

**HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
PUBLIC AVAILABILITY SESSION - SEPTEMBER 28, 2006**

At 4:00 p.m. on September 28, 2006, immediately following the meeting of the Highlands Water Protection and Planning Council, Chairman John Weingart convened a public availability session. Joining him were Councilmember Janice Kovach and Ms. Debbie Pasquarelli via telephone.

**Nicole Goger, Farm Bureau.** Ms. Goger said that it has been very difficult for the audience to hear the members speaking today and said she added that it was upsetting that only two Council members had remained to hear the public comments. She noted the public waited all day to speak and thanked Mr. Weingart and Ms. Kovach for staying to hear comments. Ms. Goger said she hoped the members all read the public comments summary and would take them into consideration. She noted that she has also been submitting her written comments on the previous week late on Wednesday afternoons. Mr. Weingart replied he would check to make sure he received her comments the day before. Mr. Weingart added that the other members are receiving the summaries prior to the following meeting and that they are included in members' meeting packets. Ms. Debbie Pasquarelli replied she agreed with what Ms. Goger said and noted that she couldn't hear most of the conversations between members and could only hear the presenters. Ms. Pasquarelli said in addition to the six technical documents that members had to review in the last 36 hours, the members are also receiving minutes and public comments to review. She said there has to be a better effort to get some materials to members sooner for them to prepare for the meetings.

**Julia Somers, NJ Highlands Coalition.** Ms. Somers noted that she is similarly concerned that the public comments are not getting through to all Council members in time for them to read them. Ms. Somers said that maybe staff should consider providing Council members details regarding the difference between density and zoning, because they seemed confused and Ms. Somers noted they are two very important concepts. Ms. Somers said storm water management should be considered as part of the design standards and said for example, where a developer is required to come before a planning board and using the topography of a site, it should show the location and natural resources, roads, driveways or storm water management technologies before a single house is sited. She thought that approach would produce a much better plan. She added that practices in the past have always been the reverse, the roads and storm water management and utilities go in last, and it is a disservice to a good plan.

**Nancy Chambellan, Warren County Environmental Commission.** Ms. Chambellan said that on page 6 of the Open Waters and Riparian document, her concern is the Department of Environmental Protection's (DEP) Category One (C1) classifications are an unreliable way to assign protection categories such as special waters in Warren County. She stated that the fish surveys that have been done by the DEP reflect a great difference in the current level of what was present across the Highlands Region when the survey was done. Other counties are current to 2002 but such fish surveys have not been done in Warren since 1974. Ms. Chambellan says as special waters on page 6, there has to be C1 streams present to make the category. She said specifically the Musconetcong and Pequest in Warren have not yet been implemented as C1 candidates and are delayed

since 2002. Ms. Chambellan noted that the Forest Study Survey of 2002 recommended immediate and the highest level of protection for both of those rivers. She said that the Musconetcong also meets the criteria for being wild and scenic as well. Ms. Chambellan noted the challenge for the Council to reconcile vast difference between federal protection recommendations and the current status of DEP C1 candidates. Ms. Chambellan urged the Council to implement policies to protect to the highest level possible for Warren County's special waters because the C1 characterization has not been successful. Ms. Chambellan added that regarding site design standards under green building methods, she said that she has sustained a disability from indoor air pollution she said she would favor that the Council remain careful to balance energy efficiency with indoor air quality and not create measures which are incompatible with quality of life.

**Wilma Frey.** Ms. Frey stated that in the site design standards document under bullet point 2 of the green building section which requires efficient landscape maintenance, the language should be strengthened to should minimize the use of lawn areas as well as limiting watering lawns. Ms. Frey stated that in the community and neighborhood design standards of the same document, she noted a bullet should be added to provide for an open space greenway plan required for community design standard. She noted the section identifies the need for a list of other plans, and so the greenway open space plan should not be left off the list. It should integrate the neighborhood and have conservation and recreation purposes. Ms. Frey thought the open space plan can also be used as individual site plans to view the overall site and environmentally sensitive features.

**Helen Heinrich, Farm Bureau.** Ms. Heinrich said she was at a meeting most of the day at the SADC and arrived at the Council meeting an hour ago in time to hear various members to indicate that the Highlands Plan could end up being an elitist, large lot situation which could make TDR very difficult to conduct equity protections. She asked whether the staff needs more information on density because she thought there are plenty of places in the Highlands with density present. Ms. Heinrich said it was disturbing to her to listen to the Council members' rhetoric about zoning and thought someone on the board should have spoke up for the other mandates. Mr. Weingart noted that Ms. Heinrich missed much of the meeting and advised that there had been considerable other discussions about mandates in the Act between the members that she missed. Ms. Heinrich said that was true, and then said that the design standards address conservation development but there is no mention of using it to preserve farmland as well as open space. She noted that farmland preservation should be included in the open space provisions and the stewardship issues have to be covered so that the town will not be burdened. Lot size averaging combines clustering and large lot sizes so that one lot includes a farm house and a reasonable amount of land to farm as preserved. Ms. Heinrich noted that the guiding principles are not specific enough as to the Highlands area. She noted that the Act speaks directly to preserving equity and thought the Council should have an equity policy which is over-arching. She brought a copy of such a policy from the State plan. Ms. Heinrich provided a copy of a document by the Board of Architects as to what rules pertain to professionals conducting site planning. She noted there are many types of professionals who can address planning methods and as a result licensed professionals should be more broadly defined.

**Eric Stiles, Conservation Vice-President, NJ Audubon Society.** Mr. Stiles noted he had worked in the past with the Department of Environmental Protection and was a landscape biologist with experience in endangered species and that he has also worked with the Park Service. Mr. Stiles said that Mr. Balzano's characterizations of the science behind riparian areas and significant natural areas being made to the Council as being cutting edge is true. He noted that they are not cutting edge in the sense that they are ahead of the science, they are cutting edge in the realm of land use policy, because they are based on contemporary science. Mr. Stiles commended the Council for planning that reflects the current knowledge base of landscape ecology. He thought it was important to make that statement to the public and the Council, and noted while the Council recognizes some of the issues of landowner equity, to keep in mind that in order to make good decisions, good information is crucial and he thought the staff should be commended for providing that information to the Council. He also wanted to clarify regarding differentiations between policy decisions based on science, that the information provided to the Council as to 600 feet for a wildlife corridor is based on science, and as the Council receives this information that there are a number of balancing issues. He stated his support for comments at the meeting by Councilmember Carluccio as to her concerns over exceptions being made in the Specially Planned Areas as to standards when she said that protections in the conservation areas should apply in both areas, and to not throw out the underlying data as they are all very important, valuable locations. He noted his concern that locations where threatened and endangered species are present in what are determined to be low value areas, despite their presence, now have a 150 foot buffer.

**David Shope, Long Valley.** Mr. Shope said with regard to Riparian Areas, that he believes suddenly his land is very valuable because it provides clean water to others, and he wanted to know how he can cash in. As to item number 5 bullet point 2, where minimum practical use is required, Mr. Shope said that he believed that was longhand for "avoid a taking." He asked if this meant that farming will have to continue at a loss, and wondered if that was his minimum practical use. Mr. Shope said that the term pristine means untouched, and he doesn't believe there is a square inch in New Jersey that is untouched. Mr. Shope also thought regarding water availability he asked if he will be paid by his neighbors with one and two acre lots, that use his land for groundwater recharge and nitrate dilution. Mr. Shope said that golf courses are 90% to 100% consumptive and DEP approves the use of water for golf courses and does not understand how that is justified while his land down the street is being restricted. Mr. Shope said that well and septic systems use 20% depletively, and the water that leaves the area via United Jersey which is owned by Suez and RW. Lee, is 75-100% by DEP's own documentation. Mr. Shope said that interbasin transfer is done all the time, they are doing this in Newark from the Raritan Basin up to the north. Mr. Shope said that regarding water deficit areas, he wanted the Council to consider developing a policy where deficits can be ameliorated by the area in deficit buying watershed land. He said it is not a unique concept and that Newark and Jersey City have done it and it is a better choice than taking people's equity.

**Elizabeth George-Chenaria, NJ Builders Association.** Ms. George-Chenaria said she agreed with some of the earlier comments, and noted it is disappointing that the other Council members chose not to spend the time to remain and hear the comments. She

noted the NJBA would like to reiterate that there is an enormous need for housing in New Jersey that is not being met. As the Council nears completion of drafting the Highlands RMP which is a new regional approach to land use planning, the NJBA is discouraged that the Council hasn't provided any further information as to where housing would be supported in the region. The NJBA suggests that some other economic indicators are worthy of being analyzed and tracked to capture more fully the economic conditions of the Highlands Region. Ms. George-Chenaria suggested more data is needed regarding supply and pricing of housing units within the region. She noted unemployment data should be expanded on salary ranges and the types of occupations. New Jersey has lost many of its jobs to other states. She said the Council should identify realistic housing opportunities in the region. She said that the Council should not extend public comments period following adoption of the draft RMP. Ms. George-Chenaria provided her comments in writing.

Mr. Weingart reminded that the Council has been meeting every Thursday for several weeks and is doing so in order to get the draft plan discussed and out so that the entire public has time to review, not just the people who come to the meetings. He noted everyone on the Council reads the summaries of all public comments received and advised that if anyone feels that they're not being summarized correctly to kindly let him know to have them revised. Ms. Patty Sly added that whenever comments are submitted in writing, we will not collapse them and they are given to the members in full form.

Mr. Weingart thanked everyone for their comments and said that the Council will be meeting again next week at 10:00 a.m. on October 5<sup>th</sup>, 2006.