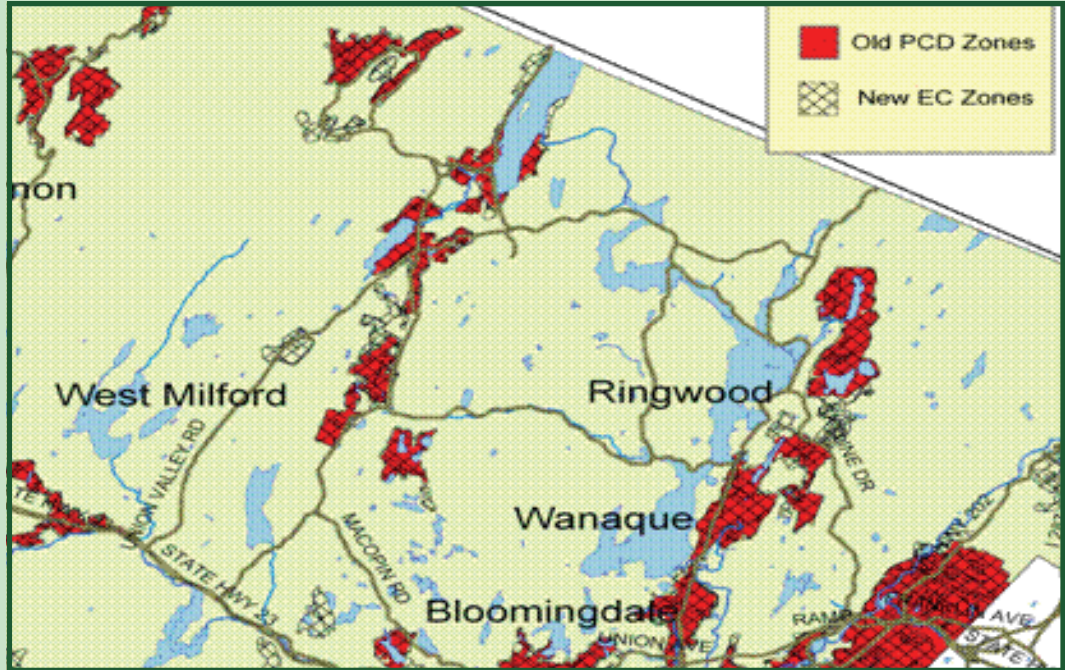


The Skylands News



Cross hatched areas show new "Existing Community Zones," larger than the former Planned Community Zones. Map- Ross Kushner

Highlands Council revised RMP still flawed

Chester—The Highlands Council released a final draft of its controversial Regional Master Plan on November 19th to criticism by environmental groups. Even though the revised draft included new Lake Management Areas designed to quell some earlier objections of Skylands CLEAN and Pequannock River Coalition (PRC), the two groups found little to cheer about in the new plan.

The new RMP maintains some of the earlier draft's more problematic elements, including the ability to extend sewers and create Transfer of Development Rights (TDR) receiving zones in the Preservation Area, actions that are expressly prohibited under the Act. It ignores existing water deficits in an attempt to create areas for growth. Worst of all, it encourages municipalities to petition for changes to the Land Use Capability Map, potentially creating even more growth areas. This gives officials who have typically pushed for

inappropriate development on critical preservation area sites another chance to do so, flying in the face of the Act's intent.

The Council will be accepting public comment at three scheduled hearings, and written comments through the end of February 2008. CLEAN will provide new written comments to the Council addressing these concerns. But we'll need our members to turn out at hearings and make their voices heard. We'll be teaming up with PRC to provide vans to the hearings in Paterson on February 11th. More information to follow—Mark your calendars!

Letters to the editor are also helpful, as well as letters directed to Highlands Council members who represent our area such as County Freeholders Tahesha Way (Passaic), Elizabeth Calabrese (Bergen) and Jack Schreier (Morris). See CLEAN's web site for more information.

CLEAN awards two scholarships

Skylands CLEAN awarded scholarships to two deserving High School seniors this past June. The Gene Rosenfield Environmental Leadership scholarship is named for the late Gene Rosenfield, a Ringwood resident, former CLEAN trustee and staunch environmental activist. He was a world traveler who believed that this part of the Highlands was one of the most beautiful places in the world. The award is given to two high school seniors who have shown leadership on environmental issues, one each from Lakeland Regional and West Milford High schools.

This year's recipients were Rachel Ricciardi of West Milford and Cody Anderson of Ringwood. Rachel's plans for college include attending Roger Williams University majoring in Environmental Science. Cody Anderson was involved in environmental activities during his time at Lakeland, including the school's Nature Club and the Junior Ranger Programs through the National Park Service. He participated in several clean-ups of the trail between Lakeland and Quick Chek, which was often littered by his fellow students.

Cody and Rachel each received a \$500 scholarship. Congratulations to both students! Thanks to our many supporters, including Mr. Rosenfield's family, whose contributions made this year's scholarship possible.

Officers

Jon Berry, President
Russ Suereth, Treasurer
Anthony Cassera, Vice President/Secretary

Trustees

Andrew Gargano
Miriam Nelson-Gillett

Staff

Robin O'Hearn, Director

Newsletter Design and layout — Robin O'Hearn

The Skylands News is produced with generous support from The Geraldine R. Dodge Foundation. The Skylands News is published by Skylands CLEAN, Inc. (Citizens for the Land, Environment and Neighborhoods), a nonprofit 501©3 organization. Address: Skylands CLEAN, Inc. P.O. Box 85, Ringwood, New Jersey 07456. Telephone 973-962-6602. www.skyclean.org.

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Greene Valley skirts Highlands rules

West Milford — Braemar Homes, the developer of 17-home subdivision Green Valley Estates off of Wooley Road, has yet to appear before the West Milford Planning Board for final site plan approvals. But that didn't stop them from beginning construction, a potential violation of local Township ordinance and the Municipal Land Use Law. (MLUL). The project stood to lose its Highlands exemption on August 10, 2007 had construction not commenced.

Final site plan approval is required before building permits can be issued. But in October and December 2006, the Township building department issued building permits for two homes. In our view, this was done to allow the developer to "proceed beyond site preparation"— even though they lacked their final approvals — to preserve their Highlands Exemption.

CLEAN submitted a letter with 17 questions to the Town Council in late July. At the August 8th meeting, a response was provided by Planning Board attorney Glenn Kienz, who contended the developer could not be 'prevented' from building the project's infrastructure, such as roads and detention basins. While construction of infrastructure is legal, allowing homes to be built goes beyond what's allowed by law. Despite an investigation by Township attorney Fred Semrau, no further explanation of the township's issuance of building permits was given.

CLEAN also petitioned the DEP to investigate whether the project violates the Highlands rules. Larry Baier, Director of the Bureau of Watershed Management, has issued a directive to Bill Drew, the Township Planning professional, to explain the status of the Braemar project, and whether any of the underlying approvals had expired. We are anxiously awaiting Mr. Drew's response.

One major concern regarding the project is the potential lack of water and the affect on neighboring wells. Lack of testing on this project prompted the Township Council to push for a new well testing ordinance that was passed last month. Now all applicants will need to prove that sufficient water exists for their subdivision before building permits can be given.

Fundraising drive very successful!



100%

The raindrop at left represents our summer fundraising campaign, which reached 100% of its goal – to raise \$10,000 which would be matched by the Geraldine R. Dodge Foundation through a generous matching grant.

Thanks to your generous support, CLEAN raised over \$23,000 in response to the match. We were quite fortunate to receive this grant from Dodge, who has been very supportive of CLEAN over many years. Many foundations do not provide operating money, which groups like CLEAN need to pay salaries and other operating expenses. In the past two years, our funding has shifted from nearly 80% given by foundations, to about 80% provided by private individuals. This is a very difficult transition for any group to make, as it affects our ability to pay staff and hire experts to fight inappropriate development. Your support during this transition has been critical to our ability to continue to serve you!

Your generosity is greatly appreciated!



A New Look for Skylands CLEAN!

If you ever wondered exactly what our circular logo represented, you're not alone! Many have noted that they find it hard to identify the various elements showing water, land and communities. As part of a 2006-07 grant from the Watershed Institute, it has a fresh new look thanks to designer Scott Olson. Scott retooled our logo defining its components. In addition, A beautiful four-color brochure was designed and printed highlighting CLEAN's work. Copies are available on line and in CLEAN's office.

Our web site is also undergoing a major overhaul and will be online soon. In addition to bold new graphics and a beautiful new photo on our home page courtesy of famed Highlands photographer Dwight Hiscano, our web site will include a new calendar, a better way to join and donate on line, ability to access our newsletters on line, and user friendly access to information on CLEAN issues.

Check it out at www.skyclean.org soon! Many thanks to the Watershed Institute for their support!

Remembering former CLEAN Trustee Dorothy Meyer Monigan

CLEAN Trustees were saddened to learn of the passing of former Skylands CLEAN member Dorothy Meyer Monigan on August 19, 2007 at her home in New Hope, Pa. after a battle with cancer. Dorothy was a former resident of Ringwood who served several years as CLEAN's secretary. She was also and active member the Ringwood League of Women Voters, and a trustee of the Ringwood Public Library board.

Dorothy will be remembered by all for her sense of fun, her passion for life, and her activism on causes she believed in, including the environment and open government, among others.

A celebration of Dorothy's life was held at the Ringwood Public Library on Saturday, October 27. The Library Board will be creating an endowment in Dorothy's name to fund collections and programs which Dorothy believed in. We extend our condolences to Dorothy's husband Gerry, son Ryan, and her family.

CLEAN Director Receives Award

Skylands CLEAN director Robin O'Hearn was awarded a Professional Service Award by the Pequannock River Coalition on May 8, 2007 at the Kinnelon Public Library.

PRC executive director Ross Kushner presented the award, saying that often in the environmental community you might find groups in such close proximity competing with each other, but not PRC and CLEAN. He credited O'Hearn with assisting the PRC on many issues.

O'Hearn was thrilled to receive the award. "It is especially gratifying to receive an award from a group that you respect so much," said O'Hearn. "I'm especially impressed with the work PRC does to protect the Pequannock Watershed. This is truly an honor."

Other honorees included former West Milford Mayor Carl Richko, Environmental Commission member Bernie Stapleton, Freeholder Terry Duffy, and Doris Aaronson.

CLEAN celebrates 20 years on the front line!



Pompton Plains— An important milestone in CLEAN's history was recognized on October 13, 2007 as Skylands CLEAN celebrated its 20th anniversary fighting inappropriate development in the Highlands region.

A formal dinner was held at the Regency House Hotel attended by about 50 guests. It was a great way to reconnect with old friends and honor those who have made CLEAN what it is today. A silent auction, which included many items donated by our members, raised additional funds for CLEAN programs during the event. Donated items included artwork and photography, hand-made jewelry, gift baskets, and hiking gear donated by the NY/NJ Trail Conference and Ramsey Outdoor Stores.

Volunteer Tim Traynor entertained the crowd with an original song he wrote to commemorate the event, and CLEAN Trustees sang a song parody of "Raindrops Keep Falling

on our Heads" written by our trustee, Miriam Nelson-Gillett!

CLEAN has grown over the past twenty years into one of the most effective grass-roots environmental organizations in the state! We were pleased to honor the following individuals for their contributions to CLEAN and the environment of the Highlands region!

- CLEAN's Co-founders— CLEAN President **Jon Berry** and **Jeff Tittel**, Executive Director of the New Jersey Sierra Club, who founded CLEAN in Jon's living room in 1987!
- CLEAN General Counsel **Michael Kates**, who has fought land use battles along side us for many years, successfully saving hundreds of Highlands acres from sprawl development.
- **Ross Kushner**, Executive Director of the Pequannock River Coalition, for his efforts to preserve and protect the Pequannock River Watershed.
- Former Ringwood Mayor **Wenke Taule** for her dogged advocacy on behalf of the residents of Upper Ringwood in their fight against Ford Motor Company and their toxic superfund site.
- CLEAN Trustee and Bloomingdale resident **Peter Gonzales** for his generous donation to CLEAN in memory of his beloved wife Gretchen.
- **Peter Kellogg**, and the Peter R. and Cynthia K. Kellogg Foundation for his support of our stream monitoring program on the West Brook, and his general support of CLEAN.
- **Ron Nowak**, Editor of the Greenwood Lake News, for keeping West Milford's local officials honest and their feet to the fire on environment and land use issues in the township.

Congratulations to all our honorees. CLEAN thanks them all for their many efforts on behalf of CLEAN and the Highlands! Thank you to our supporters who attended the anniversary dinner, and those who contributed to our silent auction, either through donating a gift, or through bidding on the items!

Local Issue Updates

WVRS/Wanaque – The push to dissolve the Wanaque Regional Sewerage Authority (WVRS) has stalled, thanks to legal issues and a change in the Borough Council in Ringwood. Both Ringwood and West Milford have two commissioners on the WVRS, even though the towns have little or no sewage being treated at the plant. The Authority is a vestige of development growth in the 1970s, when the plant was built to accommodate the major growth plans of the three communities. Neither Ringwood nor West Milford built the sewer lines necessary to tie into the plant, and were sued for breach of contract. Both paid into the plant's design via court-ordered settlement. A bone of contention has been whether or not the communities are entitled to a portion of the plant's assets.

Wanaque has offered \$15,000 per year for 10 years to each community to leave the Authority, but some Council members in each community have balked at the offer. The plant is currently at 90% capacity, and would need to be expanded significantly to accommodate any new customers beyond those customers slated for tie-in in Wanaque.

West Milford held off on leaving the authority when it learned that all three communities must come before the local finance board before such a dissolution becomes legal.

Ringwood held the decision for the new all-Republican council (several of the members have historically been pro-sewer) when they are seated on January 5th.

Redevelopment Zone II/Haskell

The Borough of Wanaque is continuing its push to redevelop downtown Haskell. A meeting was held of the Planning Board on December 20 to discuss the proposed plan, which may include construction of a second 3-story strip mall a block south of the newly

constructed Haskell Town Center.

The redevelopment has already spurred outrage by several local property owners, concerned that the Borough will take their property through eminent domain. Our concerns with the project include the Borough's inability to meet its affordable housing obligations, as it has focused completely on market rate housing with only a few affordable homes in the past. The new redevelopment site offers an opportunity to correct that shortfall, and it should do so to protect the Borough from Builder's Remedy lawsuits.

Quik-Check/Ringwood

Heads up, Ringwood residents! Early this year the Borough Board of Adjustment will be hearing a proposal for a new Quik-Chek travel center with gas pumps at the site of the former Ringwood Automotive, across Route 511 from the Wanaque Reservoir. The Zoning Board will hear the application for a use variance, which is required since gas stations are not allowed in that particular zone.

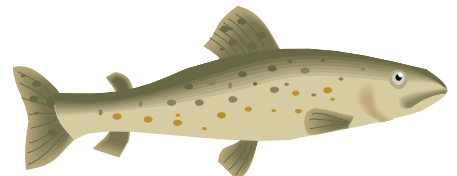
Residents have expressed concerns regarding gas pumps in such close proximity to a major water supply. Nearby wetlands may also be of concern.

The New Jersey Highlands Council will likely have some say in the project, however it will likely be presented as a 'redevelopment' project, thanks to its previous use as a auto repair facility. It could qualify for a redevelopment waiver due to the large amount of impervious cover on site. Stay tuned!

Stream restoration project slated for spring 2008

Thanks to a generous grant from the Watershed Institute and the Geraldine R. Dodge Foundation, CLEAN will revitalize an eroded stream bank on the West Brook next May. The funding will allow CLEAN to replant willow saplings and other trees on the stream bank, helping to revitalize and protect the stream. As the trees grow they will provide shade which will cool water temperatures, protecting trout, who are particularly sensitive to warm water.

Come join us May 3rd for the planting! Many thanks to the Watershed Institute and GR Dodge Foundation.



Bloomingtondale to seek Horse Farm waiver



Bloomingtondale — The Bloomingtondale Mayor and Council are attempting to revive development possibilities for Springbrook Acres Farm.

The 104-acre site has extensive wetlands, steep slopes, and a major aquifer recharge area for the Borough. Borough officials attempted to rezone the property over CLEAN's objections in 2004 from single-family residential to high-density to accommodate then-Mayor Craig Ollenschlegler's favored project of 400 active adult homes. CLEAN successfully fought the rezoning, and stalled the development plans. The site's inclusion in the Highlands Preservation Area, over Borough objections, set the stage for the demise of the condo plan.

Now the Borough has passed a resolution asking the Highlands Council to issue a waiver for

the site to allow for development of 20 acres of the parcel for medical/profession buildings to obtain ratables. Construction would occur on the relatively flat frontage along Union Avenue.

Such waivers are only authorized for under three specific conditions — redevelopment of a site with at least 70% impervious cover, for health and safety, or to prevent a 'taking' — the loss of the parcel's economic value due to lack of ability to develop.

While the site may qualify for some redevelopment, it would be limited to 125% of the existing footprint, probably much smaller than 20 acres. The site does not meet the health and safety or 'takings' requirements needed to qualify for a waiver based on those conditions.

A troubling new provision in the final draft of the RMP could also be used to push for growth on site. Under the new plan, Bloomingtondale could petition the Highlands Council to change the designation of the horse farm, possibly identifying it for growth as an existing community zone. Allowing municipalities to chase ratables and barter on development sites is exactly the type of short-sighted planning that the Highlands Act was supposed to end.

We'll continue to monitor action on the Horse Farm and keep you abreast of any significant changes.

ORV legislation making its way through Legislature



Trenton — New legislation is making its way through the lame duck session of the Legislature to stop ORV destruction in our state parks. Assembly Bill A 4172 is intended to create a mandatory, point-of-sale tagging and registration program for off-road vehicles. The fees would be used for enforcement and safety training. ORV proponents are, not surprisingly, opposed to the bill, complaining that they need legal places to ride. Sponsored by Assembly members Gusciora, Panter, Wisniewski, and Moriarty, the bill does not yet have a companion bill in the Senate, which is required for it to become law.

We don't object to a legal place for riders, but not at the expense of environmentally sensitive sites, especially our state parks. (An existing park in Chatsworth will close in 2008). The state has identified only one potential site, an abandoned quarry in Monroe Township. A mandatory, point of sale process for registering, licensing and insuring these vehicles is long overdue. Enforcement has been hindered by lack of funding and the inability of local police to identify ORV riders due to lack of license plates. These vehicles destroy critical habitat, damage forests, increase air pollution, and create noise that directly interferes with the enjoyment of our state parks and trails by non-riders. This bill, if passed, could be a good start to controlling ORV use on state lands.

Major projects lose Highlands Exemption



West Milford — Two projects that have been on the drawing table for decades appear to have finally met their end as the DEP formally notified the property owners that their Highlands

Exemptions expired. The Act calls for exemptions to expire on August 10, 2007 if construction beyond site preparation has not occurred by that date. Neither project had started construction as of the 10th.

CLEAN celebrated the news that both projects were not likely to be built. We have spent tens of thousands of dollars, largely donated by our members, to fight these two developments.

Both projects were hindered by their need for water permits. CLEAN's hydro-geologist Peter Demicco assisted on both projects, disputing the developer's well testing data on Eagle Ridge. He also questioned Valley Ridge's claim that their existing well violated basic DEP water allocation rules and invalidated the project's Highlands Exemption. Our attorney Michael Kates was key to halting these projects as well, holding the developer's feet to the fire through several legal challenges, and bringing important new questions to the Court's attention.

Skylands CLEAN is very proud to be one of only a handful of groups who have successfully stopped exempted Highlands projects.

Water's Edge withdraws

Wanaque — CLEAN members in Wanaque received some good news in late September when developer George Capodagli withdrew his application for 96 town-homes on the environmentally sensitive Water's Edge site. A contract between the developer and property owner Bi-Coastal Corp. expired, short-circuiting the deal when Bi-Coastal decided against extending the original contract terms.

CLEAN has opposed the project since 2006 based on the environmental devastation that would be caused by the blasting needed to prepare the site for construction. The fact that it lies outside the borough's sewer service area, prohibiting its connection to the Wanaque Valley Regional Sewerage Authority, was another concern. Their plant is already at capacity, with the WVRSA having committed all of its available capacity to a slate of projects including Wanaque Reserve.

The town says that another developer will likely pursue the project, but we are hopeful that the property will be purchased as open space.

Help Skylands CLEAN work for you!

CLEAN needs your financial support to continue its work in preserving the Highlands. We've worked to stop sprawl in Ringwood, West Milford, Wanaque, and Bloomingdale since 1987. Please consider joining now!

_____ Yes, I want to support CLEAN! Here is my membership contribution of \$ _____
_____ I'm already a member, but here is my additional contribution of \$ _____.

There are several membership levels available:

__ \$35 (Basic) __ \$50 (Steward) __ \$100 (Protector) __ \$250 (Advocate) __ Other Amount

Name: _____ Address: _____

City: _____ State: _____ Zip: _____ E-Mail address*: _____

*Membership donations of \$35 or more allow you to receive action alerts! Skylands CLEAN is a 501(c)3 non-profit, non-partisan, tax-exempt organization. Contributions are tax-deductible as allowed by law. We do not share our mailing list with any other organization. Return this form with your check, payable to Skylands CLEAN, Inc., P.O. Box 85, Ringwood, NJ 07456



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Farewell Fall, hello Winter!

