

Upper Saddle River officials warned of issues with Highlands development

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Upper Saddle River is no stranger to flooding issues, nor to the rising concerns of the environmental impact of getting and protecting clean water.

Officials learned of a potential new concern in which the 2004 New Jersey Highlands Water Protection and Planning Act (Highlands Act) protecting water resources may be threatened by future development, a member of the New Jersey Highlands Coalition announced at the Sept. 5 Mayor and Council meeting.

"There's pressure to have development in those [Highlands] area," said Outreach Director George Stafford.

The Highlands is in 88 towns, within seven counties, Stafford said, adding that it "is a feeder area for more than five million people in the northern and central part of the state," including the Passaic and Raritan basins. The Highlands Council website states that the 1,343 square mile area brings water to approximately half a million people.

He said he came to the meeting because a "great deal of controversy is arising around the Highlands Council and Highlands Master Plan and the new plan its beginning to develop. There's a lot of pressure on the council and on the Highlands staff to make changes."

Stafford said in a later interview that the Coalition feels the pressure is coming mostly from anti-regulation groups and landowners questioning the legitimacy of the Highlands Act. In 2008, a lawsuit brought by landowners challenging the constitutionality of the Highlands Act was dismissed, but according to Highlands Council meeting minutes, farmers and landowners expressed concerns about their land and that the law impedes on their rights as farmers.

In the interview, Stafford cited the Highlands Council voting out its executive director with a claim that not enough was done to compensate landowners and hiring a chief counsel who wrote in a state law journal that the Highlands Act was "unfair and unconstitutional," which left the council divided in its opinion of his essay, and prompted concern from environmental groups.

Stafford said there's concern that the council members are from the area, so they face a balancing act as residents making money on their land and also preserving the integrity of the Highlands Act for the other

millions of people who depend on clean water, like Upper Saddle River.

He told the Upper Saddle River Council that there have been objections to the low number of nitrates allowed in the water supply. Nitrates are chemical units comprised of nitrogen and oxygen that occur naturally in soil, water, food and plants. It occurs when microorganisms in the environment break down organic materials, such as sewage, plants and animal matter, according to the New Jersey Department of Environmental Protection (DEP) website.

Nitrates are typically used in chemical fertilizers and end up in drinking water due to runoff from using fertilizers, septic tank leaks, sewage, farms, lawns and gardens, according to the federal Environmental Protection Agency (EPA), which, along with the DEP, regulates the amount of nitrates allowed in drinking water. The Maximum Contaminant Level (MCL) for nitrate is 10 milligrams per liter or 10 parts per million (ppm).

The Highlands Council states in its summary report of the Master Plan that it while it is "commonly believed that 'preserved' land is land that should be untouched and unmanaged," preventing development "shouldn't be viewed as the only solution to the Highland's land use issues."

However, it does state the region is "increasingly at risk of being overdeveloped," citing that from 1995-2000, the Highlands lost 17,000 acres of forest and 8,000 acres of farmland.

"Growth pressures continue to consume land at a rate of approximately 3,000 acres every year," the report states. "Development is threatening the region's significant nature resources and the state's drinking water supply."

Stafford said according to the U.S. Geological Survey, Upper Saddle River receives up to 20 percent of its water from Highlands sources, as such "that should be of some concern to you – the amount of nitrate that goes into water."

The outreach director said there are a "number of problems in those regards," especially that recharge areas are at risk of becoming runoff areas if even an acre is roofed over or paved over because of the amount of rain the Highlands gets per year, approximately 45 inches.

Stafford said he wasn't sure if flooding was an issue locally, to which Mayor Joanne Minichetti responded, "we are called Upper Saddle River," and said they do have flooding problems. He said that's a concern but beyond that, he said, it affects the whole community from businesses to traffic, "or any other people that need clean water."

He said the borough should be concerned by anything that threatens The Highlands Act, as such he requested that the borough consider a resolution supporting the goals and purposes of the 2004 Highlands Water Protection and Planning Act.

The mayor said she would pass the information along to the borough's Environmental Committee.