



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Watershed Management
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LISA P. JACKSON
Commissioner

RON S. CORZINE
Governor

March 25, 2008

RECEIVED

MAR 27 2008

Mr. and Mrs. Vincent Jiovino
39 Edgewood Road
Bedminster, New Jersey 07921

TOWNSHIP OF HOLLAND
CLERKS OFFICE

Dear Mr. and Mrs. Jiovino:

Governor Corzine asked me to reply to your March 5, 2008 letter concerning the status of the Huntington Knolls project in Holland Township, Hunterdon County.

As you are aware, I am in receipt of a recommendation from the Highlands Council to deny the proposed water quality management plan amendment for the proposed property due to inconsistencies with the draft Highlands Regional Master Plan (RMP). Those inconsistencies surround four areas of the RMP: conflicts between the plan of development and documented habitat for Coopers Hawk, conflicts with the RMP goal of protection of 80% of the land area in the proposed Conservation Zone, conflicts between the plan of development and steep slopes and conflicts between the plan of development and highlands open water buffers. Having compared the site and the proposed development with the draft RMP, I agree at face value with the Council's evaluation. The recommendations in the draft RMP are very difficult to meet on a site-by-site basis, which is why the plan is intended to be implemented on a "regional" basis. Some of these issues are more easily dealt with than others.


Foremost, Coopers Hawk may be delisted from "threatened" to a "species of concern" in the relatively near future. In addition the distance between the documented nest site and the fact that there is intervening development must be considered when determining the project's likely impact on this raptor. Conflicts with steep slopes as identified in the RMP are relatively minimal. Conflicts with the Highlands Open Water buffers are significant. However, the Department already issued a stream encroachment permit for this project and determined the project to be in compliance with the Special Water Resource Protection Area requirements of the Stormwater Management Rules (N.J.A.C. 7:8-5.5(h), prior to the Commissioner's signing of Administrative Order 2007-01 in January of 2007. Thus a reevaluation by the Department under this same set of regulations having a different outcome would be unfair.

Perhaps the most significant issue to overcome is the RMP goal of protecting 80% of the Conservation Zone for agriculture and environmental protection purposes. Obviously this cannot be accommodated on site given the proposed density of the project. When viewed in isolation there is no way to reconcile this development with the draft RMP. However, it should be noted that this is an inclusionary affordable housing development. It should also be noted that Holland Township has prepared a new wastewater management plan which has recently been released for public comment. Holland Township is, in its wastewater management plan, attempting to

balance environmental protection, agricultural conservation and its Constitutional obligation to provide meaningful affordable housing opportunities. I believe that this wastewater management plan affords an opportunity to counterbalance the Conservation Zone inconsistencies on this site with additional protection measures in other parts of Holland Township, which can meet with Highlands Council approval.

I do acknowledge that it was my recommendation and commitment to you, to proceed with a site specific water quality management plan amendment. Please understand that this commitment was made at a time when the Holland Township Wastewater Management Plan was stalemated. At this time the Holland Township Wastewater Management Plan is moving through the administrative process toward adoption. If that plan meets with the Council's approval and proceeds to adoption including the Huntington Knolls development, then these inconsistencies with the RMP will have been resolved on a more regional basis. I am not at this point recommending that your site specific amendment application be withdrawn. I know that you have been waiting for quite some time for a Department; however, I must ask for your continued patience while I work with the Highlands Council and Holland Township to resolve these inconsistencies.

Sincerely,


Lawrence J. Baier
Director

C: Eileen Swan, Executive Director, Highlands Council

~~Holland Township Clerk~~