

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING
COUNCIL DETERMINATION ON APPLICATION FOR HIGHLANDS
REDEVELOPMENT AREA DESIGNATION FOR BOROUGH OF
BLOOMSBURY, HUNTERDON COUNTY, BLOCK 32, LOT 1.01**

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 New Jersey 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 the 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, Stem Brothers, Inc., submitted a Petition for Block 32 Lot 1.01 Borough of Bloomsbury, Hunterdon County, for a Highlands Development Area Designation; and

WHEREAS, the Highlands Council deemed the application administratively complete on January 10, 2017; and

WHEREAS, the Highlands Council released the Highlands Council Staff Draft Recommendation Report dated January 25, 2017 for public comment, and

WHEREAS, the Highlands Council held a public comment period concerning the proposed Highlands Redevelopment Area Designation commencing January 26, 2017 and ending February 3, 2017; and

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WHEREAS, the Highlands Council duly considered the Draft Recommendation Report and all public comments on the proposed Highlands Redevelopment Area Designation; and

WHEREAS, after Highlands Council staff review, staff recommended that the Highlands Council approve the proposed Highlands Redevelopment Area Designation with the following conditions set forth in the Highlands Council Staff Final Recommendation Report, dated February 13, 2017 which is incorporated by reference into this resolution:

1. Phased geotechnical investigation;
2. Highlands Redevelopment Area Designation waiver with mitigation for the Prime Ground Water Recharge Area provisions of the RMP;
3. Applicant commits to ensuring on-site enhanced ground water recharge;
4. Compliance with NJDEP stormwater regulations;
5. NJDEP waiver for greater than 3% impervious surface;
6. Conservation restriction on remainder of undeveloped property; and
7. Adopted Highlands Referral Ordinance will require Highlands Council consistency review of permitted project; 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 of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to the 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

- (1) Adopts the findings of fact and conclusions based thereon set forth in the Final Recommendation Report, dated February 13, 2017, as supplemented on May 19, 2017; and
- (2) Based on said findings of fact and conclusions, approves the Block 32, Lot 1.01 Borough of Bloomsbury, Hunterdon County, Highlands Redevelopment Area Designation with conditions as set forth in the Final Recommendation Report and recited above; and
- (3) Authorizes the Executive Director to prepare a document informing the NJDEP of the Highlands Redevelopment Area Designation.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on 15th day of June, 2017.



Jim Rilee, Chairman

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Vote on the Approval of The 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 Tfank	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	_____	_____	✓	_____	_____
Councilmember Vohden	_____	✓	✓	_____	_____	_____
Councilmember Walton	✓	_____	✓	_____	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____