

**MINUTES**

**NEW JERSEY HIGHLANDS COUNCIL  
MEETING OF JANUARY 5, 2006**

**PRESENT:**

JOHN WEINGART	)	CHAIRMAN
KURT ALSTEDE	)	COUNCIL MEMBERS
TRACY CARLUCCIO	)	
LOIS CUCCINELLO	)	
TIM DILLINGHAM	)	
JANICE KOVACH	)	
DEBBIE PASQUARELLI	)	
MIKAEL SALOVAARA	)	
JACK SCHRIER	)	
BEN SPINELLI	)	
EILEEN SWAN	)	
GLEN VETRANO	)	

**ABSENT:**

MIMI LETTS  
SCOTT WHITENACK

The following are the minutes from the New Jersey Highlands Council meeting which was held at 100 North Road, Chester, New Jersey on January 5, 2006 at 10:00 a.m.

**CALL TO ORDER:**

The Chairman of the Council, Mr. John Weingart, called the twenty-second meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:10 a.m.

**ROLL CALL:** The members of the Council introduced themselves.

**PLEDGE OF ALLEGIANCE** was then recited.

**OPEN PUBLIC MEETINGS ACT:**

Chairman Weingart announced that the meeting was called in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, and that the Highlands Council had sent written notice of the time, date and location of this meeting to pertinent newspapers of circulation throughout the State.

**APPROVAL OF MINUTES (December 15, 2005):**

Mr. Vetrano noted that on page one of the minutes his name should be added to the list of Council members present at the meeting. Mr. Jack Schrier made a motion to approve

with the requested change, Ms. Eileen Swan seconded, Mr. Mikael Salovaara abstained, all others were in favor, APPROVED.

**CHAIRMAN'S REPORT:**

Mr. Weingart noted that the largest item on the meeting agenda was the presentation of a power point by Mr. Steve Balzano of the Highlands staff, and the subsequent discussion of the framework for the Highlands Regional Master Plan.

Mr. Weingart further advised that the Council is required to conduct audits and complete fiscal evaluations. Mr. Weingart said that the Council would need to set up an audit committee and that between now and the next Council meeting, he would welcome volunteers to participate on the committee.

Mr. Weingart asked if any members had reports, and Mr. Glen Vetrano advised that on February 7<sup>th</sup> there will be a tour through Sussex County and that the Route 94 corridor will be visited. He welcomed those interested in attending.

Mr. Weingart said that time permitting at the end of the meeting, the Highlands movie which was provided on DVD by the Waldwick High School students would be shown to the Council and public. He then asked Mr. Adam Zellner to give the Executive Director's report.

**EXECUTIVE DIRECTOR'S REPORT:**

Mr. Zellner noted that the Passaic County Planning Conference is coming up and many other events in March, April and May that Ms. Erin Thomsen will be sending out pertinent information to the Council members.

Mr. Zellner advised that the water tax is before the Appropriations Committee in the Senate today, but is not scheduled for the Assembly Appropriations Committee today. He noted it is hoped that the Senate will pass the bill, and that he will await further information. Ms. Cuccinello asked that the staff please keep the members informed of developments as to the water tax as it learns them.

Mr. Weingart then opened a public comment period.

**PUBLIC COMMENT PERIOD:**

Ed Gagne, Lebanon Township. Mr. Gagne said that he met Mr. Weingart 20 years ago. He said that he believes large lot zoning is detrimental to land owners and that he opposed the Highlands Act. Mr. Gagne stated that he has kept his land development free for many years without a governmental mandate to do so. He provided his comments in writing.

Tina Bologna, Association of New Jersey Environmental Commissions. Ms. Bologna advised that ANJEC has extended outreach to the Highlands municipalities and also spoke about the publication "The Highlands Herald" which is circulated to municipal officials throughout the Highlands to inform them of the benefits available to them by virtue of the Highlands Act. Ms. Bologna noted that ANJEC represents environmental commissions, and that it has been a member of the Highlands Coalition since 1988. She thanked the Council for continuing to engage with the Coalition over the past year, and advised that ANJEC is in the process of scheduling a workshop to be held in late April 2006 which would highlight the benefits of opting-in to the Highlands Regional Master Plan.

Karl Klingener, Boonton Township Open Space Committee. Mr. Klingener read a resolution aloud that was adopted by the town which requests that the Council examine why Boonton is not included in the Highlands preservation area. The resolution also petitions the Legislature to put Boonton in the preservation area. Mr. Klingener said that only a small portion of Boonton Township is in the preservation area, and that more should have been protected. He provided a copy of the resolution to the Council.

Elizabeth George-Cheniara, New Jersey Builders Association. Ms. George-Cheniara asked if there would be more TAC (Technical Advisory Committee) meetings and whether there would be an opportunity to comment on development of the master plan. Mr. Zellner noted there would be another round of TAC meetings in March and that comments would be taken in writing and via TAC meetings, planning charette and public hearings.

Hank Klump, Tewksbury. Mr. Klump is the owner of 150 acres of farmland in the preservation area. He questioned whether fair market value will be offered to property owners by Green Acres because property values are not based on pre-Highlands Act values. Mr. Klump stated that the Act negatively affects the owners of farmland, and that he wants to know what the science was that placed his property in the preservation area. Mr. Klump provided his comments in writing.

Jim Kelsey, Independence Township. Mr. Kelsey is a member of the Independence Township Planning Board. He stated that some of Independence Township's most environmentally sensitive areas are in the planning area. He noted that the town has already been protecting its resources vigorously for years based on hydro-geologic studies, and he said that the 88 acre zoning requirement in the Highlands Act is excessive. Mr. Kelsey provided his comments in writing.

Linda Ricker, Lebanon Township. Ms. Ricker stated that she owns 78 acres of farmland in the preservation area. She said that prior to passage of the Highlands Act, she had 10 lots valued previously at \$250,000 an acre and that the devaluation is now at \$2 million for the entire property which is now considered one lot. She stated that she never planned to develop the property. She also stated that she cannot borrow from the Farm Bureau and that she has three children in college and does not know what to do.

Susan Buck, Oxford Township. Ms. Buck stated that she believes that the Highlands Council lacks power because it did not stop the Highlands DEP rules from being adopted. She believes the rules are detrimental to Highlands property owners and residents. Ms. Buck stated that the language in the Highlands Act does not mention or protect landowners' rights, nor do the DEP's Highlands rules, and she said that if the Council had more power it could have had more impact on the inclusion of language to protect property owners rights through the regulations. Ms. Buck provided her comments in writing.

Andy Drysdale, Chester Township. Mr. Drysdale stated that the DEP's Highlands rules are too lengthy. He believes that the Green Acres program and the Farmland Preservation Fund along with local zoning ordinances, were sufficient to protect the sensitive environmental areas of the Highlands region. Mr. Drysdale said that the Highlands Council should be given the power to veto DEP on matters concerning the Highlands because it would be a reasonable check on the actions of the Department. He provided his comments in writing to the Council.

Mr. Weingart asked if there were any other comments and since none were received, he advised that the Council would next consider the proposed resolution regarding grants to municipalities.

**CONSIDERATION OF RESOLUTION REGARDING GRANTS TO MUNICIPALITIES AND COUNTIES (voting matter):**

Mr. Steve Balzano advised that there are currently three grant programs: MP3s, COAH and County grants. A grant program for agriculture and farming is under development. He stated that once the Highlands Regional Master Plan is adopted, there will be grants available for conformance with the Regional Master Plan.

Mr. Balzano noted that the proposed resolution provided for two grants of COAH third round assistance -- the first grant to Chester Borough and the second to Sparta Township, both for a total amount not to exceed \$7,500. Mr. Salovaara made a motion to adopt, Ms. Kovach seconded, all were in favor, APPROVED.

**DISCUSSION OF FRAMEWORK FOR REGIONAL MASTER PLAN:**

Mr. Weingart noted that the purpose of the presentation was to provide an update on work completed on the specific elements of the Highlands Regional Master Plan, and also to demonstrate in greater detail the implementation framework for the master plan. He further advised that the Plan Development Committee will begin meeting more frequently and has a meeting scheduled for the following week on January 12<sup>th</sup>.

Mr. Balzano gave a detailed power point demonstration which outlined the framework of the Highlands Regional Master Plan. The presentation included flow charts which illustrated the process that guides decision making processes and a detailed time line

leading up to plan adoption in June 2006. The power point presentation will be available after the meeting on the Highlands Council's website.

At 12:40 p.m. Mr. Weingart called for a lunch break, and at 1:10 p.m. called the meeting back to order.

Mr. Balzano continued with the power point presentation, and answered questions raised by the Council members throughout the presentation.

At 3:00 p.m. Mr. Weingart noted that the presentation should stop and continue at a subsequent meeting due to the length of the presentation and that public comments would be taken next.

Mr. Ben Spinelli noted that the success of the plan will be contingent upon several elements that relate directly to land preservation. Mr. Spinelli noted that there are many land conservation programs that are not controlled by the Highlands Council. He stated that the time in which property owners could be compensated for pre-Highlands Act values should be extended and thought that should be integrated into the plan. Mr. Weingart stated that land use priorities should be incorporated into the plan.

Mr. Weingart advised that Mr. Schrier and Mr. Vetrano proposed that staff set up a workshop on farming and valuation issues since the Council receives many comments on these issues and the workshop would allow a forum for discussion and would provide opportunity for the public to offer specifics on what it would like to see the Council do. He noted that appropriate staff members would also attend the workshop and that it would be considered over the next couple weeks, and that Mr. Zellner would report back to the Council at its next meeting on January 19<sup>th</sup>.

Mr. Weingart then opened a public comment period.

**PUBLIC COMMENT PERIOD:**

Nancy Chambellan, Hope Township. Ms. Chambellan said she is encouraged and appreciative of the attention the Highlands Council is giving to Category One stream designations as a tool for identifying waterways that are not classified correctly.

Bill O'Hearn, Highlands Coalition and Deputy Mayor of Ringwood. Mr. O'Hearn noted he is concerned about ratables and also about the water tax not being improperly delegated. He would like to see the tax designated solely for Highlands land preservation. Mr. O'Hearn said he supports the water tax and will continue to push for its passage. He also stated that in Kinnelon, a deal for \$10 million just closed along the Pequannock River which opens up the possibility for acquisition of the Weber tract.

Deborah Post, Chester. Ms. Post commented that the power point presentation did not designate that TDR will apply to farmland and that the agricultural zone was not identified. She said that most agricultural activities in the region are not viable and that

the appraisal methodology used for farmland preservation equates to about 30% of the actual value. Mr. Balzano was asked to provide clarification on the power point presentation and stated that the TDR program would certainly include farmland and agricultural lands and that the power point presentation had been misinterpreted.

David Shope, Long Valley. He stated he is confused by the DEP regulations and also by the power point presentation given because it was not clear to him what parts of the plan pertain to what part of the region such as, what part of the plan refers to preservation area, planning area, or both.

Tom Dallessio, Regional Plan Association. Mr. Dallessio thanked the Council for the detailed power point presentation and asked when the public would be able to see the first draft of the master plan. He also asked that population and employment data also be provided for in chart 6; in chart 7 he asked that the policy guidance include benchmarks and targets; in chart 9 regarding opportunities for the Council to engage in discussions, he noted that transportation was separated out and didn't show opportunity for feedback. Mr. Dallessio also commented that regarding septic issues, RPA has information to offer the Council.

John Occhipiti, Mansfield Township. Mr. Occhipiti said he spoke with Ms. Laura Szwak in October about preserving his property, but was advised there wasn't funding available directly from the Highlands Council. She suggested he contact Green Acres, which he did and filed an application, but has not heard back from them. He stated he is concerned with the amount of time it will take for compensation to reach property owners and feels he's left in limbo. Mr. Weingart asked staff to follow up in this matter.

Linda Ricker, Lebanon Township. Ms. Ricker stated that Ms. Carluccio's comments about how to oversee preserved farm areas was a valid concern. She asked what happens once a farm has been designated as preserved farmland and then the farmer wants to retire but has no family members interesting in maintaining the land as farmland, who would take over. She feels that the Highlands plan should have been implemented first and then regulations adopted to enforce the plan.

Ed Gagne, Lebanon Township. Mr. Gagne thanked Mr. Balzano for the complete scientific presentation. He said that since current water quality and many other components were unknown how can the DEP impose 300 foot buffers and also wanted to know what will be determined at the January 25<sup>th</sup> meeting at the DEP.

Jim Kelsey, Independence Township. Mr. Kelsey said he differs with the comments made by Mr. Schrier regarding municipal maps. He said he would like to know what happens if the data generated by the Council's studies differ greatly with the state plan and what will be done if that is the case. He also asked if the Council has adequate staff to obtain input from all 88 municipalities over the next three months. Mr. Weingart advised that the Highlands plan will become incorporated with the State Plan and will be the only plan for the Highlands region. Mr. Balzano advised that existing data sources are being improved for municipalities.

Bob Bzik, Somerset County Planning Board Director. Mr. Bzik urged that the power point demonstration given by Mr. Balzano be put on the website as soon as possible because townships rely heavily on the Council's work. He also asked that municipalities be engaged by the staff regarding policy issues before those issues are presented to the full Council for vote.

Jerry Kern, Pohatcong Township, 70 acres. Mr. Kern is concerned about what will happen to his property tax rates because a future industrial park which would have generated revenue for the town is now located in the preservation area. He said those 300 acres were supposed to be utilized but now cannot be. Mr. Kern thanked Mr. Spinelli for his comment about adequately funding farmland preservation. Mr. Kern said that residents should be paid premium price for their land and that they should not have to wait years to be compensated.

Mr. Weingart noted that the Tax Stabilization Board has had its first meeting to address ratables. Ms. Swan advised that there is an additional \$30 million for Highlands preservation and noted that \$15 million has been allocated for farmland. Mr. Alstede said that it is known that more funding is needed. He also said that the Council does not control the Legislature, and that legislative remedy could be the answer.

Hank Klump, Tewksbury. Mr. Klump said that during the power point presentation on the land capacity map, fair real estate value wasn't mentioned. Mr. Klump said that excess rain water is being diverted by the US Army Corps to the ocean, not the reservoirs.

**ADJOURN:**

Mr. Weingart asked if there were any further comments, and since none were received, Ms. Swan motioned to adjourn, Ms. Kovach seconded, all were in favor, and the meeting ADJOURNED at 3:50 p.m.