

MINUTES

**NEW JERSEY HIGHLANDS COUNCIL
MEETING OF JUNE 23, 2005**

PRESENT:

JOHN WEINGART)	CHAIRMAN
KURT ALSTED)	COUNCIL MEMBERS
TRACY CARLUCCIO)	
LOIS CUCCINELLO)	
TIM DILLINGHAM)	
MIMI LETTS)	
JACK SCHRIER)	
BEN SPINELLI)	
EILEEN SWAN)	
GLEN VETRANO)	
SCOTT WHITENACK)	

ABSENT:

JANICE KOVACH
DEBORAH PASQUARELLI
MIKAEL SALOVAARA

The following are the minutes from the New Jersey Highlands Council meeting which was held at Ramapo College, 505 Ramapo Valley Road, Mahwah, New Jersey on June 23, 2005 at 10:00 am.

CALL TO ORDER:

The Chairman of the Council, Mr. John Weingart, called the twelfth meeting of the New Jersey Highlands Water Protection and Planning Council to order at 10:15 a.m.

OPEN PUBLIC MEETINGS ACT:

Chairman Weingart announced that the 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. Mr. Weingart noted that Ms. Valerie Huttle, Freeholder from Bergen County, was present in the audience, and that she has been nominated for the fifteenth seat on the Highlands Council.

PLEDGE OF ALLEGIANCE was then recited.

Chairman Weingart then introduced Mr. Dennis McNerney, Bergen County Executive Director, to give welcoming remarks.

Mr. McNerney said that Bergen County has taken steps to preserve water resources. Bergen County is currently developing plans for improved transit service as well as exploring cluster development possibilities. Mr. McNerney said that Bergen County looks forward to working with the Highlands Council in the future as the Council develops the Highlands Regional Master Plan.

Mr. McNerney thanked the Council for coming to Bergen County and also thanked those in attendance from the public for their interest.

COUNCIL MINUTES (JUNE 2, 2005 meeting):

Chairman Weingart then asked if there was a motion to approve the minutes of June 2, 2005. Mr. Jack Schrier made a motion to approve, Ms. Lois Cuccinello seconded the motion, all were in favor, and the minutes of June 2, 2005 were APPROVED.

CHAIRMAN'S REPORT:

Chairman Weingart reported that the next meeting of the full Council would be on June 30, 2005 at 4:00 p.m. in Hunterdon County. He also noted that a revised meeting schedule will be up for discussion later in the meeting and that a resolution would be voted on regarding changing the schedule.

Mr. Weingart asked if any members had reports, and since none did, he asked Mr. Adam Zellner to give the Executive Director's report.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Zellner introduced the Highlands staff to the public. He reported that a new item coming to the Highlands Council website this week would be an abstract outlining the specific exemptions to the Highlands Act which apply to single family home owners. Mr. Zellner advised that there are a number of other helpful abstracts, which staff have printed out and brought to the meeting located on the back table. Mr. Zellner thanked Ms. Liz Maziarz for her work in putting the abstracts on the website.

Mr. Zellner advised that the DEP rules would be discussed, and thanked the staff for their extensive work on the rule comments with the Natural Resource Committee.

Mr. Zellner noted that the Council's meeting schedule is being revised to accommodate intensive work of the Committees. Council meetings have been cancelled to enable the Committees to meet more aggressively and focus on development of the plan.

Mr. Zellner advised that the Plan Development Committee will meet immediately after today's meeting, and that the Budget and Finance Committee will report to the full Council after the budget has been finalized in Trenton. The budget should be final on June 30th.

Mr. Zellner referred to three signature items in the members' packets: acknowledgement of receipt of the travel policy, the annual financial disclosure policy, and the ethics policy.

Mr. Weingart noted that the Council's meeting on June 30th will be held at Voorhees High School at 4:00 p.m. He then introduced Director of the Bergen County Planning Department, Mr. Farouk Ahmad.

PRESENTATION (Bergen County Planning Department):

Mr. Ahmad gave a power point presentation. He stated that he lives in Mahwah and appreciates the work of the Highlands Council.

Mr. Ahmad noted that though Bergen County is small, 12% of the State's population lives in Bergen County. Bergen ranks number 1 for congestion, and number 1 in the amount of tax revenue dollars generated, comprising 15% of the State's income tax revenue.

Mr. Ahmad advised that Bergen County transportation is highly congested and the need to find effective solutions to transportation problems in the County is crucial. A major initiative in Bergen County is the regionalization of services.

Mr. Ahmad gave examples of Bergen County's major rail transportation initiatives: the Northern Branch, the Meadowlands Rail, the Cross-County Line, the Pascack Valley Line, and Access to the Region's Core (ARC), also Rapid Transit.

With regard to ARC, Mr. Ahmad noted that it is a project to add much needed rail capacity under the Hudson River. By 2015 ARC would allow Bergen commuters a one-seat ride into Manhattan from Seacaucus to 34th Street. The Northern Branch Rail Corridor will serve 10,500 riders per day and is a more cost effective method of mass transit than light rail. Mr. Ahmad advised that the Northern Branch Rail Corridor is the most important potential project at this time. Mr. Ahmad noted that the Pascack Valley Line will feed into the Meadowlands.

Mr. Ahmad stated that Bergen County's major highway initiatives include a Route 17 corridor study and feasibility assessment as well as the Passaic Street and Route 17 interchange. A needs assessment will also be completed on Route 4.

Mr. Ahmad noted that Bergen County is a small but important portion of the Highlands Region of New Jersey. The majority of Bergen County is in Planning Area 1, and 13,000 development units are proposed. Long before the Highlands Act, Bergen was actively preserving open space. Since 1989, Bergen has acquired 2,800 acres in the Ramapo Mountains, and since 2001 it has preserved 288 acres of farmland. Mr. Ahmad said that 20 of Bergen's 61 farms are located within Mahwah and Oakland.

He noted that in 1999 Bergen County initiated the Open Space Trust Fund and Bergen residents have approved reauthorizing 1 cent per \$100 for farmland preservation, which generates \$13 million per year for open space.

Mr. Weingart thanked Mr. Ahmad for his presentation, and opened the first of three public comment sessions. He advised that a separate session dedicated for public comments relating to the DEP rules would be provided later.

PUBLIC COMMENTS:

Ms. Valerie Huttle, Freeholder, Bergen County. Ms. Huttle thanked Mr. Ahmad for his presentation and noted that he outlined exciting projects proposed to alleviate the important issue of traffic congestion in Bergen County. Ms. Huttle said that Camp Todd is Bergen's "crown jewel", and noted that 400 acres have been preserved in Mahwah alone. She applauds the Council's efforts to preserve New Jersey's water supply since the Highlands Region provides water to much of the State as well as most of Bergen County. Ms. Huttle looks forward to the possibility of working with the Council.

Mayor Richard Martel, Township of Mahwah. Mayor Martel welcomed the Council on behalf of Mahwah Township, and thanked the members for their work to date. He noted that Mahwah has been very active in open space preservation, and said that he looks forward to working with the Council in the future.

Mike Herson, Conservation Chair of the Sierra Club, Northern Chapter. Mr. Herson said he was pleased to learn of Ms. Huttle's nomination since she was a member of the Highlands Task Force. Mr. Herson noted that Sierra Club supports the preservation of open space, protection of New Jersey's water resources, and that Sierra Club looks forward to having Bergen County represented on the Council.

COMMITTEE REPORT (Natural Resource Committee):

Mr. Weingart then turned the meeting to Item 10 on the agenda, and noted that the draft letter to the DEP would be addressed first. The letter contains the Council's initial recommendations to the DEP on the immediately effective rules it adopted in May. The Council had 45 days to review and provide comments to the DEP before the rules are repropose through the regular notice and comment rulemaking process.

Mr. Weingart stated that today is the 45th day of the comment period. The Natural Resource Committee has met several times to take public comments, as well as compile its own findings after analysis.

Chairman Weingart advised that Committee Chair Mr. Tim Dillingham would explain the recommendations outlined in the draft letter. Next will be discussion and public input, and then the Council would entertain a motion to adopt the letter and any amendments proposed to the letter.

Mr. Dillingham gave thanks to the Committee for its efforts and extensive work over the last 45 days. Mr. Dillingham especially appreciated the long hours that the Council staff spent working together with both the Committee and the DEP, in considering all of the comments it received during the four meetings which took place over the last 45 days.

Mr. Dillingham stated that the Committee received significant public input during the Committee hearings on the DEP rules. He noted that numerous comments did not specifically address the DEP rules and instead impacted elements of the Regional Master Plan. He stated that these concerns would be considered in the development of the Plan.

Mr. Dillingham stated that the public was primarily concerned over the clarity of the rules, as in, who is affected and how. The approach taken by the Committee was not to attempt to rewrite the rules because the authority lies with the DEP with regard to writing the rules; however, the Committee focused primarily on how the rules interact with the Highlands Act and development of the Highlands Regional Master Plan. The Committee also focused on where the rules did not effectively address the intent of the Highlands Act.

Mr. Dillingham reported that the most significant comment to the DEP is the opportunity for the Highlands Council's input into the regulatory process as well as how the rules advance the intent of the Highlands Act, primarily the protection of water resources and the application of specific standards.

Mr. Dillingham stated that the DEP rules need to detail a process for harmonizing the rules with the Highlands Regional Master Plan and that the standards developed in the Regional Master Plan should be given primacy.

Mr. Dillingham noted that the definition of upland forest areas in the rules didn't adequately capture all of the forest areas in the Highlands Region. He said that this triggers the sub-issue of determining how much forest is present on a piece of property. Rather than creating a bright line of separation, the Council suggests that conservation restrictions could be effective in reducing the amount of pollution entering the groundwater.

As to septic density standards, a graduated system should be established to implement the 88 acres and 25 acres septic density standards. This would remove the incentive to cut down forest lands to create a preferred density standard.

Mr. Dillingham noted that linear development was intended to authorize public infrastructure rather than private driveways. He stated that the DEP rules inclusion of private driveways doesn't follow the Legislature's intent since they are not provided for in the Act, and therefore this provision should be taken out of the rules.

Mr. Dillingham stated that the process for determining the Highlands resources through a HRAD (Highlands Resource Area Determination) should not rely on a wetlands LOI (Letter of Interpretation) as dispositive of the resources.

With regard to public comment and public hearings, the Council will recommend that the 30 day period be expanded to at least 45 days and that a public hearing be held when requested by the Highlands Council.

Regarding redevelopment and brownfields designation, there is concern that a "bottleneck" not be created by the three tracks on the list for consideration by excluding appropriate properties that do not fit in one of the three tracks. The Council will work with the DEP to ensure that no relaxation of protection of natural resources occurs when determining whether a site is appropriate for redevelopment. The DEP will have the authority in determining whether a waiver is issued.

With regard to the narrative standards in Section 36 of the Highlands Act, the Committee suggested that the process for meeting these standards be moved forward to require the applicant to address the standards in the application.

Lastly, Mr. Dillingham stated that certain exemptions regarding single family homes, woodlands management and trails should be processed more expeditiously.

Mr. Dillingham then read through the list of secondary recommendations set out in the draft letter to DEP.

Ms. Cuccinello thanked the Committee for its work, and asked if the comments are specific enough. Mr. Weingart stated that the DEP will benefit greatly from the Council's comments when it undertakes rulewriting.

Mr. Schrier asked how the Council's comments will be "weighted" when being considered by DEP since the DEP will be considering comments from many other sources as well. He noted that the regulations apply beyond the Highlands.

Mr. Weingart noted that the intention is that the Council's comments be aggressively advanced to the DEP. Next Mr. Weingart opened a public comment session specifically addressing the rule comments.

PUBLIC COMMENT:

Dennis Svedja, Sierra Club. Mr. Svedja noted with regard to the DEP rules that much work has been done in a short time and thanked Mr. Dillingham for his efforts. The Sierra Club supports the recommendations of the Committee and hopes that the comments do not become watered down. He then offered a press release to the Council.

Monique Purcell, Department of Agriculture. Ms. Purcell advised that she has written comments to offer to the Council regarding Agriculture's concerns with the rules. The first perspective is how they coordinate and correlate with the Agriculture rules. The Department of Agriculture has developed special rules on the Agricultural tract and has specific concerns which are outlined in the document she provides to the Council for its consideration. Specific points outlined are, the Right to Farm Act, conservation restrictions on areas which are undevelopable, takings waiver requirement, and the fee schedule. She noted the potential impacts on the Farmland Preservation Program and is concerned over how the DEP rules will affect farms which were already preserved. Ms. Purcell stated there are many details that need to be addressed regarding restrictions that have been placed on properties from past preservation programs. Also, how densities impact TDR credit values. Regarding Highlands Applicability Determinations, the Department suggests that it should define and provide determinations of applicability for agricultural uses.

Alik Mahmoud, Mt. Olive. Mr. Mahmoud advised he owns 10 acres along Route 206, in a commercial zone in Flanders. In 2003 he prepared a site plan, and on July 15, 2004 it was approved, then on August 10th after the Highlands Act was enacted he got the stop work order. He noted that he is at or under the 3% impervious cover restriction however has still been prevented by the DEP from going forward. The DEP has determined that his property is a forest area and since it is not 88 acres, he believes that no building will ever be approved. Mr. Mahmoud stated he has met with the DEP in Trenton and is looking for further assistance from the Council staff because the staff has advised him that he meets the necessary requirements.

Reza Hashemi, Engineer. Mr. Hashemi asked what the intent was behind the map that outlines the preservation area and the planning area as he doesn't understand how to obtain a permit. Mr. Hashemi asked why crushed stone and gravel are included as impervious cover. Mr. Schrier said he also asked that question and could answer that on break. Mr. Hashemi asked regarding page 47 of the Highlands Act regarding exemptions, specifically items 6 and 7, asked for clarification about the provision's reference to pre-existing properties. Mr. Weingart noted that he could speak with the

staff about his specific questions. Mr. Hashemi stated that his questions arise because he believes that the Act is unclear. He asked with regard to wastewater treatment facilities, where the restriction on properties of 88 acres of 500 gallons of wastewater per day comes from. Mr. Schrier noted that the questions Mr. Hashemi poses are very specific and detailed and would better be answered through meetings and conversations with staff. Mr. Hashemi added that he also wants clarification on steep slopes and upland forest.

Ms. Swan advised Mr. Hashemi that the rules that he refers to were not created or written by the Council but were the product of the DEP.

Bill O'Hearn, Executive Director, Highlands Coalition. Mr. O'Hearn thanked the Council for its work and that of the Natural Resources Committee in coming up with its recommendations on the DEP rules. He noted that many interested stakeholders were given the opportunity to offer their comments and concerns with the regulations. Mr. O'Hearn also thanked the Council for its speed in dealing with such complex regulations.

Nicole Goger, New Jersey Farm Bureau. Ms. Goger thanked the Natural Resource Committee for adding a comment on septic density. The Farm Bureau does not believe that it is based on science. She stated there is a need to do a capacity-based analysis to back up the septic density standard and asked for a placeholder to do the analysis. The Farm Bureau has requested to see the science that DEP used.

Mr. Dillingham noted that septic density standards will be evaluated more specifically, and that the DEP established a groundwater standard based on the science of aquifer recharge data and provided this methodology to the Committee. Mr. Kurt Alstede asked why the Council has not been provided with the scientific data.

Wilma Frey, New Jersey Conservation Foundation. Ms. Frey applauds the Natural Resource Committee which analyzed the 241 pages of regulations. She urged the full Council to forward the complete recommendations to the DEP. She especially supported the recommendation to limit the definition of linear development to public infrastructure which is commonly thought not to include private driveways. A new definition should be used. Ms. Frey supported the recommendation of expanding the comment period from 30 to 45 days. She agreed that the plan and the rules should be harmonized. Ms. Frey endorsed that old wetlands LOIs should not play a major part in HRAD. She asked that woodland assessment management plans need to be enforced. Ms. Frey noted that these plans should be addressed by the Council and the DEP as the plans are being written.

Stephen Shaw, representative of Hunterdon and Warren Counties. Mr. Shaw noted that the Counties have sent written comments to the DEP on its rules and would provide them to the Council today. Mr. Shaw noted that the Boards of Public Freeholders submitted

hydro geologist Frank Getchel's study and report to the DEP which outlines the mapping of water resources within the Highlands Region. Mr. Shaw stated that the report shows that the Highlands boundaries are not based on science. He asked what the DEP's scientific bases will be for the new rules. Mr. Shaw then provided his written comments.

Mike Herson, Conservation Chair of the Sierra Club, Northern Chapter. Mr. Herson thanked the Natural Resource Committee for creating comprehensive comments to the DEP. He noted he is against any blanket changes for Agriculture, or blanket exemptions which could undermine the farmland and forest preservation goals of the Highlands Act. He noted that he is aware of a farmer in Tinton Falls who is using the regulations to undermine the forest. He stated the urgent need for forestry protection provisions. Mr. Herson said as a precaution, if there are discrepancies between the Council's recommendations and the DEP's promulgation of the rules, that the Highlands Master Plan could be compromised and that a big rush of development could occur.

Ken Horshak, planner, former Planning Director, West Milford. Mr. Horshak noted with regard to septic density that the lack of data in the late 80s was obvious. He advised that Rutgers University did an in-depth analysis on septic density for groundwater and urged the Council and the DEP to contact West Milford Township to obtain and analyze that data.

CONSIDERATION OF RESOLUTION ON NJDEP RULES (voting matter):

Mr. Dillingham made a motion to adopt the Resolution empowering the Natural Resource Committee to submit the letter recommendations and comments to the DEP, and to continue to interact with the DEP, Ms. Swan seconded the motion.

Mr. Weingart asked Mr. Borden to confirm whether there was a sufficient number of Council members present to motion and second amendments to the Resolution. Mr. Borden stated that there was.

Mr. Weingart suggested that the letter be broken down section by section:

Section 1: Introductory paragraphs. Mr. Schrier accepted the language with the exception that the Council clearly understand what the term "harmony" implies to the DEP. Mr. Dante Di Pirro noted that clarity could be found at the end of the second full paragraph on page 2 of the letter, where it states that "the Council requests that the Department's rules state that the Regional Master Plan would have primacy." Mr. Schrier asked that the primacy sentence from page 2 be reconfirmed in Section 1. Mr. Weingart asked if there were any objections to this amendment, and none were received.

Section 2: Upland Forest. Ms. Letts stated that the section appeared somewhat vague as to what the “alternate methodology” would be, and asked whether the sentence should continue with “such as” and list what the alternate acceptable forestry practices would be.

Mr. Dillingham stated that the wording is intended to provide the Council the opportunity to have dialog in the future to determine acceptable forestry practices, and that the intent of the language is to protect forest areas.

Section 3: Septic Density Standards. Mr. Alstede thanked Mr. Steve Balzano for preparing extensive information on graduated standards. He asked that the DEP provide the scientific basis for the Council’s evaluation. He further noted that the Council members would greatly benefit by seeing the science behind the standards.

Ms. Swan noted that revisiting the discussion regarding “harmonizing” with the DEP, whether a placeholder should be put on Section 3 - Septic Density Standards, to add a reference that when the Council completes its analysis as authorized by the Act, that the Highlands Regional Master Plan will have primacy.

Mr. Alstede asked that the Council seek from the DEP the science used to determine what the standards were that DEP started with.

Mr. Dillingham noted that at one meeting in particular with the DEP, the DEP briefed the Committee and advised that they used studies by the US Geological Service and that data was analyzed to reflect the drought years.

Mr. Di Pirro said that the issue of providing reports on science could be a timing matter. He stated that the DEP is working to provide the data. He noted that there is a need to determine when that information would be most useful in the formation of the Master Plan. Mr. Alstede made a motion to include an amendment that the Council request the information, Ms. Letts seconded the motion.

Section 4: Linear development. Ms. Carluccio stated that public comment revealed that upland forest and steep slopes need to be protected. She thought it should be suggested that a change be made to the rules so that they are more protective, and that stronger wording be included.

Mr. Alstede disagreed and said that landowners should not be expected to relinquish building on what could be acceptable sites for building. He stated that it would be inappropriate to refuse private driveways, and that prohibition would be a mistake, and supported keeping the driveway language in the rules.

Mr. Schrier noted that there is a waiver process for obtaining waivers to the rule.

Mr. Alstede replied that if driveways are prohibited, the threat of legal action was a distinct possibility. Mr. Weingart noted that legal action is a concern. Ms. Carluccio noted that her concern is that a thousand driveways could become “death by a thousand cuts.” Mr. Alstede made a motion to amend, no second was received.

Section 5: Reliance (LOIs and HRAD). No comments were received.

Section 6: Public Comment and Public Hearings. No comments were received.

Section 7: Brownfields waiver process. No comments were received.

Section 8: Narrative standards. No comments were received.

Section 9: Highlands Applicability Determinations: Mr. Alstede commented that the Council also recommend that the DEP allow HADs involving Agricultural issues to be handled by the Department of Agriculture. The Department has offered to do this in their comments to the DEP and they have the staff and expertise in place.

Mr. Dillingham noted that the Department of Agriculture should weigh in on those situations, but their determinations need to conform with DEP standards. Mr. Borden noted that the comment period is applicable to agencies.

Mr. Di Pirro noted that language could be added to section 9 to the effect that before determining whether an agricultural or horticultural use is not considered a major highlands development under the Act, the DEP should be required to consult with the Department of Agriculture. Mr. Schrier made a motion to accept the amendment, Ms. Cuccinello seconded the amendment, and Mr. Dillingham agreed.

Section 10: Land management activities. Ms. Swan stated that where a farm has been preserved in the past, it is important that nothing be changed. Conflicts could arise, however the prior preservation agreements should continue unharmed. Ms. Swan asked that an additional bullet to Section 10 be added to protect farmers who have already preserved farms.

Section 11: Fees: Ms. Letts noted that the fees are high. She thought it could cause people to cheat rather than abide. She asked whether compensation could be provided for

those who are required to pay and whether funding had been put aside for this purpose upon implementation of the Act. Mr. Zellner said that it had not.

Forestry exemption: No comments were received.

Scenic attributes: No comments were received.

Threatened and endangered species habitat assessments: No comments were received.

Forest mitigation: No comments were received.

Steep slopes: Mr. Alstede asked that the rule language be more specific regarding the range between 10% and 20% slopes.

Ms. Carluccio disagreed and noted that the DEP took a long hard look at data to come up with the language, and that at 15% you start to see erosion. She noted that lines should not begin to be drawn at 11, 12, etc. and supported leaving the language as it is at “lesser slopes” which includes all slopes between 10 and 20%.

Mr. Alstede disagreed and noted that he is not satisfied with the science utilized for slope standards. He stated that the U.S. Soil Service should be utilized.

Ms. Cuccinello said that the language of the letter acknowledges that there is leeway, and is generous enough as it stands to allow future discussion.

Mr. Alstede made a motion for amendment of the steep slope language, Mr. Vetrano seconded.

Mr. Dillingham agrees with Ms. Cuccinello. Mr. Di Pirro noted that the language as it stands affords the opportunity to revisit graduated standards for slopes between 15 and 20 percent.

Mr. Lewin Weyl stated that a solution might be that the statement on steep slopes standards could begin with “Consistent with the statute.”

Ms. Carluccio, Mr. Vetrano, and Mr. Alstede accepted the statement. Mr. Dillingham also accepted the amendment.

Category 1 provisions: No comments were received.

Wastewater treatment facilities: No comments were received.

Mr. Alstede stated with regard to the takings waiver requirement, he believed it to be a back-door approach to getting a first refusal. He noted that it is unfair and inappropriate to ask property owners to receive less than fair market value for their property because they happen to be in the Highlands region. He is concerned with the economic impact on the landowners.

Mr. Weingart agreed that the Council should be cognizant of the issue. Mr. Zellner noted that staff is collecting data on Green Acres acquisition and farmland preservation so that when decisions need to be made as to specific properties, that the Council will have sufficient pertinent information. Mr. Alstede said that a process is needed to address gaps. Mr. Zellner said that the Land Acquisition Committee is analyzing the two major funding sources and what their list of priorities are.

Chairman Weingart asked if there were any further comments on the letter, and none were received. Mr. Borden suggested that the Council empower the Committee Chair to accept or reject the suggested amendments.

Therefore, on the prior motion made by Mr. Dillingham and seconded by Ms. Swan, Mr. Dillingham accepted the revisions and additions, all other members were in favor, APPROVED.

CONSIDERATION OF RESOLUTION ON ALTERNATIVE UPLAND FOREST STANDARDS (first reading - voting matter):

Mr. Dillingham stated that the Council has authority under DEP rules to provide input on whether an alternative method is appropriate for upland forest and that the Council is seeking public input an alternative methods. Mr. Balzano reported that discussions have taken place to determine what constitutes a forest. He noted that communications with DEP are ongoing, and that more details will be reported back to the Council after further discussion continues. Mr. Balzano then introduced Ms. Lynn Brass-Smith to report on scenic attributes.

CONSIDERATION OF RESOLUTION ON IDENTIFICATION OF EXISTING SCENIC ATTRIBUTES (first reading - voting matter):

Ms. Brass-Smith stated that the Natural Resource Committee has had discussion on how to expand the scenic attributes language to ensure that they are protected. She stated that the Committee will notify the Council of the results of its findings after further analysis of a case by case basis focus on the attributes of scenic areas in the Highlands Region. Ms. Brass-Smith noted that it will be accepting petitions for the designation of scenic areas for preservation.

Ms. Cuccinello then reported on the **Interagency Committee**. Ms. Cuccinello noted that after the first meeting of the Interagency Committee, the Committee will be coordinating with appropriate State agencies to determine how to accomplish coordination with the Board of Public Utilities and the Council on Affordable Housing. The Committee has determined that COAH Round 3 obligations are significant, and the impacts of those obligations are in need of detailed analysis.

Ms. Cuccinello noted that Lodi, Oxford, and Prospect Park are pilot TDR projects. The Committee also discussed Master Planning Partners; funding through demonstration pilot programs and stated that planning area towns serve as models. Ms. Cuccinello advised that enhanced planning grants for TDR funding, and impact fees need to be defined. The Interagency Committee will be meeting again over the next couple weeks.

CONSIDERATION OF RESOLUTION ADOPTING CHANGES IN MEETING DATES AND LOCATIONS (voting matter):

Mr. Weingart noted that the proposed Resolution cancels three regular Council meetings over July and August, which are necessitated by the need of the Committees to spend sufficient time analyzing the extensive data they have obtained over the last several months.

Mr. Schrier made a motion to adopt, Ms. Cuccinello and Mr. Vetrano seconded the motion, all were in favor, APPROVED.

PUBLIC COMMENTS:

Jack Guerin, Hunterdon County. Mr. Guerin stated that he is a property owner who feels that the process of being referred between the two agencies, the DEP and the Council staff, results in a circle. He stated that investment properties have become worthless. Residents shouldn't have to spend thousands of dollars for assessments by the DEP to inevitably be denied permits. He suggested that a method be devised such as an

arbitration board to get a valuation of properties which assigns each property a number, and as funding becomes available, the State could purchase it at an agreed upon price.

Nick Angarone, DEP. Mr. Angarone thanked the Natural Resource Committee, the Council, and the Council staff for their extensive work and their comments over the last 45 days. He stated that the DEP will continue to work closely with the Council and will address Mr. Schrier's concern that the DEP will consider all the Council's comments. Mr. Angarone pointed out with regard to the Department's data and science used on septic density having not been made available to the Council, that the data has not been compiled in a report format, but that what the DEP did have, such as its methodologies and what data was used, was provided to staff.

Chairman Weingart noted since there were no other members of the public wishing to comment, that the Plan Draft Committee would now hold its meeting after a short lunch break.

ADJOURN:

Mr. Glen Vetrano made a motion to adjourn, Mr. Alstede seconded the motion, and the meeting adjourned at 1:20 p.m.