



State of New Jersey

Department of Environmental Protection
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Trenton, NJ 08625-0402

October 5, 2005

Richard J. Codey
Acting Governor

Bradley M. Campbell
Commissioner
Tel. # (609) 292-2885
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The Honorable Thomas Borkowski
Mayor – Clinton Township
1370 Route 31 N
Annandale, New Jersey 08801-0036

Dear Mayor Borkowski and Members of the Clinton Township Council:

I am writing to express my strong objection to the proposed settlement agreement that has been negotiated with respect to the Windy Acres development (Blocks 7, 18, 18.01, and 31, Clinton Township).

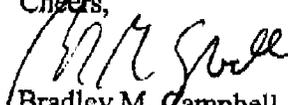
As you are aware, this is a project that has significant implications for water resource protection in the region, particularly in light of the Department of Environmental Protection's designation of the South Branch of the Rockaway Creek as a Category One stream. It is in this light that I have preliminarily reviewed a report by Princeton Hydro (April 13, 2005) concerning the application of water resource protection standards, and particularly stormwater management requirements, to the project.

Under the Municipal Land Use Law and the Residential Site Improvement Standards, governing bodies and planning boards have an independent obligation to review and ensure compliance with stormwater management rules for residential development. The schedule for consideration of the proposed settlement, the extensive doubt cast by the Princeton Hydro report as to whether the project can meet legal requirements, and provisions of the settlement that limit the Planning Board's ability to disapprove the project or to refrain from applying for permits where legal requirements are not met, all make clear that the Planning Board cannot meet the requirements of the law under the current schedule.

The Department depends on local governing bodies and local planning boards to act as our partners in enforcing stormwater management requirements, and the law requires them to do so. This settlement agreement, and the attendant schedule for review of its particulars, is inconsistent with that legal obligation and sets a most disturbing precedent.

For these reasons, I urge you to reject the proposed settlement in its current form, or alternatively, consistent with Senator Leonard Lance's request, to allow interested regulators and the public additional time to ensure that the requirements of the law have been met.

Chairs,


Bradley M. Campbell
Commissioner

c: The Honorable Leonard Lance