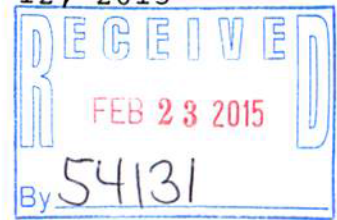


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Andover, NJ 07821-3033

February 12, 2015

New Jersey Highlands Council
100 North Road
Chester, NJ 07930



RE: 2008 Highlands Regional
Master Plan Review

Dear Highlands Council Members:

With the 2008 Highlands Regional Master Plan currently under review for possible revisions, I submit the following comments for your consideration for incorporation into a revised plan.

My area of concern questions the reasoning by which certain similarly developed lakes are designated as being in either the preservation or planning area under the Highlands Act. Specifically, Lake Hopatcong, the state's largest, and Lake Musconetcong are in the planning area while Cranberry Lake in Byram Township is in the preservation area. All three lakes have similar histories having been water supply sources for the Morris Canal. Outflow waters from all three flow into the Musconetcong River and ultimately into the upper Delaware River. All three experienced their predominantly residential development during the third and fourth decades of the twentieth century. All three are now fully built up and are considered state lakes. This occurred when the State of New Jersey took over the physical assets of the defunct Morris Canal in the 1920s.

It seems logical that Lake Hopatcong and Lake Musconetcong should be in the planning area since they are already fully developed lake communities leaving little to be preserved. But so is Cranberry Lake. In fact, state owned lands virtually surround and include Cranberry Lake - no need for Highlands protection. Most private land at Cranberry Lake was subdivided in the 1920s by the Cranberry Lake Development Company into hundreds of small dwelling lots (by today's standards) and which included a network of new roads. Two large tracts of land which were not subdivided were owned by the State of New Jersey and a privately owned 120 acre tract known as the Rose Property or Rose Farm. However, in a portion of both of these two unsubdivided tracts, land lease sites were created for vacation cottages. Therefore, Byram Township's tax maps may not indicate a true count of the actual number of dwelling sites since lease sites have no lot lines to be shown. Nevertheless, the shoreline of Cranberry Lake is completely built-out as are the remaining non-lakefront lots created by the Cranberry Lake Development Company.

The Highlands Act notwithstanding, if the subdivisions at Cranberry Lake were created today rather than some 80 years ago, the lot sizes would be much larger. Thus the housing density would be far less due to the township's modern zoning laws. For example, any lot fronting on a body of water must be at least one acre in area. Moreover, all septic system tanks at Cranberry Lake must be pumped at least every three years.

I live at Cranberry Lake on a one acre plus lot formerly a part of the Rose Property tract. So do the families of my three married daughters, but on separate lots which were subsequently created from the same Rose family tract.

In order to understand my concern over why the Highlands Act designates Cranberry Lake as being in the preservation area while the companion lakes, Hopatcong and Musconetcong, with similar developmental histories and with the outflow of all three lakes blending into the same Musconetcong River are treated differently, allow me to offer a brief history of the Rose Property.

In 1834 my great-great grandfather, Benjamin Rose, bought a 120 acre tract of land in Byram Township for a family farm. This happened prior to the creation of Cranberry Reservoir by the Morris Canal and Banking Company. His land was part of a large basin of land containing the confluence of streams originating in the surrounding hills. Much of the tract's forest had served as a fuel source for the iron furnace in Andover. Mr. Rose established his dwelling on the property and farmed it with crops and livestock for his families sustenance.

Shortly thereafter, the Morris Canal Company acquired land adjoining Rose's for the purpose of erecting a dam for the flooding of the basin to create a reservoir to supply water for its canal. This meant flooding Rose's land too. The canal company offered to buy Rose's land, but he declined. The result was that Rose, in 1836, entered into an agreement with the canal company whereby, for a consideration, he granted it a permanent easement to overflow a part of his land up to a specified height. This turned out to cover a land area of about 41 acres. Hence, the 200 acre Cranberry Reservoir was built.

Ever since 1834 descendants of Benjamin Rose have owned and occupied the land, myself being the fifth generation. Agricultural activity on the land lasted until the late 1950s.

It became family policy not to subdivide or sell the land, but to save it for the children. This has worked well for the past 180 years. However, to be able to afford to keep the property (taxes) and derive some income, since the 1920s the family has leased parcels of land to others for vacation home sites. Leasing out land became feasible back then since the rest of Cranberry Lake was being subdivided and the land developed into a resort community.

In the 1930s my parents subdivided their lot out of the original family tract. I did likewise in the 1960s, and my children have subsequently done the same.

Subdividing a lot is much more complex today due to modern zoning ordinances. With the Highlands Act, subdividing in the preservation is virtually impossible. We were prepared to meet zoning requirements before the Act. In fact, in the 1990s I completed a ten lot major subdivision of a section of the property containing existing homes on leased land. Thus the lessee's were able to purchase the leased land under the house they own, and I was able to down-size the land leasing operation.

It should be noted that the lots I subdivided are considerably larger than the former lease sites and allow room for replacement of existing septic systems should it become necessary. The lots are also larger than most of the hundreds of lots created at Cranberry Lake pre-zoning development era some 90 years ago.

In 2004 the Highlands Act was passed which, in part, was intended to presumedly "preserve" an already developed Cranberry Lake. Essentially, all that was left to preserve was the undeveloped portion of my family homestead land which did not involve lakefront property.

My first experience with the Highlands Act was when a neighbor, whose small lot and dwelling, well away from the lake but which adjoins my property, asked if he could buy a small piece of my vacant land to enlarge his lot. I agreed as long as the remainder of my land would constitute a lot conforming to zoning requirements. It did. Thus the subdivision and lot line adjustment process began. The Byram Township Planning Board approved my application contingent upon the Highlands Council's granting a required exemption to the Act. The council denied my application, therefore the planning board declined to sign off on the deeds - end of story after much expense and disappointment.

I currently receive 10 tax bills for the remaining Rose Property land. This is because, many years ago, the township administratively subdivided the land for taxing purposes. It considered as lot lines wherever a public road or lake shoreline occurred within the tract. These bills pertain to property ranging in area from a 0.30 acre rock island, 41 acres for the lakebottom itself, to around 50 acres of vacant land. The balance of the land is occupied by lease sites.

With the lakefront land already built out, my intent was for others, including my descendants, if they so wish, to live on the remaining vacant land which is well away from the lake. But now, with that land being in the preservation area of the Highlands Act, negates that intent. My land, in effect, has been seized by the state through the Highlands Act without any compensation. If my land is so essential as a part of the water source for the welfare of over half of the population of northern New Jersey, why is it not condemned and taken under eminent domain? At least we would receive some compensation for the loss of our historic Rose family homestead. The real estate tax assessments show it still has substantial value.

I apologize for this lengthy letter, but I want to provide you sufficient background information that you can see the merit in my concerns. Why the assignment to Cranberry Lake as a preservation area under the Highlands Act? As I have pointed out, the similarities of Cranberry Lake, Lake Hopatcong and Lake Musconetcong historically, developmentally and physically as a future water source should require that all three should be treated the same under the Act.

Even neighboring Lake Mohawk, which is also fully developed and partly in Byram Township, is recognized as not in a Highlands preservation area.

N.J. Highlands Council
Feb. 12, 2015

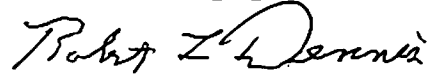
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It occurred to me that, because Lake Mohawk's outflow is the Wallkill River which flows into New York State and in the opposite direction from the Musconetcong River, perhaps that relieves the Highlands Act from responsibility for its water quality. I hope politics plays no role in all of this.

Please feel free to contact me for additional information at this letterhead's address. You may also telephone me on

[REDACTED]

Sincerely yours,



Robert L. Dennis