

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

Date: March 21, 2007  
Commencing: 5:00 PM  
Location: Ridge High School, Basking Ridge New  
Jersey

Before: Hearing Officer John Weingart and  
fellow Highlands Council Members  
Mimi Letts, Tracey Carluccio, Scott  
Whitenack, Eric Peterson and Tahesha  
Way

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

My name is John Weingart and I am a member of the Highlands Water Protection and Planning Council. Today I will be serving as the Hearing Officer of this public hearing. With me today are Mimi Letts, Tracey Carluccio, Scott Whitenack, Eric Peterson and Tahesha Way.

In today's hearing we will hear comments from interested members of the public on the draft Regional Master Plan which was released for public comment on November 30, 2006. The comment period is set to run through May 12. The hearing schedule is at the registration desk and on our web site.

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

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

Members of the public may also submit written comments. It's easy. Just go to [www.highlands.state.nj.us](http://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 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:**

**Ella Filippone, Passaic River Coalition:** Good evening and welcome to Bernards Township Basking Ridge. You couldn't have picked a better place. This is where I live. But you picked a bad night because I have to go up to Green Brook Lake tonight so I have to go up to New York State, I can't just roll down the hill and go to bed. I have submitted a disk and several copies of a report that we are submitting to the Council. We are focusing basically on the water issue because that is your prime directive to protect and preserve the water resources of the Highlands. In that regard we have some very serious concerns, not with what you have done so far but with what you have yet to do.

We recognize that there is a data gap and we recognize the fact that we need to get better information on which to base decisions. But we are accepting the fact that even with the data gap the professional people who have worked on this document have the background and the understanding to come to certain conclusions. Based on that fact we are extremely concerned that the public has not been made as aware as perhaps they should be with the deficits that occur with regards to surface water in the Passaic River basin and for example which is a prime provider of drinking water supply there is according to your numbers a forty eight million gallon a day deficit in surface waters and a thirty three million gallon per day deficit in ground water. This is a very to me this is a most serious finding in your plan.

Of all the other elements where you can nit pick about how you want to deal with certain kinds of development or non development or all the other issues of which that you are hearing this deficit is serious it speaks to the over development or the over allocation of water in the State of New Jersey. The Report Itself recognizes that in a few years there will be a deficit to the areas which water is exploited places like Patterson, Newark, Jersey City, the urban communities. To us and for the sake of the Coalition who live and drink water

and to all the people of this room who are dependant on water for their lives I think that it is incumbent that this plan conclude with a series of processes, rules, regulations, stipulations whatever you what to call them or even legislative initiatives, that begin to find a way to decrease that deficit. We can't live with a deficit of that size. If we are sending forty eight million gallons a day somewhere and now come up with a minus we have got to find a place either not to send it or to correct it.

We are going to need a very strong conservation program and we're going to have to find ways to recharge better than we have been so that the ground water replenishes itself and I have to and in this report I have to question any initiative in the plan that supports excessive growth because you cant have a house you cant have a school you cant have anything without water and we are now at minus and this is not startling news because the water supply plan of the State of New Jersey has recognized deficits in northern New Jersey for years. Morris County for example has had a deficit for as long as I can remember; I think it's been at least twenty years maybe more. So to me without going into a great deal of detail about what our report indicates I want you the members of the council to understand from my point of view that when we have a minus just as when you have a minus in your checkbook that's not good news.

We have attempted to make a couple of recommendations. Some of them are very standard because we feel that in some cases you have touched on certain issues but perhaps need to refine them somewhat, to protect and restore the forest with a particular emphasis on the headwaters of the Highlands. The headwaters are so important because a river or stream gets its life at that point and when you begin to degrade that area or distress it, the river or stream shows that stress. Passaic River is the best example because there was overdevelopment in one of the communities in the headwaters and we immediately saw the change.

Ok I will go through my recommendations and not get too detailed: to protect and restore the forest and headwaters of the Highlands; to increase or at a minimum to maintain the amount of water recharged to ground water, to reduce the consumptive depleted use of ground water and surface water; to reduce loadings of phosphorous, nitrogen, and total suspended solids; to maintain and improve the green infrastructure of the Highlands; to eliminate planned community zones where development is not sustainable, where a water deficit exists within the HUC where environmentally sensitive areas exist and within the preservation area overall; to create a redevelopment component to the RMP which addresses decreasing impervious areas and replaces them with better recharge and environmentally sensitive areas; and to create a scientifically appropriate plan for monitoring the water resources of the Highlands for flow and water quality. All of these recommendations have some reference in the report that I have submitted to the Council.

**Lynn Haberkern, President of Preserve Historic Hackettstown:** Good afternoon, my name is Lynn Haberkern and I'm the president of Preserve Historic Hackettstown. We support the purpose of the Highlands Act and we do appreciate the efforts to improve and refine the details. And we feel that time is of the essence to look towards closing the comment period and moving on with business. We do want to express our concern about the pressures that are being placed on some of the communities in the purple areas with respect to both the natural and cultural resources. Many of New Jersey's older communities

were founded along our waterways, like Morris Canal. These communities have some of our most important natural and cultural resources and they also happen to be in the purple area. Our group Preserve Historic Hackettstown is most specifically focused on the cultural resources. As the plan stands now the protection for those resources are being left to the local planning boards and municipalities. These are pieces of our history that we feel left to the local municipalities will not be enough protection for our history. Preserve Historic Hackettstown was founded due to a lack of local expertise and local initiative with respect to our community. That was the purpose of our formation, therefore we just want to impress on you how imperative it is that those protections be included in the plan and we do feel that if you leave it to the local level our heritage will be bulldozed and left to the developers. I'm not here for our troubles. Thank you.

**Basil Hone, Director of Citizens to Save Tewksbury:** Good evening, my name is Basil Hone and I'm a director of Citizens to Save Tewksbury a local advocacy group in Tewksbury Township in Hunterdon County. I'm speaking on their behalf this evening. CST is a local advocacy group whose objective it to preserve and protect the rural environment of the township. The township is roughly two thirds preservation area one third planning area. The preservation area is divided approximately equally between the protection zone and the conservation zone. In the planning area the ratio is about sixty percent protection zone and forty percent conservation zone.

CST strongly supports the goals of the Highlands Water Protection and Planning Act and has several comments on the draft RMP most of which it believes, while specifically applying to Tewksbury, are a general relevance. In summary these are the concerns of CST. First CST believes the plan can only achieve the objectives of the Act if substantially all the planning areas municipalities opt in. It is CST's view that municipalities will opt in if the ultimate outcome of doing so is either known or is not in doubt. Specifically in Tewksbury we had a situation where a large parcel of municipally owned property has affordable housing under construction currently with potential for additions to satisfy COAH third round requirements. This property in the planning area is shown in the land use capability map to be part of the protection zone. Tewksbury and other municipalities in other similar positions must be completely satisfied, but property such as that described will not be frozen for future affordable housing if they choose to opt in.

In addition the January 2007 New Jersey Appellate Court decision has thrown a wrinkle in the works. It is likely the litigation will end up in Federal Supreme Court with a final outcome not determined for years. This will make municipalities with planning areas unwilling to commit those areas to mandatory Highland regulation unless they have the right to rescind the decision to opt in if the litigation yields a significant increase in their current obligations. The second point is that with regard to the benefits from opting in the planning area, CST recommends the Council should underwrite not only legal costs but also any damages awarded on a municipality choosing to opt in. Third, two points concerning transfer development rights, 1) essentially the Highlands development credits will have a discounted value from the full market value so as to create a viable market place. If a government authority uses eminent domain to acquire a TDR property it should pay full value not Highlands development credit value, and 2) since a key element for land owed in the payouts will be the TDR program, CST maintains the elements making up the program such as the Highlands TDR bank establishing the minimum HDC price a registry for

sending and receiving areas etc should be a top priority so that land owners know where they are from the time of the adoption of the plan. Fourth, CST suggests that in order to meet a principal RMP objective of maintaining a healthy agricultural sector the Highlands Council should establish a Highlands Farm Bank initially funded as in the case of the Highlands TDR bank with government money to provide loans to farmers to maintain and improve their farming operations.

One of the major concerns and a justifiably one of the farming community is that Highlands restrictions will adversely affect the value of their land and therefore their ability to raise money for their activities. Fifth, CST has recommendations for certain changes to the land use capability map covering Tewksbury and these are detailed in the memo which I will be leaving with you. And finally, CST suggests that the policies for each of the three zones should be set up together in appendices so that the reader can see gathered together in one section all the policies that apply to a particular zone rather than having to go through it, pick it out here and pick it out there. Thank you sir.

**Christopher Teasdale, Chairman Tewksbury Environmental Commission:** I am Christopher Teasdale, 11 Dinner Pot Road, Califon, New Jersey. I'm the chairman of Tewksbury Township Environmental Commission very same township that Basil was just talking about. The commissioners asked me to publicly say our support the Highlands Regional Master Plan. We are supportive of the overlay zones particularly the protection zone. We are supportive of this zone and the protection of our water and there are a lot of head waters in the township. We are supportive of the protection zone as it protects our dwindling forests. We have some of the last large forest patches in Hunterdon County. We are also supportive of providing farmers who wish to sell their regions of the property with pre Highlands assessments so as to maximize their gain. And finally, excuse me; both the Highlands Act and the Draft Regional Master Plan have already begun to save our township money. In recent years we have been beset by development applications and since the Act's passage, applications have dwindled and we have been able to combine both our planning board and our board of adjustments into a single land use board which saves money, professional development and staff services. So thank you for being able to comment. More specific editorial comments are coming from our land use board and township planner. Thank You.

**Dennis Galway, Forester:** Hi Dennis Galway, I'm a consultant of Forester New Jersey; I'm the immediate past chair of the New Jersey Division of Society of American Foresters and also the co-chair of the New Jersey Tree Farm program. I have a few comments here that are a concern of my fellow foresters and myself that I'd like to bring up at this time. One is the standard organization of the tree cutting ordinance. The draft RMP mentions standardizing municipal tree cutting ordinances in the performance measures but not in the conformance measures.

Standardized tree cutting ordinances recognize that the forest be exempt under the section 30:8:7 of the Highlands Act and should be added to the conformance measures of the plan. This is very important that we have standardizing the forestry exemption. If forestry is exemption under the section 30:8:7 of the Highlands Act then why do both the draft RMP and the Ecosystem Management Technical Report suggest making all kinds of inspections

of purely forestry related activities. These activities are currently inspected by New Jersey DEP under the Farmland Assessment Act.

Also going back to the ordinances, many of the townships have requirements for permitting of harvesting and of timber or implementing other forestry related activities. And many times in these townships the township officials, planning, environmental board or somebody from the township goes out and inspects the property afterwards to make sure that it's in conformance with their ordinance. So we see a lot of redundancy here. We have to have a management plan of course some even require what's called a harvest plan, so really there's a lot of redundancy here.

Also you mention a fee for these inspections within the Highlands and that's really a strain of the hornet's nest, because if you just have it within the Highlands what about all the other folks outside the Highlands who would not have a fee associated with it so you're making an inequality right off the bat there. Best management practices: both the draft plan and the ecosystem management technical report allude to making changes to the 1995 Forestry and Wet Lands Best Management Practices in order to establish a scientific basis in changes in these current Best Management Practices. A multi year water shed study would need to be conducted where you do nothing maybe on one water shed and put the BMP's on the other water shed and compare what the differences would be.

In the draft plan and in the ecosystem management technical report it mentions the Farmland assessment law and how it affects proper or expected forest be practices. We foresters would like clarification on how you plan to go forward with changing farmland assessment law as it requires as you know legislative act specifically you mentioned a lot about the income issue and how you folks feel that it makes more apt to cut over cut which we totally don't agree, but still are you going to lobby to change the FLA law. We'd like to know and get some clarification on this. Also I think that you folks are missing a very big and good opportunity when you had the meeting up in Passaic County up in one of their satellite colleges up there in Bloomingdale.

I believe it was you had Greg Daily who's a tree farmer and a past outstanding tree farmer of the year also a past forest steward of the year so he's won several awards for his activities and work that he does natural resources of his property. He owns one hundred and twenty three acres up in the Oak Ridge area and it's also one of the oldest active girl camps in the country. He's incorporating this girl's camp and he also does life and teen building skills and he incorporates all this with his natural resources of the property. At the time of the meeting several of you were very impressed and sought Greg out afterwards and asked if you could come and visit his property and he invited you to come and visit his property last year on tree farm day.

We have an annual tree farm day event where all the tree farmers and other forest conservations come and visit tree farms and see what kind of activities are going on and learn about different practices and so forth like that, and you all are sent an invitation to that which you didn't choose, no member chose to come. And he was recently at another meeting at maybe at the office in Chester - I'm not sure exactly where it was - where he reiterated his offer to you folks to come and visit. And he, you know, is not the only one out there that is doing good forestry and I think it would be in your benefit to visit these tree

farms and these forestry properties that are managing the natural resources of the property, to get a better handle on what is really going on out there. It's not what we see a lot in these reports that we're over-cutting and were not implementing the best managing process. We're actually doing great things out there and I think that a visit to these properties like Greg's - we're going to send you out another invitation. Tree Farm day is always the first Friday of June this year it's June first. And it's going to be in Bernardsville on a hundred and eighty six acre estate up there. It's the old Upton Pine Estate, it's the largest parcel left of the old Upton Pine estate and there's a lot of great forestry going on up there and I hope that some of you folks will be able to make it as our guests of course and you'll really be able to see what's going on. Thank you for your time.

**Bob Haltaway, Mayor Bedminster Township:** Ladies and gentleman, good afternoon I'm Robert Haltaway mayor of Bedminster Township, where I've sat at the subcommittee as part of our planning board and I do sit on it. We have looked at the maps and we have two comments. Number one is we were surprised by the size of and the amount of planned area, planned community zone that we ended up with mostly in our Pottersville area. We realize that there are mapping errors that have to be resolved. We just want to be sure that the policy behind it - if we took a look at the five criteria for inclusion which there are twelve indicators, we only hit two of the indicators. And that is included in the one that is missing is most obvious there's no sewer service in that area and we are very concerned that our master plan does not call for sewer service.

The other issue is the extent of the conservation zone that we have. It is more than we anticipated that we would have based on our analysis and our master plan and our natural resource inventory over the years. I think that it is important that we review the criteria and understand why we have less protection area than anticipated. And again I'm not sure if it's a mapping error or a criteria error. One of the things that is missing from your criteria, in my opinion, is the underlying zoning and master plan intent of the municipalities who have been studying this for years. It should be an indicator in my opinion and I think that it would help resolve some of our concerns based on our density. We have one of the only state supported or court supported 10 acre zoning in New Jersey and yet we are showing development in areas where that is completely contrary our master plan and our zoning ordinance.

Those are the bulk. We will be preparing a full statement with support for these comments but, I think that these, the local opinion as expressed by the master plan and the by ordinance should be an indicator on all of the three zones. Thank you very much.

**David Tullo:** Hello, how you doing? I'm David Tullo I live in Hunterdon County, Lebanon Township. I farm one hundred and twenty five acres in Lebanon Township and I've talked before I think in front of the Council. I consider myself a blue collar worker. I work a 40 hour - 50 hours per week job. I also farm my property. I think in woodland management as well and I've been to preservation area whatever the core area a few times. That's one of the toughest.

I got caught up in developing my property. They were changing in my township from five to seven and a half acres. I tried to get four lots only figuring, oh you know rather than a major subdivision. The four lots were turned down because they had changed the mean variance to four and some what acres zoning, and then my engineer decided before they change

anymore of this zone that the major development and in my township the less you build on the open lands concept and cluster zoning which borders down to two acre lots. We had sixteen lots which encompassed maybe around twenty-five, at the time about thirty acres or so then as of Highlands's regulation. I believe we started changing things out of the woods into the fields, where they wanted them and I did all my soil tests flyover area flyover as well as all the engineering, the surveys, architectural stuff, fees here and there, along the line I spent over a hundred thousand dollars.

I didn't get in under the guide line. They took us down to thirteen lots which were going to be on about twenty-fives acres. At that point that was going to leave a hundred acre preserve which I thought was a great tradeoff. I didn't get in, so I'm out to have to buy my first mortgage, I'm on my second mortgage. Now I'm trying to lease my daughter onto my property but I can't even do that with the way the Highlands is written. You can only build in the woods, which will only support one septic system in eighty eight acres, is the way it fits now I believe, and also in the field twenty five acres for one septic system which means one house so it's really beginning to be a problem.

I was going to wait many years until my six almost seven grandchildren went on their way till they were of college age, start peeling off a couple of lots here or there to pay for an education, that sort of thing. It's been a couple of years now, two or three years. They say compensation is on the way in the transfer development rights. We're not sure how that's going to work, I'm not sure if I'm going to get compensated at full price as I had on the thirteen lots. I had a contract for thirteen lots at three million three hundred sixty thousand dollars and which and I haven't got the deposit back for that.

So it's a little tough for me. I still farm my property I'm out there at ninety degree weather taking hay, etc. And that's my second job really. I have cows, chickens, goats; I make it look nice for people that want to enjoy open space, etc. I think compensation is a big part of this. I'm all for the idea of saving and preserving water area, trees, open area this sort of thing. I got a six acre lake in my property, of course I want to protect, that the development was way away from and water sloped the other direction. The lake does flow into a reservoir eventually so I understand your concerns and I think it's great. I just think that compensation should have been part of your bill here of the Act and I think full compensation should be.

I have been ten years now farming and I just felt that I've been dealt an unfair card here. It's been two and half years. I don't have a lot of money. I've taken first mortgage, second mortgage; I like to have some of my kids on my property. I have three children, I figure they would like to come up, its difficult in doing that right now, by the looks of the crowd here, the lacks of the crowd, hardly any people in theory know about the Highlands.

I work in Basking Ridge. I've been in Basking Ridge most of my life. My parents, my wife's parents were born and raised in Basking Ridge-Bernardsville area, so I talk to people in my line of business and they haven't the foggiest idea about what's going on. I don't know if anyone knows that the farmers are paying for the open border or open land and fresh water and I consider myself a farmer as well. I don't think right now is in place a water tax. I talked to people in my place of business, a few people a day. They're all for paying fifty cents a quarter every water bill to compensate people like myself. I've been to a couple of

these meetings where farmers in there seventies, eighties, their trying to peel off one piece of property or one acre one lot, they can't even do that. The guy, one guy lost his wife, yes sir, one guy lost his wife, his son to farming and this guy wants to purchase or peel off one of one piece of property and he can't do it right now. A lot of people come up here and talking this is a great idea but they have to really curtail the plan, it's hurting a lot of people like myself.

It's very unfair. I paid with today's dollars for my property and I believe that I should get compensated sooner rather than later because it's putting me in a financial burden. Thank you very much.

**Rory Corrigan:** Good afternoon I'm Rory Corrigan, Morris County and I appreciate the Council's continued efforts to hold these public discussions. So I thank you guys. It seems that you guys have a thankless job and I appreciate, as I do many of the systems in New Jersey. I quickly support the adoption of the Regional Master Plan. I think it needs to be tweaked. I want to voice my support for the landowner that just spoke and I would support the water tax. I think that this is an important piece of legislation for the future of New Jersey for not only his children but my children. I live in a township that has done somewhat of a good job preserving open space. Yet every time I look around I see the wrong zoning ordinances being violated by builders, by development. I see the head waters of the opening of river under a continuous state of deprivation. I think that this move towards a Master Regional Plan and adoption and implementation of this act is absolutely crucial to the health not only environmentally but financially for our state. Thank you very much.

**Eric Stiles:** My name is Eric Stiles and I'm going to testify as a local resident today because it allows me to provide more personal note. I reside at 51 Hardscrabble Road, in Bernardsville, New Jersey just down the road. My daughter last night, she had a cold and she said daddy I want you to read me two stories. I picked the thickest story she could read. I read the two stories. She said I want another story, I'm really not feeling good. I read her another story. After five stories, the love and the extent of the delay had costs, we kept on dragging the process on. I have three minutes sir, and I'll respect that yes.

It's born out of love; it's born out of a desire for exclusivity, for dialogue. But yes the time for the comment period has come to a close. As an individual, there is the need for transparency for the land owners. The cost of delay, we don't know where the water is going to come from for redeveloping Newark. We don't know about clean and potable water for Washington Borough. The land owners that are landlocked in this uncertainty in regards to water tax renewal of the Garden State Preservation Trust the development community has a lack of transparency.

I commend the Mayor of Bedminster. The issues that he raised have to be addressed at the pre-conformance process. There are quite a number of excellent things that have been put on the table. But really where the rubber meets the road is after the adoption of the plan where you have community-based innovative strategies that allow for dialogue at a local level, that allow for demonstration of great forestry projects occurring throughout the state. Again I would welcome all the landowners in this room to join us calling on the governor and the legislature to renew the Garden State Preservation Trust. Go to

[www.outdoorrecreationalalliances.org](http://www.outdoorrecreationalalliances.org). You have over sixty mayors calling for that. We're really pushing for that.

Again I just want to stress that leadership requires vision and courage. At a certain point you're not being paid to do your jobs and we applaud you for your commitment but you need the courage to move forward. There's a real cost to delay, real people are being hurt and we're asking you, I'm asking you as an individual tonight to really move forward. Make the hard decisions. Let's get to where the rubber meets the road and really get into the pre-conformance and conformance process where we can really see how this is expressed in the land and people have a right to predictability and certainty about the fate of that land. Thank you for your consideration.

**Richard Longo, Boonton Township landowner:** Good evening. I borrowed your map from out front. My name is Richard Longo. My wife and I live and own property in Boonton Township, NJ, Morris County. Our property is in the preservation area. In reference to the Regional Master Plan, you have published maps that have disclaimers on them. The first map that I observed and many others afterwards have this disclaimer. My question to the Council is why have the disclaimers? Either publish the maps that are correct or don't release them until they are scientifically correct. This legislation is so critical and affects the lives of so many people that your responsibility to the people should be to publish and release information that is factual and correct.

The RMP is the guiding document for implementation and regulation for the Highlands Act. It is irresponsible for the Council to vote that the RPM be adopted and enforced. I suggest that you step back and ask yourselves, how we, the Council, release any information that is incorrect. Another problem with this legislation and the RMP is that it prevents people from obtaining affordable housing. Real estate prices are soaring in the Planning Areas and the American dream of owning a home is only going to be obtainable to the wealthy. The TDRs are just the same as RCAs, Regional Contribution Agreement from 1988. Governor Corzine has stated that he is against RCAs. The TDR program is voluntary and will not work. I suggest to the Council that they tell Governor Corzine that this legislation and the RPM should be repealed. If water is needed outside of this area, there are other means that can be instituted to obtain it. Build reservoirs in those areas. Again this legislation is not about the water. It's about politics. Thank you for your time.

**Julia Somers, Executive Director NJ Highlands Coalition:** I'm Julia Somers. I'm the executive director of the New Jersey Highlands Coalition. I sometimes think that members of the Council wonder if we're serious about producing substantive comments. So today I'm just going to give you a hint of the few of the substantive comments that we are going to touch on, are going to be talking about and we will be addressing to you. The Highlands Regional, the Highlands Special Research Areas would like you to include Andover Borough, Andover Township, and Lafayette. They're not mapped in the region right now, but they were clearly in the forest service study and belong in the Highlands. And it's important that you include them as special research areas as you do your planning.

It is very important that special areas in the preservation area be designated within which development shall not occur. We believe that is required by the act and it's not addressed yet within the RMP. We think it is very important that you identify any lands in which a

public acquisition of a fee simple or lesser interest is necessary or desirable in order to ensure the preservation thereof or to provide sights for public recreation, again from your controlling legislation bill not including the act yet.

We think it is extremely important that you promote conservation of all the resources both in the Highlands Region and in the areas outside of the Highlands Region. We don't think that there is enough emphasis on that and that it's going to be an extremely important part of your role as you go forward. We don't think that your policy is clear and we think that it must be made very clear, that whether, that there is no capacity that must be made very clear. We don't think that many of the communities that look at the map and see purple, we don't think they recognize or realize that nearly all of them have water impairment at this point. This isn't purple go for girls, this is not a growth map and it really needs to be made clear. If you designate late management zones, and I suspect that you are going to do something along those lines, it is extremely important that lake water quality be used as a major measurement of success. If you aren't improving or protecting the quality of the water in the lake what's the point of working to protect the areas around the lake. This one is like duh but it's not in the RMP.

All water in the Highlands must meet the goals of the clean water act. Please include that. Within land preservation and stewardship you are going to be overseeing particularly through the TDR, no I take that back, you are going to be overseeing the acquisition of a lot of property we hope within the region. And if structures exist please make sure that the standards and policies reflect preservation policies as appropriate for protection. Ownership and stewardship might be different and might have different organizations owning the building and restoring the property, but you'll have to start thinking about things like that. Because this issue of who owns the property, who manages the property, who takes care of the buildings, is going to be critical as you go forward.

Agriculture, you talk a lot about agriculture, but you don't talk very much about farmland. We think it's important that farmland figure prominently in the RMP because it does figure prominently in the act's goals and it's not given equal billing in the land use capability map or the technical report for agriculture. Who is going to oversee agriculture? You have a lot of goals to agricultural within the Highlands Water Protection Planning Act but who is going to oversee whether or not you meet those goals? Do you have an understanding with the State Agricultural Board or how are you going to handle that? There needs to be some kind of base line to determine the impact of agriculture on water resources. Some of your highest areas of nitrates anywhere in the highlands are under wetlands so there is no kind of base line that we understand at this moment to either improve or even document that fact.

Here's an odd one but we really think that you need to enhance the habitat for bees. It's really a small thing but bees are going to become extinct very soon and where going to have really serious agricultural problems at the Highlands if we can't enhance habitat for bees and encourage that as one of your policies quite handily. Air quality, you have a section on air quality in the RMP but you don't have anything about making sure there are monitors. Each of the counties, there are hardly any monitors. I think there is one in Warren and one in Morris and the one in Morris is on an intimate basis. You need more permanent monitors in each county. And you need to be doing standardized testing and you need to add DOC to that monitoring. Also carbon monoxide and phonic acid those out of all things are the ones

that need to be followed. The RMP does not include any planning for air quality improvement, for trip productions; for there's no locating of major facilities that may be affecting air quality within the region. Air quality is a weak spot within the RMP.

I'm skipping lots of things here. Recreational resources we think are sort of the poor strapped child of the RMP. And there is a lot more work that needs to be done in the recreational resources. They are recognized as important within the act but maybe you haven't had time to focus on recreational resources but they have an important role within the Highlands. They for some extent may become the playground for the northern part of the state in the future. And certainly tourism is an important thing that you are going to be promoting. So recreation needs more attention. There needs to be a statement, even if it's only a statement.

I recognize that this is a difficult time but there must be a statement in the RMP laying out the relationship between the RMP and COAH. That is one of the things that grabs the attention of almost every municipality within the Highlands. I'm not saying to negotiate a memorandum of understanding with COAH but at least make a statement of where you think the act expects you to go with that. Utility capacity, there is an incredible disconnect between many of the comments you have been receiving about how all your maps are wrong on where the sewers are and these maps don't reflect our sewer surface areas. Well the sewer surface areas are not what you have been mapping but also what you have been mapping you do not reflect the carrying capacity of those pipes in the ground and those plants that those pipes go to. It's very important that you understand what capacity you have left in those plants, what capacity you have in those pipes. Again this maybe an ongoing thing, this is not a criticism about you, you know. Why isn't it in the plan? This is something that needs to be recognized and needs to be done. And what is the status of usage of all those sewage treatment plants? How many systems are over eighty percent committed? I don't think that there is any kind of understanding of that at this time.

We've got a whole bunch of comments here that we are working on with transportation, but a couple of really important ones. We would like to see the Council support the improvement of the Lackawanna cutoff, the rail trail. It's a very important ecotourism draw. I think the Council needs to take a position on this most particularly because along the Lackawanna cutoff there are transit villages, or nodes or hubs whatever you want to call them. In some places like Morristown, which I recognize Mr. Whitenack is very familiar with, that's perfectly understandable but there are also those being proposed in areas that are farm fields right now and that clearly is going to run contrary to the policies and goals of the RMP and needs to be recognized. We would like to see you take a position on transit villages in the preservation area or the conservation area zone and also on the Lackawanna cutoff as a rail trail.

I've got things in here about alternative energy and all kinds of other things, but I know that I've taken more than my three minutes. This is just a hint of what were working on. It's much larger than that, were going to bring stuff about GIS use and transfer of development rights, which astonishingly we have an agreed upon at the Coalition. Position on transfer of development rights, well we disagree with a lot of what you're proposing, but I just wanted to let you know that we are working hard. Thank You

**Devlin Mackey:** How you doing? I guess two points. Reading through your technical documents I see that you're addressing the Pequest River which is in Warren County by me, and there is some concern about the temperature of the water and relation to that being a C1 stream. I don't see anything in your master plan dealing with the primary cause of the water change in temperature. And the same reason, the same thing that is causing the temperature change is the DEP operates a well, two actually, Hackettstown and the Pequest Fish Hatchery and they pull out of that aquifer. I believe sixty five hundred gallons a minute comes out of Pequest Fish Hatchery. That's more water than the balance Warren County uses out of one single source. They're pulling out of the ground water. They're dumping it back into the Pequest. You should be dealing with that in your master plan. You should be curtailing the state of New Jersey from sucking all of that water from the ground water and dumping it into the Pequest and flushing it into the ocean if you're worried about water.

I see nothing; I see you're concerned about the temperature. I see nothing within any of your documentation that addresses that fact that it does come out of there and that is the cause of it.

The other point would be stewardship. The DEP through the Green Acres program has been purchasing quite a bit of real estate. They are at least as bad if not worse than the federal government at managing forests. They have no management plan. There is no management. This Council at least within the Highlands area should mandate that the DEP manage the forests in a responsible manner. Not just buy the property and let it sit there and do nothing with it. I see nothing in your Regional Master Plan that tells the DEP to do that. I would hope I know that a lot of the DEP people are working either for or with you; that you're not letting the DEP write this thing for you. I would say that you as Council members, you guys should be writing this, not the DEP. Tell them quit pulling their water out of the aquifer and manage the forests, and manage the property that they're buying in an appropriate manner. They go in, they buy off farm land, and they take it out of farmland production, on a regular and normal basis. They say that they may say that they don't but the simple fact that the rules in the terms and conditions of a lease from the DEP prohibit anyone from actually farming it. No one in there right mind is going to lease it from the DEP. Some of the items that you need to address, Thanks.

**Michael Natale:** I am Michael Natale from Parsippany and I'd like to speak on behalf of my widowed mother Maria Natale. We own a family business that builds new homes. Oh I'm sorry. My father was the head of our business. He purchased a hundred and twelve acres of land on August 4 of 2003, with an entire life savings and loans from the bank without any knowledge of what the Highlands Act was going to directly affect. One week later on August 11, 2003, my father unexpectedly passed away which made it a family source catastrophe. At that present time there was a subdivision for this property in process being approved for twenty-three homes, which is why our company purchased the property to continue to produce revenue to repay loans. Just a few more town board meetings and the project was going to be approved, since the preliminary stage hearing had already been completed. Well no one expected my father to pass away so that suddenly caused a lot of turmoil and we had to suddenly restructure our business, go over the will and just everything changed. Meanwhile we had no clue that the Highlands Act was moving up on us really fast, and we had to lock up everything suddenly without warning. So as you can imagine many years of planning, sacrifice, and livelihood for many employees was halted with it as well as it

put me into debt at nearly three million dollars. And so far not one person has come forward to help us out. Why is that? Sounds like to me that the cart was put in front of the horse.

Due to the subdivision and the process of being approved, the farm assessment tax was dropped and there was suddenly a huge difference for the tax rate increase. After this Act halted our operation, we went back to the municipal court and tried to reverse the higher property tax back to the original farm assessment tax rate. It was denied and we were left with the additional burden of heavier expenses to pay for when we can not use the land appropriately. Definitely not fair about that one.

Also for Mr. Tittel, head of the Sierra Club, I'm with you only half way. Why'd I say half way, because so far it sounds like at every meeting, even before I read the papers, you say we need to preserve land or we won't have any clean water for drinking in 50 years from now. Guess what, right there, you sound like a broken record player. All we want is, start speaking on both sides on how I can be, both sides. You want you're open space land, fine, it comes at a price, it's not for free. I want to hear you come up here and speak about how you're going to get this money to be raised. He was just here a moment ago. I'm almost done anyway. But anyways, given all of this if you're going to get up here and talk about how this money will be raised and will everyone be taken care of. You get your open space land, no land owners get burned and everybody is happy in the long run. I'll be with you a hundred percent of the way.

The last part is anybody who supports this plan, it sounds like a good idea in one sense but it's bad in another. Who are you to come along and start dictating our lifestyles and state how I'm going to be living? You didn't ask for me to vote for you. You didn't even ask for my permission to come along. Just sounds like you showed up and said were taking over. Guess what, that makes me feel like I'm in China, Russia, Vietnam, and North Korea where communism exists. I'm sorry but I just can't agree with that.

If you came up with the plan to raise the money first and said this is what's going to happen at this certain point. Not so much political nonsense going on behind closed doors and made them all open like how it is now, I'd agree with you more whole heartily like that. Please, I urge everyone over here to reconsider. If you're going to make this plan go though you have to make it fair for everybody. There are many people over here such as that farmer from Basking Ridge. Hey, I'm not a farmer but I'm a land owner of one hundred and twelve acres; so I know what it's like to be in your kinds of shoes and working day in day out. Does anybody in this room feel sorry for him? I don't think so or at least not enough of you. Please do it the American Dream way, not the other way, the one they're talking about over in Asia. Thank You.

**Andrew Drysdale, Chester Farm Owner:** Good afternoon, my name is Andy Drysdale. My wife Lois and I live and own farmland at 32 East Fox Chase Road, Chester, NJ. Our land is in the "Preservation Area" and some of it is in the "Conservation Zone" of the Regional Master Plan. When you look at the zones established by the Regional Master Plan, which I believe is based on science or soon will be, it is obvious that the boundary of the Preservation Area, established by the Highlands Act, was not based on science.

I believe that this line enclosing the Preservation Area is obviously a politically drawn line and I will now read to you a letter that I wrote to Governor Corzine, just over one year ago. The letter is dated March 14, 2006 and reads as follows:

Dear Governor Corzine, New Jersey was once divided by a political line. There was East Jersey and there was West Jersey. Fortunately the State was put back together. Please do not divide it again, based on unfair and misguided legislation supported by former Governor McGreevey who resigned in disgrace. The entire State and its economy will suffer. My wife and I are already suffering. I have been a self-employed land surveyor since 1969. Our land was our retirement plan. At least  $\frac{3}{4}$  of its value is gone, unless that unnecessary line enclosing an area called "Preservation Area" and the draconian rules being imposed on that area by the DEP are removed. I am 70 years old; I have worked all my life and am still doing so. I feel as though I have been mugged. Sincerely Andrew Drysdale.

Back to page one, I have heard and read that New Jersey, the State with the highest taxes in the nation is now considering selling air rights, road right of ways, and development rights, possibly to foreign countries. This is totally unacceptable! Unnecessary political sponsored programs such as The Highlands Act only increase the size of bureaucracies and expenses for the State and everyone in it, except for those who are lining their pockets with taxpayer money. Please stop this cancerous growth of corrupt government now. Thank You.

**Tom Speed:** Well my name is Tom Speed. I'd like to make this quick and short. From what I first understood that the Highlands was all about was this water, but the more I read and hear about it everybody's deciding that they want to make it a playground also. I mean, is our property going to become the playground for New Jersey? Is that what this is all about? Another thing is how can, you consider proceeding any further with this RMP when you haven't addressed one of the major factors; funding. I mean, to me, this whole package is incomplete, therefore I don't think that you should be able to even consider implementing this until you address that fact. Third; property values, I feel that the property values should be increased after the Highlands Act, because apparently this property is worth excessive amount of money because there is no water around and it's providing water for everyone, so I think that should add to the value of the property, not decrease it because of the Highlands Act. It's in the Highlands Act and its water and it's a natural resource and it's needed, well I think that it should increase the value of the property that you're going to compensate us landowners. And I feel that until you come up with a plan, there's no way you should be able to consider moving on. And I'm just waiting for the time when we can get a response from the panel. So far every meeting has been input. We sit, stare and look at faces, we see no results from anything any comments from anyone else. We don't even know if this is for any reason at all, if you're just going to go about it and pass it through like the original legislation did. I mean it was railroaded through in a couple months. Is that what's going to happen with the implementation? That's all I want to know and when will the meetings start when we get responses from you. Thank you.

**Tom Wells:** My name is Tom Wells. I am the Director of Government Relations for The Nature Conservancy of New Jersey. I have lived in the Highlands area for the past twenty-six years. I would like to thank the Highlands Council for providing me with the opportunity to present the Conservancy's comments on the Highlands Draft Regional Management Plan. (RMP)

The mission of The Nature Conservancy is to preserve the plants, animals, and natural communities that represent the diversity of life of earth by protecting the lands and waters they need to survive. And in the past, the Conservancy focused almost exclusively on preserving specific properties that harbored rare or endangered plants or animals. Over our 52 years as a conservation organization, as our scientific knowledge has grown, we and others have come to recognize that in order to preserve biodiversity, large blocks of un-fragmented habitat containing both rare and common species must be preserved to allow wide ranging animals to flourish and evolution to take its course.

For nearly a year, our scientists and here in the state our planners have been engaged in a conservation planning process to help determine our priorities in New Jersey for the next 3 years. Un-fragmented blocks of natural habitat are the fundamental building blocks of our conservation plan. In northern New Jersey, the areas that stand out above the others are the forests along the Delaware River in Northwestern New Jersey, and those within the northern half of the Highlands region generally north of Route 80. In reviewing the Draft Regional Management Plan, we were pleased to see that virtually all the forested areas in the Highlands that we determined to be of highest importance to biodiversity are located in the Highlands Preservation Area, where the current NJDEP and the complimentary policies contained in the Draft RMP would provide a strong basis on which to preserve the un-fragmented nature of this area. In addition, the delineation of the Protection Area in the Draft RMP extends protections to other areas of biodiversity of the Planning Areas. Based on our knowledge of the Highlands Region, we believe that the draft RMP's delineation of the Protection Area as well as its policies relating to ecosystem management provide a firm foundation on which to preserve bio diversity in this unique region of New Jersey.

Of course, the true test of whether the RMP will actually be effective in preserving biodiversity will be in its ability to preserve over time the large, unfragmented blocks of forests that are fundamental to the ecological health of the Highlands. The Planned Community Development Zones, PCZs that are embedded in the RMP's protection area contain important areas of environmental sensitivity, such as wet lands, stream corridors, and forested slopes which extend into the Protection Area. From the ecological standpoint, because of their connection to systems in the protection area, these areas are important to the long term viability of bio-diversity in this region. Therefore, we recommend that all environmentally sensitive areas in the PCZs be carefully mapped and afforded the same protections as land in the Protection Area. In addition, we recommend that the boundaries of the PCZs, that are imbedded within the Protection Area be delineated as tightly as possible around the areas of the existing development within PCZs to avoid, to the maximum extent feasible development at the fringes of the PCZs that would reduce the size and further fragment the Protection Area, threatening its ecological integrity.

In addition to limiting the effects of new development within the PCZ's on the integrity of the portions of the Protection Area that lies within the Highlands Preservation Area, to be successful the Regional Management Plan will have to incorporate enough incentives for municipalities the Planning Area, which represents roughly 50% of the Highlands Area, to elect to modify their planning and zoning ordinances to conform to the Regional Management Plan. Since municipal compliance with the Regional Management Plan is entirely voluntary in the Planning Area, the Council needs to be as helpful in providing

information and technical assistance to local officials as possible. The Council should create a table that clearly converts the land use capability map zones to actual planning and zoning standards. I would also be helpful for the Council to prepare a complete array of model ordinances that, if adopted would implement the RMP standards. In addition, the Council should work with other State agencies to persuade those agencies to adopt policies and funding guidelines that give extra resources to municipalities that bring their planning and zoning into accordance with the RMP. The Nature Conservancy has a special interest in the Planning area because we have three nature preserves within this area totaling over twelve hundred acres, and it is important to the integrity of those preserves to have planning and zoning in those areas surrounding them that fully recognizes conservation of natural resources.

Finally in the course of the public comment period on the Draft Regional Master Plan, questions have been raised about the ability of various sub watersheds in the Highlands Area to support new development would be permitted under the RMP. As we all know, safeguarding the water resources of the Highlands is the over-arching goal of the “Highlands Act”, both to guarantee sufficient water quality and quantity for current and future New Jersey residents who rely on Highlands for their drinking water, while ensuring the adequate stream flows and aquifer levels are maintained to support the vast array of wildlife that live in the Highlands. We strongly recommend that, in preparing the final RMP the Council, revisit the areas of allowable development in the context of water resource limitations, to ensure that the water resources of the Highlands, which are already under stress are not compromised further, either on a localized or regional basis.

Thank you again for the opportunity to present these comments.

**George Vetter:** How you doing? I just walked into the room so I don't know what's been said or what hasn't. But a couple of issues I had. Give you a little background on me; I've been an open space chairperson for a township in Somerset County for the last three years. So I'm basically an environmentalist at heart. I'm actually a landscape contractor for a living, so I'm trying to make a living and not destroy the world. A couple of issues I have are my dad happens to own a parcel out in Hunterdon County that we bought up in 1960 as vacant land. I guess that my beef would be that there's no funding for us if he decides to sell this piece of property. I think that you guys should have like a water tax or something. And my other beef would be if were doing all this to protect the water or wherever in Hudson County or something wouldn't it make sense that we put water restrictions on people? You know like the Budweiser Plant in Newark and fill up as much beer as they want or wash the floors as much as they want. Would it make sense to put water restrictions down in those areas, you know, before we go and take people's property values away. And I know you've all heard this already, like basically the Indians didn't have border lines on there properties, but that's more of a European concept. But as long as our society is based on this concept it basically feels like to me that you're stealing people's property, and that's okay if you're going to compensate them and they want to sell, but based on our societal values. But I think that you need a funding source that's pretty stable where we can do transfer of development rights. You have to get that program up and running, make it feasible to someone that doesn't want to sell their property or farm. I think that's basically my input, okay, thanks.

**David Tullo** (2<sup>nd</sup> time at microphone): I'd like to make another comment sir please. You usually have 300 hundred people in a room, 200 hundred people in a room; well you're going to get home early tonight. Boy all I want to say is that you say you're listening to the people, I've been to many of these meetings and 80% of the people that come up to the microphone are against the way this act is written at this time. So when you say that you listen to the people, I don't think that you're really listening to the majority of the people. I really don't, the way the act is being developed at this time. That's just my opinion, that's what I've seen thank you.

**END OF HEARING**