

APPENDIX B

PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES

Petition for Plan Conformance

Hopatcong Borough, Sussex County

Public Comment Period: August 30, 2012 – September 12, 2012

PUBLIC COMMENTS RECEIVED

Written comments regarding Hopatcong's Petition for Plan Conformance were accepted by the Highlands Council through the close of the Public Comment period on September 12, 2012. Comments were provided by:

Erica Van Auken, on behalf of the Highlands Coalition

The comments are summarized below with Highlands Council responses provided.

PUBLIC COMMENT/RESPONSE SUMMARY

Comment: The New Jersey Highlands Coalition supports the Borough of Hopatcong's Petition to conform both its Preservation and Planning Areas to the Highlands Regional Master Plan; however, does have concerns regarding Hopatcong's proposed Highlands Center and notes some inconsistencies with the map exhibits.

Response: The Highlands Council acknowledges the overall support for the Petition for Plan Conformance. Specific concerns are addressed below.

Comment: Expressed concerns with Hopatcong's proposed Highlands Center for several reasons, the primary concern being in regard to the size of the proposed center area and limited water availability and sewerage capacity. The Highlands Center that Hopatcong is proposing includes nearly the entirety of its Planning Area. How can it be justified as a Highlands Center when it encompasses roughly 65% of the entire municipality? Just because it's the same boundary as the State Planning Commission's designated Center does not mean that it is smart planning for the Highlands.

Response: The designation of a Highlands Center is based in large part, on the desire of a municipality to use comprehensive planning to address existing community conditions that may benefit from enhanced planning and technical assistance. As reported on page A-2 of the Final Consistency Review and Recommendation Report, the proposed Highlands Center area includes scattered non-conforming vacant residential parcels that would support historical development patterns. Appropriate development of such parcels is important to protect the unique resources and quality of life in the Borough and surrounding communities. The enhanced planning enabled by Highlands Center designation will require and incorporate a complete analysis of water and sewerage demands and a determination as to the facilities needed – and feasible – to properly support them. In addition, it will provide for any needed changes in zoning regulations to ensure appropriate development and redevelopment of these areas, while incorporating standards and requirements that enhance the character of the lakefront community and protect the water quality of Lake Hopatcong. It should be noted that the proposed Highlands Center as described in the Final Consistency Review and Recommendation Report is preliminary at this time. As described on page A-4 of that report, further specific details regarding the Hopatcong Highlands Center remain to be developed by the Borough in coordination with Highlands Council staff, to provide for such aspects as: developing a comprehensive Wastewater Management Plan for approval by the NJDEP (inclusive of needed Future Sewer Service Areas) and providing for development and redevelopment within the Highlands Center consistent with water supply and wastewater treatment capacities. In fact, **a condition of the Highlands Council approval (#5)** states "...the Hopatcong Highlands Center shall specifically seek to align development plans with available water

supply and wastewater treatment capacities in accordance with an NJDEP approved Wastewater Management Plan, which shall be developed through a coordinated effort of the Highlands Council and the Borough, in consideration of potential capacity available through the Musconetcong Sewerage Authority.”

Comment: It is noted that other communities that have proposed a Highlands Center, such as Byram, demonstrated a more ‘natural’ fit for center development. They had pre-existing business districts that were a sensible location for a Highlands Center.

Response: Highlands Centers provide a means to enhance resource protection and community quality of life in accordance with the RMP. Highlands Center planning is intended to assist a municipality in rationale growth that may encompass many different land use patterns. The Borough’s main priorities for the proposed Highlands Center are to address water and sewer infrastructure needs in existing residential areas to protect water quality concerns and to reinforce and invigorate the existing commercial nodes in the Borough.

Comment: Using the broad-brush of the Existing Community Zone (ECZ) in Hopatcong’s proposed Center is sprawl. The existing commercial development along Lake Hopatcong would not be conducive to a center development with sustainable elements. Even if there was an existing business district, as seen in Byram, would that justify the need to designate almost the entire Planning Area as the Center? At what point does it stop functioning as a centrally-located business district and become sprawl? It appears that Hopatcong’s proposal is just an excuse for more dense development.

Response: As stated above, Highlands Centers provide a means to enhance resource protection and community quality of life in accordance with the RMP. Highlands Center planning is intended to assist a municipality in rationale growth that may encompass many different land use patterns. Such designation does infer or permit as of right, a higher density of development. Please note the definition of “centers” is described in the Highlands Regional Master Plan (page 197) as follows: “Smart growth is an approach to resource planning and management where growth and development are concentrated and organized around “centers” with compact, walk-able, bicycle-friendly land use patterns, typically including mixed-use development with a range of housing choices.”

Comment: There are a number of lakefront communities (Hopatcong, Jefferson, Mount Arlington, and Roxbury) that have yet to complete their full conformance Petitions. The Council should work in conjunction with these municipalities to enhance the health and economic opportunities of the resource they all border – Lake Hopatcong. Are there opportunities for these other communities to develop a Highlands Center, and wouldn’t such opportunities be inhibited by allocating additional water/sewerage capacity to Hopatcong’s Center? Perhaps, there is a lake community better-suited than Hopatcong to support a Highlands Center, such as Roxbury or Jefferson, both of which currently have developed business districts. The Council should work with these four municipalities for smart, sub-regional development.

Response: At this time, only the Borough of Hopatcong is petitioning for both the Planning Area and the Preservation Area. The Highlands Council supports a coordinated review of opportunities for all four communities, however. The Highlands Council is pleased that Hopatcong decided to conform for both the Preservation and Planning Areas and is interested in working with the Highlands Council to facilitate the protection of important environmental resources in the Borough’s Planning Area that may otherwise not be protected in accordance with the RMP. We encourage the Borough’s goals for smart growth while

incorporating standards and requirements that contribute to the character of the lakefront community and protect the water quality of Lake Hopatcong.

Comment: The proposed center area has limited water supply and wastewater treatment capacities. While Hopatcong intends to develop a Wastewater Management Plan, it is important to develop within the confines of resource availability. If the Musconetcong Sewer Authority (MSA) is among the treatment plants in the Highlands with 1 MGD availability and has DEP permits to expand, should Hopatcong be the municipality that benefits from that expansion? In addition, nearly the entire Highlands Center area is within a Wellhead Protection Area, which should be enhanced and protected, not further degraded. We strongly encourage the Borough and the Council to consider these severe limitations as they consider the Highlands Center designation.

Response: As stated above it should be noted that the proposed Highlands Center as described in the Final Consistency Review and Recommendation Report is preliminary at this time. As described on page A-4 of that report, specific details regarding the Hopatcong Highlands Center remain to be developed by the Borough in coordination with Highlands Council staff, to provide for such aspects as: developing a comprehensive Wastewater Management Plan for approval by the NJDEP (inclusive of needed Future Sewer Service Areas) and providing for development and redevelopment within the Highlands Center consistent with water supply and wastewater treatment capacities. It is anticipated that these efforts will be undertaken in the post-Petition approval phases of Plan Conformance, with funding provided by the Highlands Council under an Amended Plan Conformance Grant Agreement. Further, as noted on page A-4 of the Final Consistency Review and Recommendation Report, “incorporation of Highlands Center-specific provisions within the relevant Water Use and Conservation Management Plan(s) (WUCMP) will provide opportunity for enhanced water resource protections and conservation measures to improve recharge and help mitigate the water deficit situation which exists in the source HUC14 subwatersheds.” Also, as previously noted, a condition of the Highlands Council approval (#5) states “...the Hopatcong Highlands Center shall specifically seek to align development plans with available water supply and wastewater treatment capacities in accordance with an NJDEP approved Wastewater Management Plan, which shall be developed through a coordinated effort of the Highlands Council and the Borough, in consideration of potential capacity available through the Musconetcong Sewerage Authority.” With respect to the Highlands Center being located largely within a Wellhead Protection Area, specific details regarding the Hopatcong Highlands Center remain to be developed by the Borough in coordination with Highlands Council staff, which will include protection of all applicable Highlands resources and specifically, water quality.

Comment: There appear to be discrepancies in the ERI exhibits. Hudson Farm is not listed as a historic or cultural resource. Though it is privately owned, it has historical significance as the place where Benton MacKaye conceived the idea for the Appalachian Trail; the Coalition would like to see it designated accordingly. Further, the Coalition feels that the County Road 605 Corridor should be designated as a Scenic Resource Value past Hudson Farm into Byram. Without this protective label it is vulnerable to degradation. There is also a possible inconsistency with an approximately 13-acre parcel (Block 60001 Lot 1) in the Preservation Area near the Weldon Quarry. This lot is designated as Municipal Open Space in the Highlands Master Plan Element Exhibits, but the Highlands Interactive Map indicates it is privately owned by PSE&G. According to PSE&G’s own Freshwater Wetlands permit application, this parcel is slated for the major development of the Hopatcong switching station associated with the Susquehanna-Roseland Transmission Line. We request that Highlands Council staff review this parcel to determine if it has been erroneously

designated as Municipal Open Space (when it should be designated as privately owned). If the Borough sold public land designated as open space to a private company for development without following the appropriate diversion processes, then the Green Acres Program and the State House Commission should be notified so that the appropriate action can be taken.

Response: With respect to Hudson Farm, it is currently not a listed site in the State Historic Preservation Office (SHPO). We understand that the Coalition would like to see it designated accordingly. SHPO may be contacted to discuss their nomination and listing process. In regard to the suggestion that the County Road 605 Corridor should be designated as a Scenic Resource, this request may be made to the NJ Department of Transportation. Further, the Highlands Council has procedures for nominating scenic resources in the Highlands Region (*Procedure for Nomination, Evaluation, and Inventory of Highlands Scenic Resources*). These procedures are available on the Highlands Council website at: http://www.highlands.state.nj.us/njhighlands/implementation/scenic_procedures_103008_final.pdf.

With respect to Block 60001 Lot 1 (site of PSE&G Hopatcong switching station for the Susquehanna-Roseland Transmission Line), the Highlands Council staff has researched the parcel. The County Tax Records database identifies the parcel as being purchased from the Borough of Hopatcong by PSE&G in 2009, as exempt Class 15C vacant public property. The Borough of Hopatcong Open Space and Recreation Update, 2011 maps the property as public property; not preserved. The Highlands Council thanks the Highlands Coalition for its careful review of these materials, and has requested that the Borough submit a formal RMP Update request so that we may correct the Council's GIS database.

Comment: This is only the second of 44 Petitions about which the Coalition has had grave concerns, but it is the first Petition to be considered under new leadership at the Highlands Council. The Coalition urges the Council to "get it right," and undertake planning for Hopatcong (particularly center planning) as part of the larger region around the lake.

Response: The Hopatcong Borough Petition for Plan Conformance has been in development since its original December 2009 submittal, which initially, was for the Preservation Area only. Since that time the Highlands Council has been working with the Borough in support of the RMP, inclusive of discussion and varying delineations of a possible Highlands Center. In February 2012, the Borough adopted a Resolution amending its Petition to include the Planning Area. The designation of a Highlands Center in Hopatcong will facilitate comprehensive planning while protecting important Highlands resources. The unique history of Hopatcong's settlement with respect to Lake Hopatcong offers an opportunity to incorporate the characteristics of the lakefront into the development of the proposed Highlands Center and future sustainable economic development strategies. Incorporation of Highlands Center-specific provisions within the relevant Water Use and Conservation Management Plan will provide opportunity for enhanced water resource protections and conservation measures to improve recharge and help mitigate the water deficit situation which exists in the source HUC14 subwatersheds. The Hopatcong Highlands Center addresses the Sustainable Regional Economy component of the RMP by maintaining and enhancing the existing job and economic base, providing needed services and potentially, lake-oriented recreational opportunities to the community and surrounding areas, and promoting appropriate, sustainable and environmentally-compatible economic development in the Highlands Region. The Hopatcong Highlands Center moreover, will enhance opportunities for the Borough to achieve water quality improvements in Lake Hopatcong.

As previously noted, specific details regarding the Hopatcong Highlands Center remain to be developed by the Borough in coordination with Highlands Council staff. It is anticipated that these efforts will be undertaken in the post-Petition approval phases of Plan Conformance, with funding provided by the Highlands Council under an Amended Plan Conformance Grant Agreement. Should that work result in any major changes to the Highlands Center from that preliminarily proposed within the Petition, a revised Highlands Center proposal will be presented to the Highlands Council for amended approval. The revised proposal would be posted for public comment and considered by the Highlands Council at an open, public hearing, during which additional public commentary would be accepted and considered. The Highlands Council looks forward to working with Hopatcong Borough in this important effort.