

**MINUTES**

**NEW JERSEY HIGHLANDS COUNCIL  
MEETING OF FEBRUARY 3, 2005**

**PRESENT:**

JOHN WEINGART	)	CHAIRMAN
KURT ALSTED	)	
TRACY CARLUCCIO	)	COUNCIL MEMBERS
TIM DILLINGHAM	)	
JANICE KOVACH	)	
MIMI LETTS	)	
DEBBIE PASQUARELLI	)	
MIKAEL SALOVAARA	)	
JACK SCHRIER	)	
BEN SPINELLI	)	
EILEEN SWAN	)	
GLEN VETRANO	)	
SCOTT WHITENACK	)	

**ABSENT COUNCIL MEMBERS:**

LOIS CUCCINELLO

**ALSO PRESENT:**

ADAM ZELLNER, EXECUTIVE DIRECTOR, HIGHLANDS COUNCIL  
DANTE DI PIRRO, DEPUTY EXECUTIVE DIRECTOR, HIGHLANDS COUNCIL  
RICHARD ROBERTS, CHIEF PLANNER, NEW JERSEY TRANSIT  
LEWIN WEYL, DAG, DIVISION OF LAW, ATTORNEY GENERAL'S OFFICE  
DENISE GUIDOTTI, EXECUTIVE ASSISTANT, HIGHLANDS COUNCIL

The following are the minutes from the New Jersey Highlands Council meeting which was held at 100 North Road (Route 513), in Chester, New Jersey on February 3, 2005 at 10:00 a.m.

**CALL TO ORDER:**

The Chairman of the Council, John Weingart, called the fourth meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:15 a.m. and reported that Mr. Jack Schrier and Mr. Ben Spinelli would be delayed but were expected to arrive late.

**OPEN PUBLIC MEETINGS ACT:**

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

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

**PLEDGE OF ALLEGIANCE** was then recited.

**APPROVAL OF HIGHLANDS COUNCIL MINUTES:**

Mr. Weingart asked for a motion to approve the minutes of January 20, 2005. The motion was made by Mr. Tim Dillingham and seconded by Ms. Tracy Carluccio. Ms. Carluccio suggested the following corrections which were accepted as amendments to the motion by Mr. Dillingham:

Page 4, paragraph 4, line 3, after the word “situations”, cross out the rest of the sentence and add instead: “addressing whether to take a position and what position Council members should take in responding to questions about specific development projects”.

Page 7, paragraph 7, line 1, should read: “Ms. Tracy Carluccio asked about aquifer recharge data and whether Mr. Lathrop applied aquifer recharge data to the maps, he said yes the estimates were included as an additional factor however the information is not reflected in the power point presentation but will be provided to the Highlands Council.”

Mr. Weingart then pointed out on page 3, paragraph 6, the members of the Budget and Finance committee should list Janice Kovach and not Lois Cuccinello. Then Mr. Weingart asked if there were any additional edits and since none were received, he called for a vote to approve the minutes with the above-noted clarifications.

All Council members voted in the affirmative, except for Mr. Kurt Alstede and Ms. Debbie Pasquarelli who ABSTAINED, and the minutes of January 20, 2005 were APPROVED.

**CHAIRMAN’S REPORT:**

Mr. Weingart reported that the previous week he attended a meeting of the Morris Green Table. At the meeting, he answered questions related to the Highlands Act such as how the Act applies to individual projects and properties, the respective roles of the Highlands Council and the NJDEP, and about TDR incentives which are available to municipalities in the Highlands.

Mr. Weingart further advised that Mr. Alstede had requested and been made a member of the DEP rules working group. The Chairman then asked for any reports from Council members.

Ms. Eileen Swan advised that she attended the Passaic County annual planning conference on Friday January 21, 2005, as did Mr. Adam Zellner, Mr. Dante Di Pirro and Mr. Ross MacDonald. She reported that they were there to answer Highlands Act questions and that their presence was very helpful in correcting misinterpretations and misinformation about the Act.

Ms. Debbie Pasquarelli reported that the Budget and Finance committee is working out the procedure for satisfying Council bills. She announced that the procedure might be complete by the time the Council meets on February 17, 2005, and the committee would present a proposal to the Council. In the meantime, she asked the members to let the committee know if they had any suggestions or input.

Ms. Carluccio reported that at the January 28, 2005 meeting of the DEP rules working group, the DEP rulemaking process was discussed along with the procedure by which the Council will give its input to the DEP during the process. The DEP stressed that it needs Council input immediately as the rules are due to be out in May 2005. Ms. Carluccio then delivered to the Council copies of a memo she wrote and circulated at the meeting regarding septic density. Water allocation rules were also highlighted at the working session. On February 2, 2005 the DEP rules working group met again and that session centered on land use such as the standards in the preservation area, forest protection, wetlands, open waters, as well as threatened and endangered species. All are important factors to consider while drafting the rules. Redevelopment issues were also introduced, however due to the broad nature of the subject, it was decided that that topic would be more fully addressed at the group's next meeting. In summing up, Ms. Carluccio said that coordination between the DEP and the Council committees has been good thus far and the group expects to have a draft ready in March and the DEP expects to have a draft of the rules in March.

This concluded the reports from Council members.

Mr. Weingart then opened a public comment period.

**PUBLIC COMMENT PERIOD:**

Wilma Frey, NJ Committee of the Highlands Coalition. Ms. Frye wished to emphasize to the Council that the intent behind the Highlands Act is the preservation of New Jersey's water resources and the primary focus of the Council should be to prepare the Highlands master plan. She expressed the idea that an accomplished regional planner with expertise in natural resource preservation should be on the Highlands staff. She asked the Council to assemble water resource assessments and sustainability analyses. Ms. Frye submitted written comments to the Council.

Robin O’Hearn, Director, Skylands Clean. Ms. O’Hearn offered information regarding the proposed Eagle Ridge townhouse development in West Milford. She noted that on January 29<sup>th</sup> approximately 200 people came together at the town hall to protest the potential issuance of a water allocation permit on the project. Several public officials from West Milford and neighboring towns, also attended to offer their support for the residents’ protest. In 2003 West Milford commissioned a water study by Matt Mulhol of M Squared Associates, and it was determined that the town could support 8,500 wells. There are already over 10,000 active wells. He concluded the geology is primarily dense rock and recharge aquifer yields were generally poor. The 2003 drought caused many people to dig their wells deeper. In 2004 Skylands Clean hired Mr. Peter D’Amico, a licensed hydrologist, who reviewed the proposed Eagle Ridge main well and found that although it could pump at a rate of 130 gallons a minute, it recharged at only 4 gallons per minute, so in essence it could run for six hours a day and be shut off for eighteen and never recharge. She had copies of the reports and shared them with the Council. Skylands Clean wants to coordinate efforts with the Council.

David Shope, Long Valley. Mr. Shope noted that the environmental community is well represented at the meeting. He asked the Council to analyze carefully the economic impact on people who earn a living such as farmers and business owners in the highlands region when considering the final master plan. He asked that they look at costs of planting and crop yield because an economic impact analysis would be the beneficial tool to determine future agricultural feasibility.

Chris Sturm, NJ Future, a non-profit research and policy group focused on smart growth issues. Ms. Sturm thanked the Council for taking on the challenge of combating sprawl in creating the Highlands regional master plan. She said the Council should be mindful of the importance of promoting preservation of New Jersey’s water resources and finding concrete methods of managing growth when developing the regional master plan. She expressed her confidence that the Council will come up with a good master plan.

Mr. Weingart then questioned whether any other members of the public wished to comment and since none did, he directed the meeting should now turn to the Executive Director’s report since the representative from New Jersey Transit had not arrived yet.

#### **EXECUTIVE DIRECTOR’S REPORT:**

Mr. Zellner gave a quick update regarding the Chester office. The computer server has yet to be delivered thus delaying the ability to send and receive e-mails, however printers had now been installed. He anticipated the arrival of the server during the week of February 7<sup>th</sup>.

With regard to public outreach events, he noted that he has attended a wide variety of events over the last two weeks and was pleased to see Council members present at many of them. Specifically, he noted that Mr. Glen Vetrano attended the chamber of commerce train trip to Washington, and Mr. Alstede attended the Agricultural Convention.

A series of cross-acceptance meetings are scheduled in the Highlands counties, wherein the counties have proposed redrawing the State plan in the portion of their county in the planning area. Highlands staff will be attending a cross-acceptance meeting next week in Hunterdon.

Mr. Zellner pointed out the fine job of Mr. Ross MacDonald, the Economic Development Director, who has been working both in the Highlands office and on the road, answering questions and giving assistance to people affected by the Highlands Act. He then introduced Mr. MacDonald to present an outline of recommended procedures for handling constituent inquiries.

Mr. MacDonald explained that his role as Director of Economic Development includes overseeing grants funding and land acquisition.

He recommended that work needs to be done to educate the public concerning the Act's requirements and exemptions.

With regard to exemption applications, 144 have been submitted since the enactment of the Highlands Act in August 2004. 97 projects are still under review. Mr. MacDonald is working with DEP to establish a process for Council involvement in the process. He recommends one process for exemption applications and another for constituent inquiries. Mr. MacDonald referenced a draft flow chart he prepared for the members' consideration.

Ms. Swan inquired about the processing time for an exemption application. Mr. Di Pirro said that according to the DEP, the average time is approximately three weeks. Ms. Swan asked if the DEP is able to give some determinations right away. Mr. Di Pirro said "yes" and added that the DEP offers informal guidance over the phone.

Mr. Alstede asked how obvious exemptions are handled, such as a person who wants to put a deck onto his house. Mr. Zellner said that the municipality can make it clear that only the local approvals are required. Mr. Alstede asked if municipalities are actually doing this and if the State is taking steps to help. Mr. Di Pirro said that the DEP is working with towns directly. Staff noted, however, that some municipalities are requiring written confirmation from the DEP that a project is exempt, even when the facts may seem clearcut, and that the applicant then must pay DEP's \$500 fee. Mr. Zellner said the staff recognizes the importance of continuing to work with both towns and the DEP on this. Ms. Pasquarelli underscored the Council's obligation to facilitate communication between the Highlands counties and the DEP.

Mr. MacDonald said he has been traveling around the Highlands helping to clarify the Act's requirements and exemptions and specific concerns. He also has been working with Mr. Nick Angarone from DEP to share information and coordinate on individual projects.

Mr. Weingart asked staff for a recommendation as to how comments in support of or opposition to projects would be handled. Mr. MacDonald responded that they can be handled in the same process because staff will examine all issues (including data and comments) simultaneously. And, as projects are analyzed, staff will contact the municipality for input and report back to the Council.

Ms. Letts asked what resources are available to the Council because it is not clear that the Council has the budget for many technical specialists. Mr. Zellner pointed out that the Council can take advantage of the services of interagency experts, at DCA, Commerce, etc.

Mr. Weingart offered a few comments. First, we should reach out for local code enforcement officials since they will be on the front line of local approvals. Second, he has concerns about establishing a parallel process for handling exemptions based on second-guessing the DEP regulatory programs and staffing constraints. Issues can snowball to the point where the Council's meeting times could become consumed by site-specific issues at the expense of development of the plan.

Mr. Weingart noted that New Jersey Transit had arrived, and directed the topic be readdressed after their presentation. He then introduced Richard Roberts, Chief Planner for NJ Transit.

#### **PRESENTATION:**

Richard Roberts, New Jersey Transit's Chief Planner, then presented a power point presentation highlighting three major potential public transit projects in the highlands region. The Raritan Valley Line; the Lackawanna Cutoff; and the NY Susquehanna and Western Railroad.

When considering new projects, Mr. Roberts said that New Jersey Transit looks at the density of people making trips between an origin location and the destination location. New Jersey Transit then defines what improvements would be needed, and then looks at available capital, the operating costs, and the context of fitting a project into the community and environment. Mr. Roberts stressed the fact that the Transportation Trust Fund has to be renewed. Without the Transportation Trust Fund, New Jersey Transit will literally go out of business.

Mr. Roberts discussed the Raritan Valley Line, which is a proposed extension in Hunterdon County extending eastward to Phillipsburg. Improvements are proposed but funding is an issue. He stated the North Jersey Transportation Planning Authority is looking at the I-78 Corridor and is taking the lead on that project. A question New Jersey Transit faces is how to support the increased rail service, i.e., parking for train riders, etc. New Jersey Transit is studying areas where it can provide both bus service and train service while keeping in mind clustering.

Mr. Roberts relayed that there is a proposed commuter rail connection for northwestern New Jersey & Northeastern Pennsylvania, from Scranton to Hoboken, with trains running every 45 minutes during the peak rush-hours. He approximated a \$350 million capital cost with 2,800 daily riders, 90% of which would be Pennsylvania residents. It's projected the annual operation and management costs would be \$22 million.

As to the New York Susquehanna and Western Railroad from Hawthorne in Passaic County across Bergen, through Morris and into Sussex, Mr. Roberts pointed out that this would be right through the heart of the highlands area to Sparta. The project cost is estimated at \$100 million plus the cost of purchasing the private freight line. It would handle 2,000 riders eastbound a day.

Mr. Roberts referenced 3 transit planning issues: locating stations (a not-in-my-backyard problem); linking trains with bus service; and transit villages (clustering development around a rail or bus station).

With regard to bus transit, Mr. Roberts explained that it is a more flexible tool than rail, can be combined with rail and needs to be considered when road planning and design is being done. Also, buses work best when residential development is close to major roads.

Of utmost importance, Mr. Roberts noted the fact that New Jersey Transit and the Highlands Council need to confer regularly as the Master Plan is being developed. New Jersey Transit will continually update the Council as to developments in the projects he mentioned as well as any other Transit projects within the Highlands area. This concluded Mr. Roberts presentation at which time he invited the Council to ask any questions.

Ms. Kovach wants to make sure that extending a rail line will not spur sprawl development.

Ms. Carluccio asked Mr. Roberts about the iterative process. She wondered how iterative is it in light of the Council's enhanced environmental standards regarding the Hawthorne to Sparta project. She questioned if projects such as this would be readdressed due to impact. Mr. Roberts responded that all three projects are still in the planning stages, and when New Jersey Transit gets close to making decisions it will communicate to the Council what it's considering, and will ask for Council input and guidance as to the specifications of the Highlands Act.

Ms. Carluccio then asked Mr. Roberts if Transit has the funding for the projects mentioned. He responded that New Jersey Transit does not.

Mr. Roberts added that since the projects are large, they will be implemented in segments, offering time for active dynamic between New Jersey Transit and the Council.

Ms. Pasquarelli asked why build a line if 90% of riders would be Pennsylvania residents. Mr. Roberts responded that it would limit traffic on roads and air pollution and there might be cost sharing with Pennsylvania.

Chairman Weingart thanked Mr. Roberts for his presentation and turned the meeting toward consideration and voting on the Council's Ethics Policy.

**CONSIDERATION OF ETHICS POLICY (voting matter):**

Mr. Weingart noted that the Council had discussed ethics issues at the previous two meetings and that several members had meet with Mr. Di Pirro to discuss specific suggested revisions. Based on those discussions, Mr. Di Pirro had revised the draft ethics policy and prepared a memo summarizing the changes, both of which were included in the members' packets. Mr. Weingart then asked Mr. Di Pirro to briefly go through the major changes.

Mr. Di Pirro explained that the draft now expressly defines "thing of value" as limited to what members receive in their official capacities.

It further establishes the state of mind for restrictions on individual conduct as "willful" and included relevant language directly from the Conflicts Act.

Inquiries about the status of applications are to be forwarded to the executive staff for follow up.

For elected officials on the Council specific treatment of three scenarios was included: members may participate on matters of general applicability before the Council, including the adoption of the regional master plan; members must recuse themselves on any matter on which they participated at the local level; and members are prohibited from engaging in *ex parte* communications when they are considering a matter in a quasi-judicial capacity.

Ms. Letts asked if a town can petition the Council to op-into the regional master plan if the town has a member on the Council. Mr. Di Pirro said "yes." In his opinion, the member should, however, recuse herself on the matter when it is presented to the Council.

Mr. Dillingham asked if a member served on a local board, that board had no involvement with a project, and the local government issued a statement endorsing or opposing a project, could the member vote on the project at the Highlands Council? Mr. Di Pirro said that under the draft, since the member had not participated in the matter, he would not be recused at the Council. The problem would arise where the member "wore two hats."

Ms. Carluccio asked if staff would be keeping a record of application status inquiries. Several members indicated that this would be a good idea.



Mr. Weingart asked Mr. Di Pirro to confirm that once the Council approves the Ethics Code that it is submitted to the Executive Commission on Ethical Standards and the Attorney General for review and approval. Mr. Di Pirro answered in the affirmative and said they may want changes.

Mr. Vetrano asked if members can seek guidance when ethical issues arise. Mr. Di Pirro said "yes," and encouraged members to do so.

Mr. Weingart asked for all those in favor of approval of the Ethics Code to say "aye", all members did vote in the affirmative, therefore the Ethics Code was approved UNANIMOUSLY.

Mr. Schrier made a motion that Mr. Di Pirro be designated as the Council's Ethics Officer, the motion was seconded by Mr. Dillingham, all members voted in favor, approved UNANIMOUSLY.

Mr. Weingart then opened a public comment period.

**PUBLIC COMMENT PERIOD:**

Dennis Schvejda, Sierra Club. Mr. Schvejda gave thanks to the Council and asked who to contact to address exemptions issues. Mr. Weingart answered that DEP enforcement staff will soon be here working in the building with Council staff in order to address questions.

Margaret McGarrity, Byram Township. In October, 2004 there was much opposition to reactivation of the cutoff project. Ms. McGarrity is concerned over the possible severe adverse impacts on Byram Township. She stated it has only been submitted to other entities so far, and she brings it to the Council today for their review.

Scott Olsen, Byram Township. Mr. Olsen thanked the Council for taking time to work on Highlands issues. He reminded the Council of Mr. Dennis Keck's statements at the January 20 Council meeting regarding a road project in Byram Township. He stated that it's a 5 lane road which doesn't fit the meaning behind the Act and it's going to be a detriment to the town in his opinion. He wanted it brought to the Council's attention because of the possible impact on the town and hopes the Council will analyze it.

Bill Wolfe. Mr. Wolfe conveyed his thoughts about the role of the Council and the DEP as to the exemption process. He thought it was very important that the Council have a review process of their own because the DEP is applying statutory exemption and technical judgments. DEP doesn't have a public process in which you can contest their determinations.

Mr. Zellner stated the staff's desire to engage the DEP before decisions are made in order to give them our input and guidance so we can adhere to the statutory requirements of the Act.

David Shope, Long Valley. Since the DEP studied the Highlands area it can be determined what properties can be developed and which cannot. He felt there is no need for landowners to submit a plan only to have it rejected, revise it, then resubmit it. Mr. Shope believes it's a ripeness issue, and asked the Council to look at the land acquisition process.

Douglas Williams, Flanders. Mr. Williams owns 100 acres. He asked what the compensation is for not developing land. With regard to his property, he asked what could be done.

Chairman Weingart suggested that Mr. Williams speak with Mr. Zellner after the meeting about his specific parcel of land and mentioned that TDR is still being developed.

**LUNCH BREAK:** 12:50 p.m.

After the lunch break, at 1:45 p.m., Chairman Weingart called the meeting back to order and informed that an Executive Session was not necessary therefore the meeting would reconvene immediately. He then asked Mr. Di Pirro and Mr. Zellner to give their reports on meetings with DEP.

**REPORT ON DEP ISSUES:**

Mr. Di Pirro started by addressing the issue of the Council's powers. Previously, the Council had asked about its powers and that of other state entities. Mr. Di Pirro stated that the Act established the Council to implement the Act, however specifically directs DEP to promulgate and enforce certain environmental standards. As a result, there are issues over which the Council and DEP have joint authority. Examples include exemption determinations and boundary interpretations. Staff is investigating the area of overlap and the possibility of using an MOA to establish procedures for coordination. Mr. Di Pirro informed that Mr. Nick Angarone, a planner at the DEP, who attends all the Council meetings and is the contact person with the DEP on various issues to facilitate coordination and cooperation.

Mr. Schrier added that Morris County had raised the need for several boundary interpretations.

As to DEP rule development, Mr. Zellner and Mr. Di Pirro confirmed that staff is aware of them and is reviewing. Mr. Di Pirro stressed that the Council's input needs to be given to DEP ASAP because the rules go in effect in May 2005. Substantive changes after that may require the rules to be repropose.

Mr. Di Pirro then reported to the Council on the following DEP rule matters:

1. Water allocation;
2. Water quality;
3. Septics;

4. Open water;
5. Linear development;
6. Rare, threatened and endangered species (animals and plants);
7. Unique and irreplaceable resources;
8. Flood hazard areas (and the no net fill requirement);
9. Steep slopes;
10. Upland forest protection;
11. Historical sites;
12. Waivers (health and safety; takings without just compensation; redevelopment of sites designated as brownfield sites or 70% or more of impervious cover).

Ms. Pasquarelli asked if waiver applications would include public input. Mr. Di Pirro said yes that is contemplated.

Mr. Weingart then turned to Mr. Zellner to begin a discussion on TDR issues.

### **REPORT ON TDR:**

Mr. Zellner started by noting that there are now a number of statutes that authorize TDR: a state bill, a pinelands bill, and now a highlands bill.

Mr. Zellner said the big advantage of the Highlands bill is that it authorizes impact fees. Many components determine priority projects, i.e., areas with a need for redevelopment such as brownfields and grayfields.

Next, Mr. Zellner noted that Commissioner Susan Bass-Levin from the Department of Community Affairs will be making a TDR presentation at the next Council meeting. At that time the Council could focus on marketing Highlands credits.

MACRO TDR programs will be large pilot programs on a municipal or county level with a large scale. MICRO TDR programs are smaller in nature where it's a specific location within a municipality which have a smaller number of highlands credits.

Staff will be meeting with the Office of Smart Growth in the next two weeks to look at financing projects and what we can do to help further promote TDR projects already on the radar.

Also, at the next council meeting we will have presentations from non-profit organizations on how TDR could apply to the Highlands with specific recommendations.

EDA and Commerce are meeting soon to start dealing with issues of frontage and vertical development. The end use of the property will determine who buys open space. Financial value vs. environmental value.

Mr. Weingart asked if a TDR program must be established before adoption of the plan. Mr. Di Pirro says it does not. The Act does require that receiving areas be identified before the plan is adopted.

Ms. Pasquarelli asked if TDR credits were sent by a municipality to Camden they wouldn't accrue the benefits specific to highlands. Mr. Di Pirro responded that was correct.

Ms. Letts asked why are impact fees only available in the seven Highlands counties, and Mr. Di Pirro responded that impact fee legislation that would apply statewide has not been able to pass in the Legislature. If it works well in the Highlands, perhaps the State will expand its availability.

Mr. Whitenack asked what is the incentive for a receiving town to bear burden of a COAH that doesn't cover the impact fee. Mr. Zellner said we're raising this issue with COAH.

Ms. Pasquarelli and Ms. Letts commented that they hope it will be possible to do TDR for commercial development.

#### **REPORT ON PLAN DEVELOPMENT:**

Mr. Zellner introduced Maryjude Haddock-Weiler. For two months she has been working on outreach and compiling information for development of the regional master plan. She will identify action items for achieving the goals set forth in the Act.

Goal: Identify areas in planning and preservation areas for their protection and enhancement. Action: Map the existing natural resources.

Goal: Preserve contiguous areas of land in their natural state. Action: Identify how each resource may limit the uses of land and evaluate natural resources and the constraints to identify priority areas for protection/preservation, i.e., farmland, historic sites.

Goal: Protecting areas for outdoor recreation. Action: Map existing areas and identify them.

Goal: Agri-tourism/Eco-tourism. Action: Identify strategies consistent with Highlands preservation.

Goal: Brownfields development (areas which have been found to be contaminated). Action: Identify and map them through meetings with DEP.

Mr. Weingart asked Ms. Haddock-Weiler to describe the differences with the State Plan. Ms. Haddock-Weiler replied that our plan will have some similarities but it goes further because of the preservation element as it relates to water, and land capability and natural resource protection.

Ms. Carluccio added that the Council wants to protect water. Therefore, we want professional evaluations to look at data. Once we find the gaps, compile new data.

Ms. Haddock-Weiler agreed that we need to find experts and consultants with expertise.

Ms. Swan said the master plan needs to be scientifically based so that its specific to Highlands.

Ms. Pasquarelli asked where in the process will our plan be cross accepted with the State Plan. Mr. Di Pirro responded that once the Council adopts the regional master plan, it will be submitted so the State Planning Commission can consider the planning area. Mr. Zellner added that we're coordinating now with the Office of Smart Growth to stay coordinated.

Mr. Spinelli requested that staff collect model and sample ordinances that municipalities can consider adopting for the period before the plan is adopted. Mr. Zellner informed that towns cannot opt in until the plan is complete and Highlands staff is currently working on that.

Mr. Weingart then opened a public comment session.

#### **PUBLIC COMMENT PERIOD:**

Ross Kushner, Passaic River Coalition. Mr. Kushner asked whether the Council considered restoring water quality because there are a lot of areas that need rehabilitation.

In response to his question, Mr. Zellner identified that the Council has been looking at restoration as a part of the plan and are looking to other agencies for coordination.

Jim Hess, Regional Planning Partnership. RPP is a non-profit organization located in Trenton. . He stated the focus of RPP is GOZ or Goal Oriented Zoning. RPP does build-out analyses and impact analyses – utilizing GIS data. Mr. Hess noted that RPP has lent aid to Somerset County for planning DOT projects. Last week RPP met with staff of NJ Future, and also have met with Maryjude Haddock-Weiler of the Highlands Council staff to discuss TDR. Mr. Hess invited the Council to contact RPP for assistance.

Susanne Salter, Harmony Township. Ms. Salter is the wife of a farmer in Harmony Twp. who asked the Council whether municipal project plans within the planning area were subject to Council review. Mr. Zellner advised Ms. Salter that towns are required to give notice to the Council for comment. Mr. Weingart added that the Council's comments are advisory. Ms. Salter felt that her town doesn't recognize what it's required to do and the fact that farmers are happy to be away from city people. She said that the prospect of Agri-tourism scares farmers because people are invited onto land but who bears the burden of liability if those tourists are injured on that private property, for example, on a hot-air balloon ride.

Bob Bzik, Somerset County planning officer. Mr. Bzik's county wants to know if it can have standardized language from the Council which they can put into their state plans as they are being written. Mr. Zellner replied that he received a letter from Somerset County requesting that information and has drafted the response.

Bill Wolfe. Mr. Wolfe is concerned over the DEP's technical scope of work. He also questioned how the Council will utilize the information it's collecting. Mr. Wolfe asked if the Council had a "plan for the plan." He expressed concern that the Council is moving too quickly.

Mr. Weingart stated that the Council is working to develop a plan to do the plan. Mr. Wolfe asked how he could provide suggestions and Mr. Jack Schrier suggested that Mr. Wolfe contact Mr. Zellner.

Kathleen Caren, West Milford. Ms. Karin is the former chair of the West Milford open space committee. She stated there is a GIS specialist who helped create the mapping for West Milford that could be used and it's offered to the Council. Please consider this past weekend's rally at town hall with over 200 people there supporting the idea that the Eagle Ridge townhouse development should not go forward. She asked if the Council could pass a resolution that the DEP not give them the permit for the water allocation on the project.

David Shope, Long Valley. Mr. Shope noted that a renewal after 10 years of exemptions costs \$500 and that the NJDEP Highlands application is 14 pages long. He also reminded the Council that the Water Supply Authority is accepting comments until March 17.

Mr. Weingart thanked the public for their comments, asked if anyone else wished to speak. Since no one spoke up, a motion to adjourn was made by Mr. Vetrano, with Mr. Dillingham seconding the motion. All were in favor, UNANIMOUS.

**ADJOURN:**

The meeting adjourned at 4:20 p.m.