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Press Release

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Highlands Council Conducts Analysis of Highlands Act Exemptions

Chester, NJ - The Highlands Council today released a revised analysis of the extent of four of the major exemptions provided for in the Highlands Act. This is a revision of the analysis released last week. Two of the exemptions permit the construction of a single-family dwelling on an undeveloped parcel that lawfully existed as of August 10, 2004, the enactment date of the Highlands Act. The third allows for the reconstruction and limited expansion of any building or structure for any reason within 125% of the original footprint, provided that the reconstruction does not increase the impervious surface by one-quarter acre or more. And the fourth exemption permits an improvement to a single family dwelling in existence on August 10, 2004, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system.

The purpose of the exemption analysis is to provide county and municipal officials with an understanding of the amount of development that may be exempted under the Highlands Act. The acres and numbers reported by the Highlands Council will be subject to review and consideration by county and municipal officials during the Regional Master Plan conformance process. For purposes of the analysis, the Council examined tax assessment data for the period January 10, 2004 through January 9, 2005. This revised analysis eliminates the double-counting of parcels that have multiple tax assessment records, which would otherwise increase the number of potentially exempt parcels. Executive Director Eileen Swan noted “As with previous analyses conducted by the Highlands Council, we welcome input from county and municipal officials, as well as the public, to aid the Council in groundtruthing its work and ensuring a Regional Master Plan that reflects real world circumstances.”

The analysis reveals that there are **20,914** undeveloped parcels throughout the Highlands Region that have the potential to exercise one of the exemptions for the construction of a single-family dwelling. Significantly, those parcels that are currently zoned residential may be able to exercise the single-family dwelling exemptions without having to seek either a zoning change or use variance. Region-wide there are **17,900** such parcels comprising **108,197.69** acres in the Highlands Region.

It is also important to understand that this analysis is not an examination of the extent of developable land within the Highlands Region. For example, the analysis focusing on Exemptions 1 and 2 does not eliminate parcels on the basis of their potential inability to be developed under

existing, non-highlands related Department of Environmental Protection (“NJDEP”) rules or municipal zoning and development regulations. Additionally, neither existing environmental conditions nor municipal zoning and development regulations are considered in the analysis of Exemptions 4 and 5. As such, this analysis merely highlights the number of parcels that may be exempt under the Highlands Act. Whether those exemptions may actually be exercised will be governed by other State and municipal regulations.

Lastly, it should be noted that some amount of development may occur in the Highlands Preservation Area without the use of an exemption. Where a project is able to satisfy the environmental standards of NJDEP’s Highlands rules and municipal zoning and development regulations, construction and or subdivision may take place.

In August 2004, the New Jersey Legislature enacted the Highland Water Protection and Planning Act in order to protect nearly 860,000 acres which supply drinking water for more than sixty-five percent of New Jersey’s residents. The Highlands Act created the Highlands Council as a regional planning entity charged with protecting the water resources and natural beauty of the New Jersey Highlands while allowing for planned, sustainable development and redevelopment of the region. The Council members include a broad and representative range of elected officials from Highlands municipalities and counties, as well as individuals with diverse backgrounds and area perspectives.

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