

RESOLUTION 2014-32
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
DETERMINATION ON APPLICATION FOR HIGHLANDS REDEVELOPMENT
AREA DESIGNATION FOR
BLOCK 201, LOTS 1 THROUGH 6; BLOCK 202, LOT 2
BOROUGH OF OAKLAND, BERGEN COUNTY

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, Section 9 and 11 of the Highlands Act, N.J.S.A. 13:20-9.b. and N.J.S.A. 13:20-11.a.(6)(h), specifies that in preparing the Highlands Regional Master Plan (RMP), the Highlands Council may, in conjunction with municipalities in the Preservation Area, identify areas in which redevelopment shall be encouraged and shall identify areas appropriate for redevelopment in order to promote the economic well-being of the municipality, provided that the redevelopment conforms with the goals of the Preservation Area and the Highlands Act, with the rules and regulations adopted by the Department of Environmental Protection (NJDEP), and further, that any area so identified for possible redevelopment shall be either a brownfield site designated by the NJDEP or a site at which at least 70% of the area thereof is covered with impervious surface; and

WHEREAS, Section 35 of the Highlands Act, N.J.S.A. 13:20-33.b.(2), authorizes NJDEP to grant 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 Areas identified by the Highlands Council pursuant to Section 9.b. or Section 11.a.(6)(h); and

WHEREAS, the NJDEP has adopted rules at N.J.A.C. 7:38-1.1 et seq. (Highlands Rules) governing the NJDEP's review of projects in the Highlands Region; and

WHEREAS, the Highlands Rules, at N.J.A.C. 7:38-6.4, specifies that as provided for in Highlands Act, the NJDEP may waive any provision of the rules for redevelopment in certain previously developed areas in the Preservation Area identified by the Highlands Council pursuant to the Highlands Act; and

WHEREAS, the Highlands Council prepared and adopted Procedures for Highlands Redevelopment Areas Designation (Procedures) by Resolution 2008-43 dated October 30, 2008; and

WHEREAS, the Applicant, DR Mullen, submitted a Petition for Block 201 Lots 1-6 and Block 202 Lot 2, Borough of Oakland, Bergen County, for a Highlands Development Area Designation; and

WHEREAS, the Highlands Council deemed the application administratively complete on October 10, 2014; and

WHEREAS, on October 27, 2014, Highlands Council staff conducted a field survey that entailed review and inspection of the vicinity of the area proposed by the Applicant as a Highlands Redevelopment Area, including the "shot rock" area as designated on the plan titled "West Oakland Industrial Park Redevelopment (Area #1) Edison Avenue in the Borough of Oakland, Bergen County, New Jersey" – latest Revision Date – 12/12/12; and

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WHEREAS, the site inspection report details the findings of the October 27, 2014 field survey and includes photographs of the existing land conditions for the area identified as “shot rock” and proposed redevelopment area; and

WHEREAS, after the field survey, impervious surface within the proposed Highlands Redevelopment Area was calculated by Highlands staff, and it was determined that the impervious cover is only approximately 60% of the proposed Highlands Redevelopment Area; and

WHEREAS, the Highlands Act, the NJDEP rules and regulations, the RMP, and the Highlands Council Procedures, require that any area so identified for possible redevelopment shall be either a brownfield site designated by the NJDEP or a site at which at least 70% of the area thereof is covered with impervious surface; and

WHEREAS, the Applicant did not meet the above-referenced criteria for qualifying for a Highlands Redevelopment Area Designation; and

WHEREAS, based on the above-reference field survey, and further review, staff has determined that this area does not meet the definition of a “Highlands Redevelopment Area” as found in the RMP, Part 6, Subpart D that states “Redevelopment is a planning tool that converts underutilized areas, brownfields, and grayfields into new land uses through structure replacement, infill, and adaptive reuse approaches”; and

WHEREAS, RMP Goal 6J, and Policies 6J1, 6J2 and 6J3 further clarify that the purpose of redevelopment is to permit the development of previously developed areas; and

WHEREAS, in the RMP and Procedures, “Highlands Redevelopment Areas” means areas designated as such by the Highlands Council that are brownfield, grayfields, and/or other previously developed areas within the Highlands Region; and

WHEREAS, After reviewing the application and the field survey report, Highlands Council staff determined that the proposed project would not result in the redevelopment of previously developed areas, but rather, would result in new development in previously undisturbed areas; and

WHEREAS, Highlands Council staff has determined that, in addition to not meeting the 70% impervious surface criteria, the application does not meet the criteria for development of previous developed areas required by the Highlands Redevelopment Area Designation Procedures and RMP; and

WHEREAS, after Highlands Council staff review, it was determined that the proposed project does not meet the criteria for a Highlands Redevelopment Area designation; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy

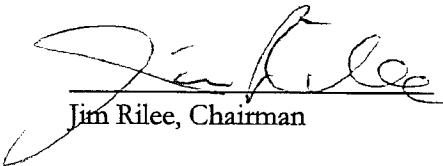
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of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED, the Highlands Council hereby determines that the application submitted by DR Mullen – Block 201 Lots 1-6 and Block 202 Lot 2, Borough of Oakland, Bergen County for a Highlands Redevelopment Area Designation does not meet the applicable criteria and, as such, said application is hereby rejected.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 4th day of December, 2014.


 Jim Rilee, Chairman

Vote on the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			✓			
Councilmember Carluccio	✓		✓			
Councilmember Dougherty			✓			
Councilmember Dressler			✓			
Councilmember Francis				✓		
Councilmember Holtaway						✓
Councilmember James		✓	✓			
Councilmember Richko						✓
Councilmember Sebetich			✓			
Councilmember T'fank			✓			
Councilmember Visioli						✓
Councilmember Vohden				✓		
Councilmember Walton				✓		
Chairman Rilee			✓			