

**Statement before the Holland Township Planning Board
Holland Township, Hunterdon County
July 8, 2002
Regarding Block 10, Lot 12, Application for Major Subdivision
Applicant: Hunterdon Capital, L.L.C., a.k.a. Genesis Builders
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The Highlands Coalition is an association of over 90 local, regional, state and national groups working together to protect the Highlands Region in New Jersey, New York, Pennsylvania and Connecticut. The New Jersey Conservation Foundation, a statewide, member-supported land trust and conservation organization, supports my work for the New Jersey Committee of the Coalition.

Other members of the Coalition include New Jersey Audubon Society, ANJEC (Association of NJ Environmental Commissions), Environmental Defense and the NJ Chapter of the Sierra Club, as well as many smaller organizations. The mission of the Highlands Coalition is to protect and enhance the sustainability of natural resources and human communities in the Highlands region.

Significance of the area in which the proposed development is located:

As you may know, much of Holland Township lies within the Highlands region, which has been identified as a “landscape of national significance” in a 1993 federal report. The region’s resources – its water, forests and wildlife, farmlands and recreational and historic resources – are of regional, national, and in the case of migratory songbirds, hemispheric significance.

The statewide significance of the Highlands was acknowledged by the New Jersey State Planning Commission when it recognized the region as a “Special Resource Area” in *The New Jersey State Development and Redevelopment Plan (SDRP or State Plan)*. March 2001.

Furthermore, Musconetcong Mountain, on which the proposed development is located, has been identified as one of a dozen or so “Critical Treasures” of the Highlands by the Highlands Coalition, and as one of five “Important Areas” in the New York-New Jersey Highlands by the U.S.D.A. Forest Service in 1993.

The State Plan has allocated much of Holland Township, including the area containing the proposed development, to the Rural/Environmentally Sensitive Planning Area (PA4B). These are rural lands having one or more environmentally sensitive features, and containing “valuable ecosystems or wildlife habitats.” SDRP 214. Environmentally sensitive features found on the Shire Road tract include trout production waters and their watersheds; recharge areas; wetlands and seeps; prime forested areas; and significant natural features including critical slope areas, ridge lines and scenic vistas. SDRP 215-217.

The proposed development is a blatant example of sprawl and the antithesis of smart growth. The proposed development lies in direct opposition to the mission of the Highlands Coalition, and more importantly, does not comply with New Jersey’s Smart Growth Policy Council, established in January by Governor McGreevey, and State Plan goals, objectives and policies.

The proposed development is located [far from major roads, away from any infrastructure, and] in the State Plan’s Rural and Environmentally Sensitive Planning Area (**PA4B**). The intent for PA 4B is to maintain the “Environs” as large contiguous areas of farmland and other lands. According to the SDRP, “*The rural Planning Area can be found in portions of ... Hunterdon county...These areas, along with the Environmentally Sensitive Planning Area [PA5], serve as the greensward for the larger region and are not currently nor are they intended to be urban or suburban in nature.*” SDRP, October 2000, 186. “*Any development ... in the Rural/ Environmentally Sensitive Planning Area should respect the natural resources and environmentally sensitive features of the area..*” SDRP 2002, 214.

The proposed development is located far from major roads and away from any infrastructure. Therefore, SDRP policy objectives for PA 5 and PA4B with which the proposed development is not in compliance include:

Land Use: *Protect natural systems and environmentally sensitive features by guiding development into Centers.*

Housing: *Ensure that housing ... is developed with access to a range of commercial, cultural, educational, recreational, health and transportation services and facilities... Any housing in the Environs should be planned and located to maintain or enhance the cultural and scenic qualities and with minimum impacts on environmental resources.”* SDRP 218.

Transportation: *Maintain and enhance a transportation system that protects the Environs from scattered and piecemeal development...encourage alternatives to the single-occupancy vehicle whenever feasible.*

It is clear that the proposed development cannot and will not comply with these guidelines.

Natural Resource Conservation: *Protect and preserve large, contiguous tracts and corridors of recreation, forest or other open space land that protects natural systems and sensitive natural resources, including endangered species, ground and surface water resources, wetlands systems,natural landscapes ..., critical slope areas, scenic vistas, and other significant environmentally sensitive features.* SDRP 218.

Finally, the State Plan concludes: “Perhaps most important, because the Environs in [PA 5 and PA 4B] are by definition more sensitive to disturbance than the Environs in other Planning areas, new development in these Environs has the potential to destroy the very characteristics that define the area.” SDRP 216.

Environmental Characteristics of the site will severely constrain the proposed development.

FW2 – Trout Production, Category One Waters: Spring Mills Brook has been designated in the State’s Surface Water Quality Standards N.J.A.C. 7:9B (April 1998) as an FW2 – Trout Production, Category One stream from its source to the Route 519 bridge. Table 2, p. 73.

Category One Waters means those waters designated...for purposes of implementing the antidegradation policies set forth at NJAC 7:9B-1.5(d) for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resource(s).”

The State’s Surface Water Quality Standards include an antidegradation policy for Category 1 waters: “**Category One Waters shall be protected from any measurable changes (including calculable or predicted changes) to the existing water quality.**” The proposed detention basin emptying into the trout stream would challenge this state policy.

Steep Slopes: The Highlands Province contains the state’s largest concentration of steeply sloping terrain, with large areas of greater than 15 percent slope. The US Natural Resources Conservation Service (NRCS) and the SDRP provide some guidelines. Slopes of less than 10 percent are considered “minor” – nevertheless, unless the soils are well drained, there can still be problems on slopes under 2 percent. Erosion can occur slopes as slight as 2-3 percent, depending on soils. Soils that percolate readily tend to be less erodible than less pervious soils, such as clays. Slopes of 5-10 percent present moderate septic problems because of possible seepage.

Slopes greater than 10 percent are more erodible, need special stormwater management and roadway specifications and raise costs for utilities, and other infrastructure. Slopes greater than 15 percent have soils that tend to be thin and less fertile. Slopes from 10-25 percent should be left in a natural condition, maintained in grass or tree cover, or used as pastureland. **Construction on such areas can increase the sediment load of streams 100-fold.** Slopes greater than 25 percent should be left alone but can provide good sites for recreation or wildlife.

Grading or excavating slopes, or disturbing their vegetative cover, drainage patterns, topography or soils, causes many problems. It usually increases the amount and speed of runoff of precipitation, which can cause erosion, soil creep, slumping and even landslides.

Runoff carries eroded sediments to lower areas, including wetlands, ponds and streams, where turbidity and siltation can damage or destroy aquatic life, including the Township’s

native trout, and disrupt the ability of wetlands to filter and purify water. The combination of increased runoff and stream siltation harms the ability of streams and wetlands to retain water, and causes increased flooding downstream during severe storms. Older homes built close to streams are increasingly affected by high velocity damaging flooding and more siltation left behind, due to greater disturbance of steep slopes and increased impervious surfaces upstream. Township roads are also affected and require increased maintenance to repair erosion of sideslopes and remove rocks, gravel and debris left by increasingly greater runoff.

According to the Association of NJ Environmental Commissions: “Designing, building and maintaining development on steep slopes will inevitably mean higher costs for the developer and for the municipality. Problems often come to light after construction is finished and the developer is gone. Then the municipality may be stuck with burdensome costs for stormwater management, septic failures, sewerage, ... storm maintenance, construction of public water systems, or fire and emergency services.” *Acting Locally: Municipal Tools for Environmental Protection*, ANJEC, 2002, 72.

The SDRP addresses the issue of Critical Slopes in Statewide Policy Category # 12, Open Lands and Natural Systems. Page 155. These include:

Policy 23, Design of Development: “Manage the character and location of development in critical slope and ridgeline areas through municipal master plans and regulations that ensure that the development and redevelopment is visually compatible with the scenic character of the critical slope and ridgeline area.”

Policy 24, Performance Standards for Critical Slope Areas: “Incorporate performance standards based on local soil, topographic and geological conditions for development in critical slope and ridgeline areas in development regulations to maintain the hydrologic cycle, prevent erosion and preserve critical habitats.”

Policy 25, Soil Disturbance and Stormwater Management: “Construction standards that minimize soil disturbance during construction in critical slope areas should be prepared and implemented by municipalities with the technical support and assistance of state agencies. Critical slope areas that are cleared during development or forestry activities should be revegetated with native vegetation according to appropriate soil conservation and stormwater management techniques.”

Policy 26, New Capital Facilities: “New capital facilities should not be extended to critical slope areas except where necessary to provide emergency access to existing uses or to address a public health and safety need.”

Wells and Groundwater Recharge:

The Township and neighboring residents rely on wells for their water supply, filled by groundwater recharge. Altering the soils or vegetation on slopes, in combination with faster runoff, may also decrease groundwater recharge. The bedrock aquifers of the Highlands do not contain much water, and any development or construction that disrupts aquifer recharge while increasing the demand for water for human consumption may result

in well-water shortages. In addition, aquifers can be damaged by the heavy road salting often used in hilly areas.

Legal Implications of Development that Contravenes the State Plan: The SDRP has been cited in legal cases, and in *Mount Olive Complex v. Township of Mount Olive*, was held by the Court as a basis for upholding the validity of local zoning that was challenged by a developer. Conversely, it would seem that the State Plan might be used to challenge local approvals.

The tract should be preserved in its entirety.

The Highlands Coalition believes that the critical environmental values of the site justify the permanent preservation of the tract in its entirety through acquisition. A number of partners are interested in doing so, both governmental agencies and private, nonprofit organizations.

The importance of land and natural resources in Holland Township means that government funding from several levels, including county, state and even federal, could be targeted toward the Township, and towards the creation of a linkage with an interconnected system of wildlands and greenways throughout the greater Highlands region.

The Highlands Coalition and New Jersey Conservation Foundation offer our assistance to the Township in its efforts to preserve this site.

Thank you.