

New Jersey Highlands Council **Letter 61**

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On behalf of the state association and our local affiliates, the Metropolitan Builders and Remodelers (Metro), Builders and Remodelers Association of Northern New Jersey (BRANNJ), the New Jersey Builders Association (NJBA) submits the following comments for consideration as part of the Council's "Monitoring Program". BRANNJ members represent the Highlands counties of Bergen, Passaic and Sussex, while Metro represents the Highlands counties of Hunterdon, Morris, Somerset and Warren. The NJBA and its local affiliates are professional trade associations comprised of builders, remodelers, material suppliers, attorneys, engineers and other technical consultants, lending institutions, subcontractors and others involved in housing and building-related activities. The NJBA advocates for members' interests before various state agencies, the Legislature and the Judiciary. NJBA members have been actively involved from the early stages of discussion on the Highlands Water Protection and Planning Act (Act), as well as subsequent enactment and implementation of the Act and the Highlands Regional Master Plan (RMP). The NJBA appreciates the ongoing communications, interaction and outreach with Highlands Council staff over the past several years, as such dialogue furthers the interests of our members. Nevertheless, the NJBA outlines substantive and procedural issues with the Council's interpretation of the underlying Highlands Act and in turn implementation of the RMP. We believe the Council's actions, through the implementation of the RMP, have failed to fulfill all the statutory mandates of the Act, which affect not only NJBA members but also the residents and businesses of the Region. The RMP overall is a compilation of environmentally driven goals and does not adequately address or support development and economic growth in the Region. Revisions to the RMP should focus upon a more balanced approach that would help the Region to fully realize its economic potential rather than deterring industries and businesses from establishing themselves here. NJBA views the required revision and update process as an opportunity for a thorough re-examination of the current RMP as well as the plan conformance and implementation processes. The following outlines areas of concern based upon NJBA members' experience with the implementation of the RMP over the past six years. We reiterate comments made when the RMP was originally drafted. The RMP should be condensed and simplified so it is a more user friendly, understandable document. We urge the Council to seriously consider the comments presented below and include them as priorities for the anticipated update process. Further, we recognize that some of the concerns and recommendations provided are beyond the purview of the Council and would in fact require legislative action to amend the Highlands Act. NJBA has determined to include them in this commentary in the event opportunities to have legislative discussions do arise. A. Monitoring Program in lieu of Statutory Revision and Update Process Section 8 of the Highlands Act requires that the "Highlands regional master plan shall be periodically revised and updated at least once every six years, after public hearings." (Emphasis added.) First, the Association notes that the Council is delayed in the revision process itself, as the RMP update process should have been completed in 2014 given the 2008 adoption of the RMP. To our disappointment, the Council determined an alternative approach establishing the projected 6-month "RMP Monitoring Program" to gather public input and collect data on the Region from consultants, followed by issuing a draft "Monitoring Program Recommendation Report" for public review and comment. NJBA's concerns with this approach are significant due to the Council's public statements that the Monitoring Program is "not intended to amend the RMP, but rather develop factual foundation for potential amendments to the current or future iterations of the RMP". Such noncommittal language raises serious doubts as to whether the process itself is, in reality, meaningless and the public's efforts to participate in the process for changes are futile. Further, we are concerned that this process, without clear timeframes to move forward expeditiously to address any issues, will only continue to hamper the economic growth potential of the Region and efforts to compensate land owners.

Respondent

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