

FOR CONSIDERATION AT THE SEPTEMBER 15, 2011 MEETING OF THE
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
Petition for Plan Conformance – Final ~~Draft~~ Consistency Review and Recommendations Report

APPENDIX B

PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES

Petition for Plan Conformance

Township of Sparta, Sussex County

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PUBLIC COMMENTS RECEIVED

Written comments regarding the Township of Sparta's Petition for Plan Conformance were accepted by the Highlands Council through the close of the Public Comment period on August 30, 2011. Comments were provided by the following individuals/entities:

1. Erica Van Auken, New Jersey Highlands Coalition.
2. Helen H. Heinrich, New Jersey Farm Bureau

MUNICIPAL COMMENT/RESPONSE SUMMARY

Comments submitted by Erica Van Auken on behalf of the New Jersey Highlands Coalition;

1. Comment: The New Jersey Highlands Coalition supports Sparta's petition for plan conformance. We support the Stream Corridor Restoration and Protection plan. Given Sparta's extensive existing development and its proposed development, studying the impacts of current and future land uses on water resources is sensible. We are eager to see what plans are developed. We also support the attempt to identify on-site alternative energy facilities and opportunities for green buildings within the township. Both represent the township's effort to protect and conserve Highlands resources.

Response: The Highlands Council acknowledges the New Jersey Highlands Coalition's support for the Borough's Petition for Plan Conformance and will continue to work with the Township to develop a Stream Corridor Restoration and Protection Plan and a Green Building/Environmental Sustainability/Alternative Energy Plan consistent with the Goals, Policies and Objectives of the RMP.

2. Comment: We do question Sparta's decision to conform only its preservation area. As mentioned, Sparta has substantial existing development with more planned. We recommend that Sparta reconsider its original conformance resolution to include the planning area so that the growth of their town can be reasonably guided by the Highlands Council to ensure the continued protection of our strained water resources.

Response: The inclusion of the Planning Area in the municipal petition for Plan Conformance is optional and the Township of Sparta has elected not to include it in the Petition at this time. The Highlands Council will continue to work with the Township and at any time the Township may amend its Petition to include the Planning Area.

Comments submitted by Helen H. Heinrich, on behalf of the New Jersey Farm Bureau;

1. Comment: We appreciate the opportunity to review the Plan Conformance petition documents for the Preservation Area of Sparta Township, Sussex County. While most of its Agricultural Resource Area land use

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is in the Planning Areas (3487A out of 4229A) concern for the future viability of farming in the Preservation Area is still warranted.

We were happy to note that you are requiring the township make “minor modifications” to its existing Agriculture Retention/Farmland Preservation Plan with the help of a \$5000 planning grant. We hope this task will assume a high priority in 2012.

Response: The Highlands Council acknowledges the New Jersey Farm Bureau’s support for the modifications to the Township’s existing Agriculture Retention/Farmland Preservation Plan. The primary focus of the planning work will be to identify methods of improving the sustainability of agricultural businesses in the Township.

2. Comment: Section 6.10.3 of the Land Use Ordinance states that permitted land uses and bulk densities, etc. will be governed by existing township ordinances. Until those are made clear, we must remain concerned about whether any limitation on agriculture therein are consistent with the Right to Farm Act and in the best interests of agricultural viability in the Township.

Response: Highlands Council staff has reviewed the applicable municipal regulations. While no conflicts are apparent, the Highlands Council will develop caveat language for inclusion within Section 6.10.3 of the Highlands Area Land Use Ordinance, to indicate that the referenced provisions of the local code shall apply only to the extent not in conflict with, or overridden by, the provisions of the Highlands Area Land Use Ordinance. Notably, the Highlands Area Land Use Ordinance includes at Section 6.10.5, language specifically in respect of the Right to Farm Act. These modifications have been included in other Highlands Land Use Ordinances on an as needed basis. The Farm Bureau indicated satisfaction with such language in their comments on another municipality’s draft Highlands Area Land Use Ordinance.

It is also important to note that Section 6.10.3 applies only to those agricultural developments for which an exemption or exclusion does not apply. In addition to all Highlands Act exemptions, the Highlands Area Land Use Ordinance provides an important exclusion for agricultural and horticultural use and development, as follows (see § 2.1.1): “Unless specifically indicated otherwise, and in that case only to the specific extent indicated, the provisions of this Ordinance shall not apply to Agricultural or Horticultural Use and Development (as defined at § 3.2).” The provisions that are “specifically indicated otherwise,” consist primarily of those discussed in the Highlands Area Land Use Ordinance at § 6.10, regarding agricultural development that exceeds the thresholds of new impervious surfaces established by the Highlands Act.

3. Comment: How will the Township, with assistance from the Highlands Council staff and hopefully from the New Jersey Department of Agriculture, develop an Agriculture Retention/Farmland Preservation Plan that could include and benefit farms in the rest of the Township? The result should be a positive business environment for all farmland and a level playing field across the Township.

Response: Highlands Council funding for the Agricultural Retention/Farmland Preservation Plan is specifically designated for application to the entire Township, not just the Preservation Area. The Highlands Council will continue to work with the Township and the Department of Agriculture to develop an Agriculture

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Retention/Farmland Preservation Plan that assists in the economic development and suitability of agriculture in the Township in accordance with the Goals, Policies and Objectives of the Regional Master Plan.