



Newsletter of the New Jersey Highlands Water Protection and Planning Council • Issue 3 • September 2011

Highlands Protections Near Halfway Mark

In a mark of continuing progress for the [Highlands Regional Master Plan](#), plans for conformance from five towns in Morris and Warren counties were approved in August by the Highlands Council, adding 17,492 acres to the region's conforming areas.

[Wharton](#) in Morris County and the Warren County towns of [Alpha](#), [Hackettstown](#), [Oxford](#) and [Pohatcong](#) are the latest municipalities to receive Council planning approvals. They join 23 other towns and two counties in compliance that are now eligible for planning grants, technical assistance and legal protections under the Highlands Act.

The Highlands Region covers 859,267 acres across seven counties and is divided into Planning and Preservation

Areas, with each carrying varied restrictions for landowners and developers. Water from the Highlands supplies water for half the state's population and is the main supply for the cities of Newark, Paterson, Edison, Jersey City and Woodbridge.

At a meeting of the Highlands Council in August, members and local officials agreed on municipal plans that are consistent with the regional plan for 1,362 acres in Wharton; 1,098 acres in Alpha Borough; 2,374 acres in Hackettstown; 3,878 acres in Oxford; and 8,780 acres in Pohatcong. Each of the plans includes the designation of a Highlands Center to identify areas for sustainable growth, with the intent of promoting economic development while protecting open space and agricultural lands.

(continued on page 2)

Meeting of the Highlands Council Sept. 15, 2011 4 pm

Highlands Anniversary p.2
New Council Chairman p.3
\$3.2 Million in Land Offers p.4

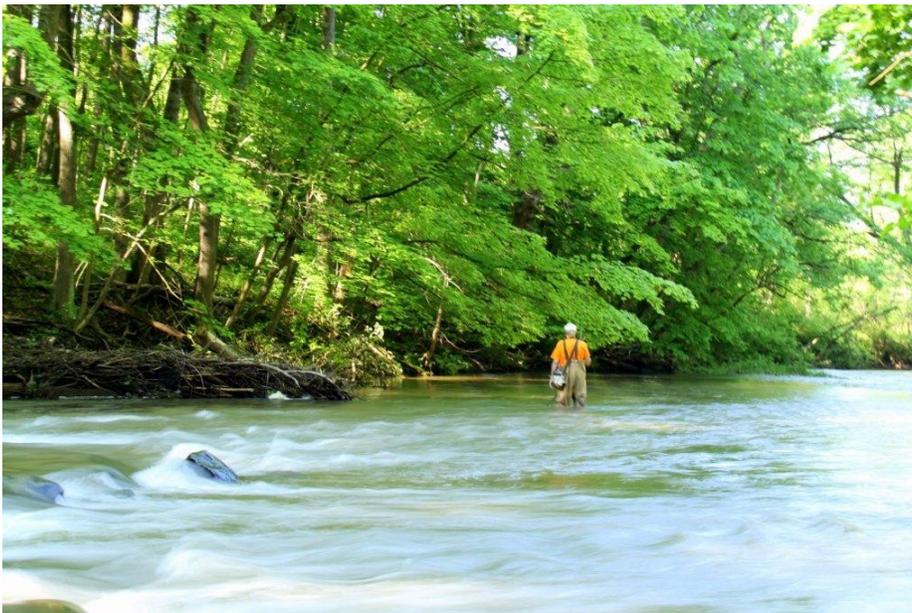
Highlands Act Upheld in Legal Challenges

The Highlands Act and its provisions to protect the drinking water for 5.4 million New Jersey residents were reaffirmed in a series of legal decisions in August.

The Appellate Division of the State Superior Court released five decisions upholding the adoption of the Highlands Regional Master Plan. Various appeals were brought by developers and affordable housing advocates challenging the actions of the Highlands Council, former Governor Corzine, the Council on Affordable Housing, and the Department of Environmental Protection.

"The decisions are an affirmation of the Highlands Council's work and analysis to ensure the Plan meets all of the mandates of the Highlands

(continued on page 3)



In western Warren County, Pohatcong Creek flows to meet the Delaware River

Residents, Towns Observe Highlands Anniversary

The seventh anniversary of the Highlands Act was met with celebrations and a flood of news coverage about the pioneering land-preservation legislation, passed by the New Jersey Legislature on August 10, 2004.

Under the Act, towns participating in the Highlands Regional Master Plan are eligible for planning grants and expertise from the Highlands Council, the appointed body that oversees the Act's implementation.

"Entering its eighth year, we are making substantial progress on implementing the Highlands Regional Master Plan," said Jim Rilee, Chairman of the Highlands Council.

"With tools like Highlands Centers, we see a more thoughtful approach to development. However, there are many issues that I look forward to working on with the Council, including continued environmental protection and addressing land-owner equity concerns."

The New Jersey Highlands include 88 municipalities across seven counties. Under state law, municipalities

in the Preservation Area are required to revise local plans and development regulations to conform to the Highlands Regional Master Plan and municipalities in the Planning Area may voluntarily do so. Many towns have acreage in both areas.

Highlands Centers identify areas for sustainable growth, with the intent of promoting economic development while protecting open space and agricultural lands. In addition, towns such as Wharton in Morris County and Hackettstown in Warren County are examining the feasibility of creating receiving zones for the transfer of development rights.

"Our goal is simple: to work with towns and help them in achieving local goals while securing the resources critical to all of us in New Jersey," said Eileen Swan, the Highlands Council's Executive Director.

"We're now closing in on the halfway point in local planning that is consistent with the goals of the Highlands Act, and we are seeing a trend towards more conformance in the Planning Area."

[Byram Wins Smart Growth Award](#)

Byram Village Center, a designated Highlands Center, has been recognized for its innovative mixed-use redevelopment along Route 206 in rural Sussex County. Working with the Highlands Council, Byram officials created a plan to revitalize 197 acres of the village's downtown, address its affordable-housing obligations and protect its significant natural resources. The project gives residents a clear blueprint for Byram's future growth. New Jersey Future, a nonprofit research and policy organization, announced the award in June.

Highlands Protection Near Halfway Mark

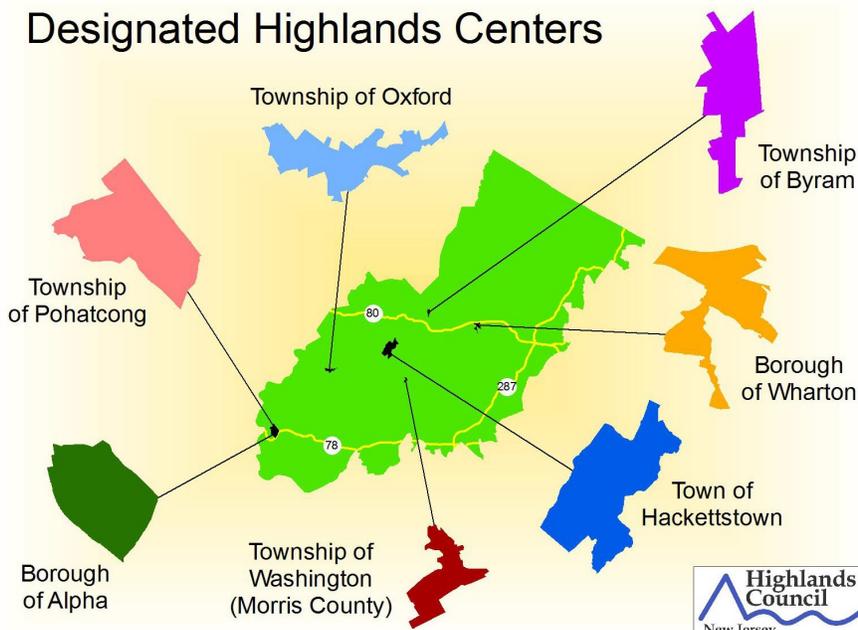
(continued from page 1)

In addition, all five towns are examining the feasibility of creating receiving zones for the transfer of development rights.

Of 60 towns to apply for review, [28 towns](#)—amounting to 275,278 acres and an approximate halfway mark in applications—have received approval for their conformance plans from the Highlands Council since 2010. The Highlands, a region rich in forests and other natural resources, spans Bergen, Hunterdon, Morris, Passaic, Sussex, Somerset and Warren counties. Conformance plans for Passaic and Somerset counties have already been approved. Under state law, conformance is mandatory in the region's Preservation Area and voluntary for towns in the Planning Area. Many towns have acreage in both areas.

Chairman Rilee welcomed two new Council members: Passaic County Freeholder Bruce James and Bergen County Surrogate Michael R. Dressler. Members are appointed by the governor for varying terms in office, and are chosen from all seven counties in the region.

Designated Highlands Centers



Gov. Christie Taps Jim Rilee as Highlands Council Chairman

Governor Chris Christie has designated Jim Rilee, the Mayor of Roxbury Township in Morris County, as the Chairman of the Highlands Water Protection and Planning Council.

Jim Rilee has lived in Roxbury Township since 1992 and has served as Mayor, Deputy Mayor, Councilman, and Planning Board member there. He also served as Chairman of the Morris County Open Space & Farmland Preservation Trust Fund.

He has extensive experience in municipal land-use planning, redevelopment and open-space preservation, helping to rewrite Roxbury Township's Master Plan to promote responsible development. During his tenure in Roxbury, he has been the liaison to the volunteer fire departments, an original member of the Main Street Committee and a member of the Economic Development Committee.

Since 1981, Chairman Rilee has been employed by Allied Management Inc., the management arm of Bottle King Liquors. He joins the Highlands



Council with four other new members: Timothy P. Dougherty, Mayor of Morristown; Michael R. Dressler, Bergen County Surrogate; James E. Mengucci, Councilman in Lopatcong Township; and Robert G. Walton, Hunterdon County Freeholder.

The Highlands Act sets specific requirements for Highlands Council membership, and its 15 members must include eight elected municipal and county officials and seven public members. The five new members were appointed by Governor Christie to fill "elected official" seats; in these instances, three municipal officials and two county officials.

They represent Morris, Hunterdon, Bergen, and Warren Counties.

The new Council Members bring extensive municipal and county experience to the Highlands Council. Hunterdon County Freeholder Walton is a member of the Hunterdon County Planning Board and the Open Space Advisory Board. He is also a former Councilman and twice elected Mayor of Hampton Borough.

Mayor Dougherty was formerly a Morristown Councilman-At-Large. He served as Chairman of the Morristown Board of Adjustment and on the board of the Southeast Morris County Municipal Utility Authority.

James Mengucci serves as a Lopatcong Township Councilman and he is also the town's Municipal Public Safety Director. Judge Dressler was elected Creskill Borough's Mayor in 1983. He served as counsel to both the Bergen County Board of Freeholders and the New Jersey Sports and Exposition Authority. In 1997, he was elected as the Bergen County Surrogate.

Highlands Act Upheld in Legal Challenges *(continued from page 1)*

Act, while securing the water resources critical to all of us in New Jersey," said Tom Borden, the Highlands Council's Deputy Executive Director and Chief Counsel.

The Regional Master Plan was adopted in July 2008 after an extensive public process to develop a regional land-use plan for the 860,000-acre Highlands Region. Constituting 17 percent of the state, the Highlands includes 88 municipalities in seven counties. State law requires municipalities in the Preservation Area to revise local plans and development regulations to conform to the plan; municipalities in the Plan-

ning Area may voluntarily do so.

All five court decisions upheld the actions of the Highlands Council in the adoption of the Regional Master Plan. Two of the five decisions were published decisions providing a detailed analysis of the Highlands Council's actions in the development of the Plan and its transfer of development rights (TDR) program.

To date, 60 towns have submitted a petition to conform to the Highlands Regional Master Plan, resulting in 97-percent conformance in the Preservation Area (401,903 acres) and 35-percent conformance in the Plan-

ning Area (157,460 acres). Of 60 towns to apply for review, 28 towns—amounting to 275,278 acres—have received approval for their conformance plans from the Highlands Council since 2010.

"Based on the actions of the court, we on the Council will continue to implement the Regional Master Plan in a fair and balanced way," said Jim Rilee, Chairman of the Highlands Council and Mayor of Roxbury, "and in a way that considers the welfare of the State as well as the landowners, residents, and all stakeholders in the Highlands."

HDC Bank Offers \$3.248 Million for Land Preservation

The New Jersey Highlands Development Credit Bank (HDC Bank) has made offers to preserve another 130 acres of land in Morris, Warren, Passaic and Hunterdon counties, providing up to \$3,248,000 to landowners in the Highlands Preservation Area.

If the HDC Bank's offers are accepted by landowners, a total of 318.9 acres will be protected through deed restrictions to preserve lands in the Highlands Preservation Area. The TDR Program allows participating owners to retain ownership of their land while safeguarding the region's significant environmental

and agricultural resources, which include the drinking water supply for 5.4 million New Jersey residents.

"We're pleased to be able to help landowners in financial hardship, and those who might not qualify for the Green Acres or Farmland Preservation programs," said Theodore J. Maglione, chairman of the HDC Bank's board.

In simple terms, the TDR program

awards credits to eligible property owners as a means of offsetting the loss of pre-Highlands Act development opportunity. To determine the num-

ber of credits a property may be eligible to receive, the program evaluates a property's size and location and considers local zoning and environmental laws that were in effect the day prior to adoption of the Highlands Act. Credits may be sold to the HDC Bank or a conservation organization after the landowner records a deed of easement limiting a property's potential development. In the future, credits

may also be sold to developers, who can use them to increase the density of a residential development project, or to intensify commercial or industrial development, within an approved Highlands TDR receiving zone. "The TDR Program is a valuable tool in steering development away from green spaces and toward areas that have the infrastructure to accept more development," said Eileen Swan, executive director of the Highlands Council.

The HDC Bank was provided \$10,000,000 in initial capital funding to purchase development rights under the Highlands TDR Program, an essential tool of the Highlands Regional Master Plan. The HDC Bank also announced notice of a fourth round of acquisitions that will soon be underway.

For further information on the Highlands Development Credit Bank and the Highlands TDR program, see: <http://www.highlands.state.nj.us/njhighlands/hdcbank/>



Transfer of development rights helps keep vistas open

Unless otherwise noted, photos by Nathan McLean, Highlands Council Staff



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