



Procedures For Highlands Redevelopment Area Designations

Prepared by State of New Jersey Highlands Water Protection and
Planning Council in Support of the Highlands Regional Master Plan

October 14, 2016
DRAFT

**DRAFT PROCEDURES FOR HIGHLANDS
REDEVELOPMENT AREA DESIGNATIONS**

1.1 PURPOSE AND SCOPE

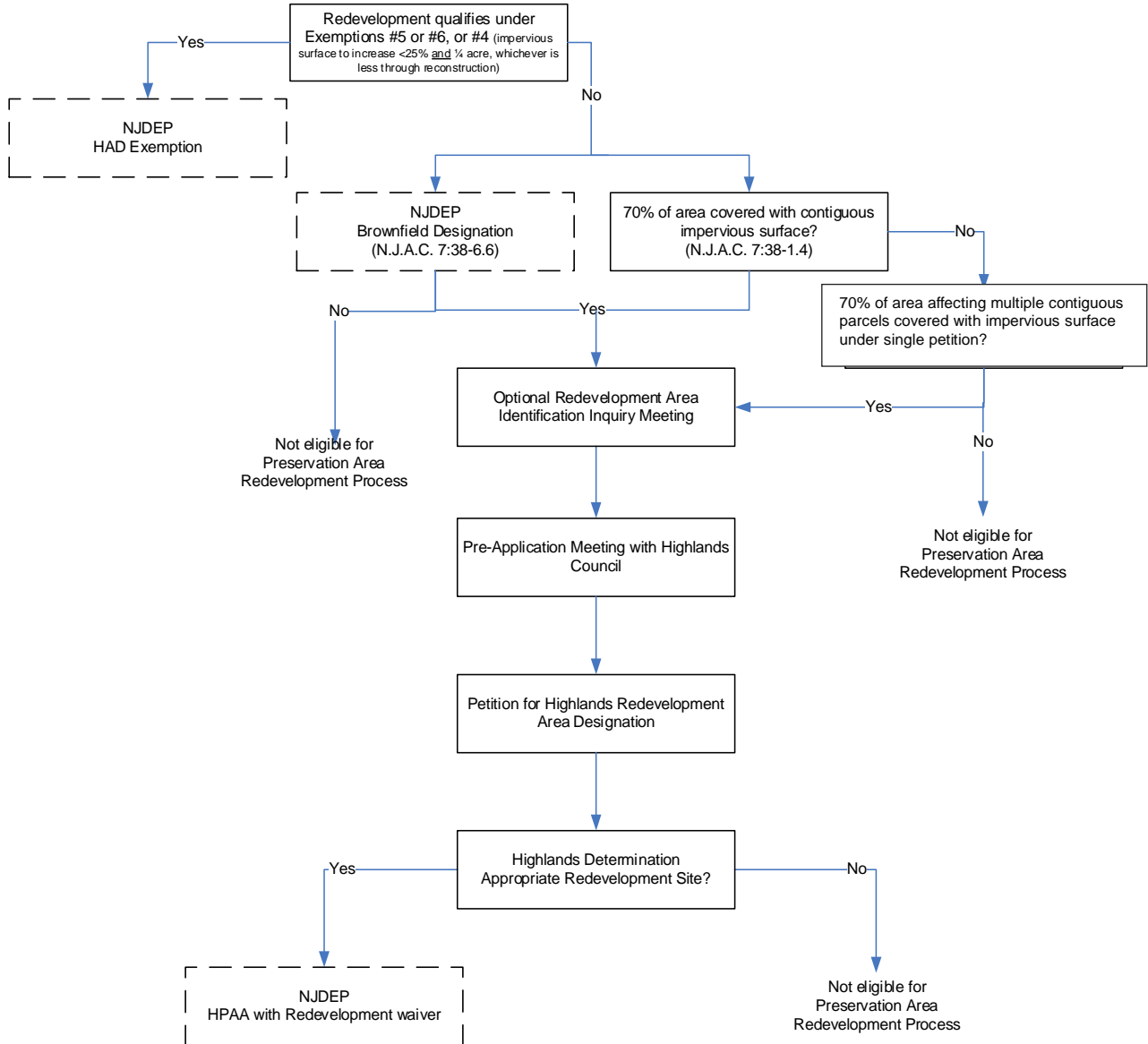
The Highlands Water Protection and Planning Act (Highlands Act), the Highlands Regional Master Plan (RMP), and New Jersey Department of Environmental Protection (NJDEP) Highlands Rules (N.J.A.C. 7:38) mandate the application of protection standards for Highlands resources in the Preservation Area. In certain instances, however, NJDEP can issue a Highlands Preservation Area Approval (HPAA) with a waiver providing limited relief from specific standards. One waiver provided by the Highlands Act allows certain brownfield sites and previously developed areas to be redeveloped through NJDEP approval of an HPAA with Redevelopment Waiver. The NJDEP Highlands Rules mandate that the Highlands Council must first designate an appropriate Highlands Redevelopment Area. Any Redevelopment Area designation must be found by the Highlands Council to be consistent with the Goals, Policies and Objectives of the RMP and shall be conditioned upon the specific conditions and information submitted as part of the application. Modifications of the underlying conditions of the approval may result in the Highlands Council rescinding the redevelopment area designation.

The following establishes the procedures for an applicant seeking a Highlands Redevelopment Area Designation and the standards by which the Highlands Council determines that an area within the Preservation Area is appropriate for such designation. Prior to the preparation of any application materials prospective applicants are strongly encouraged to meet informally with Highlands Council staff to discuss the feasibility of a Highlands Redevelopment Area Designation.

- (a) Applications may come before the Council under two different scenarios:
 - 1. An individual applicant proposes a Highlands Redevelopment Area on one or more contiguous properties that the applicant controls; or
 - 2. A municipality proposes a Highlands Redevelopment Area with multiple contiguous properties under separate ownership.

- (b) The Highlands Council may identify an area as appropriate for redevelopment if the area satisfies the requirements presented herein and includes:
 - 1. A site that has received designation from the NJDEP as a Highlands brownfield pursuant to N.J.A.C. 7:38-6.6; or
 - 2. Has at least 70% percent of its area covered with lawfully existing impervious surface as that term is defined in N.J.A.C. 7:38-1.4, and as also set forth in N.J.A.C. 7:38-6.7.

New Jersey Highlands
Preservation Area Redevelopment Process



1.2 GENERAL APPROACH

As shown in the flow chart above, the first step is to determine if the proposed redevelopment meets the requirements of Exemption #4, #5 or #6 of the Highlands Act (Section 30).

If the proposed redevelopment for the area is not exempt, then a petition for Highlands Redevelopment Area Designation may be submitted to the Highlands Council regarding either a NJDEP-designated Highlands brownfield or existing impervious surfaces greater than 70 percent. Anyone considering seeking a Highlands Redevelopment Area Designation is encouraged to participate in an optional redevelopment area identification inquiry meeting in order to obtain guidance from the Highlands Council staff on the viability of a Redevelopment Area designation and the application requirements for a formal petition. The formal process involves a required pre-application meeting, submittal of a petition, review by the Highlands Council staff, followed by a recommendation to the Highlands Council, and concluding with final determination by the Highlands Council with provision for public review and comment. Upon approval of a Redevelopment Area Designation, an application for Highlands Preservation Area Approval with Redevelopment Waiver may be submitted to the NJDEP for consideration under N.J.A.C. 7:38-6.1.

Factors to be considered during the process of establishing a Highlands Redevelopment Area Designation boundary include:

- (a) **Ownership and contiguity of parcels.** The Highlands Redevelopment Area may be part of a parcel, all of a parcel, part or all of multiple contiguous parcels under the applicants sole control, or part or all of multiple parcels not in common ownership for which a combined Redevelopment Area petition has been submitted by the municipality with the individual property owners notified by certified mail and copied on the Redevelopment Area petition. A Highlands Redevelopment Area and the associated impervious surface areas or Highlands brownfield designation shall be located within one contiguous Highlands Redevelopment Area boundary.
- (b) **Effect of Designation on future development.** The Highlands Council has designated a number of Highlands Redevelopment Areas that include less than entire parcels, with the remainder of the parcel(s) restricted from further development due to environmental constraints. The NJDEP identification of a Highlands brownfield land area and the extent of existing impervious surfaces both provide the basis for determining the maximum extent of a Highlands Redevelopment Area by the Highlands Council, but environmental constraints may result in designation of a smaller area.
- (c) **Compatibility with Regional Master Plan (RMP).** The Highlands Council may determine that a proposed Highlands Redevelopment Area is inappropriate, based on the likelihood that the designation would promote redevelopment incompatible with the goals of the Highlands Act and the RMP.
- (d) **Extent to which proposed area includes new development.** The Highlands Council may determine that a proposed Highlands Redevelopment Area is inappropriate, based on the fact that the proposed redevelopment is not focused in previously disturbed areas, may disturb Highlands resources, and would promote new development incompatible with the goals of the Highlands Act and the RMP.

- (e) **Possible waiver of certain rules.** Within a Highlands Redevelopment Area designated by the Highlands Council, NJDEP may grant a waiver from strict application of the Highlands Water Protection and Planning Act Rules under N.J.A.C. 7:38-6.6 and 6.7. However, based on the extent of the impacts to Highlands's resources the NJDEP may not be able to grant such a waiver.
- (f) **Secondary impacts.** The Highlands Council and NJDEP also may restrict aspects of a proposed project to avoid secondary impacts (N.J.A.C. 7:38-6.4(i)).
- (g) **Deed restrictions.** The Highlands Council, in conjunction with the NJDEP through the HPAA process, may require conservation restrictions on those undeveloped portions of an affected property or properties, including contiguous parcels in common ownership or properties part of a municipally sponsored Highlands Redevelopment Area that are not subject to redevelopment or remedy of contaminated areas.

1.3 PRE-APPLICATION MEETING

For anyone seeking a Highlands Redevelopment Area Designation, a pre-application meeting with staff of the Highlands Council is required. (Please note that as with all Highlands Council applications there is no fee associated with this meeting and that this pre-application meeting is not the same as the additional pre-application meeting required for an application to NJDEP for an HPAA with Redevelopment Waiver.) Prior to a pre-application meeting, however, the Highlands Council encourages anyone interested in a Highlands Redevelopment Area Designation to meet informally with Highlands Council staff to discuss the feasibility of such designation, prior to the preparation of any application materials outlined in this section. The Highlands Council may, as circumstances deem appropriate, invite other interested parties to the pre-application meeting, including municipal and county planning representatives, and representatives of the NJDEP.

Prior to the pre-application meeting, the applicant shall submit in advance certain information, including but not limited to the following:

- (a) A description of the proposed Highlands Redevelopment Area including block and lot number(s), a list of owners of the properties, copies of the property owner notifications (section 1.2.a), deeds, and street addresses where applicable.
- (b) A plan of the proposed Highlands Redevelopment Area showing:
 1. Boundaries of proposed area;
 2. Existing buildings, structures, and impervious surfaces within the proposed area;
 3. Most recently available aerial photography of the area;
 4. Any environmental resources.
- (c) Acreage of the proposed Highlands Redevelopment Area and of the affected properties.
- (d) Existing local zoning and land use of the properties.
- (e) A description of existing structures on the subject site, including any historic structures.

- (f) A list of any encumbrances on the properties comprising the proposed Highlands Redevelopment Area, including but not limited to easements, deed restrictions, and covenants.
- (g) A conceptual site plan of the proposed project or uses to be located within the proposed Highlands Redevelopment Area.
- (h) A statement or document demonstrating how the subject site conforms to Section 1.1(b), including but not limited to the following:
 - 1. For a site which includes at least 70% contiguous impervious surface:
 - i. A site plan delineation of the existing impervious surface supporting the minimum 70% calculation.
 - ii. Calculations showing that the proposed boundary complies with the 70% minimum requirement.
 - iii. Photographs of the existing imperious surface areas.
 - 2. For a Highlands brownfield site:
 - i. Copy of a Highlands brownfield designation from the NJDEP.
 - ii. A site plan indicating the extent of the Highlands brownfield designation.
- (i) In addition to hard copies of all information, all plans and maps are requested to be submitted in accordance with the Highlands Council's digital submission requirements (see Appendix B).

Based on the nature and extent of Highlands Resources proposed to be included in the redevelopment area, the Highlands Council staff may suggest an informational meeting with the NJDEP prior to the public hearing at the Highlands Council. This meeting is not considered to be the NJDEP HPAA required Pre-Application meeting.

Any statements or recommendations made by any representative of the Highlands Council in the context of a pre-application meeting shall be considered non-binding on the prospective applicant, the constituent municipality and county, and the Highlands Council, and shall confer no legal rights.

Highlands Council staff may waive any of the pre-application meeting submission requirements based on the specific details of the proposed Highlands Redevelopment Area.

1.4 PETITIONS FOR HIGHLANDS REDEVELOPMENT AREA DESIGNATION

- (a) All petitions for a Highlands Redevelopment Area designation shall be submitted to the Highlands Council in writing, and signed by the owners and applicant or a duly authorized representative of the applicant.
- (b) All information shall be submitted in the form of one hard copy and one electronic copy.
- (c) Any site plans shall be submitted in accordance with the Highlands Council's digital submission standards (see Appendix B).
- (d) A petition for a Highlands Redevelopment Area designation shall have satisfied each of the application requirements for Pre-Application Meeting under Section 1.3.

- (e) All of the information outlined in the following three sections (1.4.1, 1.4.2 and 1.4.3) as appropriate shall be submitted.

1.4.1 Submission requirements for a site that includes at least 70% lawfully existing contiguous impervious surface

- (a) Where the application involves an individual property or group of properties under the applicant's sole control:

1. Site plan and calculations delineating the existing impervious surface supporting the minimum 70% calculation, as prepared by a New Jersey licensed professional engineer.
2. Ground-level color photos either georeferenced or with the location of the photos indicated on a plan.
3. Conceptual site plan showing the proposed development of the project.
4. Incorporation of Low Impact Design components into stormwater management plan for the proposed development (see NJDEP Stormwater Best Management Practices Manual).
5. Draft notice to property owners and the municipal clerk:
 - i. The applicant shall prepare a draft notice for all owners of real property within 200 feet of the boundary of the proposed Highlands Redevelopment Area that the applicant is making application to the Highlands Council for the designation;
 - ii. A sample form of notice is available from the Highlands Council.
 - iii. No notice is to be sent at this time. This is only a draft notice. The full noticing requirements can be found under Section 1.5.

- (b) Where the application involves a municipal applicant with multiple properties under separate control:

1. Site plan and calculations delineating the existing impervious surface supporting the minimum 70% calculation, as prepared by a New Jersey licensed professional engineer.
2. Ground-level color photos of the site(s) either georeferenced or with the location of the photos indicated on a plan.
3. Draft notice to property owners:
 - i. The municipality shall prepare a draft notice for all owners of real property to be located wholly or partially within or within 200 feet of the boundary of the proposed Highlands Redevelopment Area that the municipality is making application to the Highlands Council for the designation;
 - ii. A sample form of notice is available from the Highlands Council.
 - iii. No notice is to be sent at this time. This is only a draft notice. The full noticing requirements can be found under Section 1.5.
4. Copy of draft master plan amendment required by Section 1.6.
5. Where development plans exist for the development of individual properties, copies of any such plans, including any stormwater management plans or other information must be submitted.
6. Where no development plans currently exist, the municipality shall submit existing or proposed master plan and zoning ordinance language detailing the maximum development that would be permitted on the sites in question.

- i. Any approval under this section shall be conditioned upon future development incorporating Low Impact Design components into stormwater management plan for the proposed development.
 - ii. At the time of each applicant's submittal to the NJDEP for an HPAA, the Highlands Council shall review the HPAA application and prepare a report to the NJDEP detailing the application's conformance with the Highlands Redevelopment Area designation and conditions thereof.
7. See additional requirements in section 1.4.3.

1.4.2 Submission requirements for a site designated by NJDEP as a Highlands Brownfield Site

- (a) Copy of a Highlands brownfield designation from the NJDEP including all associated and referenced information submitted to, or on file with the NJDEP that was used in support of the Highlands brownfields designation (this may be submitted in digital form only, no hard copy is required).
- (b) A site plan prepared by a New Jersey licensed professional engineer indicating the proposed development of the site and extent of the designated Highlands brownfield area.
- (c) A letter from the NJDEP or a Licensed Site Remediation Professional (LSRP) stating the that remedial alternative(s)/closure(s) would support the proposed redevelopment land use.
- (d) For a Track One Highlands brownfield:
 - 1. As of May 9, 2005, proof that the applicant is or was remediating or closing, or has completed remediation or closure of a landfill that ceased operation before January 1, 1982 in accordance with:
 - i. A Closure Plan approved by the Department, and issued pursuant to the Solid Waste rules, N.J.A.C 7:26-2A.9; and
 - ii. A Remedial Action Workplan approved by the Department or by a LSRP, and issued pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-6; or
 - iii. The applicant is currently implementing an approved Closure and Post-Closure Care Plan, or has completed an approved Closure and Post- Closure Care Plan, for a landfill that ceased operation on January 1, 1982, or later, pursuant to the Solid Waste Rules, N.J.A.C 7:26-2A.9.
- (e) For a Track Two Highlands brownfield:
 - 1. Copy of the Final Remediation Document;
 - 2. Certification that no discharge of a contaminant has occurred on the site since the final remediation document was issued by the NDJEP.
- (f) For a Track Three Highlands brownfield:

1. Documentation that remediation is being conducted pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or the Industrial Site Recovery Act rules, N.J.A.C. 7:26B, as applicable, necessary to obtain a final remediation document pursuant to N.J.A.C. 7:26C-6.
- (g) Any additional items required by NJDEP as listed in NJDEP's Highlands Preservation Area Approval (HPAA) Pre-Application Checklist (NJDEP reviews the HPAA with Redevelopment Waiver application; but only after the Highlands Council issues the Redevelopment Area Designation). A copy of NJDEP's HPAA Pre-Application Checklist can be downloaded from NJDEP's website at www.nj.gov/dep/landuse/forms.html (click "Highlands Program" tab).
- (h) Draft notice to property owners:
1. The applicant shall prepare a draft notice for all owners of real property within 200 feet of the boundary of the proposed Highlands Redevelopment Area that the applicant is making application to the Highlands Council for the designation;
 2. A sample form of notice is available from the Highlands Council.

1.4.3 Additional requirements for municipal applications for Highlands Redevelopment Area Designations that include multiple contiguous parcels under separate ownership

- (a) Only a municipality may apply for a Highlands Redevelopment Area that includes more than one contiguous parcel where such parcels are under separate ownership.
- (b) The municipality shall include a list of all block and lots to be located either wholly or partially within the Highlands Redevelopment Area. The list shall include:
1. Block and lot designations;
 2. Street addresses;
 3. Current municipal zoning designation;
 4. Property class tax code;
 5. Current owner and their mailing address.
- (c) The application shall include a delineation of the existing impervious surface supporting the minimum 70% calculation prepared by a New Jersey licensed professional engineer. This calculation shall be broken down by the individual block and lot numbers and shall be referenced to mapping showing the location of the impervious surface areas. The municipality should include pictures showing the physical extent and condition of the impervious surfaces identified.
- (d) For each block and lot, the municipality shall submit documentation to the Highlands Council from a qualified professional (such as a New Jersey licensed professional engineer, land surveyor, or planner) indicating the extent to which the impervious surface footprint is permitted to be expanded under the municipal regulations in place at the time of application for a redevelopment area. The documentation shall indicate any specific redevelopment area conditions for each block and lot in the proposed redevelopment area.

1.5 PRELIMINARY DETERMINATION

- (a) Highlands Council staff shall determine if the Petition for a Highlands Redevelopment Area Designation is administratively complete in accordance with Section 1.4 above.
- (b) For any petition that is deemed administratively complete, the Highlands Council shall review the proposed area for redevelopment and any proposed development against the Highlands RMP Resource Protection and Smart Growth standards and policies.
- (c) The Highlands Council staff shall prepare a draft report, including a preliminary consistency determination of the proposed area for redevelopment and the future development proposed therein with the goals, policies, and objectives of the RMP, with recommendations to approve, deny, or approve with conditions the proposed Redevelopment Area, based on the criteria set forth below:
 - 1. A finding that the proposed Highlands Redevelopment Area complies with the standards as follows:
 - i. At least 70 percent of the proposed Redevelopment Area is existing impervious surface; or
 - ii. The site is a Highlands brownfield designated by NJDEP.
 - Any designation shall be conditioned upon the receipt of documentation for the appropriate Track One, Two or Three brownfield as provided in N.J.A.C 7:38
 - Any designation shall be further conditioned upon the specific conditions and remediation outlined in the Highlands brownfield designation and referenced documentation from the NJDEP.
 - 2. The proposed Highlands Redevelopment Area and proposed development will not result in or contribute to impairment of any Highlands resource located on or adjacent to the Highlands Redevelopment Area, either through exclusion of such areas or through conditions on the designation that ensures their protection, or will minimize through similar means the disturbance of those resources to which the waiver would specifically apply.
 - 3. The proposed Highlands Redevelopment Area and proposed development is found to be consistent with the resource protection and smart growth standards of the Regional Master Plan and with the intent and purpose of the Highlands Act.
 - 4. There is sufficient water supply and wastewater capacity to serve the proposed Highlands Redevelopment.
 - 5. Such other unique or mitigating criteria as required by the Highlands Council to comply with the Goals, Policies and Objectives of the Highlands Act and the RMP.
 - 6. The proposed Redevelopment Area and proposed development is compatible with existing municipal zoning or the Redevelopment Area designation is conditioned upon municipal rezoning.

- (d) The Highlands Council staff shall consult with the NJDEP Division of Land Use Regulation regarding the draft recommendations.
- (e) The Highlands Council staff shall provide to the public and the applicant the draft report and recommendations prior to presenting the recommendations to the Council, and shall solicit comments for a period of not less than 10 business days. This will afford the public and the applicant an opportunity to provide additional data and information to the staff prior to a final Council determination.
- (f) The Highlands Council staff shall present the findings with recommendations to the Highlands Council to approve, deny, or approve with conditions, with public notice on the Council's Web site at www.nj.gov/njhighlands at least 30 days before the Council meeting at which the recommendation will be considered.
- (g) Notice Requirements
 - 1. Individual Applicants:
 - i. Notice to Municipal Clerk: The applicant shall provide a copy of the application (and associated submission materials) and a copy of the legal notice of the Highlands Council public hearing on the application to the municipal clerk at least 10 business days before the Council meeting at which the recommendation will be considered.
 - ii. Newspaper Notice: The applicant shall provide public notice of the Highlands Council public hearing on the application and the availability of the Final Report by publication of a legal notice in the newspaper of record for the municipality where the project is located, at the petitioner's expense, at least 10 business days before the Council meeting at which the recommendation will be considered.
 - iii. Notice to Surrounding Property Owners:
 - The applicant shall provide public notice of the Highlands Council public hearing on the application and the availability of the Final Report at least 10 business days before the Council meeting to the owners of all real property as shown on the current municipal tax duplicates, located in the State and within 200 feet in all directions of the property that is the subject of such hearing.
 - Notice shall be given by mailing a copy of the notice by certified mail to the property owner at his or her address as shown on the current tax duplicate at least 10 business days before the Council meeting. A sample form of notice is available from the Highlands Council upon request.
 - 2. Municipal Applicants:
 - i. Where the application is made by a municipality for a Highlands Redevelopment Area with multiple contiguous properties under separate ownership, the municipality (or authorized agent) shall provide notice of the Highlands Council public hearing and the availability of the Final Report to the owners of all real property wholly or partially included within the proposed Highlands Redevelopment Area and to the owners of all real property as

shown on the current municipal tax duplicates, located in the State and within 200 feet in all directions of the proposed Highlands Redevelopment Area. Such notice shall be provided at least 10 business days before the Council meeting at which the recommendation will be considered

- ii. Notice shall be given by mailing a copy of the notice by certified mail to the property owner at his or her address as shown on the current tax duplicate. A sample form of notice is available from the Highlands Council upon request.
- iii. Newspaper Notice: The applicant shall provide public notice of the Highlands Council public hearing on the application and the availability of the Final Report by publication of a legal notice in the newspaper of record for the municipality where the project is located, at the petitioner's expense, at least 10 business days before the Council meeting at which the recommendation will be considered.

(h). Proof of Notice. Upon completion of any public noticing requirements the following shall be submitted to the Highlands Council:

- 1. Copy of form of notice used;
- 2. Property owner notification list;
- 3. An affidavit of proof of service;
- 4. Proof of newspaper publication.

1.6 FINAL DETERMINATION

(a) The Highlands Council shall use its best efforts to approve, approve with conditions, or deny an application requesting a Highlands Redevelopment Area identification within 90 days of deeming the requirements of Section 1.5 above complete, or for good cause, within such additional period of time as the Highlands Council shall notify the applicant in writing is required to complete its review. Should the 90 days elapse with no action being taken by the Highlands Council, the application shall remain active, and no automatic approval of the application shall occur.

(b) In cases where the Highlands Council determines that a proposed Highlands Redevelopment Area is appropriate for redevelopment, the final determination may include specific conditions to restrict any activities that might otherwise occur as a result of the final determination. These conditions may include, but are not limited to: timetables and deadlines within which certain development milestones must be reached, deed restrictions, resolutions from a municipal utilities authority restricting sewage flows, physical limitations on sewer lines and/or pump stations and other mechanisms necessary to preclude secondary impacts that may otherwise result from the identification of the Highlands Redevelopment Area.

(c) Municipal Master Plan Amendment Required:

- 1. In the case of applications involving multiple properties, the municipality shall be required, as a condition of approval of the Highlands Redevelopment Area, to amend the municipal master plan to identify the Highlands Redevelopment Area and to limit future development to the footprint established in the Highlands Redevelopment Area.

2. The amendment shall be adopted in accordance with the standards of the Municipal Land Use Law.

(d) Specific Conditions of Approval:

1. The approval of a Highlands Redevelopment Area designation by the Highlands Council shall be based upon the specific conditions of the property at the time of the approval and those specific details provided in the information provided as part of the application.
2. Should those conditions change, the Highlands Council may reconsider the approval to determine whether the conditions upon which the approval was based are still valid and the designation may be subject to rescission by a vote of the Highlands Council.
3. Should the Highlands Council consider any rescission of a Highlands Redevelopment Area based on any change in the approval conditions, the applicant and current property owner shall be provided with 60 days advance notice to be provided an opportunity to be heard at the scheduled Highlands Council public hearing.

(e) Duration of Highlands Redevelopment Area Approval:

1. The Highlands Council may, based on the specific conditions of any application and in consultation with the applicant, place a reasonable limit on the time frame in which to receive approval of an HPAA with Redevelopment Waiver from the NJDEP.
2. After receiving approval of an HPAA with Redevelopment Waiver from the NJDEP, the duration for the Highlands Council's Highlands Redevelopment Area Designation shall coincide with the HPAA with Redevelopment Waiver issued by NJDEP (including any applicable extensions approved by the NJDEP).

APPENDIX A
NJDEP'S HPAA PRE-APPLICATION CHECKLIST



State of New Jersey
Department of Environmental Protection
Division of Land Use Regulation
PO Box 439
Trenton, NJ 08625-0439
Fax# (609)-777-0456



A HIGHLANDS PRESERVATION AREA APPROVAL PRE – APPLICATION MEETING CHECKLIST

(updated 04/23/07)

A Highlands Preservation Area Approval (HPAA) Pre – Application meeting must be requested if the applicant completes the Department’s voluntary Highlands Application Questionnaire or the checklist for a Highlands Applicability Determination and the applicant indicates or determines that the proposed project requires review by two or more of the regulatory programs listed in N.J.A.C. 7:38-8.1(a); or the if applicant is requesting any of the waivers at N.J.A.C. 7:38-6.4. This includes any site that is regulated pursuant to the Highlands Water Protection and Planning Act.

NOTE: Please provide only one copy of each item listed below, unless the item specifically states that more copies should be provided.

NOTE: The person who signs the LURP-2 form as the applicant must be the owner of the site, or a person with legal authority over the site to carry out all requirements of any authorization issued. Others may assist the applicant in preparing the application, and may be identified in the application as the applicant’s agent. For example, the applicant may be a person who is under contract to buy the site. However, the applicant may not be a consultant, engineer, attorney, or other person who has assisted in preparing the application but who does not have legal authority to carry out the project that is the subject of the application.

NOTE: If any portion of this site is known or suspected to contain any contamination, the applicant shall provide any and all information regarding said contamination to this office together with the associated permit application.

APPLICATION REQUIREMENTS

- ___ 1. Two copies of the LURP-2 application form, completed in accordance with the directions on the form;

- ___ 2. The appropriate fee, indicated in the Highlands Fee Schedule, paid as follows:
 - The fee shall be paid by personal check, certified check, attorney check, government purchase order, or money order;
 - For all projects the fee shall be made payable to “**Treasurer, State of New Jersey**”;
 - Each check, purchase order, or money order must be marked with the name of the applicant;

___ 3. A project description and a list of each regulatory program that will need to review the project, to the best of your knowledge;

___ 4. Two copies of a plan view of the project;

___ 5. Two copies of the tax lot and block of the site on which the project is located;

___ 6. Two copies of a United States Geological Survey quadrangle map on which the project location is marked;

___ 7. Provide the information at 7A OR 7B below:

___ A. A copy of the Highlands Applicability and Water Quality Management Plan Consistency Determination (Applicability Determination) issued by the Department if one has been issued for the project; **or**

___ B. In cases where an applicant does not have an Applicability Determination and will be stipulating under N.J.A.C. 7:38-2.4(a) that the proposed activity is subject to the Highlands Act, a statement explaining why the applicant believes the project or activity is subject to the Highlands Act.

___ 8. Provide the following information on the proposed method and amount of wastewater treatment and water supply for the proposed project or activity:

___ A. Total acreage of project site: _____

___ B. Provide a narrative description of the proposed project or activity;

___ C. Projected Wastewater Flow:

No wastewater is generated from this project/activity

TYPE of DEVELOPMENT (check and complete all that apply):

Residential
Type of Dwelling Units _____
Number of Dwelling Units _____
Bedrooms Per _____

Commercial/Institutional
Total Square Footage of Structures _____
Maximum Building Occupancy _____
Specify Type of Establishment _____

Industrial
Total Square Footage of Structures _____
Maximum Building Occupancy _____
Specify Type of Establishment _____

Other
Total Square Footage of Structures _____
Specify Type of Establishment _____

_____ D. Proposed Method of Wastewater Treatment (check as indicated):

- 1. Individual Subsurface Sewage Disposal Systems < 2,000 gallons per day
- 2. New Discharge to Ground Water \geq 2,000 gallons per day
- 3. Conveyance to an existing wastewater treatment facility (DGW or DSW):
Name and Location of Facility: _____

NJPDES Permit #: _____
Permitted Capacity: _____

_____ E. Proposed Water Supply Source (Check one of the following):

- 1. Public Water System
 - Existing Proposed
- 2. Non-Public Water Systems (Individual Wells)
 - _____ Number of wells from a confined aquifer
 - _____ Number of wells from an unconfined aquifer

_____ F. If you checked public water system, complete the following. If you checked non-public, skip to number 9.

Name of Purveyor: _____

Check appropriate box to indicate type of water source:

- Reservoir Surface Water Intake Confined aquifer
- Unconfined Aquifer diversion with a passing flow requirement
- Unconfined Aquifer diversion without a passing flow requirement

Name of source waterbody or aquifer: _____

Location of Diversion (Municipality and street, if applicable): _____

Water Allocation Permit or Water Use Registration Number associated with diversion: _____

_____ G. Will the existing Water Allocation Permit or Water Use Registration need to be modified to increase the allocation or will a new Water Allocation Permit or Water Use Registration be needed to meet the anticipated water supply demand for the project/activity during the planning period? (Check Appropriate Box)

- Existing Water Allocation Permit will not require modification

- Existing Water Use Registration will not require modification
- Increase in existing Water Allocation Permit
- New Water Allocation Permit
- New Water Use Registration

- ___ 9. A copy of any Highlands Resource Area Determination (HRAD) or Letter of Interpretation (LOI) issued for the site. If no HRAD has been issued, the general location of Highlands open waters and buffers, upland forested areas and steep slopes on the site in relation to the proposed project;
- ___ 10. A copy of the appropriate Soil Conservation Service map(s) on which the project location is marked; and
- ___ 11. A copy of the data request letter obtained from the Natural Heritage Program pursuant to N.J.A.C. 7:38-4.1(d)3ii. (A data request application form can be found at www.nj.gov/dep/parksandforests/natural/heritage/datareq.html)

APPENDIX B

Highlands Council Municipal Project Review Digital Plan Submission Standards

Purpose

To facilitate project review by the Highlands Council, a submittal of digital mapping files is required. This specific requirement exists in addition to the submission of other required material, such as reports or correspondence, as specified in *Application for Consistency Determination*. The objective is to obtain relevant development plan information, in a digital format, to expedite staff review when using Highlands Council digital data.

Transmittal

For the initial submission, all files shall be submitted on a CD or DVD. An email submittal may also occur to expedite review, but does not waive the CD/DVD requirement. Subsequent revisions or amendments may be submitted via email.

Requirements

The following information shall be submitted in the digital formats, as noted below. Where a Geographical Information System (GIS) shapefile format (.shp) is specified, all files must be ESRI-compatible and geo-referenced using the New Jersey State Plane Coordinate System. The batch export of an entire CAD file containing extraneous layers (e.g., survey points) is not acceptable. The relevant layers must be exported into individual shapefiles containing the required information, as noted below.

- 1) A complete plan set shall be submitted as a single file in the most recent version of Adobe Acrobat® (.pdf) format, with each plan sheet representing a page within the document; and
- 2) A shapefile shall be submitted showing the limits of site disturbance, including both temporary and permanent disturbances; and
- 3) A shapefile shall be submitted showing the full extent of proposed development (inclusive of building footprints, roadways, stormwater infrastructure, and utility infrastructure); and
- 4) A shapefile shall be submitted indicating existing parcel boundaries and proposed lot line adjustment or subdivisions (if any).
- 5) Projects that will disturb less than two (2) acres and will create less than one (1) acre of net impervious surface may be submitted as geo-referenced CAD files in lieu of the ESRI Shape files.

If you should have any questions regarding these standards, please contact the Highlands Council at:
(908) 879-6737

Appendix C – Definitions

Highlands Brownfield – Any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been or there is suspected to have been, a discharge or contaminant that has received a Highlands brownfield site designation from the NJDEP pursuant to N.J.A.C. 7:38-6.6. There are three tracks identified by the NJDEP under which a site may be designated as a Highlands Brownfield, provided that the contamination onsite is not the result of a current or previous agricultural use:

1. Track One addresses sanitary landfill sites;
2. Track Two addresses sites that have already met the NJDEP remediation requirements and legally disturbed areas as of August 10, 2004; and
3. Track Three addresses sites with suspected or confirmed onsite contamination that have not yet received a No Further Action letter.

Highlands Resource Areas - Those features of the Highlands that merit special protection pursuant to N.J.S.A. 13:20-1 et seq. and the protection policies and objectives of the Regional Master Plan including, but not limited to: Highlands open waters and buffers; flood hazard areas; steep slopes; forested areas; rare, threatened or endangered species habitat; rare or threatened plant habitat; areas with historic or archaeological features; and unique or irreplaceable land types (N.J.A.C. 7:38).

Highlands Preservation Area Approval – A Highlands Preservation Area Approval (HPAA) means a permit from the NJDEP to engage in a regulated activity in the Highlands Preservation Area issued pursuant to the Highlands Act (N.J.A.C. 7:38).

Highlands Preservation Area Approval with Redevelopment Waiver – The Highlands Act features a provision that may allow for a waiver of any provision of a Highlands permitting review on a case-by-case basis for redevelopment in certain previously developed areas in the Preservation Area. A redevelopment waiver applies when a site is a NJDEP Highlands brownfield-designated site (N.J.A.C. 7:38-6.6) or when the Highlands Council identifies a site at which at least 70 percent of the area thereof is covered with impervious surface (N.J.A.C. 7:38-6.7). Thus, an applicant must obtain a *Highlands Preservation Area Approval with Redevelopment Waiver*.

Highlands Redevelopment Area – Means land areas designated as such by the Highlands Council that are brownfields, grayfields, and/or other previously developed areas within the Highlands Region (Highlands Regional Master Plan).

Highlands Resource Area Determination (HRAD) – A process to identify and/or verify the location of any Highlands resource area features that are subject to the protection requirements under N.J.A.C. 7:38. The HRAD is not a permit, but rather a process intended to confirm the presence, absence or location of a Highlands resource area on or adjacent to a site (N.J.A.C. 7:38).

Impervious Surface – Any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes, but is not limited to, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements (C.13:20-3).