

Daily Record

Action will do the town no good

By ELLIOTT RUGA • November 22, 2009

The Highlands Water Protection and Planning Act has had the force of law for more than five years and has withstood several attempts to overturn it. The act requires that any town must conform its preservation area to the Highlands Regional Master Plan within 15 months of the plan's adoption.

That deadline is Dec. 8.

There are 52 Highlands towns with some or all of their land in the preservation area, and those lands also have been regulated by the state Department of Environmental Protection since passage of the act. Conformance to the planning area (the other half of the 860,000 acres that make up the Highlands) is voluntary.

Independence Township in Warren County is attempting to ignore the act and has voted not to conform its preservation area to the Highlands Regional Master Plan.

Officials' statements indicate that the township's major complaint is primarily with the Legislature (not the Highlands Council), because of how it delineated the boundaries of the preservation and planning areas in town.

The township's vote to ignore conformance will certainly result in unnecessary legal expenses, will be a burden to residents, and will frustrate every applicant with a development proposal in the preservation area.

The likely result is that an applicant will still first have to deal with the Independence Planning Board, whose authority in the town's preservation area will have been removed by the state as a result of the township's action.

The applicant will then have to follow up and seek approval from the Highlands Council, but the Highlands Council will not be able to rule on an application within a town that is not in conformance with its master plan. The applicant's only remedy will be to sue the town.

It is difficult to see the benefit to anyone in Independence by the town's actions. The vote further fails to account for the benefits that conformance to the master plan would bring: planning grants, tax stabilization funding to address any change in property value due to the new regulations, priority open space and farmland preservation acquisition funding, reduced affordable housing obligations, and protection from builder's lawsuits. Conformance ensures a measure of land use control will return to Independence.

This is a fact fully recognized by the several towns that have already decided to fully conform not only their preservation but also their planning areas. These Highlands towns include Rockaway Township, Bethlehem and Clinton Township, and we understand other towns will follow this lead.

If anyone in Independence, or elsewhere, is buoyed by a belief that the incoming Chris Christie administration will usher in an era of Highlands environmental deregulation, think again. The Legislature remains in overwhelmingly Democratic hands, and Christie's platform, which garnered endorsement by the New Jersey Environmental Federation, includes a commitment to protecting and increasing New Jersey's open space and strict enforcement of our clean water regulations.

Whether Independence tries to make its points through civil disobedience or cooperation with the Highlands Council, its actions will profoundly impact what benefits the township receives from the master plan or forfeits due to the committee's fit of pique; walking away will leave Independence residents on the losing end.

Think again, Independence.

Elliott Ruga is campaign and grassroots coordinator for the New Jersey Highlands Coalition.