

# OPINION

Wednesday, December 21, 2022

NEW JERSEY HILLS MEDIA

## A tale of two townships

White Township is an agricultural community in Warren County. Its western boundary is the Delaware River.

The township is a Highlands municipality. County Road 519, which runs roughly north-south, bisects the township between the hills of Scott's and Jenny Jump mountains to the west and the flat and fertile farm fields of the Delaware Valley to the east.

County Road 519 also serves as the boundary between Highlands Preservation and Planning areas.

White Township's forested hills are in the Preservation Area, where development is highly constrained under the state Department of Environmental Protection's Preservation Area regulations.

In the Planning Area, where most of the township's farms are located, conformance to the Highlands Regional Master Plan, which is administered by the Highlands Council, is voluntary. White Township has decided against conforming its land use and zoning policies to the Highlands Regional Master Plan.

Ten miles away to the southeast, Clinton Township, in Hunterdon County, is also a Highlands municipality.

Not quite as agricultural as White Township, still, 3,700 acres in Clinton Township are actively farmed. Another 2,500 acres of township land is underwater as Round Valley Reservoir and a portion of Spruce Run Reservoir are located in the township.

Unlike White Township,



**Elliott Ruga**

**HIGHLANDS HIGHLIGHTS**

The writer is the policy and communications director for the New Jersey Highlands Coalition, Boonton. He can be reached at 973-588-7190, Ext. 2, or at [elliott@njhighlandscoalition.org](mailto:elliott@njhighlandscoalition.org)

Clinton Township has very little land in the Highlands Preservation Area, only 643 acres.

Yet Clinton Township implements the Highlands Regional Master Plan in its Planning Area, so that the natural resource values of the land, including important farmland soils are better protected through the township's land use ordinances.

Development is encouraged where infrastructure already exists and growth can be accommodated without sacrificing natural and cultural resource values.

Three years ago, an 800,000 square foot warehouse was proposed on an approximately 600 acres of farm fields in White Township between County Road 519 and the Delaware River.

The original proposal has since been amended by the developer to include an additional 1.8 million square feet warehouse.

The impacts from construction and subsequent warehouse operations would be enormous. The site is 13 miles from I-80 to the north and 13 miles from I-78 to the south, by a two-lane county road, much of which would soon need to be widened, taking even more farmland out of cultivation.

Opposition to the warehouses, in White Township and the seven towns through which trucks would travel, is well organized and popular.

However, the law prevents White Township from considering off-site impacts in its review of the proposal.

The township and the developer currently are in litigation over a change in zoning while the proposal remains in play at the Planning Board with no end in sight and no sure outcome.

On Oct. 20, ExxonMobil announced it wanted to construct 4 million square feet of warehouses on lands that are currently leased to tenant farmers on their 740-acre Clinton Township property where they have a research facility.

On Oct. 26, at a packed Clinton Township Council meeting, the mayor announced that the warehouses could not be permitted on the site because of protections in place under Highlands Conformance.

That ended the discussion of Exxon's Mobil's warehouse in Clinton Township. The standing-room-only-public cheered.

The ExxonMobil warehouse was prohibited because the farm fields have important farmland soils and other natural resource values, which are protected under the Highlands Land Use Capability Zone Map. Other, less intensive development is possible, or the land or the development rights could be purchased to permanently protect it.

Of the 83 Highlands municipalities that have land in the Highlands Planning

Area only 19 have voluntarily conformed to the Highlands Regional Master Plan.

This is despite the fact that the Highlands Council pays for all of the planning costs associated with conformance; despite that conformance provides the municipality with the presumption of validity in court when a developer sues the municipality, giving the municipality a much higher bar that the developer must overcome, plus the Highlands Council will cover the legal costs of defending Highlands-consistent ordinances; and despite that the State Planning Commission considers a conformed municipality as having met the criteria required for State Plan Endorsement and confers upon it the same benefits.

But the primary benefit of Highlands Conformance is that it brings excellent planning.

It protects against the developments that fundamentally destroy a community's quality of life, those character-changing, out-of-scale projects that are accompanied by lawsuits or threats of lawsuits that towns have neither the stamina nor budget to defend against.

Just ask White Township, or dozens of towns across New Jersey today.

New mega-warehouses are being proposed weekly throughout the state.

Highlands towns that wish to arm themselves effectively against the developments they don't want would be wise to reconsider Highlands Conformance.

There is too much to lose if you do not.