply to ALL lakes, not just those that are viewed as ripe for redevelopment. Thank you.

Joanne Atlas, Mayor of Ringwood: Good evening, members of the Highlands Council. I want to thank you for giving all of us this opportunity to comment on the Highlands Regional Master Plan here in Passaic County. I was and still am a strong supporter of the Highlands Act. It liberated us from developer-directed planning. It also provides us a great opportunity to move forward towards sustainability.

Ringwood, as you know, is one of the five municipalities that are completely within the preservation area, a designation that is totally appropriate for a place that provides more than 2 million New Jersey residents with drinking water, is 70% undeveloped and is basically rural.

According to the Act, the preservation area is that portion of the Highlands that is subject to strict land use controls. Under limited circumstances, this zone may allow some forms of development, the Act says, but with stringent restrictions on consumptive and depletive water use, degradation of water quality, and impact to environmentally sensitive land.

The draft RMP moves beyond the Act's broad intentions and introduces three new zones, including the planned community zone, which you've heard so much about this evening. This area serves to identify lands appropriate for economic growth, to prioritize public investment in infrastructure, and to provide TDR opportunities. I personally was shocked to learn that Ringwood and other towns, lake communities were identified as being in this zone.

Economic growth, infrastructure, (read sewers,) increased densities, the typical lake neighborhood community is already exploding with people literally living cheek to jowl on undersized lots that were created many, many years ago, when these communities were strictly summer communities. These lots are served by septic systems surrounding lakes. How or the better question is why increase densities here? Is it because high population growth projections need to be addressed? If that's the case, then those growth projections need to be adjusted downward. As to how, my Ouija board points to tear downs and sewers.

Let me tell you a little about the history of sewers in Ringwood. In 1994, $\frac{3}{4}$ of the citizens voted down a referendum to bring sewers to the town. We didn't want sewers then, and we don't want them now. What is needed, and Robin O'Hearn mentioned it just before, and I thought she presented a pretty good program, is septic management.

The lake communities are special areas within the Highlands and efforts should be made to preserve the area's historic and ecologic value and I look forward to the Highland's Council tackling the problem of septic management in this area, and I look forward to working with you.

Andrew Drysdale, land surveyor, Township of Chester: When I stepped out of my office I was confronted with a river of water running down the hill behind my house. This probably wouldn't have been nearly as bad, had our four-lot subdivision, which was part of my grandfather's farm, been approved and we would have been able to put a lot of the water back in the ground. And I thought about this, all of New Jersey was frozen because of the cold weather for the last few days, and then we had the snow that melted, and the rain that came down. The whole part of New Jersey was an impervious surface. This wasn't Highland's water, this was water that came out of the sky, rushing down past my house, going right down to the Raritan river and going out to the ocean. A lot of this water can be put back into the ground with the proper kind of recharge system.

Regarding the Regional Management Plan which is part of the irresponsible Highlands Act that came before, I have a few questions and some answers.

Ross Kushner, Pequannock River Coalition: Our objections to the Council's policy of locating planned community growth zones on sensitive lands, including wetlands, floodplains, riparian buffers, well-head protection areas and steep slopes, are a matter of record. Tonight I want to address some specifics.

This photo I have brought, this sad gully of rocks, shows typical summer flows on the Pequannock River. Not in a drought summer, but every summer. Several years ago the DEP under Commissioner Campbell drafted new requirements that would have restored water to

this river from Newark's reservoir system. At about the same time the Highlands Act was signed into law. These events were promising. Unfortunately in New Jersey we have a nasty habit of starting out well and fading at the finish. Today, under Commissioner Jackson, the DEP has failed to enact those measures, drafted by Commissioner Campbell, that are needed to restore this river, despite our constant attempts to spur action. While we can't fault the Highlands Council for that, we did insist, repeatedly, that the Council at least stop the bleeding by curtailing further growth in the Pequannock watershed.

Instead, the Council has designated Planned Community Zones,-growth areas - all across the headwaters of this river. Not only are these growth zones sited on wetlands, steep slopes and other sensitive lands, but to add insult to injury, several are located directly on the banks of the Pequannock. These Planned Community Zones in the upper Pequannock drainage have none of the infrastructure that would suggest further growth - no sewers, no public transit and certainly no water. In fact, the entire region is listed in the Regional Master Plan as a water deficit area. When we questioned the council staff on this we were told that their theory is: Create the growth areas now, and worry about where to get the water later on. With all due respect, that is not regional planning. It is regional gambling. If the Council is interested in responsible planning, they should roll back these ill-sited growth areas. If they would rather roll dice, they should hold these hearings in Atlantic City.

Either way the State of New Jersey can't continue to have its cake and eat it too. If the DEP lacks the backbone to end Newark's rape of the Pequannock, then growth in the watershed must be restricted. If additional growth is desired, then the Highlands Council must find a way to restore adequate flows to the river BEFORE mapping any new growth areas.

As a Category One river the Pequannock is supposedly one of the most protected and highly regarded of all Highlands waterways. If we follow the course now proposed in this plan, we have failed to preserve the very resources that lie at the heart of the Highlands Act. If we can't save this river, we are lost.

Margaret Hickey, New Jersey Historic Preservationist: I'm a historic preservation specialist that practices in New Jersey. I'm here to speak in support of the historic and cultural resources within the region. Although the Draft's regional plan addresses the protection of historic and cultural resources in the greater Highlands region, unfortunately many of these resources are already clustered within the already dense areas of development, particularly in the planning area, and as a result they are at greatest risk. It is important that any future development within the development and planning areas encourage the continual identification, protection and preservation of these resources.

Given the voluntary nature of enforcing protection within the planning area, there should be mechanisms established that encourage preservation of these resources including planning assistance, technical and financial support, the establishment of strong and effective historic preservation commissions, as well as other mechanisms for historic preservation. The Highlands Plan addresses encouraging appropriate patterns of compatible development; however it will be appropriate to encourage the development of design guidelines that reinforce and not deter from the historic character and the unique cultural characteristics of many of the regions villages and hamlets.

This once again makes it vital to identify these resources at the onset, and not wait for development pressure to determine whether a site or district is historic or culturally significant. This must go beyond those lists already generated by the SHPO, which are woefully slim in identifying these resources. Identification of these resources is a continual process with no finite end, and so is their protection and preservation.

Ellen Cronin: I'd like you to thank you for this public meeting in Wayne. I support the Highlands Regional Master Plan and would encourage you to make it stronger. I live in Somerville, not a Highlands community, but most of the water I drink, comes from the Raritan River, which has headwaters in the Highlands. When I open the tap in my house, I realize my personal connection to the Highlands. The State of New Jersey is responsible for the water resources of this state. The Highlands Act is a small step to meeting those responsibilities.

Most people in this state do not understand where this water comes from. They do not understand the politics of water supply. They do not understand the infrastructure of water supply. They don't know about critical areas or salt water intrusion. They don't know about water supply roles or nitrate dilution models. They have the expectation of clean and plentiful water without limit.

As someone who has spent all of my life in New Jersey, where we have more than 40 inches of annual rainfall, and who grew up in Wayne, where the water issue is flooding, I can understand why the concept of water as a critical resource is not obvious. I encourage the Highlands Council to educate the residents of the state to better understand water supply. I encourage the Council to update their maps to reflect the inaccuracies noted during this public comment period, and I encourage the Council to update their plan to enhance and restore water resources. Please do not allow a plan to allow further degradation of water resources, merely at a slower pace. Thank you.

Sam: I would like to voice my support for the planned community zones in the lake areas. These are areas that are 95% or more built-up and they are in need of sewer systems. I think that's why the planning commission made them purple community zones, because the build up growth is so low and the need for sewers is so high. I know the public generally votes down sewers because they don't want to pay for them, they don't want their taxes to go up. The State has to back the sewer programs in these towns to keep the taxes down, that's why people voted them down. My other point is, I'm dismayed by how easily the State of New Jersey's residents are willing to give up the rights of other people and our rights to their cost of living and their property value. They are allowed to be stolen away by this law, it's like we don't care. On my way home from this last meeting I was thinking, "Gee, we have this strong environmental group that wants to say they don't care what it costs, and I think homeowners would support it if they would be compensated. But, you know who's going to pay for it?" My thought is if I'm going to buy a camera I don't go and ask my neighbor to pay for it! I mean, the environmentalists want it, why don't we make them pay for it! I see a lot of chuckles, but do we, any show of hands willing to mortgage their homes until their built and put all that equity to the other land owners that are being hurt by this? No, I don't think so.

Devlin Mackey: I got one quick point. This all seems to be “Save the World. We need more water, there is a water shortage!” There is no water shortage on the planet. There may be fresh water shortage, but there is no water shortage. New Jersey has the distinction of bordering the ocean. If you are worried about how little water there is in the Highlands, I would suggest that you have to put some desalinization plants in and take the salt water and turn it into fresh water. And use that for the 6.2 million or whatever number of people there is who get their water from the Highlands. Quit taking the water out of the Highlands if we are already in a depletive state. The Highlands Council should say, let’s cut the water allocation that’s leaving the Highlands. We are going to cut it 50%. And we’ll see, say in three or four years, the water that leaves the Highlands will be 50% less than what it is today. Good luck, you’ll put in a water desalination plant and do whatever you have to do to put in water downstream. But do it on your own costs, because we are already in a depleted water condition. And if that’s the position that you want to take, then cut water allocation that leaves the Highlands, put desalinization plants in. The Technology is there, and what it comes down to is dollars and cents. The guys over there on the other side don’t want to pay the amount of money. If it’s really about water and it’s really about the environment, leave the water here.

Michael Natale: I am a builder up in Sussex County. The thing that brings me here tonight, just like many other meetings I’ve attended before is, people brought in many good plans. I’m trying to be on both sides of this. I notice there are a lot of one-sided people out there. First of all, they say there is too much development, for which I have to say, I noticed a woman from the Ringwood area who said 38-acres got knocked out, door to door houses and lights. Hey, that’s the town planning board. They made the mistake of over-committing to development. But what I favor is 5-acre zoning, that’s plenty of space, at least I think so.

The reason why I keep opposing this is because I’ve got 112 acres, that’s an awful lot amount of land. And so far, everyone who I’ve noticed that’s for this law, not one has mentioned how I’m going to get paid back for it. Not one of you. Not the politicians, because their lands have been excluded, their golden. People that want this, hey, this is supposed to be America, not a communism, I’ve purchased the land. I should have said and no one has figured out who is going to pay for this. The politicians have been covered. My father purchased the land, one week later, he passed away. Well that was one crutch thrown upon us as we tried to regroup our business, restructure it, and then the Highlands came along months later.

The Highlands has been in the works for years but no one knew exactly when it was going to hit. We never would have purchased the land knowing that months later that we were going to be thrown within Highlands restrictions. Anyway, if you want my land, you have to pay for it. It’s not for free. The same thing, if you go to a supermarket if you go into a supermarket with this good intention in mind, you say, you want to feed the homeless. You walk in, load up your shopping cart, go up to the cashier, “I’m sorry, we are not going to pay you today, maybe someday, because we are going outdoors to feed the hungry and the homeless.” You can bet that you would be denied(?) for that, instantly. I can’t see anyone in this room who would say they would walk into a supermarket, load up their cart, and walk out with out paying just so that I can feed the homeless. Anybody? Yeah, again, I think that’s settled. Yet, I think this Highlands Act, have great intentions behind it, because I am for open space and clean water because I work and live here too.

The problem is their not paying off the vendors, which is someone like myself, I am a land owner. My property was worth quite a bit previously and now it's basically worthless in comparison. So all this time that this is going on, no one came to our rescue trying to help us out. Not the government, not the people passing the law, not the people who are for the law, it's very one-sided.

Anyways, what's really cheap about all of this is next month when McGreevey has to go to court, why? Because a developer by the name of Bogach finally found a way to pull him in. Because of his book called, "The Confession," where he referred to the Highlands as "horse trading," you know like, "You do me a favor, I do you a favor."

Well if this governor of ours who before was so good, why is he being accused of doing terrible things? Think about it, you know. As I said before about communism, this is supposed to be America where you get the American dream. You work hard, you buy something, and you do something with it with the appropriate regulations. I don't believe in any form of communism, I'm sorry. Thank you.

Barbara Guest: I'm from Wayne Pines Lake section. I am for this bill. And I wish there were more people who even knew something about this bill. As I woke up this morning, I asked how many people actually knew about this meeting. No body reads newspapers any more, they have to work two jobs to pay their taxes, that's a shame. Even students in school, these are students who just came out of High School in my area.

I live on the border of Oakland. I am interested in one specific piece of property there. It is between my lake, Pines Lake, which is along Berdian Avenue. Berdian goes along Great Neck, but it goes into Bergen County, then it goes into Long Hill Road, if anyone knows where the Oakland Shop Rite is. And then it goes down to 202. That whole big mountain there has the most wonderful, wonderful water supply! All the springs supply Pines Lake since it was put together by Alexander Sumner way back in the 20s.

At the top of that mountain, in the town of Wayne, they even moved one big water tower from the top of Tower road, to the top of this mountain. And when I heard that the builders were going to take down that whole mountain and put everything up there, I sat in Oakland's planning board meetings; even though I'm a Wayne resident, and I listened to Mr. Marreziti give all of the different points and information.

The piece of property is known as Pinnacle. This whole top of the mountain should be saved because it is a reservoir within a mountaintop. With all the terrorism that we have around us, here is something that if we put about 20 brand new wells up there, they would all be protected internally within the ground. And that's all vital organic water. Nothing has been in it, its native forest. It's fabulous.

When I was a little girl, my father bought property in New York State. New York State owns all of its reservoirs. He bought a piece of property up in Monroe, New York, because he loved bass fishing. It was called Lake Mombesha. Well it was such a wonderful piece of property that the State of New York took it for their reservoir. And then he looked again

and again, and he found my little piece of heaven, Pines Lake, where I have lived since the 1960s. Now, if New York State can own all of its reservoirs, New Jersey doesn't.

Our main water supply comes from two, actually three, but primarily three, the New Jersey Commission in Wanaque, associated with the Wanaque Reservoir, and the Passaic Valley Water Commission, that is found on the main avenue in Clifton, where I originally lived when it was all Garden State farmers and I rode along Broad Street. But now its macadam, macadam, macadam, macadam, macadam. Now that part of New Jersey, Clifton, Paterson, Passaic, its all polluted because of all the different developers who just stole the land and built whatever. Planning boards let them under the table put whatever they wanted through. I would love to know that there has to be number one more education, instead of spending all our money on football and Xanadu, you can have all of the money in the world, but you need water! And water is primarily where we should put our money. And all the old towns like Paterson, Passaic, Newark, let these developers with the big pockets and all this wonderful investment money rebuild the old towns and the old sewer lines where the pipes are 120 years old and where they are near to trains. We're going backwards, instead of being smart, this is called dumb growth.

Mark Brunetto, Newfoundland, West Milford: I'd like to say that I support the act in full. Some of the things are not put together the right way. Thank the man from the Passaic River coalition. And I'd like to thank the Passaic River Coalition personally, I can catch a beautiful brook trout there, it's like a picture! And that's why we should keep it that way.

However, there are going to be parcels that are going to be built on. I happen to own one, I'm lucky enough. It's a four-acre parcel, I'm able to build a house on it, so that I can buy the farm that my wife and I and kids can ride our horses on. However, I'm getting old waiting for my exemption!

Now, if you are going to set up exemptions for people to do things, which people are going to have to do, there are going to be builders which are going to build houses. That's why you're setting up these little purple zones, right? Couldn't we make it a little bit easier? Not easier to get the exemption, but easier to go through the process. That way we know what's going on faster.

Why should a guy that has four acres, or a guy that has 100 not know what he is able to do and what he is not able to do? Now the answer to everything is money. Money, money, money. There's not enough people to oversee all of this paperwork.

This is a great thing (the brochure), this is beautiful really. It's beautiful - nice pictures, nice paper, how much did this cost? Really, this must have cost a small fortune! I'm being a wise guy on purpose; I like to break things down to the ridiculous. It's a beautiful thing, really, you did a beautiful job. If you are wasting money on this, but it didn't have to be put together like this and spend ten dollars instead of one, and that other nine dollars could be used for a multitude of different reasons. One of which could be to help this guy over here get through the process, this guy over here that's been waiting since he's been 36 and he's now 38 to get an exemption that he's allowed to have. And it's not so much personal about me, but it is about the guy with the 100 acres. Let the guy know what he can do, he's probably be in the process for like a year and a half waiting to find out. Don't spend ten

dollars on a pamphlet when you can spend a dollar to do the same thing and take the nine dollars to save the river and give the guy his money for his land so that we can all live happily ever after.

I appreciate what you guys are doing for everyone in the state. It's a beautiful thing. We have to do more of it everywhere. But you can't be killing anyone. This is America, like the guy said. You know, help us out, let us know what we can and cannot do, and don't blame it on money if you are going to do this. Thanks for your time.

Derek DeMarco: I am here on behalf on the Libertarian Party. I am representative for the Passaic County, and I am 100% against this Highlands Act. As you know government is very inefficient. As the man who was speaking, it's going to be a bureaucratic nightmare to get anything done. It's going to be total chaos when it comes to it. The state's not going to have enough money. It's going to be a huge burden. If you vote for this, your taxes are going to increase, no doubt about it.

As you know the state is never a good protector of land. Private people with their own personal land can protect their land better than the state. And that's a fact. I'm just here to say this is going to be a nightmare; it's going to be a huge problem.

It's going to stop development the way these environmentalists are. There's going to be no jobs, no construction. It's really going to be detrimental to the state. We know the state needs to grow. Housing prices are on the increase, there's not enough land to develop. So people are going up north and more west. And to stop this it's really going to have a huge effect on the supply and demand for housing. And it's just going to be a huge, huge disaster.

About the water protection, I am for water protection, I'm for clean water, I'm for water that's not polluted. But there are other ways to have clean water. People can lease their water rights to the state, and you can separate property rights. But as to just outright seizing of the land, this is going to be eminent domain abuse. And we all know what is about to happen. We know from the Kilo Decision (?) that the government has been given the right to seize land by the Supreme Court.

All I wanted to say is, I don't know how anybody can be for this. It's going to be a huge problem. They already have 1 million acres in the Pine Barrens. I don't know how many acres this is going to be. This is going to be a nightmare. What do we want, the state to own 100% of the land, and tell us what we can do on our own land? This is ridiculous.

You know, I'm for capitalism, I'm for private property, and this is against all of that. This is Un-American, this is against private property, I don't know how this could even come about. I guess people think it's a great idea. But there are other ways to get clean water than to outright seize land. All I'm going to say is this is going to be an abuse of eminent domain on a huge scale. Thank you very much.

Joy Farber: I am a resident of Ringwood which is entirely in the preservation area. I don't mean to repeat what's other people said, but I just got here. I think that The Highlands Act was necessary. There are 70% of our waterways are substandard if you swim in them or fish in them. You will get sick, and that's unacceptable. My comment is a question, what is the paradigm change that we are achieving here?

The DEP has done a lot to protect resources; there are stream buffers and wetlands protections, albeit after the fact. We do realize that we have to protect, and we have to prove that we have to protect by destroying our resources and then once that machine is going then we have to pull it back. So I can't always blame DEP.

I disagree with the previous speaker because we've had home rule and we've destroyed our waters. We weren't able at the local area to get the protections that we needed, and we weren't able at the state level. So you have a challenge before you, and it's not easy.

What I'd like to understand from the plan that I don't is how has the paradigm changed? We know what the development pattern is; it's the sprawl of single family like the throw of the dice throughout the entire state. And if you built it the way it's planned, it will be a disaster. We know that.

I'm trying to figure out how this plan is different than the DEP scheme and the home rule scheme, and I'm not seeing enough of a difference. I'm not seeing a development plan evolve from your plan that's different, substantially different. And I think that's what's called for.

So take heart, take the knocks as you must, but realize that you've got an Act that someone fought hard to pass. And I'm one of those people. We did it because people in West Milford said our wells are running dry. It's totally irresponsible to let someone make money off of property by causing someone else's home to become unlivable. People have dug 800 feet to get water. The water table is sinking. This is a big problem and you're tasked to deal with it. You have powers to of no development zones, you have powers to dictate the amount and type of human development that the area can sustain at the local level.

That means tell people some parameters, what uses should be prohibited. We have had MTBE(?) contaminate our drinking water; people were drinking it without knowing it, who knows for how long? That's unacceptable. I think that burying toxic chemicals right above our aquifer, where you know it's going to get in there, is irresponsible. I think you should say no to burying toxic chemicals right where you know it be protected. A 300 foot buffer is great. But I think you should say no to when they want to put a gas station 400 feet from the reservoir; it's a stone's throw. It's not far enough. And it's too late when you put it in the ground and it's leaking, and then you want to remediate it. It's the genie out of the bottle. So use the power you have, you have the power, use it. And good luck.

Mike Sebetich, ecology professor at William Paterson University: I'm representing myself and members of the Passaic County Open Space Committee, some of which are here today. Some of them already spoke. I'm also a professor at William Paterson University, and an ecologist. I strongly support this Highlands Preservation Act and I actually wish it could be made stronger, and the sooner the better.

You've probably heard enough from both sides, so I won't look at any details in the broad perspective. You have a legacy here to do what's best for the citizens of not only the United States, but also the country. You have a document here that someone made an analogy I

didn't like about communism. Calling this communism, that's bad. I'd like to turn this around and use the analogy of the Magna Carta.

In this case the developers are King, and you have developed a bill of rights for the citizens of the State of New Jersey and the rest of the United States. And if you keep this Bill of Rights strong you will leave a legacy that will last forever. And that's a long time. Once something is built and developed it is over. You've heard probably from most of the major developers in the state, and you'll probably hear from them again. But who you won't hear from is the millions of citizens in the State of New Jersey who are represented by people like me, I am speaking for them too. They don't have the time, energy, or maybe knowledge that these meetings are being held to be here. I'm speaking for them, maybe 8-1/2 million people, and the stronger you make this Highlands Act, the sooner you make it work, the better off for everybody in the state. Thank you.

Kathleen Karim: I am a private citizen and a resident of West Milford. I know we are all tired, and I want to get out of here too. A couple of things. First, I've said before, the lands that we are living on were inhabited before the white people and everyone else came by Native Americans. And a lot of those tribes used to make decisions based on the seventh generation. What we do today, how will that effect the seventh generation? (Our children's children, etc.) This task that you have before you, I wanted to let you know that I support you, and that there are a lot of people that support this. This is very important. If you don't care about the way in which water is filtered, to provide clean drinking water, if we have to treat drinking water, you are talking about a whole lot more money than what we are talking about with this act, and compensating land owners. We are doing the right thing and driving development where the infrastructure and the jobs and the schools already are, in our cities, which need to be redeveloped.

I'd also like to encourage everyone in this room to think about and to ask every single person that you know who is a resident of the State of New Jersey to encourage the legislature and the Governor to reauthorize the Garden State Preservation Trust that's hopefully going to be on the ballot.

I wish that I had the opportunity to say, immediately after the man who was talking about money, because I would like to remind everyone in this room and I would like to really encourage you all tell everyone that you know, even your relatives who may not live in New Jersey, to write to President Bush to put money that he signed a bill, The Highlands Stewardship Act, which was to be \$100 million dollars over ten years. And ask him for some of that money. Because there is a lot of money being spent on a lot of destructive things, and he didn't include it in the budget again. And I would encourage everyone, if you live in New Jersey and really want equity, to write to the President, and encourage him, and tell everyone you know to do the same. Thank you for your time.

END OF HEARING

Written Comments submitted at Hearing:

William O'Hearn, Conservation and Advocacy Directory, NY/NJ Trail Conference:

Good afternoon, and welcome once again to the northern Highlands and my home county of Passaic. As I mentioned in my testimony at the Bergen County hearing, I am focusing my

comments on one key issue and on the technical reports portion of the Regional Master Plan. And as before, I will limit my verbal testimony to just a few topics while the written remarks go into greater detail.

Our major trails, especially the Appalachian Trail and the Highlands Trail, must be given more emphasis and protection in the Plan as a whole and in the Land Preservation, Recreation and Tourism, and Transportation technical reports because they can provide the key connections between parkland and they allow access for the public to these beautiful places. They can also assist the Council in setting priorities for acquisition, because long-distance trails lose much of their value when the chain of linear open space is broken. In my last testimony, I mentioned that the Trail Conference is very interested in creating a new trail that would run from the Pequannock River in Riverdale north through Federal Hill and Horse Farm in Bloomingdale and then into Norvin Green State Forest and all the way to Sterling Forest in New York State. Now, Federal Hill is threatened by not one but two proposed developments, one at Water's Edge in Wanaque, and one on the Meer tract in Bloomingdale.

These projects are both ill-conceived and environmentally destructive, and would rob the public of a chance to explore and enjoy a wonderful natural resource area full of rock outcrops, wetlands, rare and endangered plants and animals, and a lake, Please note that the state, county, municipalities, and nonprofit groups have already invested more than a million dollars to protect open space on Federal Hill in two large properties, so allowing the developments on these steep slopes would undercut that major investment. Major development on Federal Hill would also damage water quality in two watersheds, the Pequannock to the south and the Wanaque to the north and east, and would result in increased flooding in the surrounding neighborhoods, where it is already an issue. This is exactly the type of large-scale sprawl development the Highlands Act was designed to stop.

For these reasons, I am asking the Highlands Council to declare Federal Hill as a no build area in the Planning Area, between exits 53 and 55 of Route 287 and Union Avenue to the west and north. Let's make sure that some mistakes on affordable housing made by one town are not turned into the devastation of a priceless natural resource that should be enjoyed by many generations to come. I look forward to making further comments by the April 2 deadline once the Trail Conference has had a chance to review the Plan Conformance materials. Thank you for attention.

1. Land Preservation and Stewardship Technical Report, pages 11-15 on Priority Setting Methods for Land Areas - We want to see a section added that would make major trails like the Appalachian Trail, Highlands Trail, Patriots' Path and others a top priority for acquisition and conservation. This will ensure that these valuable footpaths are not cut off and interrupted by new development.

2. Same report, page 33- Our thanks to the Council for advocating that a Water Tax or Water Surcharge be passed by the State Legislature so that those who drink Highlands water pay a small fee that would raise millions for open space acquisition in the Highlands. The Trail Conference also supports the idea of a Highlands Water Protection and Planning Trust Fund that could be established using polluter penalties.

3. The Trail Conference believes that a Land Summit should be organized and hosted by the Council so that State, County, and local agencies and land trusts can come together and strategize about acquiring properties that will make the best use of public open space dollars.

4. Federal Hill - One such key area with fantastic potential is the Federal Hill area in Bloomingdale and Wanaque. Aside from being the site of the famous Pompton Mutiny of 1781, these approximately 800 acres are currently threatened by two proposed developments. The hill is crisscrossed by numerous woods roads and trails, and preservation of this area would allow a trail to run from the Pequannock River in Riverdale north to Sterling Forest at the New York State border.

5. ATV/ORVs - As the Trail Conference testified earlier, no discussion of maintenance and stewardship is complete without taking some position on the continued ban of off-road vehicles from all state park land.

6. Historic, Cultural, Scenic, Recreation, and Tourism Technical Report:

Preservation and Enhancement of Historic, Cultural, and Scenic Resources, pages 3-5- Trails (especially historic trails like Cannonball) and abandoned canal towpaths and railroads should all be listed, mapped, and made top priorities for protection and development as recreational resources. The extensive network of iron mines, furnaces, and connecting trails and roads in the Highlands would be a good place to start.

7. Same report, page 8 - Good material on the NJ State Trails Plan and the HT and AT.

8. Transportation System Preservation and Enhancement Technical Report, page 8 -Under "Pedestrian and Bicycle," the Council should add mentions of the Highlands Trail and the connection from the northern highlands into the 21,000 acres of Sterling Forest State Park on the NY State border. More emphasis should be placed on the need for multi-use and hiking trails to improve public health by providing attractive places to walk.

9. Same report, page 31- "Connecting Circulation Plan and Land Use Plan Elements" should include a new section on how a trail network should be part of the Circulation Element that towns will have to include in their local Master Plans.

10. This report is another opportunity to address the control of off-road vehicles with new legislation that requires registration, licensing, and generates fees for enforcement.

Peter Gonzales, Bloomingdale: Dear Council, than Highlands Council was established in August of 2004 and charged to prioritize and regionalize a plan in within 18 months. We are now 2 1/2 yrs out from that date. We are told that you need another 12-18 months to fully implement a plan.

In the meantime historical and environmental properties are under increased developmental pressures Federal Hill is a great example, and should stand as a poster child as to how this council has failed in its most basic obligation.

Two towns one hill Bloomingdale - To receive 360 units on historic Federal Hill home of the Pompton Mutiny endanger species. All the will its down town area is depressed and in dire need of revitalization.

Wantaque - To receive 96 units on Federal Hill along side Upper Twin Lake. It to has a downtown in need of revitalization.

Both of theses developments should be stopped now in their tracts, the land preserved, and the developments pushed into the downtown areas where the infrastructure already exists to properly support them.

Yours truly,
Peter Gonzales

Donald Pruden, Riverdale: 1. Why did the legislature establish the highlands council?
2. How long has this highlands council been in existence? 3. Are the council members volunteers or salaried? (If salaried - how much have the taxpayers spent on this council to date?) 4. How much has been paid thus far to the staff of this council? 5. What is the central tenet of the Highlands Act? Can you name a required goal of the Regional Master Plan? Have you read the regional master plan? 6. Why are not such features as wetlands, flood plains, waterway buffers and lake buffers, well head protection areas, and steep slopes been properly mapped? Do you even know where such areas exist in the Highlands protection and planning areas? 7. What factors determine the quality of a water source? 8. What major aquatic organism is a significant indicator of water quality? 9. What is meant by "over-allocation" of water supplies? 10. What specific details are used to assign lands to specific use zones? 11. Wouldn't it have been great if these questions could have been answered by reading the draft of this Regional Master Plan at this time?