

**FOR CONSIDERATION AT THE DECEMBER 1, 2011 MEETING OF THE
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
Petition for Plan Conformance – Final Consistency Review and Recommendations Report**

APPENDIX B

PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES

Petition for Plan Conformance

Allamuchy Township, Warren County

Public Comment Period: November 14, 2011 – November 28, 2011

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MUNICIPAL COMMENT/RESPONSE SUMMARY

A comment was submitted (by e-mail) on behalf of Allamuchy Township during the period established by the Highlands Council for receipt of written public comment (November 14, 2011 – November 28, 2011). It was noted that all required current planning documents have now been submitted to the Highlands Council; that the correct date of the Municipal Response Report was November 1, 2011; and that the recently submitted Natural Resource Inventory (NRI) is dated July 2005 and this document replaces the older municipal NRI dated 1991. (It is noted that this date needs to be changed under “Status and Comments” in the Implementation Plan and Schedule). The Final Report reflects these comments.

PUBLIC COMMENTS RECEIVED

Written comments regarding Allamuchy Township’s Petition for Plan Conformance were accepted by the Highlands Council through the close of the Public Comment period on November 28, 2011. Comments were provided by the following individuals/entities:

1. Helen Heinrich, on behalf of the New Jersey Farm Bureau
2. Erica Van Auken, on behalf of the New Jersey Highlands Coalition

The comments are summarized below with Highlands Council responses provided for each.

PUBLIC COMMENT/RESPONSE SUMMARY

1. **Comment:** Ms. Heinrich supports the Agriculture Retention and Farmland Preservation plan grant funding of \$10,000 for the Township and further comments that the grant funding should be used to support agriculture for the entirety of the Township; Preservation and Planning Areas. Additionally, Ms. Heinrich expresses concern about Section 6.10.3 of the Highlands Preservation Area Land Use Ordinance, specifically language regarding roadside stands and on-farm worker housing. And finally, she questions the potential for coordination of agricultural sustainability planning with surrounding municipalities.

Response: The Highlands Council acknowledges Ms. Heinrich’s support of grant funding opportunities for Agricultural Retention Planning for the entirety of the Township of Allamuchy. This Plan will apply to all Agricultural Resource Area (ARA) lands within the Township; both Preservation Area and Planning Area. The Regional Master Plan and the plan conformance process were designed to promote preservation in the ARA and limit non-agricultural uses within the ARA to those uses that support the preservation of farmland, avoid conflicts with agriculture, maintain and enhance the sustainability and continued viability of the agricultural industry, protect important farmland soils, and meet resource management and protection requirements of the RMP.

With regard to Section 6.10.3 of the draft Highlands Area Land Use Ordinance for Allamuchy, it should be noted that the Right to Farm Act does not usurp the municipality’s right to adopt zoning

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regulations. The provisions inserted by the Township derive from the municipality's Land Development Ordinance and, provided not in conflict with the remainder of the Highlands Area Land Use Ordinance, are permissible. That said, the Highlands Council will require as a part of any approval of the Ordinance, insertion of an explicit statement to that effect, as has been included in draft Highlands Area Land Use Ordinances for other municipalities; such caveats having been previously deemed acceptable by the New Jersey Farm Bureau with regard to this particular Section of the Highlands Area Land Use Ordinance. The section will read as follows, with the caveat provision highlighted, in yellow:

“Agricultural and Horticultural Development. In accordance with the provisions of § 5.2.1 above, permitted uses in the ARA include agricultural and horticultural uses (as defined at § 3.2). Accessory uses permitted in conjunction with such uses include ancillary, incidental or otherwise related supporting uses and the accessory structures devoted to such uses. **To the extent not in conflict with or overridden by other provisions of this Ordinance,** the specific permitted uses and other applicable requirements pertaining to agricultural and horticultural development in the ARA include the following ...”

Lastly, the Highlands Council notes that municipalities adjacent to Allamuchy Township will also be pursuing development of similar plans through amended grant agreements as part of their Plan Conformance processes. The Highlands Council supports coordinated planning for shared or similar resources as an effective and efficient way to enhance results of the planning process, including any potential effort of multiple municipalities to work cooperatively with the Warren County Agriculture Development Board and the New Jersey Department of Agriculture on a regional plan.

2. **Comment:** Ms. Van Auken supports Allamuchy Township's petition for plan conformance. She appreciates the Township's initiative to implement the non-mandatory Stream Corridor Restoration and Protection Plan. She strongly urges the Township to consider conformance for the entirety of the municipality to include the Planning Area.

Response: The Highlands Council acknowledges Ms. Van Auken's comments. The Highlands Implementation Plan and Schedule has proposed grant funding of \$35,000 for the Stream Corridor Restoration and Protection Plan which will be developed for priority water bodies within either the Preservation Area or Planning Area of the municipality.