| From: | Soriano, Anthiony |
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| To: |  |
| Cc: |  |
| Subject: | Procedure Document |
| Date: | Tuesday, September 12, 2017 10:20:47 AM |

Margaret Nordstrom, Executive Director
New Jersey Highlands Council
100 North Road (Route 513)
Chester, NJ 07930

Dear Ms. Nordstrom,

Please accept the following comments on the "Procedure for Considering Proposals to Amend the Highlands Regional Master Plan", pursuant to the directives contained in the Highlands Council notice of August 25, 2017, on behalf of the Morris County Planning Board.

1) The draft Procedures Document outlines the process by which the Monitoring Program Recommendations Report (MPRR) is to be formulated and adopted. Comments on the Procedures Document are due on September 26, yet final submission of publicly proposed RMP amendments to the MPRR were due on September 10. Therefore, comments pertaining to the time given for review of the MPRR and the process for submitting public RMP amendments to this document are moot.
2) The Procedures Document indicates that, following the final release of the MPRR, Highlands staff will begin to propose specific RMP amendments to the RMP Committee. After this, the RMP Committee may recommend to the Council that it begin the public hearing process on those specific RMP amendments. The Procedures Document bars the public from making comments on these specific amendments at the RMP Committee meetings. (page 3) Comments on the proposed amendments will only be allowed during the public hearing process on those amendments, after the RMP Committee has forwarded its recommendations to the Council. The Procedures Document also does not indicate when the text of proposed amendments will be made available to the public.

The Procedures Document should clarify when the proposed RMP amendments will be available to the public for review. We recommend that the draft amendments be made available to the public prior to the RMP Committee meetings so that the public can fully comprehend the discussions between staff and the Committee. Also, the public should be afforded an opportunity to provide written comments on the proposed amendments to the RMP Committee, prior to RMP Committee providing its recommendations on those amendments to the Council.
3) The Procedures Document states that, as part of public participation associated with review
of the proposed RMP amendments, "the Council will consult with State and local government entities, as required by N.J.S.A. 13:20-9, by 1 ) transmitting copies of the proposed RMP amendments to the clerk for each municipality and clerk for each county located entirely or partially in the Highlands Region, 2) inviting the submission of written comments within 30 days, and 3) scheduling one or more meetings with such officials." (Page 4)

We strongly recommend that copies of any proposed amendments transmitted to local governments as described above also be provided directly to the secretary of each county and municipal planning board, electronically and by mail, concurrent with the transmittal to each municipal and county clerk.

The Council has the ability to limit the response period to 30 days. This time is inadequate for our county planning board to review and comment on the proposed amendments as the board typically meets once a month. Please consider extending the response time to a minimum of 60 days, considering the potential volume and complexity of proposed changes and the potential impact these changes may have on the future of the entire region.
4) While a reexamination of the RMP is required once every six years, the Council should have the ability to consider draft RMP amendments at intervals in the interim and the public should also have the opportunity to provide draft RMP amendments as part of this process. We recommend that the Procedures Document be amended to include a specific process by which recommendations for amending the RMP may be formally considered by the RMP Committee at least once every two years.

Thank you for the opportunity to comment on this matter.

Respectfully,

Anthony N. Soriano, PP/AICP
Supervising Planner
Morris County Office of Planning and Preservation
P.O. Box 900

Morristown, NJ 07963-0900


To:
New Jersey Highlands Council
100 North Road (Rt513)
Chester, NJ 07930
Public Comments
Highlands RMP Amendment Process Hearings September 2017
From:
Citizen Nicholas R Homyak


1
Honorable NJ Highlands Council Members
Rules Highlands Act Weak Enough Already
In regards to any efforts to degrade nor make even weaken the NJ Highlands Water Protection and Planning Act as put forth in its intention and attempted implementation since 2008. We must be on guard against political meddling and weakening to serve short term private economic interest. We are at a point in our society when alternative facts and denial of man effect on climate and the accumulative effects of over-development due to free market speculation of continued sprawl, in unneeded development such as more office complexes, retail and commercial malls in a landscape saturated with already abandoned and sparely used spaces of the same. Good land use cannot be separated from clean water its quality \& quantify. Accumulative effects of pollution, storm water runoff and future cost avoidance scenarios cannot be ignored. The present reality is that somehow now because the austerity economy imposed upon us, land use must somehow generate the economy by any means necessary to provide job stimulus; all short term. We have created a dangerous, illogical and arrogant situation where in the mind of the money changers, fossil fuel giants, and money in politics have lead us to a world where oil \& water mix; as in the present threats of the numerous pipelines.

## Bad Example Governor Undermines water protection act

The Christie administration and its supporters are known enemies of the Highlands Water Protection Act, and all for the wrong reasons. To weaken protections in order to promote growth, as if ecological and environmental realities are some obstacle to overcome or erase in the name of profit for a private economy that ignores or believes all permanent changes to the remaining landscapes and natural resources can somehow be engineered to replace natural systems. Land, water, air are immovable elements of life and have their limits in their abilities to sustain us and all life's biodiversity. Sustainability cannot be realized when land and natural resources are seen as mere commodities for market consumption.

## Build on Advances Already Made

The purpose/intent of any proposed Highlands amendment of 2017 must not violate a basic principal of all Public Safety and Health Law; which is to build on advances already made and encourage all advancements in health, safety and welfare. The safety and protections of our drinking water which without life cannot exist is the mission of the "higher power", not to be undermined by individuals and their property in search or quest for unreasonable profits in real estate sales, injuring the common good, which the State is entrusted to defend. In this issue of
sustainable reliable cheap clean water good government is the solution, not the problem

## Parsippany bad example of citizens denied

in Parsippany for example $65 \%$ of water comes from the buried valley aquifer, which is particularly susceptible to contamination due to soil permeability and shallow depth to ground water. In order for Parsippany to overcome its water deficit it requires two water diversions to meet its demands.
Parsippany is $100 \%$ in the planning zone yet its citizens are not allowed to participate in conformance to the Highlands Master Plan. Parsippany master plan is constantly changed by outside forces of corporate real estate developers, despite citizens and council votes to the contrary. Waterview is the greatest example of this. (Forge Pond's quid pro quo which allowed 700 Mountain Way to be developed is another). It would stand to reason that in places like Parsippany already over-developed Highlands Conformance would make sense even more to protect its own master plan and maintain its remaining landscape character and important remaining resources of environmental sensitivity; especially for ground water recharge. Instead we have open hostllity by elected officials in favor of large developers against their own community, for tax ratable as taxes increase year after year. In Parsippany Home Rule means deals with developers not the quality of life of its residence. Taxpayers' costs are incurred with frivolous lawsuits to nowhere, as the developer has his way and the Lawyers make money. A sort of racket all avoidable under regional conformance. With conformance come legal shields, stronger master plan, and maintained home rule in zoning; as exemptions to the Highlands Scare Resource Restraint's $\mathbf{3 6}$ waiver points demonstrate.

Land is a resource not a commodity
When the Highlands Act was passed in 2008 it was a bipartisan accomplishment. Issues of sustainability of life are not political footballs unless corruption has set in. State support should not be with corporate interest or private property individuals against the needs of the collective or the obvious common good. Because of economic downtrends we cannot allow all life to become financialized. Money value is never a perfect reflection of value, but an imaginary mismeasurement of true value, as money serves the interest of power, not the interest of the people, who produce the value. It is not imaginary that the people are being denied their wealth for financial imaginary values that do not reflect the wholesomeness of a society, of a wise people allegedly governed in a democratic republic.
The Highlands water protection and planning act is weak enough already, developers have their planning area, and exemptions exists for the preservation area. Only strengthening our water protections should be considered. Outdated storm water infrastructure is a State wide problem along with delinquent or absent street cleaning performance or enforcements. Our landscapes and roadways are trashed, littered and polluted all leading to present and future problems with our ability to maintain clean, cheap and abundant water quality.

The following points of considerations should be considered when reviewing any proposed changes.

1. The public comment period of 30 days on future RMP amendments is far too short and should be extended to 90 days. The average individual will not have nearly enough time to reference and review the entirety of the Highlands Regional Master Plan, or the likely number of potential amendments, as it would relate to future amendments, if the period is only $\mathbf{3 0}$ days.
2. The $\mathbf{5}+\mathbf{1}$ public hearing structure does not adequately include stakeholders/water users outside of the Highlands Region. The one meeting proposed for Trenton is in a location far from some of the largest population centers that rely on Highlands water, including Newark, Jersey City and Bayonne. It would be acceptable for there to be a 5 +2 hearing structure, with the additional meeting to be held in a location accessible to populations near Newark and Jersey City.
3. One practice that must cease as to my experience dealing with Parsippany is when presenting Highlands Interactive maps in issues of land use zoning changes or proposals the Highlands Maps and consistency reports are rejected and sustained in objection by both developers lawyers and planning/zoning board officials, as not to be recognized. If the NJ Highlands Council and its instruments made available to the public their substance should be acknowledged or included in any considerations, as any developers maps or drawing would be.
4. Highlands Council members should be encouraged to openly educate municipalities and their public in benefits under conformance of the water protection and planning act, as a right to know.
5. As water contamination evidence becomes known Highlands protections of remaining environmentally sensitive areas of ground water recharge would increase; especially in preventing market driven speculation developments of no real or actual need.
6. A moratorium on all new land development when redevelopment opportunities are available. The moratorium should be specific on unneeded repetitive development such as office space, or retail/commercial shopping malls. Strict ban on Sprawl development that requires motor vehicle, rather than some other humanity possible way of getting there.
7. That; (a) in the present affordable housing fiasco all highlands communities; preservation/planning area adhere to buildout numbers as if they were in conformance. That the MOU between Highlands Water Protection and Planning Act and the Council on Affordable Housing, as decided in the Skillman Case be held as valid and cooperative in defending environmentally sensitive landscapes from unneeded alleged affordable housing in the Highlands region planning area. (b) That already existing housing is included in the requirements. (c) That the affordable Housing Council (COAH) be included in any schemes to locate and build these affordable units, before they are proposed or allowed by municipal planning boards in both planning and protection areas.* We have developers using Public Housing to both promote their market will bear for profit housing, adding more housing not affordable and developers using public housing as a fear tactic to promote rezoning for unneeded retail commercial proposals in a landscape full of unused already developed places/malls. (Waterview example in Parsippany).
8. Any municipality that removes itself from the conformance process must do so with participation of the public, with transparency as to the valid reasons to justify such resolution(s). See Township of Parsippany-Troy Hills, Morris County, New Jersey Resolution R2014-102 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS RESCINDING ITS INTENTION TO REVISE THE MASTER PLAN AND

DEVELOPMENT REGULATIONS FOR PLAN CONFORMANCE FOR LAND IN THE HIGHLANDS PLANNING AREA. The resolution mentions dubious and questionable reasons for withdrawing from RMP conformance (especially in the affordable housing situation and the threat of developers remedy lawsuits imposing higher numbers than Highlands Build out numbers? In Parsippany's case made without public input or committee oversight or Investigation. Anything can be believed, but nothing known. $A+B+C=D$.
For example: from R2014-102
WHEREAS, under the Township's voluntary Highlands Plan Conformance, approval of a new
Wastewater Management Plan would require the Township to complete the Plan Conformance process;
and
WHEREAS, continued Highlands Plan Conformance will adversely impact the redevelopment
of properties along Edwards Road, which redevelopment provides an opportunity for important flood
mitigation; and
WHEREAS, although property along Upper Pond Road, also known as Morris Corporate $V$, has
been declared in need of redevelopment, continued Highlands Plan Conformance will jeopardize the redevelopment of that property; and WHEREAS, the redevelopment of other properties could be jeopardized by coming into voluntary Highlands Plan Conformance; and
WHEREAS, the present need to accomplish the aforesaid redevelopment projects outweighs the
current benefits of continuing the Township's voluntary Highlands Plan Conformance

Resolution R2014-102 stemmed from Parsippany's Town Attorney an out-spoken enemy of the Highlands Act, as are members of Parsippany's Council. The resolution coming from such a source must be suspect. Highlands Council Liaison for Parsippany simply stated it was voluntary and one could withdraw ot will and needed no reason. This should not be the case.
*9. LEGAL ADVOCATES SHOULD WORK ON OVERTURNING THE APPELLANT COURT SOCALLED DUNKIN DONUT DECISION, WHICH CLEARLY FAVORS DEVELOPERS AND CONTRADICTS ALL GOOD LAND USE PRINCIPLALS. The court decision is flawed or corrupt and rather than considering all impacts in the surroundings concerns itself only with ingress and egress issues. This case is responsible for the increased traffic and time consumption now traveling from New Brunswick to Trenton and once pleasant drive. THIS CASE NEEDS TO BE CHALLANGED IN SUPREME COURT. I have heard it used in Parsippany to justify developers proposals despite evidence that the developers proposals would impact local conditions and quality of life. It was cited as if it was a supreme law of the state of NJ.

Dunkin'Donuts of NJ, Inc. v. TP. OF NORTH BRUNSWICK
Annotate this Case
193 N.J. Super. 513 (1984)

475 A.2d 71
DUNKIN' DONUTS OF NEW JERSEY, INC., PLAINTIFF-RESPONDENT, v. TOWNSHIP OF NORTH BRUNSWICK PLANNING BOARD, DEFENDANT-APPELLANT.
Superior Court of New Jersey, Appellate Division.
Submitted October 26, 1983.
Decided March 14, 1984.
Before Judges FRITZ, FURMAN and DEIGHAN.
*514 Robert J. Lecky, for appellant.
Daniel J. Gavin, for respondent (Thomas R. Gervasio, on the brief).
PER CURIAM.
Defendant planning board appeals from a judgment reversing its denial of site plan approval and of two variance applications and remanding for entry of an order approving both site plan and variances. Plaintiff's applications were for site plan approval for a retall bakery shop and variances permitting a 30-foot rather than the required 35 -foot setback and a freestanding sign, four and a half by nine feet, on a ten foot high pylon. The site is in a commercial zone at the intersection of State Highway Routes 1 and 130. The proposed use is a permitted use in that zone.
Defendant planning board's denial of plaintiff's application for site plan approval was based solely upon the anticipated detrimental impact of the proposed use on traffic congestion and safety. Its resolution recited:

1) The area is zoned C-1 commercial; 2) The Route 1-Route 130 circle is a major intersection having a high accident rate; 3) Plaintlff's peak business hours coincide with the peak morning traffic; 4) Given the importance of impulse purchasing to such a business and limited access for the site, there is a reasonable probability that customers would make illegal turns or dangerous traffic movements to reach the site; 5) The circle is already overburdened and cannot be effectively or safely controlled by the police many other uses exist which would not pose additional traffic burdens; 67 The Department of Transportation has not provided requested assistance to eliminate some hazards; 7) Approximately 80 accidents per year occur at this intersection, making it the fourth most dangerous in the State; 8) Increased maneuvers at the intersection will increase the likelihood of accidents; 9) Plaintiff has not proven the hardships necessary for the requested variances.
*515 In reversing, Judge Harding relied upon Lionel's Appliance Center, Inc. v. Citta, 156 N.J. Super. 257 (Law Div. 1978), which holds that a planning board under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., effective August 1, 1976, is without authority to deny site plan approval because of off-site traffic conditions. We concur in that result; specifically, we approve Judge Havey's analysis in Lionel's Appliance Center, Inc. v. Citta. A planning board should consider off-site traffic flow and safety in reviewing proposals for vehicular ingress to and egress from a site, N.J.S.A. 40:55D-7, 41(b). Pursuant to ordinance it may condition site plan approval upon a contribution to necessary off-site street improvements, N.J.S.A. 40:55D-42. But the authority to prohibit or limit uses generating traffic into already congested streets or streets with a high rate of accidents is an exercise of the zoning power vested in the municipal governing body, N.J.S.A. 40:55D2, 62.
The trial court concluded that the two variance applications should be granted because of the lack of adequate fact findings in the resolution denying them. We disagree with that disposition. The trial court should have remanded for fact findings by defendant planning board, Chirichello v. Zoning Board of Adj. Monmouth Beach, 78 N.J. 544, 559-

## 561 (1979).

We affirm the judgment reversing the denial of site plan approval. We reverse the judgment ordering the granting of the variance applications. We remand with directions as follows, based upon our consideration that plaintiff is proposing an integrated plan for the development of the site by its site plan and two variance applications. Plaintiff shall be entitled to site plan approval forthwith upon voluntary withdrawal of the variance applications. Otherwise site plan approval shall be conditioned upon the granting of the variance applications, in accordance with adequate findings and conclusions, or upon the granting of one of the variance applications, in accordance with *516 adequate findings and conclusions, and the voluntary withdrawal of the other. We do not retain jurisdiction.

## Sincerely;

## Nicholas Homyak

Let's Keep New Jersey sustainable and worth living in Water is Life. It's the time for good government not less...


## To: the Highland's Council

## From: Barbara Cochrane

Good Morning, my name is Barbara Cochrane and I live in Bethlehem Township.

I am not a scientist or a lawyer, just a regular citizen, passionate about water conservation efforts, and strong believer that, clean water should be available to all Newjerseans.

I have followed the Highland's Act since inception and have applauded the bill for its intention to protect, enhance and restore the ecosystem of our region.

Since January 2017, the Highland's Council has cancelled many monthly meetings, and no public input was taken in consideration in the long process of brewing the Monitoring Program Recommendation Report to the Highland's Master Plan.

In the middle of the summer 2017 you officially present a 215 page long Draft with suggestions that would actually transform and weaken, in my opinion, the Highlands Water Protection Act as we know it, and the process has not been open and transparent enough to expect the public to be informed and prepared with meaningful comments. We have often witnessed how political pressure can twist science, truth and transparency, and the citizens of New Jersey need the time to do diligent homework and properly vet the proposed Draft RMP Addendum.

Please allow 90 days to review the Proposed Amendments, and consider allocating even more time accepting meaningful public input.

Thank you
Barbara Cochrane

# Township of West Milford 

September 14, 2017

## Re: Public Hearing Comments Highlands Council RMP Addendum 2017-1

I am here today to speak about the proposed amendments contained in the Regional Master Plan (RMP) Addendum 2017-1 on behalf of the Township of West Milford and the elected officials of that municipality. I believe that the purpose of Addendum 2017-1 is to allow the Highlands Council to adopt amendments to the Regional Master Plan. In effect, this takes the status of the Highlands Council from an advisory board to a legislative authority which they never had before and is not appropriate for a board which is comprised of appointed rather than elected officials. This is distressing for many reasons.

The Township of West Milford cannot afford to comply with the rules and regulations associated with the Highlands Act. West Milford is located $100 \%$ in the preservation area and we fully support the intent of the Act. However, as a municipality that reccives no compensation for permanently lost ratables and onerous regulations while being subjected to oppressive enforcement fines from the DEP, West Milford residents are bearing a burden to protect these natural resources for all New Jersey residents.

RMP Addendum 2017-1 outlines a process for Highlands Council members and staff to adopt amendments to the Regional Master Plan which shows significant deference to multiple factors but very little attention to the economic plight of prescrvation area municipalities. The Township of West Milford opposes RMP Addendum 2017-1 because the Township cannot afford the ultimate goal which would bestow authority on the Highlands Council to adopt amendments to the Regional Master Plan without the ability to provide sufficient funding sources for these mandates.

# Michael Hensley Councilman - Township of West Milford 

September 14, 2017

## Re: Public Hearing Comments Highlands Council RMP Addendum 2017-1

I am here today to speak about the proposed amendments contained in the Regional Master Plan (RMP) Addendum 2017-1 on behalf of the Township of West Milford and the elected officials of that municipality. I believe that the purpose of Addendum 2017-1 is to allow the Highlands Council to adopt amendments to the Regional Master Plan. In effect, this takes the status of the Highlands Council from an advisory board to a legislative authority which they never had before and is not appropriate for a board which is comprised of appointed rather than elected officials. This is distressing for many reasons.

The Township of West Milford cannot afford to comply with the rules and regulations associated with the Highlands Act. West Milford is located $100 \%$ in the preservation area and we fully support the intent of the Act. However, as a municipality that receives no compensation for permanently lost ratables and onerous regulations while being subjected to oppressive enforcement fines from the DEP, West Milford residents are bearing a burden to protect these natural resources for all New Jersey residents.

RMP Addendum 2017-1 outlines a process for Highlands Council members and staff to adopt amendments to the Regional Master Plan which shows significant deference to multiple factors but very little attention to the economic plight of preservation area municipalities. The Township of West Milford opposes RMP Addendum 2017-1 because the Township cannot afford the ultimate goal which would bestow authority on the Highlands Council to adopt amendments to the Regional Master Plan without the ability to provide sufficient funding sources for these mandates.

My name is Toni Granato and I represent the New Jersey Sierra Club. We believe these amendments would set up a dangerous process that allows weakening of important Highlands protections. Developers can propose amendments that could allow for development in the Highlands and weaker environmental protections. These amendments could lead to paving over environmentally sensitive areas, destroying water quality and putting more people at risk. It undercuts the public process and integrity of the Council. This effort is the last gasp of Governor Christie and his cronies to threaten the Highlands.

Our main problem with these changes is that they are changing the process so they can change the outcome. They are trying to set up a process for a Committee to decide which changes get passed and which get blocked. The problem is the public cannot speak ${ }_{j}$ so it makes it easier to push bad things through. They are also making it easier and quicker to propose and adopt an amendment taking out public oversight and participation.

This proposal is so damaging because it sets up is an RMP amendment committee that has the authority to move forward bad projects in private behind closed doors. It allows the Committee to meet behind closed doors, which is very suspect and moves the timeline so there is less public input and scrutiny and could block the good, while passing through the bad changes. These changes are even more threatening because there is no transparency or accountability.

The Highlands is so important because it contains the mountains above our reservoirs and water supply intakes, which protects the drinking water for 6 million people. "Highlands' water is found in everything from M\&M's to Tylenol, Manischewitz Matzo, Goya beans to Budweiser. We should not be sacrificing the drinking water in the Highlands for over 5.4 million people or the many industries it supports. The Governor has clearly sided with developers and land speculators over protecting our open space and drinking water. We cannot wait for the next Governor to come in and put people on the Highlands Council that will protect the Highlands and not special interests.

## Ada Erik Councilwoman - Township of West Milford

September 14, 2017

## Re: Public Hearing Comments Highlands Council RMP Addendum 2017-1

I am here today to speak about the proposed amendments contained in the Regional Master Plan (RMP) Addendum 2017-1 on behalf of the Township of West Milford and the elected officials of that municipality. I believe that the purpose of Addendum 2017-1 is to allow the Highlands Council to adopt amendments to the Regional Master Plan. In effect, this takes the status of the Highlands Council from an advisory board to a legislative authority which they never had before and is not appropriate for a board which is comprised of appointed rather than elected officials. This is distressing for many reasons.

The Township of West Milford cannot afford to comply with the rules and regulations associated with the Highlands Act. West Milford is located $100 \%$ in the preservation area and we fully support the intent of the Act. However, as a municipality that receives no compensation for permanently lost ratables and onerous regulations while being subjected to oppressive enforcement fines from the DEP, West Milford residents are bearing a burden to protect these natural resources for all New Jersey residents.

RMP Addendum 2017-1 outlines a process for Highlands Council members and staff to adopt amendments to the Regional Master Plan which shows significant deference to multiple factors but very little attention to the economic plight of preservation area municipalities. The Township of West Milford opposes RMP Addendum 2017-1 because the Township cannot afford the ultimate goal which would bestow authority on the Highlands Council to adopt amendments to the Regional Master Plan without the ability to provide sufficient funding sources for these mandates.

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From: GREGORY GORMAN
To:
Subject: Procedure Document
Date:
Thursday, September 21, 2017 9:35:11 AM
Testimony for Highlnads. RMP Amendment Process,
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Attached are my comments from Sep 20 hearing at Kinnelon. (I had left you a hard copy at the table.

Thank you for the opportunity to comment and speak.
Greg Gorman


PS In regards to myadditional comments pertaining to the Sparta Mountain WMA Stewardship Planning process.

1. NJDEP, even though they stated that they involved key stakeholders, Municipalities and lake community organizations were not involved in the early stages of planning. . This resulted in numerous extensions of the public comment process.
2. NJDEP's approach to the conversation was to defend the plan rather than an openness to listen. This resulted in much animosity. Even after release of the final plan approval the decison is still being litigated.
3. Recommend tha5 you take proactive steps to involve all stakeholders and to avoid conflict. Maintain an open forum of communication and exchange of ideas.
Encourage your technical staff to be honest brokers.

Submitted by: Greg Gorman


September 20, 2017
Comments regarding "Draft RMP Addendum 2017-1 Procedure for Considering Proposals to Amend the Highlands Regional Master Plan, August 2017

Comment 1: The Highlands RMP requires a "Monitoring Program Review Report that if necessary will be used to inform the development of future iterations of the RMP not a Recommendation Report. The Highlands RMP states "The RMP Monitoring Review Report will be used to communicate with state, federal, county, and local planning partners and the general public the succe sses of the RMP, as well as the remaining challenges to the Region.

The proposed addendum's executive summary states: "The Highlands Regional Master Plan (RMP) outlined a Monitoring Program to meet the statutory requirement of the Highlands Water Protection and Planning Act (Highlands Act) to review the RMP every six years. The RMP proposed development of a Monitoring Program to track and monitor regional indicators, and the preparation of a Monitoring Program Recommendation Report (MPRR or Recommendation Report) to present a summary of the data gathered and evaluated as part of the Monitoring Program and facilitate the Council's consideration of revisions to the RMP."

Actually, the Highlands RMP, Subpart B Regional Master Plan Monitoring, Program Summary states: "The RMP Monitoring Program and associated Monitoring Review Report will evaluate the progress in achieving the goals of the RMP through implementation of policies and programs." "The RMP Monitoring Review Report will be used to communicate with state, federal, county, and local planning partners and the general public the successes of the RMP, as well as the remaining challenges to the Region". The Highlands RMP, Subpart B concludes, "The monitoring of indicators is an ongoing process, and the RMP Monitoring Review Report will be produced at least every six years, or additionally, if necessary. RMP Monitoring Review Reports will be used to inform the development of future Iterations of the RMP"

The "Monitoring Program Review Report" should adequately describe the "as is" status of the Highlands Region based upon the indicators. The indicators measure the success or failure to meet Highlands RMP goals. This may suggest that Highlands RMP may need changed, but mostlikely they highlight the need to change "implementation" or "action" plans or need to provide additional resources.

RECOMMENDATION: Prepare the Monitoring Program Review Report as intended and disseminate to the public as you would any report. MPRR is the Highlands RMP scorecard

Comment 2. The Highland's RMP was developed following extensive deliberation and collaboration of experts, stakeholders, and concerned citizens. A similar process should be utilized for amendments to the plan.

Submitted by: Greg Gorman


September 20, 2017
The proposed addendum describes the following process: "The Highlands Council staff will prepare a draft Recommendation Report for review and approval by the RMP Amendment Committee (Committee). The draft Recommendation Report may include suggested changes to the RMP. Upon the Committee's review and recommendation and the Council's approval, the draft Recommendation Report will be published on the Highlands Councilwebsite for publicreview and comment for a minimum period of 30 days, unless extended by the Council up to 60 days, as further outlined below." The process seems to involve public participation near the end is traditionally used for considering regulations. This process an agency to decides what it wants to do, announces what it wants to do, and then defends its position is not suitable for comprehensive or strategic planning endeavors.

Best practices for business, nonprofits, and Government seek to broaden the range of perspectives intothe planning process. The Highland's RMP was developed in this manner following extensive deliberation and collaboration of experts, stakeholders, and concerned citizens. A review of the RMP Adoption Archive ) reveals publicoutreach, extensive technical committee work, and coordination with municipalities within the Highlands Region (http://www.highlands.state.nj.us/nihighlands/master/archive/.) A similar process should be utilized for amendments to the RMP. Based on the "Financial Impact Assessment" observation that the Highlands and Northern NJ region are mutually dependent and linked, outreach efforts for participation beyond the boundaries of the region is essential.. It should also be noted that event with this outreach, the Highlands Council conducted formal public comment periods of 90 days each for the draft RMP and the final draft..

Recommendation: Upon release of the final Monitoring Program Review Report, the Highlands Council should request the public and Highlands Staff to recommend changes to Highland RMP goals and policy. Recommendations should be supported by sufficient information and rational for evaluation by Highlands Staff and public scrutiny/comment for an additional 60 days. Special technical committees would be convened to review the suggestions. Each committee's inputs would be consolidated into a "Recommendation Report" for Highlands Council review and approval. This Report would be released to the public not for comment but for information. Avenues for adopting suggestions or recommendations may not necessarily require an RMP Addendum; however, if needed, the Highland Council as would direct the staff to prepare a draft RMP Addendum. The approval process would include Highlands Council release of the draft RMP Adde ndum for public review and comment (60-90 days) followed by final deliberation and approval. This process would maximize stakeholder participation and responsibly vet all suggested changes to the Highlands RMP.

# Comments on the Highland Council's Procedure for Considering Proposals to Amend the Highlands Regional Master Plan 

Ken Dolsky, representing the Coalition Against the Pilgrim Pipeline
We have three comments:
First, the public comment period of 30 days on future RMP amendments is far too short and should be extended to 90 days. The average individual and even organizations will not have nearly enough time and resources to reference and review the entirety of the Highlands Regional Master Plan, or the likely number of potential amendments, if the period is only 30 days.

Second, the 6 public hearings are good but none is in a location close to the largest population centers that rely on Highlands water, including Newark, Jersey City and Bayonne. We would like to see 7 hearings, with the additional meeting held in a location accessible to populations near Newark and Jersey City.

Third, amendments to the RMP should be fully discussed in public, whether before a Committee or before the Council. Recently, all Committee meetings have been conducted in private (no public notice, attendance or participation). We are greatly concerned that future recommended changes to the RMP could be presented to the Council without any insight or input from the full Council or the public, placing us all at a tremendous disadvantage. Amendments made without public knowledge have the appearance of being hidden because they are deeply unpopular and the forces behind them smell from political favoritism and even illegal actions such as bribery.

Going back to the first comment on the need for a 90 day review period.
Major changes to the RMP are likely to affect fundamental policies and processes. Impacts from these changes can be far-reaching and hard to foresee and should only be done after very careful and thorough stakeholder input. There is no valid reason or benefit to rush this process. Giving stakeholders 60 more days is a very small encumbrance given the likely benefits.

An example of the need for a 90-day comment period is the very reason this issue has arisen in the first place. The Council's Monitoring Program Recommendation Report (MPRR) document is over 200 pages long. It has 138 major recommendations in the 7 page summary and many of those have sub-recommendations, so there are hundreds and hundreds of recommendations. We understand the Council has been working on this for more than 18 months, and has held numerous Committee meetings, which were not open to the public so the first time we saw these recommendations was in the MPRR. Given the length of time and manpower the Council has put into this set of recommended changes isn't it reasonable to give stakeholders at least 90 days to review and comment? I realize this may not necessarily be a typical Master plan revision document but clearly 30 days is insufficient.

## September 20, 2017

## Re: The Highland Council's Procedure for Considering Proposals to Amend the Highlands Regional Master Plan

The League of Women Voters is a public interest organization whose guiding principle is the active and informed participation of citizens in government.

The League supports the Highlands Regional Master Plan (RMP) process as a critical element in the protection of some of the most environmentally sensitive areas of New Jersey, areas which provide fresh water resources for a majority of our residents. The integrity of the Regional Master Plan and the amendment process is vital to the State.

In the interest of ensuring greater transparency in Council matters, the League has several concerns about the proposed draft Procedure for Considering Proposals to Amend the Highlands Regional Master Plan.

1. The public comment period of 30 days on future RMP amendments is far too short to allow for thorough review of documents that can be hundreds of pages long. The League supports extending the review period to 90 days.
2. Please also consider adding at least one additional public hearing in a location closer to the large population centers like Newark and Jersey City that rely on Highlands Water. The current locations are too far removed to realistically permit participation by these stakeholders.

The Highlands Council is charged with protecting this region's precious natural resources by adopting informed policies designed to ensure smart growth. Hastening the review process or limiting stakeholder input would be detrimental and indeed counterproductive to this charge. Excluding the very communities most reliant upon the master Plan's protections violates the spirit of civic engagement and undermines public confidence in the rule making process.

Submitted by: Anne Powley, League of Women Voters of New Jersey

## Comments on the Highland Council's Procedure for Considering Proposals to Amend the Highlands Regional Master Plan

Ken Dolsky, representing the Coalition Against the Pilgrim Pipeline
We have three comments:

First, the public comment period of 30 days on future RMP amendments is far too short and should be extended to 90 days. The average individual and even organizations will not have nearly enough time and resources to reference and review the entirety of the Highlands Regional Master Plan, or the likely number of potential amendments, if the period is only 30 days.
 Second, the 6 public hearings are good but none is in a location close to the largest population centers that rely on Highlands water, including Newark, Jersey City and Bayonne. We would like to 5 . $\mathrm{C} \ell<$ see 7 hearings, with the additional meeting held in a location accessible to populations near Newark and Jersey City.

Third, amendments to the RMP should be fully discussed in public, whether before a Committee or before the Council. Recently, all Committee meetings have been conducted in private (no public notice, attendance or participation). We are greatly concerned that future recommended changes to the RMP could be presented to the Council without any insight or input from the full Council or the public, placing us all at a tremendous disadvantage. Amendments made without public knowledge have the appearance of being hidden because they are deeply unpopular and the forces behind them smell from political favoritism and even illegal actions such as bribery.

Going back to the first comment on the need for a 90 day review period.
Major changes to the RMP are likely to affect fundamental policies and processes. Impacts from these changes can be far-reaching and hard to foresee and should only be done after very careful and thorough stakeholder input. There is no valid reason or benefit to rush this process. Giving stakeholders 60 more days is a very small encumbrance given the likely benefits.

An example of the need for a 90 -day comment period is the very reason this issue has arisen in the first place. The Council's Monitoring Program Recommendation Report (MPRR) document is over 200 pages long. It has 138 major recommendations in the 7 page summary and many of those have sub-recommendations, so there are hundreds and hundreds of recommendations. We understand the Council has been working on this for more than 18 months, and has held numerous Committee meetings, which were not open to the public so the first time we saw these recommendations was in the MPRR. Given the length of time and manpower the Council has put into this set of recommended changes isn't it reasonable to give stakeholders at least 90 days to review and comment? I realize this may not necessarily be a typical Master plan revision document but clearly 30 days, is insufficient.
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## Statement to the Highlands Council:

I live next to the Sparta Mountain Wildlife Management area in Sussex County. Right now it is undergoing logging operations as part of the "young forest initiative" that seems to be a fad of the forestry service at the moment. Eventually about $10 \%$ of those 34,000 acres will be cleared. The forestry service also has plans to thin other public lands in New Jersey. On top of this the emerald ash borer is on the move in our state. About 9\% of New Jersey's tree are ash. In my neighborhood we've lost trees to gypsy moths. All those trees protect our water supply. Goodness knows what else is next. We certainly do not need to encourage more building over the aquifer that the proposed changes in septic density would bring. I hope the Highlands Council continues to regard any changes with skepticism.

Lastly, I would like to suggest that the public have more time than 30 days to respond. Sixty days would be better and 90 days better yet.

Thank you for protecting New Jersey's water supply,

## Public Comment on the Proposed Changes to the Highlands RMP

September 20, 2017
"Forests are a defining visible and functional feature of the Highlands Region. The Highlands Region contains some of the most important forests in the state. These forests are vitally important to every element of the Highlands Region."

- Highlands Regional Master Plan Monitoring Program Recommendation Report

Intact forests effect all subprograms in the Highlands RMP:
Restoration of Streams and Riparian Areas Critical Habitat Conservation and Management Land Preservation and Stewardship • protecting drinking water supplies Lake Management Areas

We agree on all that. But we strongly oppose the inclusion of the current Forest Stewardship Plan in any Highlands plans. It works in opposition to your own stated goals.

No Forest Stewardship Plan on public lands should ever include logging, clear-cutting, "seed tree treatment" or whatever name you want to call the cutting and removal of trees. A forest is an intact ecosystem, not standing board feet of lumber. The Highland's intact forests provide critical services for the public good, including clean air, clean water, cooler temperatures, habitat for deep forest animals, and in Sussex County - valuable economic value from eco-tourism. Who wants to hike, or mountain bike, or birdwalch on a mountain with a logging operation underway? Or one that has left acres destruction and holes in the forest?


My husband and I live in a lake community that has a front-row seat to what the NJ DEP and NJ Audbon's "stewardship" looks like. We've seen firsthand the destruction of this logging already
done in Sparta Mountain WMA (Stand 18 in above photo) and in properties surrounding it, like Lake Gerard bordering one of the two main highways into Sussex County. The fourteen acres just logged there borders the section of SM WMA that they plan to log this Fall, Stand 33.

And we've lived here long enough to have witnessed firsthand the effects of many "unprecedented" natural events such as Superstorm Sandy, hurricane Irene, and the 2000 Flood of the Century during which enormous volumes of water rushed off the slopes of SM WMA and did a lot of damage -including a mudslide over a section of Route 517, putting local lake dams at risk of failure and flooding them with enormous quantities of mud and debris. All of this happened with an intact forest/ Without standing, intact forests in place the damage would have been far worse.

(Hurricane lrene (2011) damage which overflowed the west shore road and dumped large volumes of debris into Lake Tamarack, burying several rights-of-way, above.)

Rather than logging public forests, we want our state act as real stewards. That means investing in adequate staffing and funding to:

- remove garbage and prevent illegal dumping;
- regularly assess the health of plant and animal populations;
- controlling invasive species (and I don't mean spraying herbicides and controlled bums which the current Forest Stewardship Plan also employs -in the watershed of so many people in NJ );
- erosion control projects on the trails;
- controlling Emerald Ash Borer which has started to invade Sussex County and promises to destroy ash trees, as the earlier chestnut blight killed the chestnuts, and woolly adelgids killed almost all of the hemlocks.

Our woodlands are under constant attack by invasive species and extreme weather events. We certainly don't need to add logging to the list of assaults to this precious and very, very limited resource.

A final comment: a 30 day public comment period is completely inadequate for a proposed revision plan as important as this.

Sincerely,
Alana M. Steib

Resident of the NJ Highlands for forty-two years
Lake Tamarack borders the northern end of the Sparta Mountain WMA
September 20, 2017

# Luciano Signorino Council President - Township of West Milford 

September 14, 2017

## Re: Public Hearing Comments Highlands Council RMP Addendum 2017-1

I am here today to speak about the proposed amendments contained in the Regional Master Plan (RMP) Addendum 2017-1 on behalf of the Township of West Milford and the elected officials of that municipality. I believe that the purpose of Addendum 2017-1 is to allow the Highlands Council to adopt amendments to the Regional Master Plan. In effect, this takes the status of the Highlands Council from an advisory board to a legislative authority which they never had before and is not appropriate for a board which is comprised of appointed rather than elected officials. This is distressing for many reasons.

The Township of West Milford cannot afford to comply with the rules and regulations associated with the Highlands Act. West Milford is located $100 \%$ in the preservation area and we fully support the intent of the Act. However, as a municipality that receives no compensation for permanently lost ratables and onerous regulations while being subjected to oppressive enforcement fines from the DEP, West Milford residents are bearing a burden to protect these natural resources for all New Jersey residents.

RMP Addendum 2017-1 outlines a process for Highlands Council members and staff to adopt amendments to the Regional Master Plan which shows significant deference to multiple factors but very little attention to the economic plight of preservation area municipalities. The Township of West Milford opposes RMP Addendum 2017-1 because the Township cannot afford the ultimate goal which would bestow authority on the Highlands Council to adopt amendments to the Regional Master Plan without the ability to provide sufficient funding sources for these mandates.

> Comments of
> Wilma E. Frey, Senior Policy Manager
> New Jersey Conservation Foundation
> Re:
> Draft RMP Addendum 2017-1
> "Procedure for Considering Proposals to Amend the Highlands Regional Master Plan"
> Trenton, NJ - September 25, 2017

Highlands Council Members, Executive Director Nordstrom and Council staff:

We appreciate the opportunity to testify. We have several serious concerns that we would like to share, along with recommendations for addressing them.

1. The proposed comment period of $\mathbf{3 0}$ days is far too short for the public to provide informed comments, and should be extended to 90 days. Both individuals and organizations deserve a realistic opportunity to review material that is likely to be lengthy, require additional information or expertise, and discussion of potential impacts of proposed changes. In addition, the lack of adequate local, regional or state level newspaper or other media coverage and notice of Highlands Council activities, which hampers the broad and timely distribution of Council information to the public, further reinforces the need for a longer comment period.

## 2. The Procedure's provisions for public access to RMP Amendment Committee meetings and opportunities for public comment are not adequate.

The Procedure states: "any meeting of the [RMP Amendment] Committee at which it is anticipated the Committee will take action on a proposed RMP amendment shall be open to the public, but the public shall not be entitled to participate or make comments at the Committee meeting. "(Pg. 3)

The proposed provision for public participation at meetings of the RMP Amendment Committee is highly problematic.

The Draft Procedure proposes that the public will not be permitted to even observe regular meetings of the RMP Committee, at which proposed amendments are discussed, but only those at which votes are taken, and at no time will the public be permitted to comment.

There is no benefit to be derived from excluding the public from the Committee's meetings, nor from prohibiting public comment at Committee meetings.

As the group most affected by the Highlands RMP, the public could offer valuable insights from a wide variety of perspectives. Exclusion of public comment at Committee meetings deprives the Committee of both the opportunity to benefit from hearing views imparted through public comment, and to address them in its recommendations to the full Highlands Council. Accepting public input earlier rather than later would enhance the entire process; if the Council waits to hear from the public only at hearings after the RMP Committee has completed its report, the process may be perceived as "too far along" to permit thoughtful consideration of public input.

## 3. The proposed procedure eliminates the opportunity - and the

 responsibility - for the full Council to evaluate all proposed amendments to the RMP. While the proposed Procedure does not give the RMP Amendment Committee approval authority - that is limited to the Council - it does give the Committee denial authority. If the RMP Amendment Committee does not recommend a proposed amendment to the Council, the full Council may never be aware of it, nor will it come before them for a vote. Without changes to the proposed Procedure, both the full Council and the public will be denied the opportunity to evaluate the entirety of potential amendments that were considered by the Committee.This problem should be addressed in two ways:
First, following the conclusion of the public comment period on the RMPMonitoring Program Recommendations Report (MPRR), the Highlands Council staff should provide its summary and evaluation of the public comments received thereon to both the entire Council and to the public, not merely to the RMP Amendment Committee;

Second, the Procedures should require that the RMP Amendment Committee Report to the Council must include the language and background
of all proposed amendments, not just those that the Committee recommends for action, as well as the complete record of the public comment received during open meetings of the Committee (as proposed in item 2, above). This would prevent a minority - the Committee-- from limiting the full Council's access to amendments that the Committee did not recommend.

## The proposed Procedure empowers the RMP Amendment Committee to become a gatekeeper regarding proposed RMP amendments. It deprives the full Council of its ability to act on the full range of options, and forces Council Members who are not members of the RMP Amendment Committee to act from a position of limited knowledge, without access to full information.

## 4. The Procedure should address the membership of the RMP Amendment

 Committee. We would suggest that the Chair accept volunteer requests of interested Council members prior to designating all the members of the Committee. Membership on the Committee should be open to any Council member who wishes to serve, and is willing to spend the time and energy to evaluate proposed amendments, recognizing that the Committee needs to be smaller than the quorum of the Council. In addition, it is important that any interested Council Member may attend any Committee meeting, as is the case with the Pinelands Commission, although only Committee Members would be able to vote.While the proposed Procedure may offer efficiency, it deprives the public and perhaps even worse, the majority of Council members, of their opportunity and their obligation to evaluate and consider all amendments that may be proposed. The entire Highlands Council, per se, is the legal entity that is charged with reviewing and approving or rejecting proposed RMP amendments. The entire Council bears the decision-making responsibility. It is unwise to deliberately restrict these important deliberations to a small subset of the Council - particularly to a Committee like the RMP Amendment Committee, where additional interested and knowledgeable Council members have been prevented from serving.
5. The proposed six public hearings, five of which are proposed to be held within the Region and one in Trenton, do not offer adequate hearing opportunity to significant Highlands stakeholders. At a minimum, an additional hearing should be held in a major northern New Jersey urban center that relies on the Highlands for its water supply, such as Jersey City. Key stakeholders for whom Highlands resources are critical include over five million water users who reside outside the Region, in 16 of New Jersey's 21 counties, including residential, business and industrial users. Additional significant stakeholders include those who utilize the Highlands outstanding recreational opportunities, those seeking fresh local farm produce, and those seeking ecotourism, agritourism, historic and scenic tourism destinations.

Thank you for the opportunity to comment. We are hopeful that revisions can be made to the Procedure that will address these concerns.

Wilma Frey, Senior Policy Manager
New Jersey Conservation Foundation

## Comments From the Public: Highlands Regional Master Plan

| Organizations: | Borough of Kinnelon Board of Health <br> Borough of Kinnelon Office of Emergency Management |
| :--- | :--- |
| Organization Type: | Drinking Water, Environment, Safety \& Health Preservation <br> By:Jack Glaser, Chair KBH; Randall Charles, Coordinator OEM, Council <br> Candidate 2017, Kinnelon Volunteer Fire Company |
| Date: | September 26, 2017 |
| Subject: | Highlands Regional Master Plan: <br> Highlands Water Protection and Planning Act - Four (4) <br> REVISIONS |

## \#1. Eliminate Exemption and Waiver \#6

\#2. Require All Applicants to "NOTIFY Municipalities - Affected Users when an Application to NJDEP requesting Permit/Approval to Drain/Draw Down and Commence Work on Lakes, Ponds, etc., located in the Highlands Preservation Zone.

This is a very Serious Public Safety Issue for Emergency Responders to protect the Residents living/working within these Municipalities especially during Fall 2016 Statewide Drought. The Highlands Forests, Aquifer's, Supply Water to the Reservoir's that the Public with Daily Drinking Water to over 5 million New Jersey Families, Schools, and Businessess.
\#3. Municipalities located in the "Highlands Preservation Zone" are Legally/Legislatively placed in "Double Jeopardy" to not only enforce "mandates of the Highlands Master Plan" but to fund the mandates when Municipalities are severely impacted/shutdown with NO economic opportunities to generate funds.
ACTION: Suggest development of Economic Development program similar to the "Urban Economic Zones/Centers" which have been successfully implemented in New Jersey Cities such as Paterson, Elizabeth, Jersey City, and Newark to generate revenue to these municipalities to BALANCE the funding of State Mandates and impacted costs on providing services.

The "Highlands Economic Program" such as "Reduced Sales Tax", "Specialty License Plates", a "Conservation - Maintenance incentive Service Fee" to enable Municipalities with a $90 \%$ or More Majority of the municlpality located within the Highlands Preservation Zone will enable the affected Municipalities to continue to provide the Services/ to protect the Water Aquifer's, Rivers and Reservoir's providing the Water Public Drinking Water daily to over 5 million New Jersey Families, Schools, and Businesses.

Newark's Pequannock Watershed REPORTEDLY generates over $\mathbf{\$ 6 0}$ Million in Revenue while the LOCAL Municipalities situated and adhering to the "Highlands Master Plan" with its mandates and regulations incur all the costs to PROTECT the Reservoir System while simultaneously prohibited to generate Critical Revenue/Ratables to sustain the Raising Municipal/Educational Costs negatively impacting their fiduciary responsible to provide the services for their residents/taxpayers.

There must a "Balance" which currently does not exist. Between the Highland Preservation Zone Municipalities and the Jersey City and Newark Watershed Authorities reaping the benefits of possessing all these Watersheds to sell the water and generate significant Revenue.
\#4. Smart Planning with Responsible Growth REQUIRES Efficient - Sustained Economic Funding. Municipalities situated within the "Highlands Preservation Zone" such as Kinnelon, all our Mutual Aid Emergency Partners... West Milford, Boonton Twshp., Jefferson, Rockaway Twshp., Hardyston Twshp. Vernon Twshp, for example are confronted by "Triple Jeopardy".

These Restrictions along with the Mandates are designed to "Protect the Natural Resources - Aquifer's', Forests, Mountains, Rivers that are the "Life Blood" of our Reservoir's. We Fully Support the RESPONSIBILITIES.

As Municipalities with over 90 to $\mathbf{1 0 0 \%}$ located in the "Highlands Preservation Zone" are confronted with an Economic Disaster as to provide all our Families \& Residents with the necessary Responsible Services while simultaneously fulfilling our obligations to Protect and Supply the Public Drinking Water daily to over 5 million New Jersey Families, Schools, and businesses'.

Council on Affordable Housing (COAH) Mandates on Municipalities within the "Highlands Preservation Zone" have resulted in "Triple Jeopardy".
These already Economically Constrained Municipalities comply (gladly do) to protect and be responsible Stewards of the "Highlands Preservation - Natural Resources/Clean-Safe Drinking Water as the ability generate revenue to meet Growing Costs is prohibited.

Mandating COAH Housing is necessary and responsible development in Urban Areas which already possess/fund all the critical needs required to provide COAH mandates:

1- Existing Public Transportation (Trains/Light Rail/Buses) - are "NON-Existent" within most of the Municipalities located in the Highlands Preservation Zone. Automobiles are the Primary - only mode of transportation.

2- High Density/Cluster Housing needs to be Convenient to multiple Employment Opportunities without traveling long/costly commutes with Ice/snow conditions and placing additional economic hardship on these residents 5 months of Winter weather.
conditions and placing additional economic hardship on these residents 5 months of Winter weather.

3- Existing Infrastructure is critical - Central Sewerage, Natural Gas, Water, Reliable Electricity, Roads, along with Schools. Municipalities within the Highlands Preservation Zone Do NOT Have the Critical Infrastructure nor can these Municipalities generate the Revenue to construct these services to meet the significant increase in population. Raising Property Tax's will NOT generate the necessary Revenue to sustain the short and long term maintenance of these HighDensity - Increased Population requirements.

Mandating that Municipalities which are situated in the Highlands Preservation Zone to COMPLY - fund COAH when "Ratables and Capability to Grow Revenue" is a Prohibited - puts the Municipalities in a dire situation to meet and manage its own Municipal Obligations are irresponsible.

To meet COAH mandates, places insurmountable pressure on Municipal Property Tax which is the ONLY prime source of revenue necessary to fund/ maintain existing Infrastructure are impractical, unfair and must be financed on the back of the Municipal Taxpayers for the LONG-TERM with NO viable relied and funding available.

RECOMMENDATION: By Placing Unsustainable "High Density Housing" on Municipalities within the Highlands Preservation Zone places severe Unrealistic Financial Liability to Fund/Support COAH while Prohibiting Economic Growth is NOT Responsible.

COAH mandates within the Highlands Preservation Zone are NOT Applicable because of lack of the three previously cited requirements. The Municipalities situated within the "Highlands Preservation Zone/Area" must be EXEMPT from the COAH Mandates.

The Primary goal of Preserving the Highlands - "Protect all the Natural and Environmental Resources so we can continue to provide - Clean, Safe, Drinking Water to all our New Jersey Residents and Businesses... Now and for the Future".

## Current Situation:

Municipalities located in the Highlands Preservation Area must adhere to "The Highlands Water Protection and Planning Act", P.L.2004, c. 120 (C.13:20-1 et seq) and "The Areawide Water Quality Management Plan" (WQMP) with no exemptions allowed for the improvement for non-residential purposes such as construction/installation of Artificial/Synthetic Turf Fields by a local government unit within the Highlands Area.
"Only Hospitals, Public/Private Schools, Non-Profit entities and organizations primarily for Religious purposes in existence on the date of enactment are exempt (\#6) from applying the enhanced environmental standards adopted by the New Jersey Department of Environmental Protection in the Highlands Preservation Area".

## Problem:

Municipalities situated within and/or on the Watershed - on Aquifers and on a "Prime Ground Water Recharge Area" (Subject to N.J.S.A. 13:230-10) are circumventing The Highlands Water Protection and Planning Act, P.L.2004,C.120 (C.13:20-1 et seq) by utilizing Exemption \#6 - to file a "Highlands Determination Applicability Application" with NJDEP to install Artificial/Synthetic Turf Fields (Tire-Crumb/Alternative Compositions) on Public School properties located within the Highlands Preservation Area utility directly on Watersheds - Aquifers and Prime Ground Water Recharge Areas.

## Problem:

This deliberate disregard by Municipal Governing Officials collaborating with Local School Board of Education Officials to bypass The "Highlands Water Protection and Planning Act", P.L.2004, c.120 (C.13:20-1 et seq) and "The Areawide Water Quality Management Plan" (WQMP), Watershed, Aquifers, Wetlands, Subwatershed, andTrout/Fish producing streams, jeopardizes - Puts "AT RISK" the ...Quality, Safety and Quantity of the CLEAN DRINKING WATER provided from the Highlands Preservation Area for an estimated 4 million or more New Jersey Families and business every day.

## Environmental, Health \& Safety Consequences - Liability:

Kinnelon Environmental Commission is concerned with the "materials and compounds" that maybe found in tires which are used in the manufacture of "TireCrumb" or "Crumb Rubber" often used in Artificial Turf Fields as "Infill" between the Turf Fibers. Industry estimates that one (1) Artificial Turf Field may contain tens of thousands of tires. During 2013-2014 the Environmental Protection Agency revised its position concerning Artificial Turf "Tire-Crumb Rubber." The EPA relabeled the 2009 Study - "News Release is OUTDATED. Please visit the EPA Tire-Crumb Study web page for the most current information²: www,epa.gov/nerl/features/tire crumbs.html."

EPA has stated that there are no studies on the LONG-TERM impact of "Tire-Crumb" and "Alternative Compositions" on the Environment, Health and Safety - it is up to the states to conduct the studies $\square$. (Ca, NY, Ky, Mn have pending legislation calling for studies and moratoriums on installation of Artificial Tire-Crumb" Rubber Turf Fields legislation information attached \& NY Child Safe Products Act 2015).

The Kinnelon Board of Health is very concerned that The EPA has listed on their website Dec. $2013^{\prime \prime} . .$. . the materials and compounds that may be found in tires, although not all are contained in every tire." The list totals 30 substances which include CARCINOGENS also identified by Dept. HHS "Report on Carcinogens, Thirteenth edition 2014" - arsenic, benzene, benzothiazole, cadmium, chloroethane, chromium, cobalt, isoprene, lead, naphthalene, nickel, polycyclic aromatic hydrocarbons, styrenebutadiene, toluene, trichloroethylene.

Toxic substances include acetone, aniline, barium, copper, halogenated flame retardants, latex, manganese, mercury, methyl ethyl ketone, methyl isobutyl ketone, nylon, phenol, pigments, polyester, and rayon口. (CDC Report "ortho-Toluidine" 2014; EPA Webpage Dec. 2013 and HHS "Report of Carcinogens, 13 ${ }^{\text {th }}$ Edition 2014).

## Environmental, Health \& Safety Consequences - Liability:

A proposed Artificial Turf Field with "Tire-Crumb" Rubber or a newer "Alternative Composition" (Cork, Coconut, acrylic coated polymer sand, rice, sneakers have not been studied) will be installed directly on the Watershed - Aquifer. These Carcinogens and Toxic substances will degrade - seeping/leeching by Rain Runoff/Drainage, along with Wastewater from Disinfecting and Cleansing the Artificial Turf Field and the discharge of Volatile Organic Compounds/Semi-Volatile Organic Compounds and Carbon Black (Black Dust) into the air and water are a significant threat to the Environment, Health and Safetyㅁ. (Jrl of Environmental \& Toxicology - "Release of Polycyclic Aromatic Hydrocarbon's \& Heavy Metals from Rubber Crumb in Synthetic Fields": "Preliminary Hazard Assessment for Athletes", Jan 2015 and MSDS for Methyl Ethyl Ketone is attached courtesy of Kinnelon Vol. Fire Dept \& OEM).

When it rains, snow melts and/or watered to cool-off the Artificial Turf Field, the Runoff Water will enter into the adjoining Wetlands, Trout Stream, compromising the quality/purity of the freshwater produced by the Watershed that flow's in the Pequannock River and the surrounding environment which is "Prime Ground Water Recharge Area." Providing drinking water to more than half ( +4 million) of New Jersey Residents and Kinnelon Borough Residents.

A significant short-term and Long-Term negative effect not factored in - is the anticipated increase in the amount of Water Required to "Irrigate" Cool the Artificial Turf during summer and Early fall per OSHA regulations citing ASTM C1055-03 when the FIELD SURFACE of $120^{\circ} \mathrm{F}$ is the generally accepted surface temperature before warnings and protections must be considered when an Artificial Turf field temperature may reach $160^{\circ}$ F6. (Penn State: AS McNitt et al, "Temperature Amelioration of Synthetic

Turf Surfaces Through Irrigation", 2008 and Brigham Young University "Synthetic Surface Heat Studies", 2009).

The Watershed - Aquifer may be impacted along with the surrounding residential neighborhoods that have "individual well water for drinking" will experience significant drop in water pressure and supply during the summer months of June, July, August, early September when the Kinnelon High School Field is completely exposed to several months of "Hot Weather". Sustained exposure and "Heat Islands" generated by the sustained heat will place increased stress on the water supply to irrigate the Artificial Turf Field to keep It tolerable for the athletes to practice and adversely impact the Watershed - Aquifer which is "Prime Ground Water Recharge Area." Multiple studies have validated the temperature on an Artificial Turf Field can range from $35-60^{\circ} \mathrm{C}$ higher than Natural Grass necessitating "Irrigating" the Turf fields $\square$. (University of Arkansas Turfgrass Science - "Synthetic (Artificial) Turf vs. Natural Grass Fields").

## Environmental, Health \& Safety Consequences - Liability:

Utilizing Exemption \#6 to file a "Highlands Determination Applicability Application" with NJDEP to install Artificial/Synthetic Turf Fields (Tire-Crumb/Alternative Compositions) to BYPASS "The Highlands Water Protection and Planning Act", P.L.2004, c. 120 (C.13:20-1 et seq) and "The Areawide Water Quality Management Plan" (WQMP) INTENTIONALLY UNDERESTIMATES the entire scope long-term time - costs that include planning for the monitoring and impact on the Watershed, Aquifer, Wetlands, Subwatershed and the Highlands resulting from the Water Run-off Discharge/Drainage generated by scheduled cleaning, types of disinfectants (WASTEWATER) that is applied - are the runoff cleaning chemicals and extractables from the Artificial Turf field environmentally inert? - What residues (will the disinfectants - cleaning agents leave on the field? - are there biofilm potentials on the surface material? Is there a mold or bacteria growth inhibitor or will it create a damp environment in the Artificial Turf "Infill or base material"? - Ingestion hazard to animals if consumed attempting to feed on the surface material? - There will be Safety concerns to the players, students and maintenance staff when disinfectant(s) and cleansers are applied...how long before the Synthetic Turf field is safe for the players to use?

What is the rainfall runoff differential between the existing Natural Grass Field and the proposed Artificial Turf Field as it applies to the Highlands Act?

The Kinnelon Board of Health is quite concerned with the threat of Infections such as Staph and MRSA that may/can occur from Artificial/Synthetic Turf Fields. The need to protect the players/staff/students from INFECTION and other health conditions, require Routine Administration of Disinfectant(s) which are applied to cleanse the Artificial "Tire-Crumb" Rubber Turf Field and "Alternate Compositions" are necessary to prevent Staph/MRSA Infections. During the Kinnelon High School 2016 Football Schedule, the Varsity along with the JV Football Teams had 4 players be infected from playing an AWAY on an Artificial Turf Field - widely reported on News 12 and NJ.com.

These communicable infections resulting from "Turf Burns" are passed-on/transmitted by players in locker rooms and/or contact on the playing/practice fields $\square$. ("New Eng Journal Med", 2005 NFL St. RAMS and the "Tampa Bay Buccaneer's NFL Take Note of Proving UV Light Disinfects Artificial Turf (MRSA/Staph)", Nov. 13, 2013 and et al).

Exemption \#6 through The Highlands Determination Applicability Application Engineering Report fails to consider or plan for the impact of the Runoff Discharge and Wastewater Drainage of Direct and/or Indirect Runoff generated by this Artificial Turf Field which will be absorbed - leaching into the adjacent wetlands, stream, Watershed and Aquifer adversely affecting the Category One Trout Producing (TP) Water Stream, the Subwatershed - Prime Ground Water Recharge Area which provides drinking water and flow's into Maple Lake and the Pequannock River ${ }^{1}$.

## Summary:

Private and Public Schools situated in the Highlands Preservation Area MUST BE HELD TO THE SAME Rules and Regulations that apply to Municipalities situated in the Highlands Preservation Area: "The Highlands Water Protection and Planning Act", P.L.2004, c. 120 (C.13:20-1 et seq) and "The Areawide Water Quality Management Plan" (WQMP).

- Allowing Exemption \#6 for Public/Private Schools to install Artificial/Synthetic Turf Fields CANNOT Circumvent - Void the SAFEGUARDS established by the Highlands Council and detailed in the "Goals, Policies and Objectives" specifically in the Highlands Regional Master Plan, 2008 concerning the "Protection of the Watershed, the integrity of the Watershed and Aquifer and the prevention of any Runoff - Wastewater negatively impacting the Subwatersheds, Wetlands and Groundwater of the Highlands Preservation Zone":
- "Utmost Priority is Protection of the value of the Highlands Region as an Essential Source of Drinking Water, Providing Clean and Plentiful Drinking Water for one-half of the state's population (Highlands Act, Section 2), Along with the Ecological Values of Clean Water, Through the Protection Enhancement and Restoration of Water Resources Quantity, Flow Characteristics and Quality as Fundamental to Ensuring that there are Adequate Water Supplies to Support these Needs".
- "Protection, Restoration and Enhancement of Water Quality and Quantity of Surface and Ground Waters (Sections 10. B (1) and 10.C(1)), and to Determine the Amount and Type of Human Development and Activity which the Ecosystem of the Highlands Region can Sustain while Still Maintaining the Overall Ecological Values thereof, With Special Reference to Surface and Ground Water quality and Supply..." (Section 11.A. (1) (A).


## Closing:

Exemption \#6 in conjunction with a Highlands Applicability Determination Application understates and underestimates the entire scope - costs of all work activities and the significant environmental impact to the Watershed, Aquifer, Wetlands, SubWatershed, Drinking water, Trout Streams flowing into Rivers, Ponds, Lakes and Reservoirs.

Exemption \#6 and The Highlands Applicability Determination Application provides for applicants/Public and Private Schools to exclude any Monitoring of the Runoff and Wastewater Drainage, the Toxic and Carcinogens and the Volatile Organic Compounds/Semi-Volatile Organic Compounds and Carbon Black which are emitted into the air and inhaled generated from the Artificial -Synthetic Turf Field or from a 10 yr, $20 \mathrm{yr}, 100 \mathrm{yr}$ "Sandy" type storm overwhelming the Artificial Turf drainage and impacting the adjoining Wetlands - Watershed.

## Solution - Action:

To protect the families, children and businesses that rely on the DRINKING WATER provided by the Watersheds, Aquifers, and Prime Ground Recharge Areas situated in the Highlands Preservation Area, Exemption \#6 for Private and Public Schools puts "At Risk" the Quality, Safety, and Amount of Drinking Water available every day - 24/7 365 days to over 4 Million plus New Jersey Citizens.

## Current Exemption \#6 provides a "Loop-out" for Private and Public Schools:

"Places of Worship, Schools, or Hospitals: Any improvement, for non-residential purposes, to a place of worship owned by a non-profit entity, society, or association, or association organized primarily for religious purposes or a PUBLIC or PRIVATE SCHOOL, or a hospital, in existence on the date of enactment of this act, including but NOT limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility".

## ELIMINATE and AMEND and Expand Exemption \#6 to Include the Following:

"Public and private schools are not exempt and must comply the SAME AS Municipalities do for non-residential purposes, the requirements of the "Highlands Water Protection and Planning Act, P.L. 2004, c. 120 (C.13:20-1 et seq.) for the construction of Artificial or Synthetic Turf Fields containing any component of Crumb Rubber Fill and/or an Alternative Composition (coconut fibers, cork, rice husks, acrylic coated polymer sand, used shoes, and other materials - that safety has not been determined) which Crumb Rubber is the result of processing waste tires which contain numerous components, some which are known to be hazardous to people and the environment."

## Solution - Action:

"The hazardous and/or carcinogenic components as identified by the EPA and HHS include arsenic, cadmium, chromium, lead, vanadium, zinc, acetone, benzene, mercury, carbon black, 1,3 butadiene, phthalates, polycyclic aromatic hydrocarbons (PAHs), benzothiazole, butylated hydroxyanisole, $n$-hexadecane, 4 -(t-octyl) phenol."
"Until a more comprehensive study that determines cumulative impacts on human health risks and the long-term effects on the environment, health and safety, installation of an Artificial or Synthetic Turf Fields are prohibited".

We the members of the Borough of Kinnelon Environmental Commission, the Borough of Kinnelon Board of Health and the Kinnelon Office of Emergency Management are requesting that the Highlands Regional Master Plan:
"Highlands Water Protection and Planning Act" - Exemption and Waivers \#6 be either ELIMINATED or AMENDED and Expanded:

Public and private schools are not exempt and must comply the SAME AS Municipalities do for non-residential purposes, the requirements of the "Highlands Water Protection and Planning Act, P.L. 2004, c.120 (C.13:20-1 et seq.), The Areawide Water Quality Management Plan" (WQMP) and being situated on a "Prime Ground Water Recharge Area" (Subject to N.J.S.A. 13:230-10) no exemptions are allowed for the improvement for non-residential purposes such as construction/installation of Artificial/Synthetic Turf Fields by a local government unit within the Highlands Area.

Citing national and local concerns, the safety of the environment and our children can not be stated more clearly than by "Kentucky's Energy and Environment Secretary Len Peters said that redirecting the grants was the prudent step to take while more studies are conducted to determine with a greater degree of certainty if the materials used to supplement play areas and athletic fields could be considered harmful, especially to our school children."
"While there may not be enough evidence to justify replacing crumb rubber sports fields and playgrounds, it makes sense not to build any new ones until the science catches up with the questions." Lexington Kentucky Herald-Leader Editorial - "Stop crumb rubber use on playgrounds," May 4, 2015.

The Borough of Kinnelon Board of Health and the Kinnelon Office of Emergency Management will make itself available for discussion on this matter with the New Jersey Highlands Council.

Respectfully,


Borough of Kinnelon Board of Health

Respectfully,


Randall I. Charles
Borough of Kinnelon
Office of Emergency Management


State of 3 ew $\mathfrak{J e r s e y ~}$<br>Highlands Water Protection and Planning Council<br>100 North Road (Route 513)<br>Chester, New Jersey 07930-2322<br>(908) $879-6737$<br>(908) 879-4205 (fax)<br>www.highlands.state.nj.us

## Higblands Water Protection and Planning Act Exemptions and Waivers

The Highlands Aet creates serenteen exemptions that allow property owners to derclop their properties without applying the enhanced environmental standards adopted by the New Jersey Department of Environmental Protection in the Preservation Area. In addition, the rules adopted by DEP include prorisions for four waivers that allow some degree of deviation from the enhanced environmental standards.

## Exemptions

1. Construction of a single family dwelling for own use or family use: The construction of a single family dwelling, for an individual's own use or the use of an immediate family member, on a lot owned by the individual on the date of enactment of this act or on a lot for which the individual has on or before May 17, 2004 entered into a binding contract of sale to purchase that lot;
2. Construction of a single family dwelling on existing lot The construction of a single family dwelling on a lot in existence on the date of enactment of this act, provided that the construction does not result in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more;
3. Developments with prior Municipal and DEP Approvals: A mjor Highlands derelopment that received on or before March 29, 2004:
(a) one of the following approvals pursuant to the "Municipal Land Use Law," P.L. 1975, c. 291
(C. $40.55 \mathrm{D}-1 \mathrm{et} \mathrm{seq}$ ):
(i) preliminary or final site plan approval;
(ii) fimal municipal building or construction permit;
(iii) minor subdivision approval where no subsequent site plan approval is required;
(iv) final subdivision approval where no subsequent site plan approval is required; or
(v) preliminary subdivision approval where no subsequent site plan approval is required; and
(b) at least one of the following permits from the Department of Environmental Protection, if applicable to the proposed major Highlands development:
(I) 2 permit or certification pursuant to the "Water Supply Management Act," P.L. 1981, c. 262
(C. 58:1A-1 et seq.);
(ii) a water extension permit or other approval or authorization pursuant to the "Safe Drinking

Water Act," P.L. 1977 , c. 224 (C. $58: 12 A-1$ ct seq.);
(iii) a certification or other approval or authorization issued pursuant to the "The Realty

Improvement Sewerage and Facilitics Act (1954)," P.L.1954, c. 199 (C.58:11-23 et seq.); or (iv) a treatment works approval pursuant to the "Water Pollution Control Acr," P.L.1977, c. 74 (C.58:10A-1 et seq.); or
(c) one of the following permits from the Department of Environmental Protection, if applicable to the proposed major IIighlands development, and if the proposed major Highlands development does not require one of the permits listed in sub-subparagraphs (i) through (iv) of subparagraph (b) of this paragraph:
(i) a permit or other approval or authorization issued pursuant to the "Freshwater Wetlands Protection Act," P.L. 1987, c. 156 (C.13:9B-1 et seq.); or (ii) a permit or other approval or authorization issued pursuant to the "Flood Hazard Area Control Act," P.L.1962, c. 19 (C.58:16A-50 et seq).

The exemption provided in this paragraph shall apply only to the land arca and the scope of the major Highlands derelopment addressed by the qualifying approvals pursuant to subparagraphs (a) and (b), or (c) if applicablc, of this paragraph, shall expire if any of those qualifying approvals expire, and shall expire if construction beyond site preparation does not commence within three years after the date of enactment of this act,
4. Reconstruction of buildings or structures within $125 \%$ of the footprint: The reconstruction of any building or structure for any reason within $125 \%$ of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more. This exemption shall not apply to the reconstruction of any agricultural or hurticultural building or structure for a non-agricultural or non-horticultural use;
5. Improvement to a single family dwelling: Any improvement to a single family dwelling in existence on the date of enactment of this act, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system;
6. Places of worship, schools, or a hospitals: Iny improvement, for non-residential purposes, to a place of worship owned by a nonprofit entity, societr or association, or association onganized primarily for religious purposes, or a public or private schooi, or a hospital, in existence on the date of emetment of this act, including but not limited to new structures, an addition to an existing buikding or structure, a site improvement, or a sanitury facility;
7. Woodland and Forest management plans: An activity conducted in accordance with an approved woodland management plan pursuant to section 3 of P.L. 1964, c. 48 (C.54:4-23.3) or the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester;
8. Trails on public or private lands: The construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established;
9. Repair of transportation or infrastructure systems: The routine maintenance and operations, rehabilitation, preservation, reconstruction, or repair of transportation or infrastructure systems by a State entity or local government unit, prorided that the activity is consistent with the goals and purposes of this act and does not result in the construction of any new through-capacity travel lanes;
10. Transportation safety projects: The construction of transportation safety projects and bicycle and pedestrian facilities by a State entity or local government unit, provided that the activity does not result in the construction of any new through-capacity travel lanes;
11. Public utility lines, rights of way, or systems: The routine maintenance and operations, rehabilitation, preservation, reconstruction, repair, or upgrade of public utility lines, rights of way, or systems, by a public utility, provided that the activity is consistent with the goals and purposes of this act,
12. Reactivation of rail lines/rail beds: The reactivntion of rail lines and rail beds existing on the date of enactment of this act;
13. Public Infrastructure: The construction of a public infrastructure project approred by public referendum prior to January 1,2005 or a capital project approved by public referendum prior to January 1, 2005;
14. Mining or Quarrying: The mining, quarrying, or production of ready mix concrete, biturninous concrete, or Class B recycling materials occurring or which are permitted to occur on any mine, mine site, or construction materials facility existing on June 7, 2004;
15. Site Remediation: The remediation of any contaminated site pursuant to P.L.1993, c. 139 (C.58:10B-1 et seq.);
16. Military lands: Any lands of a federal military installation existing on the date of enactment of this act that lie within the Highlands Region;
17. Affordable Housing: A major Ilighlands development located within an area designated as Planning Area 1 (Metropolitan), or Planning Area 2 (Suburban), as designated pursuant to P.L.1985, c. 398 (C.52:18A-196 et seq.) as of March 29, 2004, that on or before March 29, 2004 has been the subject of a settement agreement and stipulation of dismissal filed in the Superior Court, or a builder's remedy issucd by the Supecior Court, to satisfy the constitutional requirement to proride for the fulfillment of the fair share obligation of the municipality in which the development is located. The exemption provided pursuant to this paragraph shall expire if construction beyond site preparation does not commence within threc years after receiving all final approvals required pursuant to the "Municipal Land Use Law," P.L.1975, c. 291 (C.40:55D-1 et seq.).

## Waivers

The DEP may grant waivers from its Highlands rules for major Highlands developments in the Preservation Area on a case-by-case basis conditioned upon the DEP's determination that the scatutory standards are met mects to the maximum extent possible. A major Highlands Development may obtain one of the following three waivers:

1. Public Health and Safety

A wairer of any provision of a Highlands permitting revictv on a casc-by-case basis if determined to be necessary by DEP in order to protect public health and safety.
2. Redevelopment in previously developed areas as identified by the Highlands Council A waiver of any provision of a 1 lighlands permitting review on a case-by-case basis for redevelopment in certain previously developed areas in the Prescrvation area identified by the Highlands Council. Any areas identified for possible redevelopment by the Highlands Council shall be either a brownfield site designated by DEP or a site at which at least $70^{\circ} \%$ of the area thereof is covered with impervious surface.
3. To avoid a Taking of Property without Just Compensation A waiver of any provision of the Highlands permitting review on a case-by-case basis in order to avoid the taking of property without just compensation.
4. For the Construction of a 100 percent Afforiable Housing Development (N.J.A.C. 7:38-6.9)

A waiver for the fire municipalities located entirely within the Preservation Area to allow for the construction of a housing development that is cxclusively comprised of low and moderate income divelling units, as defined by COAHI pursuant to N.J.A.C. 5:93-5.5 and N.J.A.C. 5:94-4.6. This wairer only applies to the Boroughs of Bloomsbury, Califon, and Glen Gardner in Hunterdon County and Ringwood Borough and West Milford Township in Passaic County.

## Definitions

"Major Highlands development" means, except as otherwise provided pursuant to subsection a. of section 30 of this act, (1) any non-residential development in the preservation area; (2) any residential development in the preservation area that requires an environmental land use or water permit or that resules in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more; (3) any activity undertaken or engaged in the preservation area that is not a development but results in the ultimate disturbance of one-quarter acte or more of forested area or that results in a cumulative increase in impervious surface by one- quarter acre or more on a lot, or (4) any capital or other project of a State entity or local government unit in the preservation area that requires an environmental land use or water permit or that results in the ultimate disturbance of one acre or more of hand or a cumulative increase in impervious surface by one-quarter acre or more. Major Highlands development shall not mean an agricultural or horticultural development or agricultural or horticultural use in the preservation area.


The Highlands Region covers less than $15^{\circ}$, of New Jersey, but provides drinking water for more than half its residents. While the Region's forests and open spaces retain and filter large quantites of water, rapid development has increasingly transformed communities and impaired nature's ability to do its job. Because families, farms and businesses all depend on a steady supply of clean water, and water resources do not follow municipal boundaries, a regional approach is reçuired to


## Stephen A. Kassel

Fayson Lakes Association - Pool Committee


September 11, 2017

Karen luele
Borough Clerk
Kinnelon Borough


Dear Ms. Iuele,

This correspondence is notification that the Fayson Lakes Association will be lowering West Lake to allow for ongoing repairs to the swim lane structures within the lake. A condition of the Water Lowering Permit (Permit \#17-063) issued by the New Jersey Department of Environmental Protection, Division of Fish and Wildlife is to notify "any users affected by this lowering".

In accordance with the conditions of the permit, water lowering will initiate no earlier than September 15, 2017 and will end no later than November 1, 2017. The maximum extent of lowering will be 12.00 (as measured from crest of spillway) or less; we will lower the lake no more than necessary to allow/ the required repair work to proceed. Refilling of the lake will begin no later than January 1, 2018.

If you have any questions regarding this notification, please feel free to call me at (551) 427-7654 or email me at skessel@brwncald.com.

Sincerely,


Stephen A. Kassel
Fayson Lakes Association - Pool Committee
Cc:
Matt Civil, President, Fayson Lakes Association
Neil Henry, Town Administrator, Boonton Township
Mike Petonak, Superintendent of Public Works, Boonton Township (via email at mpetonak@boonton.org) Fayson Lakes Water Company (via email at flwcoffice@optonline.net)
Kinnelon Volunteer Fire Company (via email at abarish@kvfc.net)

# Comments on the RMP Amendments 

Silvia Solaun<br>On Behalf Of The Friends of Sparta Mountain

Sparta, NJ

1) The Highlands Regional Master Plan is a lengthy and complex plan, that requires much more than 30 days to review in its entirety. The common individual or even an organization such as ours needs more time to review. Hence we believe a period of 90 days should be granted so that all members of the public and concerned organizations have the opportunity to fully review the plan.
2) The RMP Committee must allow public comments before it can follow through by making a recommendation to the Highlands Council for final adoption of an RMP amendment. The Committee must consider the public's concerns before the Committee prepares its final recommendation to the Council.
3) The 6 public hearings do not adequately represent or take into account the stakeholders/water users outside of the Highlands Region. Since the Highlands region provides the water to over $70 \%$ of the state there should be more hearings.
There was one meeting for the Trenton location, but since areas like Jersey City, Hoboken and Newark( just to name a few) rely on the Highlands water system, there should be $\mathbf{2}$ additional meetings to represent those NJ residents in the areas of Essex, Union, and Hudson counties.

Thank you

## Tim Wagner Councilman - Township of West Milford

September 14, 2017

## Re: Public Hearing Comments Highlands Council RMP Addendum 2017-1

I am here today to speak about the proposed amendments contained in the Regional Master Plan (RMP) Addendum 2017-1 on behalf of the Township of West Milford and the elected officials of that municipality. I believe that the purpose of Addendum 2017-1 is to allow the Highlands Council to adopt amendments to the Regional Master Plan. In effect, this takes the status of the Highlands Council from an advisory board to a legislative authority which they never had before and is not appropriate for a board which is comprised of appointed rather than elected officials. This is distressing for many reasons.

The Township of West Milford cannot afford to comply with the rules and regulations associated with the Highlands Act. West Milford is located $100 \%$ in the preservation area and we fully support the intent of the Act. However, as a municipality that receives no compensation for permanently lost ratables and onerous regulations while being subjected to oppressive enforcement fines from the DEP, West Milford residents are bearing a burden to protect these natural resources for all New Jersey residents.

RMP Addendum 2017-1 outlines a process for Highlands Council members and staff to adopt amendments to the Regional Master Plan which shows significant deference to multiple factors but very little attention to the economic plight of preservation area municipalities. The Township of West Milford opposes RMP Addendum 2017-1 because the Township cannot afford the ultimate goal which would bestow authority on the Highlands Council to adopt amendments to the Regional Master Plan without the ability to provide sufficient funding sources for these mandates.

Procedure for Considering Proposals to Amend the Highlands Regional Master Plan<br>Public Hearings Talking Points

The Highlands Council has directed that $\mathbf{6}$ public hearings be conducted before it considers adoption of the Procedure as an addendum to the Highlands Regional Master Plan ("RMP"). The Council is required to pass this new procedure for amending the RMP before it can consider and adopt any other amendments to the RMP.

While the new procedure has many facets there are three messages the Highlands Coalition wants to send to the Council:
$\rightarrow$ Point 1. The public comment period of 30 days on future RMP amendments is far too short and should be extended to 90 days. The average individual and even organizations will not have nearly enough time and resources to reference and review the entirety of the Highlands Regional Master Plan, or the likely number of potential amendments, if the period is only 30 days.

Point 2. The 6 public hearings do not adequately include stakeholders/water users outside of the Highlands Region. The one meeting proposed for Trenton is in a location far from some of the largest population centers that rely on Highlands water, including Newark, Jersey City and Bayonne. It would be more acceptable if there were 7 hearings, with the additional meeting held in a location accessible to populations near Newark and Jersey City.

Point 3. The RMP Committee must allow public comments before it can "take action" by making a recommendation to the Highlands Council for final adoption of an RMP amendment. RMP Committee meetings are intended to be public, but if there are significant objections, or support, by members of the public, for a proposed RMP amendment, the Committee must consider the public's concern before the Committee prepares its final recommendation to the Council.

| Fram: | PMcPheron |
| :--- | :--- |
| To: |  |
| Subject: | Highlands Regional Master Plan comment |
| Date: | Tuesday, September 26, 2017 9:01:47 PM |

Hello,
I am attending the meeting in Hopatcong tonight. Thank you for taking comments via email.

The proposal - to allow "anyone" to draft and submit proposed RMP amendments - would bypass and undermine the professional staff of the Highlands Council.

The proposed RMP amendment process would allow private self interested entities to interpret the Act in their own interest and draft proposed amendments and then lobby the Highlands Council for approval of their own proposals.

This would subvert the public interest that public regional planning authorized by the Highlands Act is designed to promote.

It is wrong and illegal and must be stopped.

Thank you and regards,
Pam McPheron


| From: | James Beahm |
| :--- | :--- |
| To: |  |
| Subject: | Procedure Document |
| Date: | Tuesday, September 26, 2017 7:58:00 PM |

To All That Are Concerned,
Please do not make the public lands part of the Highlands Preservation Act. This is direct theft from the taxpayers and citizens of this country by taking funds needed in other places to rape the land that is public. I am a avid hiker that has lived here 26 years and love this land. I have hiked for years in the Edison zone that was attacked by these robbers and was horrified to see what they did and left. We had a huge tick growth explosion in this area that was logged it brought pain, suffering and death to the PEOPLE, PETS AND WILDLIFE for miles around this area.

These area's help keep the heat down when they have trees in them. The destruction activity destroys endangered species in the area such as the Box turtle and the Red Eff. Damage is done to our roads with no repair but our own. Houses and cars in the area will be polluted with dirt dust and smoke. Noise pollution drives away any wildlife and stresses the people and pets in the area.

You are taking hard earned money from overtaxed and struggling people to let a PRIVET, ignorant, lying organization rape the environment for their own financial profit and leave a hazardous zone to hurt us for years.

Please stop the chop, maybe visit the places they destroyed and see firsthand. ALSO 30 a day comment period is a joke 90 should be minimum.

Thank you,
James J. Beahm

| From: | Mary Kissane |
| :--- | :--- |
| To: |  |
| Subject: | PROCEDURE DOCUMENT |
| Date: | Tuesday, September 26, 2017 4:07:22 PM |

Please be advised that we strongly protest the commercial logging of our public lands being included as part of the Highlands Protection Act.

We feel that the present 30 day comment period is too small a window, and that 60 or 90 days would be far more reasonable.

Harold J. Olson
Mary Kissane

| From: | Cean Laverty |
| :--- | :--- |
| To: |  |
| Subject: | Procedure Doarments |
| Date: | Tuesday, September 26, 2017 7:42:28 PM |

Logging public lands should never be part of the Highlands Preservation Act!! We need to save our woods.

Also, 30 day comment period is insufficient and a 90 day is more reasonable time frame.

Thank you
Cean Laverty

| From: | joanne MORGAN |
| :--- | :--- |
| To: |  |
| Subject: | proposal to amend highlands rmp |
| Date: | Tuesday, September 26, 2017 8:22:53 PM |

$\mathrm{Hi}-\mathrm{I}$ attended the public hearing in Hopatcong, but didn't make a comment. Thanks for taking comments via email! I am opposed to the RMP addendum proposal. I feel that this amendment process will allow people who are out for money to interpret the Act in their own interest. They can draft proposed amendments and then lobby the Highlands Council for approval of their own proposals. This RMP addendum would subvert the public interest that public regional planning authorized by the Highlands Act is designed to promote.
Thanks, Joanne Morgan

| From: | Toni Granato |
| :--- | :--- |
| To: |  |
| Cc: | 2eff Tittel |
| Subject: | Sierra Club Comments on Proposal to Amend the Highlands Regional Master Plan |
| Date: | Tuesday, September 26, 2017 12:52:37 PM |
| Attachments: | Q926 N2 Sierra Club Comments on Highlands RMP Changes.osff |

Dear Council Members,
Please see attached the New Jersey Sierra Club's comments regarding the proposal to amend the Highlands Regional Master Plan.

Thank you for your consideration.
Sincerely,
Toni Granato
Administrative Assistant
New Jersey Sierra Club

RE: Procedure for Considering Proposals to Amend the Highlands Regional Master Plan
Dear Council Members:

The Sierra Club believes that the Highlands Council should reject the addendum titled The Procedure for Considering Proposals to Amend the Highlands Regional Master Plan. This process delegates to a committee that can work behind closed-doors. This takes away public oversight and scrutiny. Process is substance, so when you change the process, you change the outcomes. The Highlands Act is dependent on the NJDEP's regulations to "ensure that existing water quality shall be maintained, restored, or enhanced" and we believe that this addendum would interfere with that goal.

The new process would delegate authority from the whole Highlands Council to the Committee. Instead of all the members being included, the committee can work behind closed doors. Without oversight, they can release bad proposals with the proper process or oversight. It allows the Committee to meet without public oversight, which is very suspect and moves the timeline so there is less public input and scrutiny and could block the good, while passing through the bad changes. These changes are even more threatening because there is no transparency or accountability. This proposal is so damaging because it sets up is an RMP amendment committee that has the authority to move forward bad projects in private behind closed doors.

This addendum could lead to over-development in the Highlands because changes can be written, proposed, and approved behind closed doors and without oversight. Developers can propose amendments that could allow for development in the Highlands and weaker environmental protections. These amendments could lead to paving over environmentally sensitive areas, destroying water quality and putting more people at risk. It undercuts the public process and integrity of the Council. Once you bring in sewers you lose control of your local zoning and we're going to see sprawl, over-development, and more non-point source pollution.

There is also concern because of the new Highlands Rules that already weaken key protections. We may see quadruple development is in the most environmentally sensitive of the environmentally sensitive Forest Preservation Area. This area is so important because it contains the mountains above our reservoirs and water supply intakes, which protects the drinking water for 6 million people. We cannot afford to decrease water in our reservoirs and add more pollution to our waterways.

Sierra Club: For Our Families, For Our Future

For all the reasons listed above, the New Jersey Sierra Club urges you to reject this addendum titled The Procedure for Considering Proposals to Amend the Highlands Regional Master Plan and protect the Highlands from more overdevelopment and pollution.

If you have any questions or would like to discuss this matter further, please feel free to call me at (609) 558-9100.

Sincerely,


Jeff Tittel
Director, New Jersey Sierra Club
CC:

| From: | Gail Adrian |
| :--- | :--- |
| To: |  |
| Subject: | Comment duration |
| Date: | Monday, September 25, 2017 11:04:48 AM |

Please extend the period from 30 days to 90 . This gives all points of view regarding the newest plan more opportunity to express themselves.

Than You,
GailAdrian

| From: | Gall Adrian |
| :--- | :--- |
| To: |  |
| Subject: | Procedure Document |
| Date: | Monday, September 25, 2017 11:07:29 AM |

The act of logging our forests is not acceptable. Please do not insult us by calling it "stewardship.
Thank you
Gail Adrian

| From: | Gail Adrian |
| :--- | :--- |
| To: |  |
| Subject: | Procedure Document |
| Date: | Monday, September 25, 2017 11:08:52 AM |

No Logging on Green Acres. No logging on any public lands.
Thank you,
Gail Adrian

| From: | Elizabeth George-Cheniara |
| :--- | :--- |
| To: |  |
| Cc: |  |
| Subject: | NJBA"s Comments re Procedure Document |
| Date: | Tuesday, September 26, 2017 10:15:48 AM |
| Attachments: | N.BA Comments re RMP Amendment Procedures Document Sept2017.pdf |

Good morning, Margaret.
On behalf of NJBA, the Metropolitan Builders and Remodelers, and Builders and Remodelers Association of Northern New Jersey, NJBA submits the attached comments for consideration on the Council's draft "Procedure for Considering Proposals to Amend the Highlands Regional Master Plan".

Thanks, Elizabeth

## Elizabeth George-Cheniara, Esq.

Vice President of Regulatory and Legal Affairs
New Jersey Builders Association
One Washington Boulevard
Suite 5
Robbinsville, New Jersey 08691
www.niba.org

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See all the valuable discounts available to NJBA members at: wnw, niba.org/membership and
www,nahb.org/ma

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and delete this message. Thank you very much.

September 26, 2017
New Jersey Highlands Council
Attn: Procedure Document Comments
100 North Road (Route 513)
Chester, NJ 07930-2322

## Re: Draft "Procedure for Considering Proposals to Amend the Highlands Regional Master Plan"

## To Whom It May Concern:

On behalf of the state association and our local affiliates, the Metropolitan Builders and Remodelers (Metro), Builders and Remodelers Association of Northern New Jersey (BRANNJ), the New Jersey Builders Association (NJBA) submits the following comments for consideration on the Council's draft "Procedure for Considering Proposals to Amend the Highlands Regional Master Plan". BRANNJ members represent the Highlands counties of Bergen, Passaic and Sussex, while Metro represents the Highlands counties of Hunterdon, Morris, Somerset and Warren.

The Association has emphasized on numerous occasions to the Council and its staff that the Highlands Regional Master Plan (RMP) is woefully inadequate in satisfying all mandates of the Highlands Act. NJBA had submitted extensive comments to that effect in 2015 and most recently on the draft "Monitoring Program Recommendation Report" (Recommendation Report). We view that a process is necessary to rectify shortcomings of the 2008 RMP and to address issues that have arisen in the context of Plan Conformance. Therefore, NJBA applauds the Highlands Council for taking this long-awaited step.

NJBA appreciates the proposed approach to ensure public participation on proposed RMP amendments and particularly views that allowing 30 days for the submission of written public comments is adequate. For the Council's RMP Amendment Committee, Council staff would compile all public comments received recently on the draft Recommendation Report and provide additional supporting information, as needed.:
"Changes will not be rejected or discarded due to a lack of information; rather supporting information will be used by Council staff to provide context for any such amendment to the Committee." (Page 3).

However, it is unclear why the public cannot offer any comments during the RMP Amendment Committee's discussion of these recommendations, but must wait until the full Council meeting:

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Any meeting of the Committee at which it is anticipated the Committee will take action on a proposed RMP amendment shall be open to the public, but the public shall not be entitled to participate or make comments at the Committee meeting. The public will have an opportunity to make public comments at Highlands Council meetings and at the public hearings held before any amendment to the RMP may be adopted. (Page 3).

NJBA encourages the Council to allow for public comment during the Committee's discussion as that would be when more substantive discussion is likely to occur. It is most appropriate for the public to provide additional background information, as needed, at that time to assist with the Committee's determination of its recommended action for the Council. Further, NJBA supports the Council's contemplated approach to discuss potential amendments with stakeholders:
"The Highlands Council may, in its discretion, schedule one or more public meetings with stakeholders to discuss the RMP and any amendments proposed thereto." (Page 4).

As suggested previously, NJBA also recommends that there should be a mechanism to enable the staff to initially identify for the Council's consideration the priority recommendations that should be pursued in the more immediate short-term.

The Association strongly urges the Council to move forward with incorporating appropriate amendments to the RMP that would satisfy all the statutory mandates of the Highlands Act. Thank you for the opportunity to provide our input.

Sincerely,


C: Robert J. Bracken, Wynfield Corp.
Stephen Shaw, Shaw Built Homes, LLC


My name is Deborah Post, Chester Township.
The RMP says Monitoring was supposed to be on-going and begun immediately. This Council waited 7 to 8 years to even begin monitoring.

Monitoring was not meant to "facilitate" revisions to the RMP. That's malarkey. Objective 10A5a states it was to "insure the RMP was meeting its goals". I recommend reading pages 4167 of the Council's Regional Master Plan. The procedures proposed in this resolution twist monitoring into something it was not intended to be, so this Council could conveniently avoid the proper RMP review process.

The RMP does not mention a Monitoring Recommendation Report. It specifies a Monitoring Review Report. Monitoring was never meant to be the RMP amendment recommendation process.

The Highlands Act clearly states that it was this Council's job to review the RMP every six years. Six years was up back in 2014, that was three years ago. And let's not forget the RMP itself was finalized years after the Act directed. Because this Council didn't bother to obey the law, technically, the RMP is null and void.

The professed interest in public comment is a farce. This Council set up TACS, held a TAC meeting, and then wrote a TAC report that reflected absolutely nothing that was said in the TAC meeting and failed to include in the report any of the written comments submitted during the TAC meeting, and then never held the promised final TAC meeting to agree on conclusions. The staff and consultants just didn't like what they heard, so they hijacked the process. This is corrupt.

The last bullet point on your counsel's memo contradicts the resolution you are voting on.
That bullet point says that the procedures must be adopted before any amendments may be adopted while your resolution says that the procedures will be adopted along with other amendments.

You have a catch 22. And that is because the Monitoring report gimmick employed here was never contemplated in the RMP or the Highlands Act.

| From: | ann kelleher |
| :--- | :--- |
| To: |  |
| Subject: | Procedure documents |
| Date: | Tuesday, September 26, 2017 10:57:10 AM |

We are against the logging of public lands being included as part of the highlands preservation act. The 30 day comment period is insufficient and we suggest a more reasonable timeframe of 90 days. Anne Kelleher\& John Kelleher

| From: | Mary O"Keefe |
| :--- | :--- |
| To: |  |
| Subject: | Response to Addendum 2017-1 |
| Date: | Friday, September 22, 2017 2:33:38 PM |
| Attachments: | Response to the Highlands Council.pdf |

Please see the attached response on behalf of the Mayor and Borough Council of the Borough of Butler regarding Addendum 2017-1.

Mary O'Keefe



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September 21, 2017
New Jersey Highlands Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322

Mr. Rilee,
Please be advised that the Mayor and Butler Borough Council reviewed the proposed amendments contained in the Regional Master Plan (RMP) Addendum 2017-1. On behalf of the Borough of Butler be advised that they concur with the statement (attached) issued by the Township of West Milford regarding the proposed amendment and the financial impact it will have on the preservation area municipalities. This amendment does not provide any funding sources for the municipalities directly affected by these changes and will place undue burden on the residents of West Milford and all other municipalities that are located within the preservation area.

Sincerely,

Robert W. Alviene, Mayor


BY:

## Re: Public Hearing Comments Highlands Council RMP Addendum 2017-1

I am here today to speak about the proposed amendments contained in the Regional Master Plan (RMP) Addendum 2017-1 on behalf of the Township of West Milford and the elected officials of that municipality. I believe that the purpose of Addendum 2017-1 is to allow the Highlands Council to adopt amendments to the Regional Master Plan. In effect, this takes the status of the Highlands Council from an advisory board to a legislative authority which they never had before and is not appropriate for a board which is comprised of appointed rather than elected officials. This is distressing for many reasons.

The Township of West Milford cannot afford to comply with the rules and regulations associated with the Highlands Act. West Milford is located 100\% in the preservation area and we fully support the intent of the Act. However, as a municipality that receives no compensation for permanently lost ratables and onerous regulations while being subjected to oppressive enforcement fines from the DEP, West Milford residents are bearing a burden to protect these natural resources for all New Jersey residents.

RMP Addendum 2017-1 outlines a process for Highlands Council members and staff to adopt amendments to the Regional Master Plan which shows significant deference to multiple factors but very little attention to the economic plight of preservation area municipalities. The Township of West Milford opposes RMP Addendum 2017-1 because the Township cannot afford the ultimate goal which would bestow authority on the Highlands Council to adopt amendments to the Regional Master Plan without the ability to provide sufficient funding sources for these mandates.

