

July 1, 2010

Highlands landowners ask again for compensation for development restrictions

BY COLLEEN O'DEA
STAFF WRITER

RANDOLPH — Calls for compensation for those Highlands property owners who can no longer develop their land dominated the new state environmental commissioner's final review of the nearly six-year old Highlands law.

Tuesday night's meeting at County College of Morris was originally intended to hear the grievances of those owning large plots of land and was to be closed to the public and the press, but at the last minute the state Department of Environmental Protection allowed most land owners and the press to attend.

About 50 people sat around tables for the informal session led by Ray Cantor, the DEP's chief counsel. **Two environmental leaders who own land in the Highlands — Julia Somers of the New Jersey Highlands Coalition and Jeff Tittel of the New Jersey Sierra Club — said they were not allowed to attend.** And at least one land owner, Deborah Post of Chester Township, was angry that other pro-environment property owners did attend.

"We are not supposed to be once again hearing the environmental filibuster — I call it the greenie gauntlet," Post said after several people spoke in favor of the Highlands law. "I think this is really wrong. You were supposed to be here to address the recommendations of those of us who were severely harmed. There was a loss of \$16 billion of landowner equity," Post said.

In an email to Marybeth P. Brenner, director of the DEP's office of constituent services who organized the meeting, Somers complained about not being able to attend Tuesday night's meeting.

"I am a Highlands landowner of subdividable property, whose only loss in value has been because of the national economy, not because of the Highlands Act, RMP (regional master plan) or rules," she wrote. "Ray's reluctance to have me attend makes it look like he is manipulating who attends to make sure only folks who have negative things to say about the Act will be there."

The DEP did hold other meetings: the first two Highlands Work Group meetings in Trenton drew activists for the environmental and farm lobbies, planners and public officials. The third, on June 15 at CCM, was meant for land owners but also drew numerous Highlands law supporters.

"The meeting was not meant to exclude others, but to focus on particular issues the landowners have," said Larry Ragonese, a DEP spokesman. He added that Tuesday night's more than three-hour meeting was "not meant to be a stadium full of people, but to give those who may not have access to DEP officials a chance to speak."

Many people at Tuesday's meeting lamented the loss of value of their land following the enactment of the law that created the Highlands out of 860,000 acres, including most of Morris County, and set

strict development rules in half that region, known as the preservation area.

Little new was said by either side. A few people called for relaxing the the DEP's strict rules, which allow for building only one home with a septic on 88 forested acres or 25 farmland acres in the preservation area. Some said the law isn't needed at all because there is no water supply problem — the main stated reason for the law is that more than half the state's population gets its water from the Highlands.

Several were angry and used the opportunity to vent their frustrations.

"This act is a showcase of evilness," said Hing Lum, who owns 88 acres of farmland in Mount Olive. "When you passed this law, you said, 'You can have a waiver.' By the time we go through the waiver process we'll be broke and we'll be dead."

Other property owners said they support the law to keep the water clean and plentiful. And even these backers, almost to a person, said the state must compensate land owners for losses suffered due to the act.

"I agree it's been way too long and the state has not even considered a compensation package," said Christina Guido, whose Gladstone home is in the Highlands and who is president of the Upper Raritan Watershed Association. "I can't imagine the patience required of the land owners thus far."

Cantor said there is no timetable for any decisions about providing compensation or potential changes to the Highlands rules or regulations. He promised he would keep the land owners informed.

"I will let you know how this process is proceeding," he said. "This administration is very serious about hearing your issues and trying to figure out how to address the concerns you've raised, although I'm not going to guarantee at the end of the day that you're going to like what the governor and administration come up with."
