

Highlands Initiatives Advance in Congress

By Tom Gilbert, Highlands Coalition Executive Director

Federal legislation to help Highlands states preserve priority lands is making significant headway in Congress. On November 21, the House of Representatives approved the Highlands Conservation Act by voice vote as stand-alone legislation. The bill authorizes \$100 million in federal matching funds over ten years to assist the states of CT, NJ, NY, and PA in conserving priority open spaces in the Highlands.

The legislation, a modified version of the Highlands Stewardship Act, is sponsored by Rep. Rodney Frelinghuysen (R-NJ) and has bipartisan support from 31 co-sponsors in the House, including every member of the NJ House Delegation. Sens. Jon Corzine (D-NJ) and Arlen Specter (R-PA) are working to advance identical legislation in the Senate, along with Sens. Lautenberg (D-NJ), Santorum (R-PA), Clinton (D-NY), Schumer (D-NY), Dodd (D-CT), and Lieberman (D-CT).


Carol Ash, Exec. Dir. of the Palisades Interstate Park Commission and Vice-Chair of the Highlands Coalition, noted that the legislation is modeled after the creation of Sterling Forest State Park, where \$17 million in Federal funds

leveraged nearly \$40 million in state and private funding to preserve 15,000 acres. "Imagine how many special places like Sterling Forest can be protected in the Highlands as a result of this legislation," she said.

"Final passage of the Highlands Conservation Act is essential to ensuring that this special and threatened region continues to be a source of clean water, beauty and life for generations to come," said Jim Tripp, General Counsel for Environmental Defense and Chair of the Highlands Coalition. "We are greatly appreciative of the efforts of the region's Congressional Delegation,

especially Congressman Frelinghuysen and Senators Corzine and Specter, to advance this landmark legislation."

In other good news from Washington, the House and Senate gave final approval for \$4.9 million to conserve Upper Delaware River Watershed land in the NJ Highlands (the second largest Forest Legacy project in the nation) and \$1.3 million to protect Pochuck Mountain in the NY Highlands.

Rep. Frelinghuysen and Sens. Corzine and Lautenberg led the effort to secure the Upper Delaware funding, and Sens. Schumer and Clinton along with Reps. Sue Kelly (R-NY) and Maurice Hinchey (D-NY) were pivotal in securing the Pochuck Mountain funding. 

Highlands Coalition 2003 Annual Awards

Rep. Rodney Frelinghuysen (R-NJ) — For his continued leadership and success in securing federal funding to protect priority lands in the Highlands and in advancing the Highlands Conservation Act.

Sen. Jon Corzine (D-NJ) — For his continued leadership in the Senate to protect the Highlands through the Highlands Conservation Act and by securing federal funding to protect priority lands in the Highlands.

Margaret Nordstrom, Morris County (NJ) Freeholder — For excellent testimony before Congress to support the Highlands Conservation Act and for her leadership within the Five-County Group to build support for a more regional approach to protecting the Highlands.

Christopher St. Lawrence, Supervisor, Town of Ramapo (NY) — For leadership to protect Torne Valley, a Highlands Critical Treasure, including a development moratorium and proposed Critical Environmental Area designation by NY State.

NJ State Federation of Women's Clubs (NJSFWC) — For their impressive grassroots efforts in support of the Highlands Conservation Act.




Award recipients include (l to r): Margaret Nordstrom, Patty Whitehouse, Ann Quinn (both NJSFWC), Christopher St. Lawrence, Lucy Meyer and Dr. Peter Rostenberg

Lucy Meyer, Friends of Pyramid Mountain — For years of effective grassroots activism to protect the Highlands of northern Morris County, NJ.

Dr. Peter Rostenberg, Fishkill Ridge Caretakers — For his outstanding grassroots activism to defend the Fishkill Ridge, Breakneck and Clove Creek areas of the NY Highlands from incursions by mining companies.

Tina Schveida — For outstanding volunteer work for the Highlands Coalition, including organizing a Highlands tour for Congressional Staff.

Rob Lehmann — For his outstanding volunteer contributions to the Highlands Coalition, including his recent redesign of the Coalition's web site (www.highlandscoalition.org). 

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Task Force Begins Important Work to Protect NJ Highlands

By Tom Gilbert, Highlands Coalition Executive Director

On Sept. 18, Gov. James E. McGreevey created a NJ Highlands Task Force. Four Highlands Coalition members, Michele Byers (NJ Conservation Foundation), David Epstein (Morris Land Conservancy), Tom Gilbert (Highlands Coalition), Tom Gilmore (NJ Audubon Society), are among the 19 appointees. The Task Force, co-chaired by NJDEP Commissioner Bradley Campbell and NJDCA Commissioner Susan Bass Levin, is to submit recommendations to the Governor within 180 days. Also represented are businesses, homebuilders, farmers, and county and local officials.


Addressing Task Force members at their first meeting in October, Gov. Mc-

Under Gov. McGreevey's executive order, the Task Force is to make recommendations "to preserve the natural resources of and enhance the quality of life in the Highlands region, including an examination of legislation, regulations, model local ordinances or other government action necessary to address, at a minimum:" protecting water quality, potable supplies, wetlands, critical habitat, stream corridors, and contiguous forests; improved open space/farm-land preservation; preserving natural, historic, cultural, scenic, and recreational resources; smart growth through regional planning and coordination of transportation/infrastructure spending and State agency work, all consistent with the 2001 State Plan.

Greevey emphasized the importance of their work and his commitment to protecting the Highlands. U.S. Forest Service and Rutgers University representatives reviewed the *NY-NJ Highlands Regional Study: 2002 Update*, which declared the Highlands to be "nationally significant" for water supplies, wildlife habitat, and recreational

opportunities, and showed 5,000 acres lost annually to sprawl.

Michele Byers said protecting at least 350,000 of the most critical acres "should be the primary focus of the Task Force. This will likely require increased regulatory protection and land conservation efforts, as well as a more comprehensive and regional approach to planning based upon water and other natural resource constraints."

The Task Force will evaluate land conservation, regulatory and regional planning strategies. There is a website (www.savethehighlands.org), and a second public hearing is scheduled to be held January 20 in northern NJ to gather public input. 

Manalapan Decision Reversed

By Kim Kaiser, Association of NJ Environmental Commissions


On August 5, the NJ Supreme Court unanimously decided two cases of great importance to municipal planning, issuing a consolidated ruling on *Rumson Estates, Inc. v. Mayor/Council of Fair Haven and Ferraro Builders, L.L.C. v. Borough of Atlantic Highlands Planning Board, et al.*

The Rumson case reversed the 1992 Manalapan decision, which ruled that NJ's Municipal Land Use Law (MLUL) requires that density calculations — whether the total number of lots or floor area ratios (FAR) — be based on gross tract area, not a net area with environmentally critical areas subtracted.


Fair Haven's ordinance capped the size (FAR) of homes in a 5,000-square-

foot zone to keep new and existing homes proportional. The Court upheld the cap and its purpose.

In the Atlantic Highlands case, the Court ruled a steep slope ordinance did not violate MLUL's 'uniformity' requirement by placing different requirements on sloped and flat lots.

The ruling stated that "with narrow exception, the MLUL does not preclude a municipality from adopting a zoning ordinance that defines terms differently from the definitions of the MLUL. In addition, the notion of uniformity does not prohibit classifications within a district so long as they are reasonable and all similarly situated property receives the same treatment." 

THREAT

The proposed 1,195-unit Tuxedo Reserve in Tuxedo (Orange Co., NY) could add 2,749 residents plus commercial development, the equivalent of a new town wedged between Sloatsburg and Tuxedo. Runoff would impact the Ramapo River watershed via two mostly pristine streams, where only 50-foot buffers are proposed. Opponents also cite inadequate protection for wetlands, with only 100-foot to zero buffers, and traffic on Rt. 17. **For more information:** Geoff Welch of the Ramapo River Committee, gwelch@optonline.net. 

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enhance the sustainability of natural and human communities in the four-state Highlands region.

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November 4 Open Space Ballot Questions Provide Wins for the Highlands

By Wilma Frey, NJ Conservation Foundation

Successful PA and NJ open space referenda will benefit the Highlands.

In PA, Montgomery Co. voters approved \$150 million in open space bonds (third largest in the US in 2003) by more than 3-to-1, with all 62 municipalities in favor. Montgomery Co. Lands Trust and Partners for Land Preservation campaigned for the measure.

In NJ, 65% of voters approved a State constitutional amendment for another \$150 million for open space and farmland preservation and community parks, raising the Garden State Preservation Trust's bonding capacity to \$1.15 billion but requiring no new taxes. The sales tax dedicated in 1998 to pay off the first \$1 billion in Trust bonds will also cover the new bonds. The Coalition for Conservation, which includes the High-

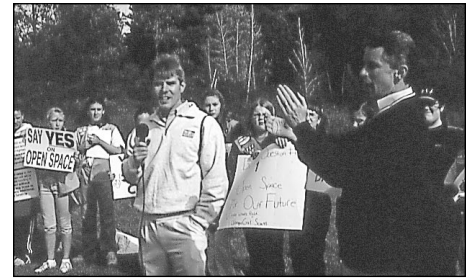
lands Coalition, campaigned for this.

NJ Gov. James E. McGreevey has pledged \$50 million of this additional funding for Highlands preservation. "The passage of Public Question No. 1 is a great victory for not only our drinking water and open space, but most importantly, for our children and generations to come," he said.

Also in NJ, Bergen Co.'s open space question, approved by 60% of voters, was the nation's largest — to raise \$214 million over 20 years. Hudson Co. also passed a referendum, making NJ the first state in which every county has passed an open space referendum.

NJ voters approved 32 out of 39 open space questions. In the Highlands:

- Denville Twp. (Morris Co.), 1 cent /\$100.



Gov. James McGreevey applauds Highlands Coalition Executive Director Tom Gilbert at a Question One Rally at Ringwood State Park.

Photo by Wilma Frey

- Frelinghuysen Twp. (Warren Co.), 1 cent/\$100 increase.
- Greenwich Twp. (Warren Co.), 1 cent/\$100 increase.
- Harding Twp. (Morris Co.), portion of tax for historic preservation.
- Mahwah Twp. (Bergen Co.), 1 cent/\$100 continuation.
- Mendham Twp. (Morris Co.), continuation of tax.
- Oakland Boro. (Bergen Co.), 1 cent /\$100.
- Wharton Boro. (Morris Co.), 1 cent/\$100 increase.

Complete results available from LandVote 2003, <http://www.landvote.org>. 

CHEERS AND JEERS

Cheers to Tewksbury Twp. Planning Board (Hunterdon Co., NJ), for its approval of a Master Plan that will help protect the municipality's Highlands areas. Incorporating goals and policies from the US Forest Service Highlands Regional Study and the NJ State Plan (2001) and using capacity analyses showing severe development constraints based on groundwater supply, septic dilution and local road capacity, the plan reduces densities in the Highlands Mountain District from 3-acre to 12-acre minimum lots. NJ Conservation Foundation provided technical assistance.

Cheers to Byram Twp. (Sussex Co., NJ), for its efforts to reduce NJDOT's proposed widening of Route 206 through its center, and to create a pedestrian-friendly and "context sensitive design" for the roadway. The Coalition wrote a letter to the NJDOT supporting the Township.


Cheers to Hunterdon County for its Smart Growth Planning Process outreach efforts. During the two-year process, the County actively sought participation and disseminated information through committees, workshops, mapping exercises, tours, questionnaires, and the web. Freeholder Marcia Karrow initiated an Environmental Toolbox Committee to develop model environmental ordinances and master plan language for municipalities and invited more than 70 different stakeholders, including members of the Highlands Coalition, to work on committees.

Cheers to Carol Ash and Robert Pirani, both Highlands Coalition officers, for receiving Advocate Awards from Environmental Advocates of NY on Nov. 10. Carol is NY League of Conservation Voters board chair, Palisades Interstate Park Commission executive director, and Highlands Coalition vice-president. Rob is director of environmental programs at the Regional Plan Association.

Jeers to Ringwood Twp. (Passaic Co., NJ) for trying to charge \$65,000 in rollback taxes on the steep 302-acre 'Tory Estates' parcel above the Wanaque Reservoir that the Passaic River Coalition purchased as open space in 2001. The Twp. tax assessor put the parcel on the tax sale list, as PRC continued to contest the rollback, which was based on the change in the prior farmland-assessed status of the land. PRC land trust director, Bill O'Hearn, who is running as a Democratic candidate for the Republican-dominated Twp. Council, said a 1999 State law exempts preserved parcels from rollbacks and called the case "bogus."

NJ Farmland/Forest Tax Policy Changes Sought

By Wilma Frey, NJ Conservation Foundation (NJCF)

NJCF and 18 other groups have submitted comments to the NJ Dept. of Treasury on the Farmland Assessment Act (FAA) proposed rule re-adoption. The 1963 FAA alleviated the negative impacts of property taxes on farmland/open space retention by greatly reducing assessments for actively cultivated farms and woodlands. FAA provides tax incentives mostly for cutting trees for firewood, timber or pulp. NJCF argues for a wider range of activities — pest control, reforestation and replanting of native plant species, invasive species control, deer herd reduction, stream bank and hydrological restoration, and endangered species habitat management. 

GAINING GROUND

85 Acres Will Preserve Highlands Trail Linkage in Bethlehem (Hunterdon Co., NJ)

Hunterdon Co., in cooperation with Hunterdon Land Trust Alliance and Bethlehem Twp., purchased 85 wooded acres on the Musconetcong Mt. ridgeline, to be added to 150 contiguous acres as part of the Hunterdon Co. Park System. The Estate of Laura Trepani sold the land for \$562,000 in a 'bargain sale.' Part of the Musconetcong River and Mullhockaway Creek watersheds, the property will provide a link between the Spruce Run Wildlife Mgt. Area and Musconetcong Gorge Co. Park.

9 Acres Added to Morristown National Historic Park (Morris Co., NJ)

In August, the Trust for Public Land preserved the 9-acre Reynolds Jockey Hollow Meadow, to buffer the public access road to Jockey Hollow Encampment and possibly provide a new park entrance.

Mitch Miller Property in Ramapo (Rockland Co., NY) Is Now Parkland

153 acres that 8 years ago were slated to be a golfcourse are now a town park. The Village of Wesley Parks Advisory Board led the effort to save the parcel, which the past town supervisor, mayor, and Village trustees wanted developed. New Supervisor St. Lawrence and the Ramapo Town Board supported preservation.


September Farms in Lebanon Twp. (Hunterdon Co., NJ) Preserved

Hunterdon Co. and the NJ Water Supply Authority have purchased this 302-acre site, dissected by Spruce Run, a major feeder stream to Spruce Run Reservoir. The parcel will become a County park. The Co. paid \$625,000 and State Green Acres funding supplied \$1,875,000.

39 of 51 Acres in Yorktown (Westchester Co., NY) Saved in Preservation/Development Deal

In a "unique partnership" between Yorktown and developer Cappelli Enterprises, with the Westchester and Yorktown land trusts helping to negotiate, 39 acres of a 51-acre parcel have been preserved, with 4 of the preserved acres set aside for a town park/gazebo. The remaining 12 acres will be the site of 208 senior units, negotiated down from 300, and Cappelli will build a \$650,000 sewer system to also serve 62 existing homes. In 1989, the town blocked a Home Depot on the parcel.

23 Acres Added to Berkshire Valley Wildlife Mgt. Area (Roxbury Twp., Morris Co., NJ)

Morris Land Conservancy has helped purchase 23 forested acres from Robert and Kathleen Bird, in a bargain sale. Owned by the Bird family for a century, this acquisition and another soon to be announced will bring the Berkshire WMA to more than 2,000 acres. 

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Upgraded Protection for NJ Threatened and Endangered (T&E) Species

By Eric Stiles, VP for Conservation, NJ Audubon Society

The NJDEP is completing new regulations that Commissioner Bradley Campbell says are "30 years overdue (and) will put New Jersey at the forefront of endangered species protection." Current regulations protect threatened and endangered species from direct harm but do not give adequate protection to the habitat these species need, especially in upland sites.

The new regulations use NJ's Landscape Project — a database of known habitat for species — to designate and protect critical habitat. They require habitat conservation plans that minimize and mitigate the impact of development on both habitats and wildlife.

Adequate funding is necessary to put the rules into practice, and flexible options are needed that encourage landowners to use management practices that benefit T&E species. 

For more information:

www.njaudubon.org/Conservation.

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