

Ball Kaiser, Kim

From: Sparling, Richard D CIV (US) - [REDACTED]
Sent: Tuesday, October 01, 2013 8:39 AM
To: Ball Kaiser, Kim
Cc: 'Jodie Sparling'; [REDACTED]
Subject: NOTICE OF INTENTION - WEB COMMENT PORTAL RFP (UNCLASSIFIED)
Attachments: RMPstatement.pdf

Classification: UNCLASSIFIED

Caveats: NONE



From Rick and Jodie Sparling - [REDACTED] Email: [REDACTED]

[REDACTED] - 5.75 HDC credits unpaid

[REDACTED] Oak Ridge NJ 07438

Comments to the Highlands Act Regional Master Plan - 1 October, 2013

- Statement to Kim Kaiser:

Web Based Public Comment Portal in support of the Highlands Regional Master Plan Recommendation Report The Highlands Council is seeking proposals to develop a web-based platform for collecting, managing, and analyzing public comments regarding the upcoming update of the Regional Master Plan. Proposals must be received no later than 5:00 p.m. Friday, October 25, 2013.

As a homeowner captured in the rhetoric of bureaucracy...

I believe the Highlands Act could have been a positive future for water preservation for the greater good upon its inception. **Yes**, some of the homeowners of the highlands protected lands **are** the water generators for the multitude of recipients in the lower lands and cities. The water actually comes out of the ground from our land, and we **should be compensated** to protect that resource via proper tax stabilization and restitution of lost buildable lot revenue.

The resulting implementation since 2004 has gone from political to ludicrous ...

Problem (s):

- 1) The currently prescribed science portends that to protect the water – no buildings can happen on top of the ground -?- this is flawed science to the extent of one home per 88 acres? **Ludicrous** – All ecologists should know that one home per three acres has a net zero effect on the water used and returned to the ground.
- 2) Poor Planning for the funding of such an undertaking was and is still not corrected after NINE YEARS? The burden of funding should fall on the recipients of the water, not the protective land owners. This lack of planning has also resulted in a non functioning Highlands Development Credits & HDC Bank in this lousy economy, the Pine Barrens model for the credit system of buildable and protected credit transfer didn't work for them either.
- 3) Paid Officials 2004-present spending millions and getting paid to sit on a boards (but if asked) to decide have no power to intercede.

Political Rhetoric

- 4) Tax Stabilization as written into the Act has gone unattended and in the opposite direction and is overdue to be reviewed BUT WHEN?
- 5) Constitutional blasphemy – unending lack of execution from 2004-2013 is a **TAKING**
-- see EO12630 Sec.3&4 **Just Compensation Clause** (Executive Order 12630--Governmental actions and interference with constitutionally protected property rights. -- Source: The provisions of Executive Order 12630 of Mar. 15, 1988, appear at 53 FR 8859, 3 CFR, 1988 Comp., p. 554, unless otherwise noted.
- 6) Exemptions to building rules are in themselves a good thing but if Jefferson Township is not required to recognize its place in the RMP how are they going to accept the other resulting rulings of excepted use and additional requirements of my family as growing and requiring more space or place of business at home on ten acres. WHAT RULES APPLY AND TO WHOM ? see # 3
- 7) The Highlands Act **MANDATES** that property appraisals under these programs be assessed on the basis of local zoning, State environmental laws, and NJDEP regulations **in effect as of January 1, 2004** and those in effect at the time of the proposed acquisition. -- So personally for us that means that as a owner of 9 Qfarm taxed lands and 1 acre residential around our home that was in effect January 2004 - means that no change can happen – **there has been no change in use** - it should remain preserved as a farm in perpetuity! We did not have a problem until the Township of Jefferson removed our Qfarm status in 2007 unlawfully according to the above Highlands Act Mandate and no Highlands or Agriculture representatives stood by us in court ...

8) We have been paying full residential taxes on 10 acres of land since 2008 that is unusable as residential zoning allows, due to the restrictions of the Act and conservation/preservation rulings, and now have been placed in the Lake Community zone for taxes - yet have not been paid restitution and cannot utilize the Highlands Transfer of Development Rights (TDR) allocation of 5.75 acres of credits recognized by your committee but not yet paid !?!?! Seems they are picking and choosing what they want to adopt for their gain...

Solution(s):

- 1) **Charge water use tax for residences** on the receiving end of the preserved water resource supplied by Newark Watershed and the Jersey City reservoirs and use the funds to upgrade and repair the water distribution infrastructure so this precious resource is not wasted as it is now!
- 2) **Offset the loss of buildable land** for homeowners and lower revenue of the Highlands municipalities, towns, and counties that would have reduced tax base revenue due to the proper tax stabilization corrections that are required to compensate the taking of land value from the land owners.
- 3) **Fund the Preservation of the Land** and implement permanent and expensive Deeds for Conservation Easements.
- 4) **Correctly apply the rules as were projected and restore my farm rating and allow for commercial water farming** in our region and **tax the assets** at the point of retrieval.

Benefit(s):

Water Farm is what we worked for, and could have been the direction taken in the early farming years, with perennials and gazebos/furniture, a farm stand with parking lot were all planned and squashed. A plan for commercially viable Water Farm with a minimum of 300' safe zone around a **Municipal Quality 8 or 10" well** is still supportable to **Store and Send Water to the town grid** only yards away from our location resulting in a lease for use of the municipal zone.

The NJ Natural Gas main is present on 120' of frontage on County Rt. 699 we are willing to lease an acre or more property for a local reduction station to supply gas to local homeowners and to provide for a CNG Station on our frontage that could support a **CNG refueling of Commercial Trucks and Cars.**

We are willing to entertain a **long term lease** of the property for these types of enterprise.

A farm based **B&B with a brewery/winery/wedding/event location** is possible on the remainder to include Cabins and Main residence that would minimally add to the existing water requirement and septic design. Cabins would have only pumpable short term tanks for septic not released into the ground. Stay at the B&B for **Environmental/ Ecological studies** and interactions to repair and replace to the proper ecological status can be undertaken for Woodlands, Wetlands, Aquaculture, on this location.

Highlands Act finally properly funded so to end its charter

Conservation easements a reality for the future of protection of the water resource

HDC not required – removal of the costs and layers of government interference

Tax Stabilization maintained at the proper levels and offices

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Caveats: NONE