

MINUTES

NEW JERSEY HIGHLANDS COUNCIL  
MEETING OF SEPTEMBER 28, 2006

JOHN WEINGART	)	CHAIRMAN
KURT ALSTED	)	COUNCIL MEMBERS
ELIZABETH CALABRESE	)	
TRACY CARLUCCIO	)	
TIM DILLINGHAM	)	
JANICE KOVACH	)	
MIMI LETTS	)	
ERIK PETERSON	)	
JACK SCHRIER	)	
MIKAEL SALOVAARA	)	
GLEN VETRANO	)	
TAHESHA WAY	)	
SCOTT WHITENACK	)	

PARTICIPATING VIA TELECONFERENCE:

DEBBIE PASQUARELLI )

**CALL TO ORDER:**

The Chairman of the Council, Mr. John Weingart, called the 35<sup>th</sup> meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:15 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 or circulation throughout the State.

## **CHAIRMAN'S REPORT:**

Chairman Weingart welcomed new Council members Ms. Tahesha Way and Mr. Erik Peterson and invited them to say a few words.

Ms. Way thanked the Chairman, fellow Councilmembers, the Governor for appointing her, as well as the Senate. She noted that it was an honor to now be a part of the Council. Ms. Way also stated that she looks forward to the work, and that she is ready to begin. Mr. Peterson expressed his appreciation to Senator Lance for his recommendation, as well as to the Governor and Senate. He noted his interests regarding planning for the future generations of the state, and also noted he has watched the Council from the audience and has been very impressed with the level of discussion on each of the issues.

Mr. Weingart advised that the members would delay voting on the minutes until a few more members arrive. He noted an amended schedule for upcoming meetings was sent to the members via email over the last week which includes meetings every Thursday. He asked if any other members had reports, and since none did, he turned the meeting to Mr. Dante Di Pirro for the Executive Director's report.

## **EXECUTIVE DIRECTOR'S REPORT:**

Mr. Di Pirro advised that the Governor has signed an Executive Order this week establishing new practices and procedures for independent authorities like the Council. He noted the order covers contracts and financial affairs and reported that the Highlands Council has already adopted many sound procedures and is in compliance with most of what is in the Order. He said that the Council's Director of Government Affairs and Operations is reviewing all the details in the order to be sure all new requirements are met, and will report back to the Council.

Mr. Di Pirro then introduced Mr. Jim Hutzelman who has joined the science unit and noted Mr. Hutzelman has a Master of Science degree in Water Resource Engineering, and is a licensed engineer with 10 years experience as a consultant, including work with the Nature Resources Conservation Service (NRCS). Mr. Di Pirro noted staff is excited to have him on board.

At that time Mr. Jack Schrier arrived and Mr. Weingart asked the members to consider the minutes as well as the summary of the Public Availability Session.

## **MINUTES OF SEPTEMBER 21, 2006:**

Mr. Schrier motioned to approve, Ms. Elizabeth Calabrese seconded, Mr. Weingart requested that a revision be made in the Public Availability Session Comments to his response to Mr. Shope at the end of the session. He asked that it be changed to state that the Council would send copies of public comments received at the sessions to the Governor's office as an attachment to the minutes. Mr. Schrier and Ms. Calabrese accepted the change, all other members were in favor, no further comments were received, Ms. Janice Kovach, Mr. Peterson and Ms. Way abstained, and the minutes of September 21, 2006 were APPROVED.

## **COMMITTEE REPORTS:**

Ms. Mimi Letts reported that the **Local Participation Committee** met on September 21, 2006 following the Council's work session and reviewed the calendar for presenting the 6 public hearings required after release of the draft plan. She noted the committee decided to leave as much time as possible after issuance of the draft RMP and that the committee recommends the fourth, fifth, and sixth weeks following the draft release as the scheduled timing for the hearings.

Ms. Letts noted the committee discussed the need for regional meetings to gain input from county and township officials. She said the schedule may not afford adequate time to hold meetings with everyone, but said that as many as can be accomplished will be scheduled. Ms. Letts advised that the hearings will require custodial fees which are estimated to cost between \$2,000 and \$3,000 dollars.

As to the hearing to be held in Trenton, locations being considered are the State Museum and the War Memorial Building. For Morris and Somerset counties, the tentative idea is to use the Haggerty Center of the Frelinghuysen Arboretum for a daytime session followed by an evening session. For Passaic and Bergen counties, the Ramapo College may be utilized, and in Sussex the Sussex County Technical School. For Warren County the Warren County Technical School, and in Hunterdon the Voorhees High School or North Hunterdon High School are being considered. She noted the hearing dates and locations have yet to be scheduled and confirmed.

Ms. Letts advised that representatives from the Warren County Environmental Commission and ANJEC have noted they will be undertaking some planning sessions and cautioned that some towns entirely in the planning areas have not been engaged and that the Council will need to be especially address those towns after their review of the draft plan.

Chairman Weingart advised that as in the past several meetings, at the conclusion of the meeting there will be a Public Availability Session and noted there are forms at the reception desk for anyone who cannot stay to the end to comment. He asked that the Council consider the Water Supply policy first instead of Agriculture.

## **DRAFT RMP WORK SESSION TOPICS:**

Mr. Di Pirro noted that the staff had 18 topics to present for the Council's guidance for preparation of the map and text for the policy guidance element. To date the topics addressed include Significant Natural Areas, Historic Resources, Wastewater, Ground water Recharge, Steep Slopes, Forest, Scenic Areas, Agricultural, and Economic Baseline Indicators. He advised that staff will continue with the remainder of Agriculture, and address Highlands Open Waters and Riparian Areas, Water Availability and Site Design Standards. He noted there will be consideration of the draft Guiding Principles to help the staff draft the policy guidance element.

He advised that during the meetings of October 5<sup>th</sup>, 12<sup>th</sup>, 19<sup>th</sup>, and 26<sup>th</sup> staff will cover the balance of the 18 topics. Specifically those items are Land Preservation, TDR, Cash

Flow Timetable, Plan Conformance and staff will also introduce an integrated version of the Land Use Capability Map (LUCM). After the meeting today, Mr. Di Pirro said staff would have enough information on the topics to integrate into the map and have the ability to give recommendations for the LUCM.

Mr. Di Pirro stated that after release of the draft LUCM and document, there will be a Council meeting on November 2<sup>nd</sup>, and thereafter 6 public hearing comment sessions will be held. Mr. Di Pirro noted Ms. Letts mentioned the follow up for outreach following the release of the draft plan with municipalities. Mr. Di Pirro noted the short turn around time after public release of the draft plan, and said the staff will compile the materials and remain mindful that issues need to be addressed in advance of the public hearings to afford an opportunity for members of the public to provide comments. He noted the fact that staff is working to integrate materials based on comments that are made, and said there is a short amount of time to complete that integration.

Mr. Di Pirro noted that as to the level of detail staff anticipates for the October release of the draft RMP, that he believed the map and policy guidance element will be included with a level of detail will be at least as great as a typical local master plan. He advised that the plan will be well detailed so that towns have a clear guide and understand what the Council is proposing and what the effect will be.

In broad terms, Mr. Di Pirro pointed out that two major issues to consider as to policy and RMP framework pertain to Preservation Area considerations and Planning Area considerations. The Council will have discretion to identify where and whether the plan should relax standards in the Preservation Area where contamination is present, or where 70% or greater impervious cover is already present. He noted that the approach must be based on the requirements of the Highlands Act and that the Council must also review the Department of Environmental Protection (DEP) rules delegated pursuant to the Act. He advised that in Specially Planned Areas there may be times that the Council may deem it appropriate for some relaxation of standards. Conversely, in the Planning Areas, a major issue will be whether and to what degree resource protection standards need to be strengthened from existing regulatory systems. The Council may recommend in the RMP that those additional protections be made. Mr. Di Pirro stressed that the Council has authority to recommend stronger protections than what is established in the Act.

Ms. Pasquarelli asked Mr. Di Pirro for further clarification regarding designating protection areas in the Planning Area. Mr. Di Pirro noted that the natural resource analysis has identified some places in the Planning Area that warrant higher protection than what is currently in place under state regulation. The Council will need to determine which areas to afford additional protections. Ms. Pasquarelli asked if these were on a voluntary basis and Mr. Di Pirro replied that was correct and would be part of the plan for opting in. Mr. Schrier asked if the Council deems it appropriate to relax protections in the Preservation Area, whether it will need to go back to the Legislature to recommend the changes. Mr. Di Pirro replied that would not be necessary as a first step. He said the Council would work with the DEP where it identifies places where contamination has occurred to consider redevelopment measures at density levels that are higher than what may currently be allowed under the existing DEP regulations, but not any higher than allowed by the Highlands Act itself. He noted there is overlapping jurisdiction, and that

is the best viable avenue to take first, noting there are other avenues after that if protections can not be made. Mr. Weingart noted that there is a narrow margin of areas and criteria under which the Council can consider allowing development in the preservation area. Mr. Di Pirro replied that it would be areas defined as Specially Planned Areas, where the Act defines coastal redevelopment areas as areas where contamination is already present or more than 70% impervious cover. Mr. Di Pirro said that the Legislature shares the interest in remediating such areas and provide opportunity for the Council to suggest how to achieve that goal.

Ms. Letts noted that extra protections the Council places in planning areas are based on municipalities opting-in, and that the Council can not require them. Mr. Di Pirro noted her statement was correct and that these considerations are in the context of where the mandated resource analysis demands additional protections are necessary. Mr. Glen Vetrano joined the meeting at that time.

Mr. Di Pirro advised that many towns have come forward and said they agree that protection of their resources is desired, so there exists a good opportunity to work with them.

Mr. Dillingham noted the Act does authorize the Council to make recommendations to state agencies about updating their policies to the Council's standards. He noted it was important to stress that the RMP is a plan for the entire region, and the goal is to be consistent where resource assessments indicate that in instances where what is in place is not adequate that amendments should be made. Mr. Di Pirro agreed and said that the Council has authority to recommend coordination and consistency requirements to have all state agencies and entities with authority to meet its protection goals.

Mr. Whitenack noted that if the Council finds a high quality water source in a planning area, the Council could recommend protection but if a municipality doesn't opt-in, the Council could then inform the DEP and expect action on their part and at the same time involve the municipality and inform them about the grant program and TDR program to point out all that will be afforded to them through those programs if they opt-in.

Mr. Di Pirro agreed that was a good summary and advised that this is an honest natural resource analysis and assessment based on good science and that the policy decisions should all flow there from. Mr. Whitenack agreed that areas fitting this description will be found in the Planning Area.

Mr. Salovaara asked when the Council would be presented with a draft RMP. Mr. Di Pirro stated that as early as October 19<sup>th</sup> staff may be able to present a map and text. He noted that staff may even provide editorial text to the Council early next week and then examine background and introductory pieces. The following week the policy guidance element draft will be examined. Mr. Salovaara said that on October 26<sup>th</sup> everyone may object to individual pieces, and the Council may need to frame out how to work through the objections.

Mr. Weingart agreed that was one of the things he has spent considerable amounts of time contemplating, and said he would welcome any advice or input from members. Mr.

Weingart said he envisions that the entire draft plan will be presented at the October 26<sup>th</sup> meeting and that it will be introduced and seconded as a motion by members. Then, the Council could systematically address any possible changes as amendments to be introduced by members, each of which would then be voted up or down. He noted if there are a large number of changes that need to be considered, the meeting may be a lengthy one. Mr. Weingart also reminded that both Ms. Letts and Mr. Di Pirro alluded to the fact that when the Council approves the draft plan, the expectation should be that there will be changes needed resulting from the meeting, and that there may not be a clean, final version available to the public immediately at the conclusion of that meeting.

Mr. Weingart then asked Mr. Di Pirro to introduce the first policy document. Mr. Di Pirro advised that Highlands Open Waters and Riparian Areas would be presented by Mr. Steve Balzano and Ms. Chris Ross.

### **Highlands Open Waters and Riparian Areas:**

Mr. Balzano noted that Highlands Open Waters and Riparian Areas are very substantive issues at the heart of the Highlands Act, the quality and quantity of water resources in the Highlands Region. With respect to protection of quality Highlands Open Waters collectively refers to all streams, lakes, wetlands and other surface water features. Protection of those features as well as adverse effects of those features as result of development of the adjacent lands, is very important to maintain water quality.

Mr. Balzano advised that one aspect of the policy recommendation addresses the protections needed for water resources where appropriate. He explained that riparian areas are those land areas directly adjacent to open waters which provide quality to the open water areas through surface waters. In some cases the riparian area can be defined by soil type and how water is transmitted over the ground and ultimately discharged into streams, wetlands or lakes. He noted riparian areas are very important to protect sources where ground water originates, because when sources are impaired it creates a “domino effect” which ultimately impairs receiving waters downstream.

Mr. Balzano said there have been a great deal of internal discussions among staff as to what protections are needed and appropriate as well as meeting the requirements of the Act. He said in an effort to clarify the staff have combined the items of Highlands Open Waters and Riparian Areas.

Mr. Balzano pointed to page 2 policy number 1 which acknowledges the necessary inclusion of an inventory of Highlands Open Waters in the RMP. The Council must address maintaining an inventory of Highlands Open Waters, and Mr. Balzano advised that maintenance will occur as site plans and applications are received, and those areas are captured and updated into the inventory of Highlands Open Waters. He said that as information is received it will continue to build on the foundation of the plan.

Mr. Balzano said item number 2 is the acknowledgement that the RMP will also contain an inventory and criteria for identification of and maintenance of Riparian Areas. For purposes of further defining Riparian Areas, the recommendation includes protection of flood prone and/or flood plain areas as well, where riparian soils containing hydric or

alluvial soils are present. Hydric soils are those which exhibit a shallow depth to the seasonal high water table, and alluvial soils are associated with deposits and sediments that are deposited as a result of a flood. Shallow depth soils in seasonal high water tables are those soils that exhibit characteristics where water is being transmitted just below the surface. This is the area where much of Highlands Open Waters originate in what is known as seeps or springs. They are also transmitted across the landscape just below the surface above what is known the restricted layer of soil. The protection of where water is concentrating under the surface is very important.

Mr. Balzano advised that protection of Riparian Areas is also crucial to protection of biological functions that stream corridors provide in the context of greenways, migratory pathways for fish and wildlife and are important to be captured. The recommendation for identifying Riparian Areas is that they consist of the lands that are within 300 feet of streams and open water bodies as a wildlife corridor.

Mr. Balzano said item number 3 identifies the regional significance of Highlands Open Waters and Riparian Areas as requiring the highest protections. He noted they are the most important resources to be protected and included in the LUCM. Mr. Balzano advised that a series of indicators have been identified to differentiate when a stream is ecologically or socially significant because it contributes to the drinking water supply and its protection is required by the Act.

Mr. Balzano noted where areas are impaired, restoration and enhancement become the primary management for the plan to prevent further impairment and where possible enhance the resource quality. He said the concept of utilizing the resource value to differentiate the regions into zones is the first step. The second would be on a site plan review level. Mr. Balzano said that the resources will inform where development can occur on a site plan level following the LUCM zone standards and smart design standards.

Mr. Balzano said the first standard proposed addresses regional watershed indicators and the values assigned to each HUC14 subwatershed area. A second indicator used to inform identification of subwatersheds is habitat quality for rare, threatened and endangered species. A third indicator is the extent of development that exists in subwatersheds and negative indicators that more development would create impairment.

Based upon those indicators staff has defined three resource value watershed classes as high, moderate, and low resource value watersheds. The high quality areas are predominantly in natural state, have high quality water resources requiring high level of protection to maintain their values. Low value watersheds are identified based on land use practices and are recommended for restoration and enhancement rather than protection.

Mr. Schrier asked Mr. Balzano to explain what a “HUC” is for those who may not know. Mr. Balzano replied that HUC stands for Hydrologic Unit Code. He noted that watersheds are the lands that drain to specific points on the map, and that HUC14 is the designation given to the smallest defined unit you can physically identify on the ground. The largest areas identified are known as watershed management areas.

Mr. Balzano pointed to item number 4, and said watersheds are the entire area contributing to a stream and riparian areas deal with the condition of the areas immediately adjacent to a stream. Stream corridors that are in good condition, with strong vegetation, are predominantly natural with high quality habitat for water and wetland dependent species in pristine condition are classified as High Integrity Riparian Areas. Low Integrity classification is assigned to Riparian Areas with low amounts of vegetation, and great amounts of impervious cover.

Ms. Letts asked where the data was obtained to draw the conclusions as to Riparian Areas. Mr. Balzano advised that a comparison and combination of conclusions was based on research that has been completed through the resource analysis and the resulting data which supports identification of what is significant.

Mr. Balzano noted that item number 4A has been updated and identifies the regional district overlay zones which incorporate the three classifications of high, moderate and low quality values. Watershed and riparian integrity values inform the definitions of the zone. They inform where the protection zone should be to maintain and protect resources with high integrity Riparian Areas. Ms. Carluccio said that she appreciated the new section 4A which makes it easier to visualize the areas as they relate to zones. Mr. Di Pirro noted that was a suggestion from the last meeting which was incorporated into the document.

Mr. Balzano said the standards that apply to activities in the Regional Protection Zone recognize that buffers alone are not sufficient alone to protect the quality of the resource based on its value. The purpose is to capture the whole resource, so those HUC14s and entire subdrainage areas that are indicated as high value, must be included. Ms. Carluccio commented that this is absolutely fundamental and she appreciated the changes made which are necessary for the approach of protecting the resources. She agreed that buffers alone are not enough because when you look at previous attempts made by the state or by federal agencies toward protection, it is very clear that Riparian Areas are very important.

Mr. Balzano stated that item number 5 addresses the standards to be applied and followed according to the zone. The first bullet point prohibits new land uses or alterations of existing uses that would be detrimental to the ecological integrity of the area. The second bullet prohibits adjustments except as necessary to protect public health and safety or to provide for minimum practical use in the absence of any alternatives. The third bullet identifies opportunities where the restoration and enhancement of previously impaired Highlands Open Waters or Riparian Areas are feasible and appropriate. The management strategy is to prevent activities that would deteriorate the resource value.

Ms. Carluccio said with regard to the final part of bullet number four that the term "except for" could be taken out because there may be places within Specially Planned Areas where lands of high quality exist in the middle of an area classified as degraded. She thought that they should also be given an opportunity for improvement and not be excluded.



Mr. Balzano said item number 6 addresses the standards for activities within the Regional Conservation Zone. The first bullet point prohibits adjustments and states that adjustments and revisions would be allowed only upon demonstration to the Highlands Council that the ecological integrity of the area can be maintained and/or restored.

Ms. Carluccio asked if after implementation there will be a waiver process. Mr. Tom Borden stated that an existing waiver process is built into the statute for the Preservation Area requirements, and that in the planning area it is envisioned that in high resource areas similar waivers that are appropriate for higher protection standards, the Municipal Land Use Law will address those. Ms. Carluccio asked whether the Council couldn't address the issues which will be considered during a waiver process, instead of bringing the whole level of protection down for the Regional Conservation Zone. Mr. Whitenack asked who would grant the waiver.

Mr. Borden stated that for Specially Planned Areas the Council considers waivers, and it would have to judge all areas on that highest level and noted that the zones are identifiably different based on their conditions. He noted that on the local level for lands not identified as specially planned, variances and waivers are addressed by the MLUL by municipalities and may be reviewed by the Council. Ms. Letts asked if the Council will oversee municipalities' authority and Mr. Borden said that was correct and it would provide a supervisory role and that the statute has a defined time period for Council review.

Mr. Dillingham said the Council could decide that there may not be waivers to the standards. He thought since the Council has authority he believed it should stick as close as possible to the waivers in the Act. He noted that basically it could be construed that the Council will shape custom made requirements for Specially Planned Areas. He believed the section would be improved if this was taken out and addressed separately.

Mr. Whitenack said that he thinks the process and application standard should be more discretionary in the Planning Area and that the Council should not interject itself everywhere possible. Mr. Dillingham suggested there should be a separate section in the plan addressing the conditions and standards to be met for allowing waivers. Mr. Weingart said that the reasons for the application of waivers will vary and in some cases the reason for the exception will be unique to the individual policy. If the Council says "this is the policy except," it will read as if the other exceptions do not apply. He noted this will be a major part of that decision.

Mr. Salovaara asked where waivers are that are built into the statute, and Mr. Borden noted they are in sections 30 through 36. Mr. Borden advised section 35 identifies there is a two step process, public health and safety, and redevelopment. It dictates that where the Highlands Council has determined an area is appropriate for redevelopment in the Preservation Area it will define the standards and conditions to apply to projects in those Specially Planned Areas.

Mr. Weingart asked if the recommendation was that the policy state where there is a waiver request, that would be decided by the Council. Mr. Borden advised that section 11 outlines the Council's authority and there are two issues as to specific authority in

Specially Planned Areas. Outside Specially Planned Areas, through the definition of zones, the Council will create effective prohibitions on uses and standards within the zones on a graded basis. The exceptions or waivers will be graded down through the zones and standards. In terms of exceptions, there will be waivers as to what uses can be allowed and ultimately on a site plan standard how to waive a specific ordinance provision on a site standard. Mr. Borden advised that the plan conformance guidelines outline how specific and stringent they are applied on the municipal level and there are checks and balances processes for granting waivers in municipalities.

Ms. Calabrese asked for clarification where a municipality grants a waiver, does it automatically come to the Council for review. Mr. Borden said no, and that the authority is discretionary and would apply as to certain projects. Ms. Letts noted there are 88 municipalities and asked how the Council will be able to know what is going on in every one and also how it would be able to manage reviewing all waivers. Mr. Borden said during plan conformance it will be clear which applications should not be made. He stated there will be criteria outlined and a checklist of items which have to be met first to allow a waiver to be applied for.

Ms. Letts noted she would like to avoid having waivers, because if the Council approves for one town for one reason, another town will demand the same. Mr. Borden agreed, and noted that is why there are permitted uses defined in the zones to prohibit certain uses. Ms. Carluccio asked why the Council would want to lower the bar for the Conservation Zone and that she didn't see why it has to approach the conservation area as having a "less strict" regulatory hand than the Protection Zone because in the Act the Council is required to take care of and protect and enhance the areas in both Planning and Preservation Areas.

Mr. Dillingham said setting aside waivers and odd circumstances the Council is discussing accommodating a minimal amount of growth. He said it should be directed to impaired zones in the middle zone but asked if this would also occur in areas outside the ones the Council designates as Specially Planned Areas. Part of this discussion relates back to the conversation the week before regarding agriculture, and if the Council wants growth concentrated around existing development then it has to recognize that.

Mr. Salovaara wanted to know when the Council will have a list of Specially Planned Areas and Mr. Balzano noted the areas will be identified in the draft plan. Mr. Salovaara said that will be an open issue for argument and asked if the Council could have the list this month. Mr. Balzano said it is being done this month. Mr. Salovaara asked if the Council is suggesting its standards are less strict than the DEP or legislative standards set forth in section 36. Mr. Balzano said the legislative intent is to allow for waivers where appropriate. Mr. Borden said section 35 discusses the waiver, and section 36 sets forth the criteria. He said the Council is identifying a region and the DEP reviews on a site specific level. Mr. Salovaara asked if that explanation could be spelled out somewhere within the policy, and Mr. Borden said that it could. Ms. Carluccio suggested that the Council cite section 10 as its authority.

Mr. Borden noted that item number 7 identifies the standards for the development zone in the LUCM. Mr. Dillingham said the word "identify" is not strong enough if the Council

wants the standards built into ordinances. Ms. Letts agreed, and said what if a stream is present running through 200 feet of a property and an applicant says they want to fix one portion of the stream, then will the whole stream have to be fixed. She asked for clarification and details as to what restoration encompasses. Mr. Weingart said these points get into conformance. Mr. Dillingham said if the concept is to put the growth in one area, and to restore some lost areas, the Council needs to define it. He noted there are many ways to perform restoration and these are the questions for implementations. Ms. Letts said she would like to know more about where they will be built into the plan and at some point the Council needs to discuss them.

Ms. Way asked if pre-conformance would be when the Council would define practical uses because semantically it will mean different things for different people. Mr. Balzano said that the guidelines will quantify as much as possible the requirements for practical. He noted relief would only be granted upon a demonstration that there is no other relief possible.

Mr. Balzano stated that item number 8 defines the Resource Protection Standards in a zone and what can happen in a zone, and addresses particular site plans and advised these were the requirements to be addressed. The most important is protective area buffers with four areas of protection based upon the quality of the waterway and the level of protection that applies to each resource. The categories are: Highlands Waters, Special Waters, Exceptional Waters, and Intermediate Waters.

Ms. Carluccio asked what the difference was between special waters and exceptional waters. Mr. Balzano replied that special waters are where trout are present and noted the protection doesn't vary or lessen, the category is just different because they are present. Mr. Balzano noted that in situations where there are urban areas with resources designated as Intermediate Waters, buffers are reduced to 75 feet. Ms. Carluccio said that she would like 150 feet to replace 75 feet, and 300 feet to replace 150 feet to provide for healing of those areas. She also asked if another sentence could be added to the first bullet because there may be exceptions and have the language state "at least 300 feet" because it may be that the stream itself is low integrity, but the Council may tie its hands if it designates it as low integrity because the Council may find species that require larger buffers.

Mr. Schrier said that Ms. Carluccio's suggestion goes back to setting everything at 600 feet. He said the numbers recommended were arrived at scientifically and suggested the addition of a provision to provide for the instances Ms. Carluccio mentioned warranting larger buffers. Ms. Letts advised that Parsippany passed an ordinance that defined certain uses that couldn't be conducted in certain radius of its wells. She thought the Council should also define the uses that are dangerous, such as gas stations or chemical storage facilities. Mr. Balzano said the general goal is to avoid disturbance. Whether its 300, 600, or 1,000 foot buffers, he noted that sometimes if the goal is to protect an ecosystem it is not about footage and relates back to the zone definition. Mr. Dillingham said if someone comes in to do a project and the Council require they do an inventory, the Council needs flexibility where a protected resource is found requiring more protection. Ms. Carluccio noted that for ecosystem protection, 300 feet has been used in the Pinelands. Mr. Weingart noted that it is obvious that everyone will have different

opinions on buffers, and reminded that this will be one of those issues that is going to be debated. He encouraged the members to provide their suggestions to the staff.

Mr. Balzano read bullet 3 under item number 8 and Ms. Carluccio said the explanation should be more explicit.

Mr. Dillingham noted that as a placeholder, the question should be addressed as to why riparian buffers don't start at the inland edge of a buffer. He asked how the Council will deal with lands that are currently not developed but may be in the future and pointed out that when the Council examines lands that shouldn't have been developed but have been – it will need to find a way to custom base extend to those areas that should be included.

Mr. Balzano said number 9 addresses smart design standards and is where the Council may capture some uses that would be inappropriate like Ms. Letts mentioned. Subparagraph a) states that the Council will prohibit any development activity within a high resource area, b) outlines limited development activity within a moderate resource value, and c) allows development or redevelopment of previously developed areas through LID and BMP programs.

Item number 10 addresses Regional Growth Standards recommended for the RMP including development of regional stormwater and wetland mitigation plans subject to review and approval by the Council.

Item number 11 addresses Pre-Conformance Strategies and relates to what Ms. Letts mentioned within the second bullet point where technical guidelines and procedures for development of the stream corridor are outlined.

Item number 12 addresses Conformance Strategies recommended in furtherance of the goals and requirements of the Act to ensure successful implementation of the RMP during the conformance period.

Item number 13 addresses the 5-year Resource Protection and Planning Goals which recommends development methods for continued refinement of Highlands Open Water Inventory with an emphasis on identification of headwater streams and seeps and springs.

Item number 14 addresses Coordination and Consistency Considerations that are recommended to promote active participation in the implementation of the RMP among state and federal agencies and provides the requirement to develop a coordinated regulatory review program with the NJDEP to ensure consistency of permit actions, open space acquisition priorities, surface water quality standards and restoration activities including amendments to existing regulatory programs to encourage consistency with the protection goals of the RMP.

Item number 15 addresses the Local Participation Considerations recommended to promote understanding and support for the RMP resource protection goals at the local level with the development of educational and technical training programs for municipal officials and interested watershed organizations.

Mr. Weingart asked if there were any questions before the Council breaks for lunch. Mr. Salovaara commented regarding the prior topic of Scenic Resources at a previous meeting, and noted that the 88 master plans in all the towns have scenic items designated within them. He asked that the staff review them and identify what would meet the Council's definition of scenic. Second, he asked if minimum lot sizes will be provided to the Council in the future. Mr. Balzano replied they would and Mr. Di Pirro noted that staff has considered when it should present that information to the Council.

### **LUNCH BREAK:**

Mr. Weingart called for the lunch break at 12:30 p.m. At 1:15 p.m. he called the meeting back to order and advised the Water Availability document would be addressed.

Mr. Weingart reminded that the Council will meet at 4:00 p.m. on October 12<sup>th</sup> and November 2<sup>nd</sup>, and at 10:00 a.m. on October 5<sup>th</sup>, 19<sup>th</sup>, and 26<sup>th</sup>.

### **Water Availability:**

Mr. Balzano said the fundamental drinking water resources of the Highlands Region are addressed in the Executive Summary section of the policy document. It is built on a concept of maintenance of base flow which is the portion of water that is most critical to maintain water reserves in the reservoirs during periods of drought. During periods of low flow in a drought, are the most critical times to ensure availability. At some point the reduction in base flow will affect water availability, and this policy deals with recognizing the importance of addressing capacity throughout the region.

Mr. Balzano noted that Mr. Dan Van Abs at the New Jersey Water Supply and Bob Canace at NJGS with DEP, as well as the whole team at USGS, have been extraordinarily helpful in guiding the staff and have done the lion's share of the work and research on this subject.

Item number 1 addresses the estimated Ground Water Capacity for each subwatershed using the Low Flow Margin of Safety Method and adjust the results to reflect consumptive uses in reference drainage basins. Mr. Balzano expressed that this element was by far the most complex and difficult issue he has ever dealt with in his entire career. The variables are numerous and their interactions and effects are extremely complex and difficult.

Policy item number 2 deals with Ground Water Availability and the percentages and allocations of water supply which is the amount of water available and thresholds are established by multiplying ground water capacity by selected percentages that are related to the nature of the environmental resources and conservation objectives of the RMP for each regional zone in the LUCM.

Mr. Balzano noted there is a great deal of difficulty in determining the ratio of ground water capacity to water availability. He noted there is a balance and advised that a chart is provided on page 2 which outlines the standards for estimating Ground Water

Availability. He noted one recommendation is a threshold of 20% for the Regional Development Zone.

Ms. Carluccio wanted to know how the 10% threshold was reached in the Conservation Zone and what the technical reason was versus the social reason. Mr. Balzano said that it is a reflection of a mid-way point between two extremes. It was determined that 10% was a reasonably based estimate. He added that it was decided that erring on the side of caution would be recommended so that water is not overcommitted to more than what can be handled.

Ms. Letts asked for a real life example such as if I want to build ten houses, how much water could one have. Mr. Balzano said if the density calculation affords ten gallons per household per day, but the zone only provides 5 gallons per day, then you would only build half the houses. He noted the Council would use a build out model and a municipality will look at its zoning to see if it can meet certain density. He noted these calculations will be done during conformance in a build out model to estimate water demand. He noted a threshold would be set and a municipality during conformance would address how it zones to ensure it doesn't exceed the capacity limits. They can choose how to use their resources, whether it is for commercial or mixed use development. Ms. Letts noted that would be a very difficult task and Mr. Balzano agreed that it will be very complex issue and difficult for municipalities to make that transition. He noted that the Council is not asking municipalities to do this calculation, and advised that provisions are made so the staff and Council will give them the information to use for the calculations. Ms. Letts asked how the Council will know if they go over the 20% threshold. Mr. Balzano noted they will apply to the Council and Mr. Borden noted they will be provided grant funding to assist in municipal actions during conformance.

Mr. Balzano said the maximum threshold calculates the safe yield of a reservoir. The 10% is intended as the amount that will not constitute harm and is the maximum withdrawal amount permitted before effects on reservoirs have to be evaluated. Mr. Balzano said it is not "cut and dry" as to say that if you are at 11% you are reducing the yield of a reservoir. The 10% is a policy decision staff feels is the best recommendation to the Council to meet the requirements of the Act to not impair or harm the resource, and feel that it is a conservative estimate.

Ms. Carluccio said an analysis was done to determine how much water is available for a system based upon after the amount already allocated is subtracted out – but asked about reservoirs that the Council doesn't have data for. Mr. Balzano said the 10% addresses total availability to a municipality and there are many municipalities that are in a deficit. To provide for existing needs impairing the resource is addressed. He noted the 10% is a reasonable threshold estimate for sustainability. Ms. Letts asked if this would supersede the DEP limitations as to how much water is allocated and Mr. Balzano said this is intended as a planning tool to ensure that municipalities do not zone in excess of their water supply capacity. He noted DEP will always have the ability to review project applications under water allocations, and staff is working very closely with DEP and they are advancing the same approach in their water supply rules, so that they can work side by side with what the Council has determined. Ms. Letts noted there are already

restrictions on how much water can be used by the DEP. Mr. Balzano noted that the cumulative effects of all the withdrawals have impacted ground water availabilities.

Item 3 is the estimate Net Ground Water Availability which is achieved by subtracting from ground water availability an estimate of maximum monthly consumptive ground water and surface water use other than from reservoir storage for that subwatershed.

Item number 4 is based on available information, to identify subwatersheds that may require adjustments to Net Water Availability to account for both the exportation and importation of ground water and surface water from and into that watershed.

Mr. Dillingham asked if the model is not completed how will missing data be accounted for. Mr. Balzano said we will partition the distribution of the water and you will have a percentage. Even in conformance additional information will be needed, and there may be refinements to account for more accurate information as it is obtained.

Item number 5 addresses what Ms. Letts mentioned regarding two types of areas and water availability deficit areas. Mr. Balzano noted these are red basins on the map and the towns along with the Council will develop a plan to address the fact that they need to enhance and incorporate conservation to reduce use and free up water. Mr. Balzano noted that growth cannot be accommodated until remedies are provided and that would be where interbasin transfers could be considered.

Ms. Carluccio said that the concept of interbasin transfers is huge, and needs to be discussed, because she felt it could be construed as “robbing Peter to pay Paul.” She suggested the Council utilize the approach that it is supposed to be protecting and enhancing the water. Mr. Balzano noted staff was not introducing a policy that is suggesting interbasin transfer. He advised that allocation is the DEP’s delegated authority.

Mr. Alstede asked if the policy addressed all uses as to water threshold, and asked for a real life example as to acreage – such as is it one house per 100 acres. Mr. Balzano said it varies by HUC but he would work out an example rather than throw out a number. Mr. Weingart noted that everyone would be interested in that. Mr. Balzano said the second area of concern under item number 5 is the current water availability in a constrained area.

Item number 6 addresses future allocation and all the estimates are based on 2003 data and to identify future constrained areas, where projections at full withdrawal of the water are considered and what the effect will be and whether that would tip them into a deficit.

Item 7 addresses the standards to be applied at the zone and site plan level with proposed language for inclusion in the Policy Guidance Element of the RMP contained in bullets hereunder. Mr. Dillingham asked what would be recommended for future constrained areas and whether growth should be directed to those areas or not. Mr. Balzano replied that it would not be directed to areas where it will adversely affect downstream areas. Ms. Carluccio wants item number 7 to be carefully reviewed to be sure nothing included in the section goes against the Act as far as Specially Planned Areas are concerned.

Mr. Balzano noted that item number 8 restricts consumptive and depletive uses of ground water and surface waters within to no more than 10% percent of ground water capacity based on the low flow margin.

Ms. Carluccio asked about agricultural uses and said they are not required by the Department of Agriculture to recycle or reuse water. Mr. Alstede suggested the Council could consider that when it examines the zones, and asked if he could see the overlay of these areas.

Ms. Letts asked what happens if one protected zone receives its water from another zone not in the same watershed, and also asked how large the zones are which are being identified. Mr. Balzano said generally the zones are large, with the HUC 14 unit being the smallest mapping unit at approximately 3 square miles or about 2,000 acres. Ms. Letts asked about a town which has one or two HUC14s, but their water system is not in their zone. She asked if they are importing water from an area not even in the Highlands at all, how will the Council apply these standards to places that receive water from other places. Mr. Balzano said they have the provision to adjust the numbers to account for that and they still apply. He advised if a municipality receives its water from a well in a separate HUC14, that well would have to be within the thresholds for that HUC14. He noted it is regardless of where the water is sent to because you cannot exceed the capacity of the HUC14 to provide for that water, and the method of calculation examines where the water is withdrawn. Mr. Balzano said where water comes from will be addressed in the importation/exportation requirements. Where deficits are present, they would be remedied at the source.

Mr. Balzano said these issues are all reasons why the Council is so important and why regional planning is very significant. The problems are beyond all political boundaries.

Item number 10 addresses the Resource Protection Standards recommended to include limiting consumptive and depletive water uses in Current Water Availability Constrained areas to 5% of the Ground Water Capacity to ensure continued stream flows to downstream Water Availability Deficit Areas. Mr. Balzano noted best management and irrigation practices are addressed in the section.

Ms. Carluccio suggested that provision for allowing certain withdrawals to occur as long as mitigation is provided should go under item number 11 of smart design standards, and that the last bullet should say something to the effect of “require proposed uses within the deficit areas to provide supply with recycled and reused water whenever feasible.” She thought the concept of prohibition of new use of water unless absolutely necessary could be included as preventative steps and thought another bullet could be added to further outline recreational and non-essential uses such as fountains and golf courses.

Mr. Balzano noted item number 11 recommends the smart design standards to establish mandatory water recycling/reuse measures within Specially Planned Areas to minimize net water use. He noted that as to Ms. Carluccio’s suggestion the rule could be general and delete Specially Planned Areas. The section also requires uses of water conservation devices for any redevelopment or development activity which would include renovations



of existing single family homes. Mr. Balzano said modern water conservation devices are much more efficient.

Item number 12 addresses Regional Growth Standards which require that wastewater management plans or amendments demonstrate that the proposed service area will not directly or indirectly result in an encroachment of net water availability, or an increase in the severity of a water availability deficit area. Mr. Balzano noted this recognizes that situations cannot be created where wastewater demands exceed water capacity supply.

Mr. Balzano said that highest priority will be given to allocation of remaining net water availability to TDR receiving zones adopted by a municipality approved by the Highlands Council. Ms. Carluccio said she suggests an additional bullet which may or may not belong in this number, but she wants the concept of restoring water quantity and quality should be addressed because when water has been removed from use due to pollution around superfund sites, a goal of restoration should be added to help growth areas. She believes this issue is over-arching and should be included throughout the document.

Mr. Weingart suggested that Mr. Balzano cue up the overlay that Mr. Alstede asked to see earlier.

Mr. Dillingham asked if language could be included pointing out that key pieces of the policy recommendations the Council makes as appropriate for the region depend upon authorities outside of the Council's direct authority. He notes that in good faith other agencies will attempt to adhere with the RMP but as Mr. Alstede mentioned, Mr. Dillingham notes that one allocation decision can be made despite what the RMP states. The collaboration and cooperation is essential for success of the plan.

Mr. Balzano provided a demonstration of the result of a series of water capacity in comparison to existing uses. He noted that existing uses were examined in relation to water capacity to inform the percentages, and said that the number of basins in green exceed 5% which is the vast majority of the region is currently below 5% consumptive use. Mr. Balzano said this illustrates what greatly informed the thresholds. The next slide illustrated the number of areas that exceed 10%. Mr. Balzano then showed the slide illustrating in blue those watersheds that exceed 20% which is the upper threshold and are the deficit areas. Watersheds in yellow are less than 5% threshold and there is no restriction on those areas. The areas in red are the areas that require remedy to relieve water supply constraints.

Mr. Balzano explained as to zone definitions different characteristics are considered such as forest areas, watershed quality, riparian area quality, proximity to train stations, access to wastewater infrastructure and capacity, all are considered. He noted that percentage limitations will vary and noted that HUCs in light blue at 10% may be within a protection zone which will trigger a 5% threshold and create the change to a deficit watershed. Mr. Balzano noted the program is designed to allow capacity to be adjusted based upon what the zone definition is and then apply management strategies at the municipal level based upon that outcome.

Mr. Alstede asked why 20% is chosen. Mr. Balzano said the analysis performed identified that generally between 20% and 30%, watersheds were identified as being greatly impaired and it was determined that 20% was the target maximum level where degradation to a stream would not be forced. He noted many limitations are present and a provision is included to address that as the Council gains information it can make adjustments if the 20% was too low.

Mr. Balzano next demonstrated a slide of basins that have serious water capacity limitations and deficit areas greater than 20%. Mr. Balzano said that benefits of viewing all the areas of constraint in detail will allow the Council to focus on allocation of State resources where it is most needed and provides the most benefit.

Mr. Alstede said he sees that most of the areas with water limitations are within the planning area, and Mr. Balzano noted that there are areas in both planning and preservation where the most development is present.

Mr. VanAbs noted for the areas captured in the 5% threshold, could be 4.9% and conversely others are .1%. He said there are huge variations within each portion. If an area is at 22% then the likelihood is that water conservation applied effectively could bring the level to below 20%. However, Mr. VanAbs said if an area is at 125% which was the maximum that was found, there is no way that concentrated conservation efforts will achieve 20%. Mr. VanAbs stated that each will be categorized whether they are very close to the maximum or slightly above the maximum which will be easier to determine what can be done. It is the areas way over the maximum that will completely different issues.

Mr. Balzano also showed a slide which illustrated areas where water is withdrawn from a basin and shipped out as exports. It also demonstrated areas where water is received at a basin and discharged as wastewater returns as imports. He noted that the analysis becomes more and more complex and that the focus is on the depletive uses piece.

Mr. Weingart noted there were still five more policy areas within the Water Availability document and noting the time that has been spent he suggested the Council consider whether it would continue to discuss them or move on to the remainder of Agriculture discussions. He noted that the members could review and submit comments in writing to the staff. It was decided that Ms. Kim Kaiser would pick up where the Council left off at its last meeting with the Agricultural Protection policy document.

### **Agricultural Protection and Sustainability:**

Ms. Kaiser pointed to the top of page 6 under the remainder of item number 8 where policy recommendations are made for coordination with the Department of Agriculture to explore innovative programs addressing the need for development of those programs for active Highlands region farmers. Programs are recommended to address the need for state pension plans and health care programs as well as state loan guarantee, life insurance and equity insurance programs.

She noted the second recommendation is to encourage coordinated review of internal and external policies and plan of county and state agencies that impact farms. Ms. Kaiser noted the third recommendation is to encourage examination of agricultural viability issues with an example provided noting that New Jersey regulations do not allow farmers to sell “raw milk” while neighboring states do so.

Ms. Kaiser said that item number 9 addressed the Local Participation Considerations which are recommended to promote the understanding and support for the RMP resource protection goals at the local level. She noted that it is recommended to assist municipal and county entities to gather agriculture and horticulture resource information to update and track the data. The second is to develop educational and technical training programs to promote viable economically sustainable agricultural industry in communities.

Ms. Kaiser noted the third bullet addresses educating the public on the economic and cultural resource value of maintaining a viable sustainable agricultural industry. The fourth bullet addresses educating landowners adjacent to farms within the Agricultural Resource Area of the activities that may take place on the farm and the ramifications of the Right to Farm Act. The fifth recommendation is to encourage farmers to participate in land use planning and decision making. Ms. Kaiser noted the last bullet provides for instructional programs in towns and schools to the residents and students options beyond the standard curriculum since many next generation farmers may include individuals who do not come from agricultural backgrounds.

Ms. Letts asked if the first bullet under item 9 to assist municipal and county entities to gather data is something that they currently do, or whether this is something new that will be required via conformance. Ms. Kaiser said this is a local participation requirement that ideally will make data collection systems among sister-agencies uniform, and in that respect it is recommended that they report back. Ms. Letts suggested that the wording could be changed to say “request assistance from municipal and county” to help the Council collect data rather than the Council help them because they may not be doing so now.

Mr. Di Pirro said that may depend on how best to acquire the data. One thing Ms. Kaiser encountered while attempting to gather information on both open space and farmland preservation was that there is not one place where the information is stored, including the State level. He noted that as to local governments the data became further diffuse and this is the attempt to pull it together. Ms. Letts thought consideration should be given to the towns because they may see the requirement and feel that they cannot meet this burden.

Ms. Calabrese asked if the last bullet point could be clarified as to schools providing curriculum options. Ms. Kaiser noted that the Council could provide public education programs to be held at schools.

Mr. Dillingham said that many farmers voice concerns over restrictions on the speculative development value of their land and that they cannot obtain bank loans for operational costs which impact upon their ability to farm. He said that this concern continually comes up in the debate over land use and farmland preservation and wants to

know if the Department of Agriculture has examined this issue. Mr. Dillingham added that barriers for new farmers also need to be addressed. He said there seems to be a series of real issues that are impediments to the maintenance of the agriculture industry that have not made it into the document. Mr. Weingart asked if there were any further questions, and noted that he agreed with what Mr. Dillingham just said. Ms. Kaiser advised that there are meetings scheduled for the following week with representatives from Department of Agriculture, SADC and the Farm Bureau so those issues are currently being discussed.

Mr. Dillingham said he read a recent article in a South Jersey newspaper that reported on discussions with young farmers who are part of legacy families which have been farming for generations, and one thing notable was that they were very optimistic about participation in agriculture, but they also noted some of the challenges they face. He said it was a very insightful article and offered to share it with Ms. Kaiser.

Mr. Di Pirro noted that in response to some members' questions the terms would be identified as Site Design Standards to reflect that these are the standards that apply at the site application review level. Mr. Di Pirro noted that in earlier papers the term was formerly referred to as smart design, but this would more accurately reflect what the Council would like to capture. Mr. Di Pirro turned to Ms. Christine Danis and Ms. Maryjude Haddock-Weiler for presentation and consideration of the Smart Design Standards policy document.

### **Site Design Standards:**

Ms. Danis noted that the planning staff have provided an approach for understanding how the resource constraints and site development constraints might look from a site planning level. She noted that taking a step back and considering how communities develop and redevelop, how the approach to bulk standards and zoning uses drive the ultimate site design. Ms. Danis said the result of past building practices do not afford for resource protection, or maximization of open space and on-site infiltration of stormwater. She noted that as regulations are examined inside and outside the Highlands, several approaches are used for over-arching ways to address how site development can be implemented throughout the region. Ms. Danis said as a planning staff it recommended to support municipalities and counties to educate and think differently about how development occurs. Also considered is how the development design complements the existing development and resource protection.

Ms. Danis said that four specific approaches to evaluate development, redevelopment and in-fill which are Conservation Development, Green Building Policies, Low Impact Development and Community and Neighborhood Design. Examples are given as to what may occur at the municipal level when reviewing an application or aligning their ordinances with the RMP.

To demonstrate item number 1, Conservation Development is an approach that captures an efficient use of land. It requires compact development alternatives to utilize land more efficiently and maximize opportunities for contiguous open space. An implementation strategy may be to require municipal and county ordinances to include at a minimum the

following development standards in order to support land use efficiency, with allowances for relief in redevelopment and in-fill projects. It encourages additional strategies and best management practices.

Ms. Danis noted the first bullet under Implementation Strategies recommends requiring clustering of development to maximize the percentage of the site to be devoted to the preservation of open space for active and passive recreation in critical environmental areas such as slopes, wetlands riparian corridors, streams and ponds. Ms. Danis said the approach examines the site and evaluates where the best places for growth are on the site.

Ms. Danis said bullet number 2 requires a landscape plan which specifies indigenous plant species wherever feasible, and bullet number 3 requires that elements of the site plan be interwoven and provide connections between neighborhoods and the natural environments.

Ms. Danis explained that the power point slide illustrated existing conditions in a rural setting. The example was a piece of land consisting of approximately 175 acres, with a farm, some open space, patches of forest, and wetlands present. The slide also showed 45 houses built in the usual two-acre zoning and how the Council might approach redevelopment. She noted that from a conservation perspective the site could be redesigned to protect forest and wetland areas while still providing character and well being into the landscape.

She continued to show a series of slides comparing different types of developments on the same amount of land. Conventional methods clearly cause disconnection to roads and small villages lose all connectivity to the community resulting in conditions of sprawl. Ms. Danis noted that there are ways to stop sprawl and to build and in-fill differently around current sprawl patterns to support connectivity. She noted this may not ultimately be the way the Council will go for raw tracts of land, but as it considers current development patters, there are ways to curb previous behavior to develop communities differently to preserve resources and improve quality of life.

Mr. Salovaara asked about the two acre zoning, and asked if that was what the Council is considering approving on undeveloped land in the Preservation Area. Specifically he wanted to know if the Council is contemplating two acre zoning as a recommendation for undeveloped farmland in the preservation area under the mandates of the Act. Ms. Danis said that was not the case. She said the scenario she was demonstrating would be in a Planning Area and not to be destined for the Preservation Area and is regional example. Mr. Salovaara said he must return to his blind to the line question again as to Preservation and Planning areas. Mr. Dillingham said he agreed with Mr. Salovaara.

Ms. Danis said item number 2 recognizes the establishment of Green Building Standards to promote conservation and efficient use of energy and Highlands Resources. She noted the approach was to require the design and construction of energy efficient buildings to reduce air, water and land pollution and environmental impacts from energy production and consumption.

Ms. Pasquarelli asked if bullets number 2 and 3 under item number 2 as related to water conservation, on what basis relative to the Act should the Council be considering to require other measures that are pro-environment that seem to exceed the scope or intent or omission of relative to the Act. Mr. Balzano noted the Act speaks to the issue of energy conservation and the issue of lot clearing is inherent in protection of all natural resources. He said recycling and reuse is general conservation principles that may not be specified in the Act, but it is consistent with the purpose and intent.

Mr. Weingart noted that it is also cited in the end of the document as to smart growth strategies and principles for appropriate patterns consistent with the Act.

Ms. Danis noted that item number 3 addressed Low Impact Development standards which focus on natural hydrologic features of the land and minimize stormwater impacts. The approach is to require on-site stormwater management design that maintains, restores and enhances the pre-existing natural drainage patterns of the site. She read the balance of the section which states impervious cover shall be minimized to increase stormwater infiltration and reduce runoff.

Ms. Carluccio said this section could also be expanded to include a goal of achieving a balanced hydrologic regime. Ms. Danis noted that the requirement is also made for existing stormwater management systems to be designed based on nature approach to utilize vegetative channels where feasible rather than standard concrete curb and gutter configuration to decrease flow velocity and allow for stormwater filtration and infiltration. Ms. Danis read the remainder of section 3 and also presented power point slides illustrating different methods of development to support enhancement of bioretention areas. She asked if members had questions.

Mr. Alstede asked if the redevelopment patterns envision inclusion of public utilities. Ms. Danis said that this is not to be misconstrued as the site development pattern for the Highlands region. It serves as an example for how the Council would approach site development from a holistic, design based approach, not a bulk standard use approach where land is typically parcelized. All infrastructure, water supply, wastewater and resource protection measures still need to be considered. Mr. Balzano said these approaches might apply in the Conservation Zone.

Mr. Alstede said some would consider clustering as occurring on an acre, while others believe it is on ten acre lots. Ms. Letts said cluster development in her area would be three houses on ten acres. Mr. Alstede said the Council should be prepared to state as part of the septic density policy that it has to propose septic lot density and how small a lot may be to allow for clustering.

Mr. Alstede said in this region people are convinced that bigger is better as to lot sizes and asked how the Council could push cluster-type development keeping in mind nitrates considerations and existing ten acre zoning which have been defended by municipalities in court. Mr. Balzano said the goal is to reduce the area of disturbance.

Ms. Danis said that is the challenge and the market drives existing zoning and building practices. At the local level it is an attempt to try to introduce a smaller, more efficient lifestyle. She said that the trend for more efficient lifestyles do exist in many places.

Mr. Schrier stated that Ms. Letts was not joking when she said what will the Council do as far as requirements to how many houses are built per acre when she said 3 houses per acre. He noted that in his neighborhood there would likely be one house on ten acres which directly affects the restrictions to be imposed.

Ms. Calabrese noted that sprawl is the issue which has brought the Council to the point it is at, where effective changes need to be made and implemented to protect the resources.

Ms. Danis said item number 4 addressed Community and Neighborhood Design standards which promote development opportunities to support a variety and choice of housing options, mixed uses and redevelopment. She showed a slide with a lot of 45' x 90' in size, which had a number of proposed improvements such as pervious decking, and a rain collection cistern. She noted there is currently only 1% of mixed use in the region, that 57% is two houses per acre, and the rest is one house per 20 acres.

Ms. Letts said that there is a need for mixed use design and there should be a place in the future for communities that enable residents to walk to a store for a loaf of bread, and where children can walk to school. She noted that the way developments have been done in the past, there is no way children can walk because the schools are too far away. She noted that in the south, there are some very wise practices being done to maintain natural vegetation and incorporating shopping into their residential neighborhoods. Ms. Letts asked that the last bullet be specific and state discourage designs such as cul de sacs.

Mr. Peterson asked if an examination was done as to what effect cluster housing has on property taxes. He noted that in Hunterdon County the larger lots are the ones getting top dollar and he also asked who will steward the open space. Ms. Danis said that is an important point and that the Council needs to provide for stewardship programs and a management strategy because of the associated costs to municipalities.

Mr. Peterson said one concern to be considered as to recommending cluster type development is that people have vastly different lifestyles over time, and said that while residents today may push for cluster housing the next generation may not.

Mr. Salovaara said that the Council should not suggest something that goes farther than the science. He said if the science dictates that one house on 40 acres can be built, it should be based on the science. Mr. Alstede said septic lot density is science based on what we want to use.

Ms. Letts noted that she has seen the same price on houses whether they are built on a big lot or a small lot. Mr. Peterson noted that maybe premium prices are attributable to the nature of the community, such as whether there are ten houses within a quarter mile, or a hundred.

Ms. Carluccio noted that what Mr. Salovaara mentioned was correct as to relying on septic density as a determining factor for lot size, and the Council could be in conflict with itself.

Mr. Weingart noted that any members who have changes or suggestions to please relay them to the other members. Mr. Schrier commended the staff for the major improvements it has made since the first meeting in taking the Council to where it is now.

Mr. Alstede commented on Mr. Dillingham's mention of the enthusiasm in the article about South Jersey young farmers, he noted there are a lot of young farmers in the Highlands as well. An impediment is that they need to live where they work because so much of what needs to be done on a farm, whether it's caring for livestock or being nearby to fix a problem, requires that farmers be close by, but now they can't live there because they can't subdivide because rules won't permit. Mr. Alstede said farmers need to have generation to generation viability and that there has to be an accommodation, with the SADC needing to consider this issue as well. He said it is one of the biggest challenges for successful family operations and sustainable farming.

Mr. Weingart asked if there were any additional comments on any of the issues.

Mr. Salovaara said he continues to think about the pre-conformance process which has been articulated, and he noted his concern is that it will not work because it could pervert the intentions of the Act. He said it will continue to concern him until the Council reviews the draft RMP and that he will have a hard time reconciling what he hears will be attempted and what may turn out to be practical. Mr. Weingart asked if he could elaborate on why he thinks that it won't be done. Mr. Salovaara said that municipalities who need to come into conformance have to know what they have to do to come in conformance and he fears they will see it as too difficult. Municipalities may not embrace the process of working with the Council because of that difficulty. He asked Mr. Borden to help him understand how this will be achieved. Mr. Borden advised that he would consider Mr. Salovaara's concerns and will address them.

Mr. Weingart noted the meeting should adjourn at that time to provide the public availability session and reminded the Council will meet on October 5 at 10:00 a.m.

**ADJOURN:**

Mr. Schrier motioned to adjourn, Mr. Salovaara seconded, all were in favor, and the meeting ADJOURNED at 3:45 p.m.



<u>Vote on the Approval of Minutes</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede	_____	_____	_____	<u>  x  </u>
Councilmember Calabrese	_____	_____	_____	<u>  x  </u>
Councilmember Carluccio	<u>  x  </u>	_____	_____	_____
Councilmember Dillingham	<u>  x  </u>	_____	_____	_____
Councilmember Kovach	<u>  x  </u>	_____	_____	_____
Councilmember Letts	<u>  x  </u>	_____	_____	_____
Councilmember Pasquarelli	_____	_____	<u>  x  </u>	_____
Councilmember Peterson	_____	_____	_____	<u>  x  </u>
Councilmember Salovaara	<u>  x  </u>	_____	_____	_____
Councilmember Schrier	<u>  x  </u>	_____	_____	_____
Councilmember Vetrano	_____	_____	_____	<u>  x  </u>
Councilmember Way	<u>  x  </u>	_____	_____	_____
Councilmember Weingart	<u>  x  </u>	_____	_____	_____
Councilmember Whitenack	<u>  x  </u>	_____	_____	_____



Dated: October 5, 2006

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John Weingart, Chairman