

FOR CONSIDERATION AT THE APRIL 15, 2010 MEETING
OF THE HIGHLANDS COUNCIL

Public Comments Received on the Highlands Water Protection and Planning Council Draft Consistency Determination and Staff Recommendation Report for the Heath Village Proposed Redevelopment Area Designation (Comment Period of March 23, 2010 to April 6, 2010):

- Julia Somers, Highlands Coalition
- Ed Bogan, Grotto Engineering (Applicant's consulting engineer)
- Wilma Frey, New Jersey Conservation Foundation

Public Comment Summary

- One comment stated that buffer mitigation plan and water deficit mitigation plans should be finalized and made available for public comment prior to the approval. The commenter also wanted to know which model was used to determine the recharge values.
- One comment noted an error in the Consistency Determination where a nearby stream was incorrectly identified as a Category 2 stream. According to the commenter, it is actually a Category 1 stream due to NJDEP's 2008 update to surface water quality standards.
- A comment from the applicant's engineer provided additional information about the buffer encroachment regarding Building 'D'. The commenter noted that the net amount of impervious surface is decreasing and that the distance between the new building and the buffer will increase. The commenter states that roof runoff will be directly recharged into the recharge basins. The commenter also requested that the Council's recommendation for establishment of the buffer allow for various options, as it has not yet been developed.

General Responses and Highlands Council Consistency Determination Edits

- Regarding the comment that certain mitigation plans should be made available for public review, the Highlands Council notes that the Highlands Redevelopment Area Designation is not a permitting process. However, the Highlands Act and NJDEP's Preservation Area rules specify that after the designation of a Highlands Redevelopment Area by the Highlands Council, a permit with a redevelopment waiver may be issued by NJDEP. The issuance of a Highlands Preservation Area Approval (HPAA) with a redevelopment waiver also includes a robust public participation process as specified in N.J.A.C. 7:38. The Highlands Council staff will review applicant's supporting material to determine if a recommended permit condition is appropriate. For example, staff reviewed the applicant's recharge mitigation calculations using NJDEP's NJ Groundwater Recharge Spreadsheet to verify that the 125% mitigation requirement is achievable. The development of site drawings or mitigation plans will be reviewed by all pertinent agencies (the Highlands Council, NJDEP, and local planning boards) as appropriate during the process for the issuance of an HPAA and/or the review of any conditions of an HPAA.

Following is a description of specific edits that were made to the Draft Consistency Determination and Staff Recommendation Report (in track changes in each document) to address pertinent comments:

- The Draft RMP Consistency Determination and Staff Recommendation Report were revised to correct the stream Category One classification, to correct the statement regarding recharge of the Building D roof runoff, and to clarify the buffer recommendation language.