

**FOR CONSIDERATION AT THE DECEMBER 1, 2011 MEETING OF THE
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
Petition for Plan Conformance – Final Consistency Review and Recommendations Report**

APPENDIX B

PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES

Petition for Plan Conformance

Washington Township, Warren County

Public Comment Period: November 7, 2011 – November 21, 2011

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PUBLIC COMMENTS RECEIVED

Written comments regarding Washington Township's (Warren County) Petition for Plan Conformance were accepted by the Highlands Council through the close of the Public Comment period on November 21, 2011. Comments were provided by the following individuals/entities:

1. Helen Heinrich, on behalf of New Jersey Farm Bureau (NJFB)
2. Carl Bisgaier, on behalf of Bisgaier Hoff, LLC
3. Alan & Patricia Lowcher, residents of Washington Township
4. Michael Hozer, future business owner in Washington Township
5. David Peifer, on behalf of the Association of New Jersey Environmental Commissions (ANJEC)
6. Erica Van Auken, on behalf of New Jersey Highlands Coalition
7. Richard Cotton, on behalf of the Hawk Pointe Golf Club
8. Bryce Cotton
9. Monica Perini

The comments are summarized below with Highlands Council responses provided for each.

PUBLIC COMMENT/RESPONSE SUMMARY

1. **Comment:** Ms. Heinrich supports the efforts of Washington Township to update its Right to Farm ordinance and the proposed grant funding for an Agricultural Retention and Farmland Preservation Plan. She further supports the possibility of a TDR Receiving Zone in the Washington South Route 31 conceptual center being proposed in the petition and suggests that similar opportunities exist in the other conceptual centers.

Response: The Highlands Council acknowledges Ms. Heinrich's support for continued and enhanced agriculture in Washington Township. The Highlands Council also notes Ms. Heinrich's support for the potential for TDR Receiving Zones. A feasibility study for the conceptual centers will be funded through an amended grant agreement with Washington Township and this study could incorporate TDR information. A separate TDR grant is available to the Township.

2. **Comment:** Mr. Bisgaier, writing as counsel to the owner of Fairway Mews, commented on the township's Housing Element and Fair Share Plan and the reliance of the plan upon credits from Fairway Mews.

Response: As noted in Mr. Bisgaier's comment, the Highlands Council does not undertake reviews of the applicability of credits and relies on the DCA jurisdictionally. Until and unless the municipality secures final approval of a Highlands Council-approved (as RMP consistent) Housing Element and

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Fair Share Plan, this Plan Conformance component shall remain a conditionally approved item. Any modifications to the Housing Element and Fair Share Plan would be required to be consistent with the RMP.

3. **Comment:** Mr. and Mrs. Lowcher, long time residents of Washington Township, support the conceptual centers proposed for the municipality as economically beneficial.

Response: The Highlands Council acknowledges the Lowchers support of the proposed conceptual centers for Washington Township. The municipality will be conducting a feasibility study of each area to be funded under the Amended Grant Agreement for 2012.

4. **Comment:** Mr. Hozer applauds Washington Township's efforts for conformance with the Highlands [Regional Master] Plan. Specifically, he explains that the Hawk Pointe community (part of the Washington South conceptual center) provides a successful model for how to strengthen local business/agricultural economy.

Response: The Highlands Council acknowledges Mr. Hozer's comments and support for the efforts of Washington Township in pursuance of conformance with the Regional Master Plan.

5. **Comment:** Mr. Peifer, on behalf of ANJEC, generally supports the petition as submitted however has concerns regarding center designation especially with regard to available infrastructure. He suggests that a more appropriate approach to the conceptual Port Colden Historic Center would be to develop a historic preservation plan and historic district zoning. He feels that the Brass Castle conceptual center has the highest likelihood of tying into to the Washington Borough treatment plant but does not agree that a center should be contemplated there. Regarding the Washington South conceptual center, he is concerned about a lack of a boundary proposal which could imply further sprawl, and suggests that connection to Washington Borough treatment plant is not cost effective.

Response: The Highlands Council acknowledges each of Mr. Peifer's comments. The municipality will be conducting a feasibility analysis for each of the conceptual centers which will examine infrastructure availability, appropriate locations for redevelopment and environmental constraints among many other aspects. Grant funding of \$40,000 is proposed through an Amended Grant Agreement to conduct these studies. Boundaries for each conceptual center will not be established formally for each conceptual center until the analysis indicates that such a designation is supportable. Such designations will require Highlands Council approval, with a public comment period provided prior to any decision.

6. **Comment:** Ms. Van Auken, on behalf of the Highlands Coalition, supports the Township of Washington's petition for plan conformance. They are pleased to see that the municipality is conforming for both the Preservation and Planning Areas. The Coalition supports the various resource planning grants but do have concerns for the consideration of three conceptual Highlands Centers. Access to wastewater infrastructure and resource restraints are main concerns for the Highlands Coalition. The Highlands Coalition does not support center designation in the Preservation Area, environmentally constrained areas and areas with limited utilities.

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Response: The Highlands Council acknowledges the Coalitions comments. The municipality will be conducting a feasibility analysis for each of the conceptual centers which will examine infrastructure availability, appropriate locations for redevelopment and environmental constraints among many other aspects. Grant funding of \$40,000 is proposed through an Amended Grant Agreement to conduct these studies. The Highlands Council has not designated or recommended designation of Highlands centers in any portion of the Preservation Area in any municipality, and Highlands Resources within any approved Highlands Centers are afforded all appropriate protection in conformance with the RMP.

7. **Comment:** Mr. Richard Cotton, on behalf of Hawk Pointe Golf Course community, has stated that the community is supportive of the conceptual center (Washington South – Rt 31) for Washington Township.

Response: The Highlands Council acknowledges Mr. Cotton’s comment. The municipality will be conducting the feasibility analysis for all three conceptual centers which will include information regarding the Hawk Pointe community facilities.

8. **Comment:** Mr. Bryce Cotton supports the proposed planning area designation for the municipality.

Response: The Highlands Council acknowledges Mr. Cotton’s comment. As above, the feasibility study for all three conceptual centers will analyze the capacity for this kind of planning.

9. **Comment:** Ms. Perini supports Hawk Point Golf Club as being a designated model for future community development.

Response: The Highlands Council acknowledges Ms. Perini’s comment. As above, the feasibility study for all three conceptual centers will analyze the capacity for this kind of planning.