



The New Jersey Highlands Water Protection and Planning Council

2007 Annual Report



State of New Jersey

Highlands Water Protection and Planning Council
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JON S. CORZINE
Governor

JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

A Message from the Chairman and Executive Director

Dear Friend of the New Jersey Highlands:

It is with great pleasure that we present to you the New Jersey Highlands Water Protection and Planning Council's Annual Report for 2007. We are proud of the Highlands Council's work during 2007, and we are confident this work will enable the Council to adopt and begin to implement a Regional Master Plan in 2008 that will protect the water and natural resources of the Highlands Region.

The Highlands Council's major accomplishment in 2007 was the release of the Final Draft Regional Master Plan in November. This was the culmination of a year's worth of dedication and perseverance by the Highlands Council and its professional staff, and this document was specifically responsive to the extensive public input on an earlier Draft Plan. Releasing the Final Draft Regional Master Plan in November 2007 was followed by a public comment period which lasted through February 28, 2008. The Council provided an additional 90 days and three additional public hearings for the people of the Highlands, Legislators, State agencies and others with a stake in the future of this Region to voice their opinions on the revisions to the Plan.

More specifically, the Council's accomplishments are highlighted by the following activities:

- In 2007, the Council met 19 times in meetings and work sessions to gain insight from Highlands Council staff, State agencies, interested stakeholders, and the public regarding Plan elements. Various Council subcommittees held additional meetings throughout the year.
- Following the release of the Draft Regional Master Plan in November of 2006, the Council convened a public comment period lasting more than 160 days ending on May 11, 2007.
- During the public comment period, the Council held nine public hearings, from January through March of 2007. The locations were: The Frelinghuysen Arboretum (Morristown), Ramapo College, (Mahwah), Warren County Technical School (Washington), Voorhees High School (Lebanon), Sussex County Technical School (Sparta), New Jersey State Museum (Trenton), Passaic County Community College (Wayne), and Ridge High School (Basking Ridge).
- The Council received in excess of 3,600 individual public comments from more than 1,000 individuals and entities.
- Between August and November of 2007, the Council considered and revised all major sections of the 2006 Draft Plan to be as responsive as possible to the public comments. The process of considering the public comments led to changes of sufficient significance to the Draft Plan, therefore the Council elected to issue a revised Final Draft Plan for an additional round of public review and comment before considering adopting a final Regional Master Plan.
- Throughout the year, the Council continued what we believe to be an exemplary public involvement program. Specifically, Council staff appeared at numerous meetings in Highlands municipalities to present the Plan and have an open and meaningful dialogue with local officials and members of the public. To date, the Council has held 57 municipal presentations as well as 55 informational meetings with Highlands municipalities.

The Council is mindful of the inherent difficulties in the development of a Regional Master Plan, whereby not every stakeholder and constituent will be satisfied. Accordingly, the Council has done its best to be responsive to the public input while staying true to the mandates of the Highlands Act and utilizing the best scientific and planning data available. In addition, the Council sees the Regional Master Plan as a living, breathing document that will improve over time through municipal and county implementation.

The Highlands Council recognizes its charge to aim for the greater good of people in the Highlands as well as for those who live elsewhere in New Jersey but depend on the Highlands Region for drinking water. Protection of the critical resources of the Highlands Region is an issue of statewide significance, because failure to protect them will result in a cost to the entire state. The Council is mindful of the Legislature's findings expressed in the Highlands Water Protection and Planning Act that a regional approach is necessary because water and nature know no boundaries.

The Highlands Council anticipates that 2008 will be a crucial year for the Highlands, and as it is poised to deliver a Regional Master Plan that is responsive to the Highlands Water Protection and Planning Act, is based on science and is legally defensible.

Sincerely,



John Weingart, Chairman
New Jersey Highlands Council



Eileen Swan, Executive Director
New Jersey Highlands Council



— Highlands Water Protection and Planning Council —

Chairman John Weingart
(D-Stockton, Hunterdon County)
Associate Director, Eagleton Institute
of Politics at Rutgers University

Tracy C. Carluccio
(I -East Amwell, Hunterdon County)
Deputy Director,
Delaware Riverkeeper Network

Deborah Pasquarelli
(R-Greenwich, Warren County)
Former Committee Member,
Greenwich Township

Vice Chairman Jack Schrier
(R-Mendham, Morris County)
Morris County Freeholder,
Councilman, Mendham Township

Tim Dillingham
(D-Hopewell, Mercer County)
Executive Director,
American Littoral Society

Erik Peterson
(R-Milford, Hunterdon County)
Hunterdon County Freeholder

Treasurer William Cogger
(R-Chester Township, Morris County)
Mayor, Chester Township

Janice Kovach
(D-Clinton Town, Hunterdon County)
Former Council Member,
Town of Clinton

Glen Vetrano
(R-Hampton, Sussex County)
Sussex County Freeholder

Kurt Alstede
(R-Chester, Morris County)
Founder, Alstede Farms

Mimi Letts
(D-Parsippany, Morris County)
Former Mayor, Parsippany

Tahesha Way
(D-Wayne, Passaic County)
Passaic County Freeholder

Elizabeth Calabrese
(D-Wallington, Bergen County)
Bergen County Freeholder

Scott Whitenack
(D-Morristown)
Former Chairman, Morristown
Planning Board

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The Year in Review

On November 30, 2007 the New Jersey Highlands Water Protection and Planning Council released the final draft of the Regional Master Plan. As mandated in the Highlands Water Protection and Planning Act, the Highlands Council is developing a comprehensive Regional Master Plan to protect, enhance and restore the significant natural resources of the Highlands Region. Most importantly, the Highlands Act requires that the Council safeguard the Highlands Region's water resources which provide more than half of New Jersey with clean drinking water. The Council is designing the Regional Master Plan to evaluate how to best protect the natural and cultural resources of the Highlands Region while striving to accommodate a sustainable pattern of regional growth. It will provide a consistent framework upon which to base future land use decisions in a manner that fosters regional cooperation and community participation.

The first draft of the Regional Master Plan was released in November 2006 and was subject to nine public hearings and a 160-day public comment period. In response, the Council received more than 3,600 comments from more than 1,000 individuals or entities. After revising the Plan to be responsive to the significant public comments, the Council released the final draft of the Regional Master Plan on November 30, 2007, held three additional public hearings, and provided an additional public comment period that ended on February 28, 2008.

The New Jersey Highlands Region spans 859,358 acres divided into two areas: the Preservation Area and the Planning Area. The Preservation Area consists of 414,964 acres, and the Planning Area consists of 444,394 acres. Of the nearly 860,000 acres, the Plan identified more than 643,000 acres as environmentally sensitive (nearly 75 percent of the Region).

Importantly, the Plan designates significant portions of the Planning Area as having environmentally sensitive lands (more than 270,000 acres of the nearly 445,000 acres).

Releasing the final draft of the Regional Master Plan occurred under the stewardship of a new Executive Director - Eileen Swan. Ms. Swan was an original member of both the Highlands Task Force and the Highlands Council. Importantly, She brings with her extensive municipal experience as she served as Mayor, Committeewoman and Planning Board member of Lebanon Township. She also has State experience having served as the Executive Director of the Office of Smart Growth working with the State Planning Commission. Her knowledge of New Jersey's planning issues and the history of the Council will be vital as the Council moves to adopt and implement the Regional Master Plan.

Overview of Changes to the Regional Master Plan

The Final Draft Regional Master Plan incorporates a number of important changes from the 2006 Draft Plan and these are briefly summarized below:

1. Organization of the Regional Master Plan: The Final Draft is a complete reorganization of the 2006 Draft Plan to make for a more user friendly document.
2. Goals, Policies and Objectives: Chapter IV includes many changes that were made to bring policy information together for greater clarity, distinguishing between policies and objectives.
3. Programs: A major change from 2006 Plan is the development of program descriptions that identify specific methods by which the Council will implement key aspects of the Plan.
4. Land Use Capability Map (LUCM): In a fundamental change from 2006, the LUCM has been developed as a map *series* to better capture capacity issues; with five maps identifying the overlay zones, water availability, water supply and wastewater utility capacity, and septic system yields. A new Program provides a method for using the five maps and their underlying data layers to assess development potential for any area of the Highlands Region.
5. Septic System Densities: In the Final Draft Plan, the Council has provided detailed nitrate thresholds, modeling approaches, site-specific requirements, and septic system yields by Land Use Capability (LUC) Zone in each subwatershed for each municipality.
6. TDR Potential Receiving Zones: Based on the LUCM Series, the Plan includes mapping of areas with the highest potential to serve as TDR Receiving Zones. Actual designation of receiving zones will require a municipal decision, on a voluntary basis, to further refine the analyses and develop a petition for Council consideration.
7. Lake Management Areas: The Plan includes new material on the management of the lands and land uses within 1,000 feet of Highlands lakes, including development restrictions regarding shoreland ecosystems, water quality and scenic resources, and planning and implementation for lake restoration.
8. Forest Management: The Plan specifically acknowledges the exemption of forestry practices under an approved Forest Management Plan and the focus of the Plan is more firmly concentrated on the protection of forests from development, and the encouragement of improved forestry practices.
9. Karst Topography: The Plan includes a new focus on Karst topography, the areas of sinkholes and similar features that occur where carbonate rocks (limestone and dolomite, mostly) are at the land surface. Site planning and design standards are required to identify karst features and avoid potential threats to public safety and water resources.
10. Agricultural Preservation Priorities: The Plan reflects the results of cooperative efforts with the New Jersey Department of Agriculture and the State Agriculture Development Committee to refine these agricultural preservation priorities, add two indicators, and develop a new priority map.
11. Cluster Development: The Plan includes more detailed language regarding the use and limitations of clustering, clarifies how different types of clustering can result in the preservation of natural resources and prime agricultural soils, and provides extensive guidance through the Clustering Program on how cluster development should be designed to protect the surrounding areas, including specific limitations on the extension or creation of public water and wastewater utilities.
12. Net Water Availability and Water Deficit Mitigation: The Plan is more detailed and specific regarding requirements for water conservation and the mitigation of water deficits, and the *Draft Technical Report Addenda* provides specific examples of workable techniques.
13. Transportation Infrastructure: The Plan reflects new work on the evaluation of transportation infrastructure and the potential impact of transit and multi-modal transportation opportunities on redevelopment, infill and new development where environmental constraints are lacking.
14. Plan Conformance: The Plan provides additional approaches and specific Programs to assist with Plan Conformance by municipalities and counties, with provision for initial grants to help the local governments determine how the Plan relates to their current plans and ordinances, followed by a

broader grant program to address conformance planning and ordinance changes.

15. Regional Master Plan Update and Map Adjustments: The Plan includes specific provisions to address plan updates and map adjustments. Update provisions are included to recognize that information is always subject to updates and may result in changes to components of the Plan.

In addition, municipalities have the potential to identify adjustments that can achieve the same or better level of environmental protection as the Plan that respond to local needs yet are subject to stringent requirements for “no net loss” in both the quantity and quality of Highlands resources.

The Highlands Council is looking forward to the adoption of the Regional Master Plan in the summer of 2008, as well as putting our efforts into implementing the Plan. There will be many further meetings with our counties, municipalities and other agencies as we move forward in the continued protection of the Highlands.

Grants to Municipalities and Counties to Conform to the Regional Master Plan

One of the most important elements of the Highlands Act is allocating grants to eligible municipal and county governments to share in the process of updating local master plans, zoning ordinances, and other land use regulations in order to come into conformance with the

- **Municipal and County Partnership Pilot Project Program**

The Council approved more than \$600,000 in grants for 10 municipalities and three counties (Byram, Califon, Clinton Town, Dover, Greenwich, Oxford, Randolph, Ringwood, Washington Borough, West Milford, Sussex County, Passaic County, and Warren County). These grants provided assistance to targeted issues such as stewardship of open space, brownfield redevelopment, innovative approaches to affordable housing, water use planning, parcel mapping, and transit center development.

- **Affordable Housing Planning Grant Program**

The Council provided grant funds to assist municipalities in addressing their affordable housing requirements, including substantive certifications and third round obligations submitted to COAH (\$12,500 per municipality for substantive certification applications and \$7,500 per municipality for third round submissions). To date, the Council has granted \$315,000 to 42 municipalities to prepare third round plans and \$75,000 to six municipalities having no substantive certification. To date, total grant funding awarded by the Highlands Council under the COAH planning grant program amounts to \$390,000.

Plan. The Highlands Council has established an interim grants program to enable local planning entities to become involved in the development and implementation of the Plan. To date, the Highlands Council has approved following grant programs:

- **Sustainable Agriculture Grant Program**

The Council created a grant program for Highlands municipalities and counties for the following agricultural grant categories: Integrated Crop Management, Market Development/Niche Crops, and County Agriculture Development Board Capacity Building. To date the Council has approved \$185,000 in grants to Hunterdon County and Sussex County.

- **Voluntary Receiving Zone Feasibility Grant Program**

Recognizing that planning for a TDR receiving zone involves costs, the Council established a \$1 million grant program to assist municipalities in assessing the potential for locating a TDR receiving zone. Eligible municipalities, which do not have to be within the Highlands Region but must be in one of the seven Highlands counties (Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren), will receive both financial support and technical assistance from the Council. Participation in the grant program requires a commitment by a municipality to fully evaluate the feasibility and desirability of designating a receiving zone, but does not obligate a municipality to establish such a zone. To date, two municipalities (Lopatcong Township and the City of Clifton) have been awarded \$65,000 in grants while several others are currently preparing applications.

**New Jersey Highlands Water Protection and Planning Council
Statement of Activities and Financial Report - December 31, 2007**

General Operating Budget FY07 - July 1, 2006 through June 30, 2007

REVENUES:

State of New Jersey Appropriation FY07	\$ 2,275,000.00
Balance from FY 06	360,356.58

TOTAL **\$ 2,635,356.38**

EXPENDITURES:

Salaries	\$ 1,771,953.33
Materials and Supplies	\$ 75,367.64
Other Operating Expenses	\$ 220,303.38
Maintenance and Repairs	\$ 188,437.59
Equipment, Additions and Improvements	\$ 57,018.16
Balance through June 30, 2007	<u>\$ 322,276.48</u>

TOTAL **\$ 2,635,356.58**

General Operating Budget for Portion of FY08 - July 1, 2007 through December 31, 2007

REVENUES:

State of New Jersey Appropriation FY08	\$ 2,500,000.00
Highlands Balance from FY07	<u>\$ 322,276.48</u>

TOTAL **\$ 2,822,276.48**

EXPENDITURES:

Salaries	\$ 778,615.61
Materials and Supplies	\$ 17,333.40
Other Operating Expenses	\$ 150,178.10
Maintenance and Repairs	\$ 83,284.35
Equipment, Additions and Improvements	\$ 86,904.41
Operating Balance through June 30, 2008	<u>\$ 1,705,960.61</u>

TOTAL **\$ 2,822,276.48**

Regional Master Plan Budget for Portion of FY08 - July 1, 2007 through December 31, 2007

REVENUES:

Highlands Balance from FY07	\$ 1,355,723.16
State of New Jersey Appropriation FY08	<u>\$ 500,000.00</u>

TOTAL **\$ 1,855,723.16**

EXPENDITURES:

Contracts Paid Year to Date	\$ 309,284.56
Balance on Approved Contracts	\$ 726,137.89
Regional Master Plan Balance Available through June 30, 2008	<u>\$ 820,300.71</u>

TOTAL **\$ 1,855,723.16**