

Schedule of Events

Mom and Tots (see article on pg.5 for dates)

FEBRUARY 4, 2008

7:30pm - Morris

Township Planning Board will be discussing the Delbarton athletic complex which would impact Jockey Hollow area.

FEBRUARY 6, 2008 -

Final Public Hearing in Morris Co. for Highlands Regional Master Plan

At Haggerty Education Center, Frelinghuysen Arboretum, 53 East Hanover Ave., Morris Township, from 4pm until closing.

For Morris Township

Meetings: visit www.morristownship.org

For Morristown information: visit www.morristown-nj.org

MAY 3rd Arbor Day: It's

Easy Being Green with BPA. Get your shovels, work clothes, gloves and boots and get ready to do your part to reduce global warming!. On May 3rd, from 9am-noon, we'll plant new trees and clean up Burnham Park...then enjoy some neighborly company over sandwiches and beverages at the big gazebo. It's a special BPA tradition - and a great way to meet your neighbors and experience this terrific community.



NEWSLETTER

Winter 2008 Volume, 50, no. 1

Burnham Park Association Board of Trustees

TRUSTEES:

Joe Attamante
(VICE PRESIDENT, Newsletter Author)

Michelle Esposito,
538-7863

Imre Bajuszc
(w) 862-778-6243

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Rob Pica** 455-1222

Cain, Sharon
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Township ignores State Plan rules, criteria / Environmental Commission weighs in

On May 1, 2007, Morris Township formally recommended that the State change the "planning area" designations in several sensitive areas from Planning Area (PA) 5 - the most protected - to PA 1 (the least protected) also known as "Urban, Metropolitan." This was done without public knowledge or participation as required by law and without notification or involvement of the Township's own Environmental Commission.

On January 15, 2008, Environmental Commission Chairman Dr. Theodore Largman formally asked the Township Engineer why the Environmental Commission was shut out of the process and

continued on page 2

LOOK INSIDE

2 Delbarton's CCRC Plan

3 Billboard Going, going gone

3 The Lowdown on the Highlands

5 Moms & Tots

7 Classified

continued from cover

kept in the dark about the recommendations to change Planning Areas.

Largman then questioned the wisdom of those recommendations to extend PA-1 (urban, metropolitan – most densely developed) to highly sensitive areas. Such changes would threaten some of our most valuable historical and natural resources with increased development, sprawl and eventual decline.

The Township Engineer, Jim Slate, admitted he had made a mistake in not involving the Environmental Commission and others but tried to claim that, because the public had been involved 3 years earlier, the process had been open and the newly proposed changes were known by the public. (!?)

Township Rationales for extending PA 1...

Mr. Slate offered the following rationales behind the Township's proposed changes to Planning Area designations:

1. PA 5 should not adjoin a PA 1.

Interestingly, the Township did not suggest "transitions" (i.e. PA 4,3,2 between PA5 and PA1) but instead extended the PA 1 areas further out into more rural, large lot or critical areas, where PA1 still abutted PA 5.

Response: Dr. Largman criticized this outward extension of PA1 and rejected the assertion that PA5 and PA1 cannot adjoin one another, citing Central Park in NYC as a perfect example of open space immediately adjacent to intensive, dense

metropolitan land use.

2. PA 1 was necessary to protect homeowners from shouldering unfairly high fees to connect to utilities.

Claiming that utility companies might no longer be required to extend utilities into PA5 areas, Slate expressed the Township's deep concerns about the hypothetical situation where a homeowner might pay high fees to change over from oil to gas.

Response: Slate failed to mention that The Board of Public Utilities and market conditions regulate utility costs and decisions. The Township itself controls water and sewer utilities and everyone in the Township already has electricity. Largman and others also cited the need for official bodies to place the "greater good" above the financial well being of a hypothetical individual.

3. Being a PA 1 provides priority for state funding of infrastructure extension and maintenance.

Response: Misidentifying land use to access state money more easily is simply fraudulent. The State Plan provides financial incentives to designated Centers (i.e. Morristown) which agree to accept additional, high density development/redevelopment. The priority funding is intended to help these Centers maintain/expand infrastructure as needed in support of the additional development. A PA1, Morristown is a city, a county hub and a designated Center – with intensive

redevelopment, multistory buildings, a large business district, offices, banks, county administrative offices, etc. By contrast, Morris Township does not even have a supermarket!. Its character is primarily residential with much more open space, some corporate campuses and a number of environmentally highly sensitive areas, Category 1 streams, woods, steep slopes, etc.

4. Local zoning rules govern local land use rather than PA designation – so citizen concern is unfounded.

Response: Since PA 1 designation did not fit the actual character of the land parcels in question, why "open the door" to the possibility of more intensive development in the future should subsequent changes on the State Planning level drive land use in the future. Moreover, the Township has a history of changing its zoning, and even its Master Plan, to suit special interests.

Additional public comments urged the Township to **1)** understand, appreciate and support citizen commitment to protecting natural and historical resources **2)** familiarize itself more closely with the actual delineation criteria outlined in the State Plan, **3)** embrace rather than fight the State Plan's purpose of containing sprawl, **4)** adopt greater transparency in its dealings on all matters and **5)** show more regard for the public interest and respect for public input.

It's baaaaack! Portion of Delbarton's CCRC plan resurfaces...

The Morris Township Planning Board is currently considering Delbarton's application (PB-14-07, Abbey Woods at Delbarton, Block 4501-Lot 2, OS-GU zone) proposing "an amendment to the Active Open Space Improvements," seeking final approval for the athletic complex portion of the CCRC application on those 30 acres closest to the Jockey Hollow entrance of Morristown National Historical Park. Access to these facilities would be via the very narrow and historic Sugarloaf Rd. Apparently, Delbarton is separating athletic complex from the rest of their former CCRC application (which had received preliminary approval but was denied sewer approval and could not go forward). They are seeking final approval for the athletic complex.

If allowed to proceed, this athletic complex would include: a natural grass baseball field, an artificial turf combination soccer/lacrosse field with seating for 100+ at each field, extensive lighted parking, a 2 story field house with indoor courts/clubhouse (63'x196'), as well as a sound system.

Our concerns, voiced at the earlier application remain; namely, that such a complex within sight and hearing of a Revolutionary War era park of national significance would compromise its integrity and impair the experience of visitors who can now visualize something akin to what it must have been for Washington and his men in the winters of 1779 & 1780. Visiting team busses, traffic jams, amplified game calls and shouts that would forever destroy the tranquility of the park simply do not belong anywhere near it.

Billboard-going, going gone? Or You can't make up this stuff!

The Morris Township Board of Adjustment heard testimony from its zoning officer that the billboard on Mendham Rd. is not legal, despite its owner's contention that a permit was issued. The burden of proof now rests with the billboard's owners, CBS Signs, to provide documentation that a legal variance or waiver was issued allowing the billboard in that zone. The township zoning officer found no record of such permission, but did find notices of violation as far back as 1985, requiring removal of billboards from the property. In addition, the billboard's owners have declared the prior testimony by their representative (who is no longer with the firm) was unauthorized! The board will render its final decision on Jan. 28. Stay tuned!

The LOWDOWN ON THE HIGHLANDS (yes, this is the condensed version)

WHAT? February 6, 2008 - Final Public Hearing in Morris Co. for Highlands Regional Master Plan
WHERE? Haggerty Education Center, Frelinghuysen Arboretum, 53 East Hanover Ave., Morris Township
WHEN? from 4pm until closing.
 **If you cannot attend the meeting, written comments will be accepted until FEBRUARY 28.

Comments can be submitted by email to RMPComments@highlands.state.nj.us, through the Highlands Council website, <http://www.highlands.state.nj.us/> or by snail mail: **ATTN: Final Draft RMP Comments/ Highlands Council/ 100 North Road, Route 513/ Chester, NJ 07930**

BACKGROUND ON THE HIGHLANDS REGIONAL MASTER PLAN

The Highlands Council's mission

The Council is charged with developing and implementing a regional master plan to protect the 1,250 square mile area delineated in the 2004 "Highlands Water Protection and Planning Act".

Why is protecting the Highlands important?

The Highlands area is a primary source of pure water for over 5 million New Jersey residents. In addition, it includes critical natural resources and habitat for numerous endangered species of plants and animals, as well as areas key to recreation and research.

Why attend the Feb. 6th meeting or submit comments?

Council chairman Weingart said, "We invite the public, including interested stakeholders, to review the new final draft and suggest potential improvements for the council to consider before adopting the Regional Master Plan." Since the protection of the Highlands affects all residents of this area, it is incumbent on us a) to be aware of the regional master plan and b) to offer our input so that the final version will indeed reflect "the will of the people" as much as possible.

A tale of two areas:

The Highlands Act divides the area into the 1) Preservation Area (the most strictly regulated) and 2) the Planning Area (including Morris Township). Approximately 3/4 of the 860,000 acre Highlands region is considered environmentally sensitive, including 1/2 of the "Planning Area."

Why should Planning Area Towns "opt in" and

voluntarily join the Plan?

Municipalities in the Planning Area (i.e. Morris Township) can choose to "opt in" or not to the Plan. There are some powerful incentives to opt in, including

- funding to defray planning costs
- priority for Green Acres money, Open Space and Farmland Preservation funding and
- a legal "shield" protecting municipalities from developer lawsuits if projects within its borders are denied.

What is different in the Final version of the Draft Master Plan?

More complete and better organized than its predecessor, the revised Master Plan is data rich and can be an invaluable tool for land use planning. It has new map zones identifying water availability, water supply, wastewater capacity, septic system yields as well as on forest integrity, open waters, critical areas, agriculture, septic density, economic impacts, transportation, scenic and historic designations, as well as endangered and threatened species. These provide objective, science based facts on which planning and land use decisions can be made.

Criticisms of the Highlands Act:

Among the most vocal critics are those land owners, developers and others who contend their property values have gone down due to restrictions protecting water and watershed areas. Interestingly, properties in the similarly restricted Pinelands now have higher land values and lower taxes than their unrestricted neighbors.

Many others, such as BPA, take a broader, more long-range view and feel the Regional Master Plan (RMP) is not protective enough. We support the Highlands Act's primary charge "to protect and enhance significant resources." Here are some of the concerns we have with the current plan:

Reduction of strongly protected areas (including 30% of Washington Valley) from "Protected" to "Existing Community Constrained" areas: This reclassification potentially increases the opportunity for development - which brings the inevitable degradation of water quality, historical and natural resources. We are especially concerned, given Morris Township's attempts to redesignate State Planning areas in this area and around Jockey Hollow/Jones Woods to less protective PA categories (See above article).

continued on page 4

continued from page 3

Allowing development in areas with existing water deficit: The plan anticipates continued development within approximately 65% of the Highlands already designated as having a "water deficit," that is, using more water than can be replenished. It is not clear how mitigation after further depletion can help. Why not protect existing water and prevent additional deficits?

Allowing extension of infrastructure (and accompanying development?) into "Preservation" area: The current Master Plan permits extension of sewers and sewer plants into the "Preservation" area --- infrastructure extension is widely recognized as inviting more sprawl, pollution and degradation of resources.

Clustering and farming will compound pollution:

The plan would encourage "clustering" (concentration of housing units) mostly in the "Conservation" zone in areas currently devoted to agriculture. In theory, this would allow farmers to continue to farm while reaping the economic benefits of intensive development of a portion of their land. However, we note that this dual use would double or greatly multiply unavoidable pollution from both development, (e.g., landscaping chemicals), and farming (fertilizer application). Phosphates are already increasing in Highlands waters. And we are particularly concerned that the standard for clustering-10mg/L under the nitrate model- violates the state's groundwater standard, clearly undermining protection of NJ's water and violating the Act.

What is needed to safeguard our resources?

1. Clearer and more fully developed water protection standards and programs designed to emphasize enforceable standards and avoid degrading water quality rather than promoting after-the-fact mitigation.

2. Comprehensive standards for protection of rare wildlife habitat designed to avoid negative impacts and provide adequate critical habitat conservation and management. At present such standards have been delayed until a future, undetermined date. This approach also emphasizes after-the-fact mitigation rather than taking steps to avoid the problems in the first place.

A few other clarifications: Who has the authority to do what?

The final authority to zone and regulate land use is vested in the State Legislature. Although the State commonly delegates this power to local municipalities, it can reclaim this power when it determines an overriding public good demands it. The State did exactly that by enacting the Highlands Water Protection Act - recognizing the need to protect the water supply of millions of NJ citizens by preserving its prime northern recharge area, the forested Highlands. To advance this public good, the Highlands Council has collected extensive data which will inform decisions at the state level regarding protection for the most sensitive regions. The Highlands Act and Master Plan provide a base-

line floor for protection of resources. Municipalities can always go beyond the minimum outlined and issue stricter land use guidelines.

False Land Grab Allegations

Claims that this act is a "land grab" or that property owners are being denied "just compensation" flies in the face of settled municipal land use law which allows the legislature or another duly constituted authority to establish zoning and land use regulation that protect the public interest. Clearly, the protection of water supplies for present and future generations is in that public interest.

Moreover, as we understand it, no one will be forced from their land or prevented from selling or using it, which would happen if this were a case of "eminent domain". In fact, the act provides owners who wish to hold on to their land, a "transfer of development rights" (a process that allows development credits that can be held, sold or borrowed against) to planning areas that are not environmentally sensitive. And if landowners wish to sell, they can compare appraised values before and after passage of the Highlands Act and choose the higher of the two.

No guarantees to Speculators

The Act does not and should not guarantee land speculation profits any more than taxpayers should guarantee profits for a high risk investment on the stock market. Instead, the final Highlands Master plan follows its mandate to preserve and protect water resources. If we in NJ want to maintain a continuing source of drinking water for millions of residents and their children, we must preserve the land that is its source.

To view the Final Draft 2007, go to:

www.highlands.state.nj.us/njhighlands/master/index.html

Email comments may be submitted to: RMPCComments@highlands.state.nj.us and by visiting the website at: www.highlands.state.nj.us/highlands, or submitted in writing to Final Draft RMP Comments, Highlands Council, 100 North Road-Route 513, Chester, N.J. 07930. All comments must be received by February 28, 2008.

A GUIDE TO COMMENTING ON THE HIGHLANDS FINAL DRAFT REGIONAL MASTER PLAN, as well as sample letters that you may edit as you see fit appear below, courtesy of the NEW JERSEY HIGHLANDS COALITION, 508 Main Street, Boonton, New Jersey 07005/ 973-588-7190 (office)/973-588-7193 (fax), www.njhighlandscoalition.org

Who should comment?

Protection of the Highlands Region impacts all New Jersey residents. From residents of the Highlands to residents of towns that receive their water from the Highlands to businesses that rely on water from the Highlands to people who hike, fish, hunt or enjoy the resources of the Highlands, everyone in New Jersey has an interest in protecting these resources and should comment.

Why comment?

Public comments influence the decisions of the Highlands

continued on page 5

continued from page 4

Council and provide a reality check for the implications of the plan on real people and the natural systems they require for survival. Your comments can and will drive changes to the Final Draft RMP that should protect these critical Highlands resources.

How to Submit Comments:

Equal consideration will be given to comments regardless of how they are received:

- 1) By email, RMPComments@highlands.state.nj.us,
- 2) Through the Highlands Council website, <http://www.highlands.state.nj.us/> or
- 3) by regular mail, **Attn: Final Draft RMP Comments/ Highlands Council/100 North Road – Route 513/Chester, NJ 07930**
- 4) By attending the public hearing for the Regional Master Plan scheduled for **February 6, 2008** from 4 p.m. to end of public comment at Morris County Haggerty Education Center, 53 East Hanover Avenue,

Morristown, NJ. You will have a maximum of 3 minutes to speak:

DEADLINE FOR WRITTEN

COMMENTS: they must be received by February 28, 2008.

If attending a public hearing to testify, also bring detailed comments in writing to supply to the Council.

How to Comment.

-When expressing comments, provide a clear reasoning for why you feel the way you do. A compelling argument should be logical and should include factual background.

-Comments should include, to the greatest extent possible, specific language suggestions for how to correct any concerns. This includes terms that may need to be added to the glossary as well as comments regarding project review, improvements, and implementation.

-Do not solely look at the maps and the property search utility to guide your comments.

-Understand that policies and standards

will be applied above and beyond the Zone maps affording greater protections to resources across zones.

-Constructive criticism is welcomed by the Highlands Council and the Council staff, but with the high number of comments that will be received from the public, the Council will not respond to your comments directly and will reflect you comments through changes to the Final Draft RMP before adoption.

Letters to the Editor are also highly appreciated:

The Highlands Regional Master Plan (RMP):

Sample Letters to the Editor

Dear Editor:

The NJ Highlands Regional Master Plan is in its final draft form and the NJ Highlands Council is conducting public hearings prior to their vote to adopt the plan. It is imperative that the Council, in order

continued on page 6

BPA MOMS & TOTS

Growing and Growing!

In a great start to 2008, we were featured in the Daily Record's weekly pullout section, "Morristown This Week" and enjoyed a piggy craft following the book, *If you Give a Pig a Pancake* with fellow mom, Kim King, at the Town/Township Library, held several play dates of all types and had a terrific Moms' Spa Night at Salon Botanique (which was even catered!). Thanks to fellow mom, Sharon Cain, we will be featured in an upcoming edition of local magazine, *Park Place*.

The Dads enjoyed bowling and brews at Hanover Lanes. Please email your husband's email address to Chris so he can fill them in on the next Dads' Night out. chris.carcich@yahoo.com

All ages play dates: Mondays around 10:30 at various homes. Please call or email Carolyn Erikson for details on the location: 401-0631 or cmv_12@yahoo.com. February 4th will be at Jane Deutsch and Sophie's home 10:30-12ish Address: 15 Netherton Terrace, 07960. Phone: 973-270-0133. Will limit to the first 3 families that RSVP.

Infant play dates on Wednesdays at various times of day. We rotate homes so check your email and the web calendar. Contact Jen Carcich if you need more details on location: 973-451-9090.

Dinner play dates on Thursday evenings at 5:30 at various families' homes. Working parents, these were created



especially for you, but of course all are welcome! With the evenings now getting dark we are asking for hosts to hold dinners only at their homes. Be kind to the host and be sure to RSVP.

Nature Walks/Runs continue on Fridays now at 9:00am. We meet with the kids in strollers or packs at the South Street entrance to Loantaka Park.

Monthly Arts & Crafts -hugely successful! Various Moms will be reading seasonal stories and bring supplies to make a seasonal craft at the Morristown/ Township Library, Lower Level. FREE All ages welcome. Tuesday, February 12th at 4pm - 4:45pm Seasonal Craft & Story. Please RSVP to Lorene at lorenenilles@msn.com if planning on attending **Mom's Night out** will be on Saturday, February 23 at 8:00 pm at The Piano Bar in Morristown.

Discussion group starts this month. "Healthy Children, Healthy Planet" \$21 gets you the book and weekly meetings in various homes to discuss each section. The 8 sections in each book are easy and informative reads. (The classes are run by the Garden State Earth Institute, www.gsearthinstitute.org.) Understand how the effects of our consumer culture influence a child's point of view and discover ways to create meaningful times and healthy environments for our children. Please email Jen if you are interested in joining the group fadoo3@aol.com as she will be contacting the facilitator. Check the web calendar for more events and details www.momstots.carcich.net Enjoy your families. -Jen Carcich

continued from page 5

to effectively protect our water supply, adopt a plan that is uncompromising in its legislated mission. The Plan must address the protection of our water supply without being “watered-down (pun intended)” by the parochial interests of municipal, county or state elected officials, development interests, the agricultural industry or any others who might feel pinched by the overriding public benefit of ensuring an adequate supply of clean drinking water for the people of New Jersey.

Dear Editor:

The debate and discussion over the protection of the New Jersey Highlands Region is reaching the last leg of a long journey. The Highlands Council is now seeking input from the public on the Final Draft Regional Master Plan. Sound science and years of planning have contributed to this enormous effort but only time will tell how effective this plan will be in protecting, enhancing, and restoring water quality, water quantity, and natural resources.

In order to ensure that these protections will meet the legislative mandate of the 2004 Highlands Act, it is critical that the Highlands Council weigh carefully the concerns of the public and leading experts on water supply, natural resources, and historic and cultural resources. Of specific concern is permitting continued development in watersheds that are already in a water deficit. This is

contradictory to the mandate to protect, restore, and enhance water quality and quantity and should be corrected before the Regional Master Plan is officially adopted.

I urge the Council to develop and adopt strict standards and apply those standards unequivocally across the region ensuring transparency and consistency backed by the sound science that has driven the formulation of the Regional Master Plan. I commend the Highlands Council and staff on a job well done but not complete.

Dear Editor:

The Highlands Act distinguished very clearly the difference between the mandatory Preservation and the voluntary Planning Areas. The Highland Council is now allowing the extension of sewers into the Preservation Area and the Forest Resource Area, devaluing the goal of the 2004 Highlands Act to protect these resources from further harm.

In protecting the Highlands Region for the over 5 million New Jersey residents that rely on this area for their drinking water and the millions more than live and recreate in the Highlands, there was a clear mandate to prevent growth where it was not appropriate. Allowing the extension of sewers into the Preservation Area completely undermines the goals of the Highlands Act and places the water users in jeopardy of having heavily polluted water supplies and the burden

of greatly increased costs to treat their drinking water.

This is our last chance to get the Regional Master Plan right. The Council must protect, enhance, and restore the Highlands resources not just for local residents and tourism, but for the communities that rely on the continued supply of clean and plentiful drinking water. Without a strong Regional Master Plan, major businesses which depend on the water at the tap may leave our state and the 5 million residents that drink the water will have to pay more money to treat their drinking water.

Dear Editor:

The NJ Highlands Regional Plan, now in final draft form, can be a boldly effective measure for the protection of our most precious resource; our water. As the population of New Jersey continues to grow and our water supply dwindles, without strong protections our water supply is at great risk.

We need the Highlands Council to move forward aggressively with a strong Regional Master Plan, with straightforward and clearly written standards that are easily understood and not subject to various interpretations.

The Highlands Act of 2004 gave the NJ Highlands Council a clear mandate to protect our water. The Council should be held accountable in carrying out that mandate above all other considerations.

Fill in your name, address and telephone number on this stub. Make checks payable to the Burnham Park Association. Sent to our treasurer, Bill Claxton at 32 Dorothy Drive, Morristown, NJ 07960. Thanks to those neighbors who have supported BPA so generously. DUES PAID IN THE THE LAST 3 MONTHS OF 2007 GET CREDITED TO CALENDAR YEAR 2008

Membership/Dues Payment I/We enclose our 2008 Burnham Park Association dues of:
\$10 Basic/Pine \$25 Sponsor/Maple \$50 Patron/Beech \$100 Benefactor/Oak \$250 Thomas Paine Club
Name: _____
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If making additional contribution, please indicate amount and purpose (e.g. plantings for Arbor Day, etc.)
Amount: _____ Purpose: _____

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Attorney at Law**WILLIAM H. CLAXTON**

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973-292-7500
Fax 973-539-3359

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Email: Scott.Bruen@nrtinc.com

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Night- 285-2900
Fax- 829-8155

