

# Observer-Tribune

## Environmentalists hail Highlands court rulings

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**CHESTER TWP.**--The Appellate Division of Superior Court has upheld the Highlands Council's right to control planning in the region through a series of rulings on Monday, Aug. 15 that has environmental groups cheering.

The three-judge panel, sitting in Trenton, turned back two challenges from the Fair Share Housing Center of Cherry Hill against the Highlands regional master plan, the Council's guideline to protecting water supplies in the 860,000 acre region.

The court ruled that Executive Order 114, giving the Highlands regional master plan priority over affordable housing requirements was constitutional. It also found that the Highlands Council created the master plan according to the guidelines of the 2004 Highlands Act.

**"This is a very important reaffirmation of the work the Highlands Council is doing," said Julia Somers, executive director of the Highlands Coalition, an umbrella organization representing over 50 environmental groups.**

**"And a reaffirmation of the tools the Highlands Council was given by the legislature to implement the Act.**

**Somers said the decision confirms that the Highlands Act is not a taking of land.**

**"No one should now claim that it is," she said.**

Her thoughts were echoed by Jeff Tittel, director of the New Jersey branch of the Sierra Club.

"This is an important decision because it demonstrates that the Highlands plan is a broad based document that assesses science and natural resource protections," said Tittel.

He said the court understood that Highlands planning could not be focused on just one narrow issue such as affordable housing.

"The courts have upheld the Highlands regional master plan. Now Governor (Chris) Christie must stand up for the people of New Jersey and stop his attacks and weakenings of the Highlands protections," Tittel said. The court also ruled on a number of issues often raised by opponents of the Highlands Act, including mapping and development rights.

Developer Toll Brothers sought a ruling that Highlands mapping was arbitrary and capricious.

The appellate panel rejected their argument, ruling that the split of a Pohatcong Township property between the Highlands Preservation and Planning Areas could be addressed at the local planning board level.

A challenge to the Highlands Transfer Development Rights (TDR) program by J&S Group of Wanaque was also rejected. The court ruled that the Highlands Council has broad powers to conduct its TDR program and does not need to conform to other statewide planning guidelines.

J&S had argued that monetary compensation for the protection of its 149-acre property was hampered because the Highlands program did not provide enough receiving areas for TDR credits.

Still another challenge to the regional master plan from Bocina Homes Corporation of Basking Ridge was also rejected.

In a prepared statement, Highlands Council chairman James Rilee, Mayor of Roxbury Township, said, "We on the council will continue to implement the regional master plan in a fair and balanced way, and in a way that considers the welfare of the state, as well as lawmakers, residents and all stakeholders in the Highlands."

Highlands Council chief counsel Tom Borden praised the court decisions. "The decisions by the Appellate Division upholding the Highlands regional master plan is (sic) a strong affirmation of the Highlands Council's work and analysis," said Borden.

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