

**NEW JERSEY HIGHLANDS COUNCIL
PUBLIC AVAILABILITY SESSION OCTOBER 12, 2006**

At 7:00 p.m. on October 12, 2006, immediately following the meeting of the New Jersey Highlands Water Protection and Planning Council, Chairman John Weingart convened a public availability session. Joining him were Councilmembers Tracy Carluccio, Debbie Pasquarelli, Mimi Letts, and Liz Calabrese.

Hank Klumpp, Tewksbury Township Mr. Klumpp stated that the two new members on the Council are not farmers. He asked if the new members are aware of the concerns that have been raised over the many months since enactment of the Highlands Act. Mr. Klumpp stated his dissatisfaction with the Act, and implored the Council to address the negative impacts and unfairness issues caused by the Highlands Act. Mr. Klumpp said that the legislation signed into law by former Governor McGreevey was approved by the Governor at a time that he admitted he was acting in a dysfunctional manner, and made poor decisions. Mr. Klumpp stated that he made a poor decision in signing the Highlands Act. Mr. Klumpp also noted that it required three lawyers to demonstrate the topic of TDR and stated that from a layman's point of view it is devastating to attempt understanding of all the complexities of the requirements by landowners.

David Shope, Lebanon Township. Mr. Shope noted that the average age of farmers in New Jersey in 2002 according to the USDA report was 58 years of age. He asked whether the exceptions being considered by the Council will die with the owner in the event they expire, effectively diminishing the value of their estate. Mr. Shope stated that he believes TDR to be a different matter than that of a conservation easement. If a property owner would like to convey other aspects of his ownership, it should be separately negotiated and paid for between the land owner and the entity interested in purchasing. He asked the Council not to confuse TDR with conservation easements. Mr. Shope stated that loans under TDR should be made up to the same premium of 115%. He foresaw problems borrowing against HDCs that expire every two years. Mr. Shope also asked what the qualifications for a hydro-geologist are..

Mr. Weingart asked if there was a clear answer that Mr. Borden could provide to Mr. Shope regarding exemptions continuing if ownership changes and Mr. Borden stated that the answer was not simple and that he would examine that issue further.

Julia Somers, New Jersey Highlands Coalition. Ms. Somers cited page 22 of the TDR document which proposes that the Council would coordinate with the Department of Environmental Protection to expedite state environmental and land use permits required for construction in a designated voluntary receiving zone. She said she assumed the Council was not suggesting that wetlands regulations be set aside or stream encroachment regulations be weakened in a voluntary receiving zone. She also asked for confirmation that the Council was not suggesting that any of its environmental concerns be set aside in a receiving zone and that that fact is not made clear in the document. Mr. Weingart noted that the word "expedite" means only that decisions should be made as quickly as

possible. Ms. Somers stated that in some instances expedite can be interpreted to not only move faster, but also make easier.

Andrew Drysdale, Chester Township. Mr. Drysdale advised he resides in the preservation area. He noted that New Jersey already has some of the highest property taxes in the entire country, and believes the complicated process being created by the Council only make that situation worse by costing landowners and the government a lot more money. He said busing development from one area to another does not make sense.

Susan Buck, Oxford Township. Ms. Buck, citing the draft Plan Conformance document where it states that the exemptions would be identical to those in the Highlands Act, said that it did not make sense to her that the Planning Area would also be subject to those exemptions. She stated that there are a multitude of development applications under way and considerable funds have already been spent, and she questioned whether projects already well underway would have to be stopped if they had not received all required approvals prior to March 2004. She stated there should be legislative changes as to the exemptions and that there are serious problems as to compensation to property owners. Ms. Buck noted her concern over towns being able to opt back out of the RMP if there are changes to the plan, and thought it is in conflict with the goals of the Act. She added that she agreed with Mr. Shope as to his comments about conservation easements. They should be paid for separately from TDR rights. She stated that not developing a property is drastically different from taking action to preserve the environment. Ms. Buck stated as to enforcement of conformance, she is concerned over inconsistencies between the preservation area and the planning area. If the responsibility is on the town they will need to budget for accomplishing and need resources. She thought it could be better defined so as to be implemented relatively easily and inexpensively.

Mr. Weingart asked staff to respond to Ms. Buck's comments about the effect of the March 2004 date on projects in the Planning Area. Mr. Borden stated that all the exemptions of the Act would equally be applied to the Planning Area and that the Council does not have the authority to change the exemptions of the Act. Ms. Pasquarelli asked what would apply to a project like Ms. Buck referred to where a considerable amount of funding has been spent and the project can now not complete. Mr. Borden said that the Council has the authority in the Planning Area to determine which projects are grand parented through conformance, but that they are not automatically exempt from the Act.

Mr. Weingart asked if there were any more comments, and since none were received he thanked the members and public for attending. The meeting ended at 7:25 pm.