

Highlands Area Municipal Exemption Determination Certification Program Manual

A Joint Program Developed and Provided by the:

State of New Jersey
Highlands Water Protection and Planning Council
&
New Jersey Department of Environmental
Protection



June 2023

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Introduction

The purpose of this document is to set forth the procedural and substantive requirements by which a municipality may issue exemption determinations under the Highlands Act in accordance with the July 19, 2012 Memorandum of Understanding (MOU) (Appendix A) between the Highlands Water Protection and Planning Council (Highlands Council) and the New Jersey Department of Environmental Protection (NJDEP). The decision of any municipality to participate in the certification process is voluntary.

Exemption determinations indicate whether proposed activities, improvements or development projects affecting lands located within the municipalities' Highlands Areas are exempt from the Highlands Water Protection and Planning Act ("Highlands Act," N.J.S.A. 13:20-1 et seq.), and are therefore exempt from the Highlands Water Protection and Planning Act Rules ("Highlands Rules," N.J.A.C. 7:38-1 et seq.), and from any Highlands Area land use ordinance adopted by the municipality pursuant to approval of a Petition for Plan Conformance by the Highlands Council.

The Highlands Area Municipal Exemption Determination Certification Program ("the Certification Program") is designed to certify both conforming municipalities and the individuals designated by the municipality to serve as "Exemption Designees." Municipal Issued Exemptions apply only to select Highlands Act exemptions specified in the MOU (Exemptions 1, 2, 4, 5, 6, 7 and 8). All of these exemptions are potentially applicable where relief from the NJDEP Highlands Rules is sought. Only Exemptions 4, 6, 7, and 8 will have potential applicability where relief is sought from the Highlands Area Land Use Ordinance. Exemptions 1, 2, and 5 are unnecessary since the revised model Highlands Land Use Ordinance **will not apply to** development of, or improvements to, **a single family home**.

Once an exemption designee has issued an exemption, he/she must file a copy with the Highlands Council within ten (10) business days, as required by the MOU. The Highlands Council is responsible for tracking all exemptions issued under the authority of the MOU. Additional details regarding the filing process are explained in Appendix B.

To aid members of the public in determining if their project falls within the jurisdiction of this program, information regarding municipalities that have been certified is available on the Highlands Council website (see Appendix D). In addition, landowners and other professionals may use the Highlands Council's Interactive Map to help identify properties and their relationship to the Highlands Act (Appendix D). This manual also includes a document created by NJDEP, "A Municipal Role to Implementing the Highlands Water Protection and Planning Act" (Appendix E), which participants may find useful (see page 3 regarding exemptions).

The Certification Program does not authorize municipalities to issue exemption determinations in regard to projects or improvements proposed by other local government units, or pertaining to its own lands or facilities, or to any other publicly owned or controlled land or facility. For any capital or other project of a State entity or local government unit, Highlands Act exemption determinations may be obtained only from the NJDEP for lands located in the Preservation Area or from the Highlands Council for lands in the Planning Area.

Contact Information

The point of contact for each State Agency is indicated below.

NJDEP – Preservation Area Contact – Michael Tropiano

Email: michael.tropiano@dep.nj.gov

Phone: (609) 984-3873

Highlands Council – Planning Area Contact – Maryjude Haddock-Weiler

Email: maryjude.haddock-weiler@highlands.nj.gov

Phone: (908) 879-6737

Certification Program Overview

A. Municipal Certification

1. Plan Conformance Required – The Certification Program is only available to municipalities for which the Highlands Council has approved a Petition for Plan Conformance. For municipalities conforming for Planning Areas, the Program will apply only after adoption of the Planning Area Petition Ordinance.
2. Highlands Area Exemption Ordinance Required – The Highlands Council has provided a model Highlands Area Exemption Ordinance, which must be prepared for each municipality individually and approved by the Highlands Council prior to adoption.
 - a) Appointment of qualified exemption designee
 - b) Establishment of Fees (Optional)
 - c) Application Form (Appendix B)
3. Planning Area – Exemptions do not apply to Planning Area projects until or unless a municipality has adopted a Highlands ordinance imposing Highlands related requirements.
 - a) Highlands Referral Ordinance; or
 - b) Highlands Area Land Use Ordinance
4. Preservation Area – Exemptions will apply immediately with regard to NJDEP Highlands Rules but will only apply to projects governed under a Highlands Referral Ordinance or Highlands Area Land Use Ordinance, after the municipality has adopted one of these.
5. Definition of Major Highlands Development – “Major Highlands development” means:
 - (1) any non-residential development in the Preservation Area;
 - (2) any residential development in the Preservation Area that requires an environmental land use or water permit or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more;
 - (3) any activity undertaken or engaged in the Preservation Area that is not a development but results in the ultimate disturbance of one-quarter acre or more of forested area or that results in a cumulative increase in impervious surface by one-quarter acre or more on a lot; or
 - (4) any capital or other project of a state entity or local government unit in the Preservation Area that requires an environmental land use or water permit or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more.

Major Highlands development shall not mean an agricultural or horticultural development or agricultural or horticultural use in the Preservation Area.

B. Exemption Designee Certification

Qualified exemption designees may only begin issuing exemption determinations after:

1. The proposed exemption designee completes the certification program,
2. The municipality adopts the Highlands Area Exemption Ordinance, and
3. The Highlands Council issues a certification to the exemption designee.

C. Filing Municipally Issued Exemptions **within 10 days of Issuance.**

Please mail hard copy to:

Highlands Council

100 North Road

Chester, NJ 07930

Or

Email: highlands@highlands.nj.gov

Highlands Area Exemption Ordinance Overview

See Appendix F for model ordinance. Key sections are highlighted below.

Applicability

- Highlands Conformance Area only
- Preservation Area, Planning Area, both

Eligible Exemptions

- Highlands Act Exemptions 1, 2, 4, 5, 6, 7 and 8
- State agency determinations required for all other Highlands Act Exemptions
- State agency determinations required in the case of any capital or other project or improvement of any State entity or local government unit, including those of the subject municipality

Exemption Designee – Designated by title, not individual. Highlands Council urges the appointment of more than one officer to ensure availability. The designee will be an individual who has satisfactorily completed, or is expected to complete in the near future, the Certification Program. The designation is not transferrable to any other individual.

Procedures/Timing/Notice of Determination – Municipality to customize.

Deed Notice Requirement for Exemption 2 – A model deed notice is included in Appendix C.

Appeals – Any aggrieved party may appeal a municipal exemption determination within 20 days of issuance, per the MOU. Appeals relating to Preservation Area projects must be filed with the NJDEP; for Planning Area, with the Highlands Council.

Submission Requirements – Appendix B (Exemption Determination Application Templates and Instructions) outlines required submittals. Please note the Exemption Determination Application templates are intended to be customized for each municipality.

Specific Review/Determination Procedure by Exemption

See Appendix H for examples.

Exemption #1 – The construction of a single family dwelling for an individual’s own use or the use of an immediate family member on a lot owned by the individual on August 10, 2004 or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.

Important Criteria:

- Lot existed as of August 10, 2004;
- Lot owned by applicant as of August 10, 2004; or under contract for purchase by May 17, 2004;
- For individual’s own use or that of “immediate family member”

What municipal official must determine:

- Location of lot in the Preservation Area; and
- Existence of legal lot prior to August 10, 2004;
- Ownership of lot on dates listed above; and
- Planned use for self or immediate family member (see Highlands Area Exemption Ordinance Article 2: Definitions)

Exemption #2 – The construction of a single family dwelling on a lot in existence on August 10, 2004. Construction under this exemption may not result in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more.

Important Criteria:

- Lot existed as of August 10, 2004;
- Is construction within development constraints?

What municipal official must determine:

- Location of lot in the Preservation Area; and
- Existence of legal lot prior to August 10, 2004; and
- Proposed house to be constructed within development constraints (less than one acre of disturbance and less than ¼ acre of cumulative increase in impervious surface – 10,890 square feet)

Additional Requirements:

Municipal Exemption Determinations authorizing applicants to proceed under Highlands Act Exemption 2 must require a Deed Notice (Appendix C), to be filed with the County Clerks' office, providing for the protection of the balance of the applicant's property.

Exemption #4 – The reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more. This exemption shall not apply to the reconstruction of any agricultural or horticultural building or structure for a non-agricultural or non-horticultural use.

Important Criteria:

- Footprint of the lawfully existing impervious surfaces;
- The MLUL definition of structure is used for this exemption;
- The applicable date of lawful existence shall coincide with
 - For the Preservation Area, the date of enactment of the Highlands Act, August 10, 2004; and
 - For the Planning Area, the effective date of the Highlands Checklist Ordinance or Highlands Area Land Use Ordinance, whichever is earlier.

What municipal official must determine:

- Location of site in Preservation Area or Planning Area;
- Extent of lawfully existing impervious surface prior to applicable date;
- Proposed impervious surface is within 125% of lawfully existing impervious surface; and
- The project must **not** result in a total increase of a ¼ acre or more of impervious surface – increase in impervious surface must be **less than** 10,890 square feet.

Important Information:

This exemption shall not be construed to permit multiple 125% footprint expansions, but rather to permit one or more reconstruction activities cumulatively resulting in a maximum 125% increase in the footprint of the impervious surfaces lawfully existing on the site, provided they do not cumulatively exceed the one-quarter acre limitation. Removal of existing impervious surfaces can be credited **only** to the one-quarter acre limitation.

Exemption #5 – Any improvement to a lawfully existing single family dwelling in existence on the date of enactment of the Highlands Act (August 10, 2004). These improvements shall include, but not be limited to, an addition, garage, shed, driveway, porch, deck, patio, swimming pool or septic system.

Important Criteria:

- Single family house existed as of August 10, 2004;

What municipal official must determine:

- Location of lot in Preservation Area;
- Lawful existence of the single family home; and
- Improvement proposed is related to existing single family dwelling.

Exemption #6 – Any improvement, for non-residential purposes, to a place of worship owned by a nonprofit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on the date of enactment of the Highlands Act (August 10, 2004). These improvements shall include, but not be limited to, new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility.

Important Criteria:

- Place of worship, public/private school, or hospital existed on the site as of August 10, 2004;

What municipal official must determine:

- Location of lot in Preservation Area or Planning Area;
- Existence of place of worship, public or private school, or hospital as of August 10, 2004;
- For places of worship, evidence of nonprofit status;
- Proposed improvement is not for residential purposes.

Exemption #7 – An activity conducted in accordance with an approved woodland management plan pursuant to section 3 of the “Farmland Assessment Act,” P.L.1964, c.48 (C.54:4-23.3) or the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester.

Important Criteria:

- Forest Management Plan approved by the State Forester

What municipal official must determine:

- Proposed activity is part of a Forest Management Plan approved by the State Forester

Exemption #8 – The construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.

Important Criteria:

- Proposed trail construction with non-impervious surface

What municipal official must determine:

- Proposed trail construction will use non-impervious materials
- Proposed trail construction will be located on privately owned lands where a conservation or recreational use easement has been established; the municipality shall not issue Exemption 8 for any municipal or publicly owned lands.

Appendix A. NJDEP/Highlands Council MOU

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL AND
THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**REGARDING THE MUNICIPAL ISSUANCE OF CERTAIN EXEMPTION
DETERMINATIONS**

THIS MEMORANDUM OF UNDERSTANDING, dated this 19th day of July, 2012, is entered into by and between the Highlands Water Protection and Planning Council ("Highlands Council" or "Council") and the New Jersey Department of Environmental Protection ("NJDEP") to further the cooperative planning process consistent with the legislative mandate set forth in the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq. ("Highlands Act"); and

WHEREAS, the Highlands Act defines the Highlands Region and divides it into the Preservation Area and the Planning Area as defined by Section 7 of the Highlands Act, N.J.S.A. 13:20-7; and

WHEREAS, pursuant to Sections 33 and 34 of the Highlands Act, N.J.S.A. 13:20-31 and -32, the NJDEP adopted rules and regulations at N.J.A.C. 7:38-1.1 et seq., Highlands Water Protection and Planning Act Rules ("Highlands Rules"), establishing the environmental standards for the Preservation Area; and

WHEREAS, pursuant to N.J.S.A. 13:1D-9 (g) and (q), the NJDEP has the power to contract with any other public agency or corporation incorporated under the laws of this State to aid in coordinating State, regional, and local plans and programs concerning conservation and environmental protection; and

WHEREAS, pursuant to Sections 8 and 9 of the Highlands Act, N.J.S.A. 13:20-8 and -9, the Highlands Council adopted the Regional Master Plan ("RMP") for the entire Highlands Region including both the Preservation Area and the Planning Area consistent with the goals and standards of the Highlands Act; and

WHEREAS, pursuant to Section 30 of the Highlands Act, N.J.S.A. 13:20-28, there are seventeen categories of development or land use activity that are deemed exempt from the provisions of the Highlands Act, the RMP, any rules or regulations adopted by the NJDEP pursuant to the Highlands Act, and any amendments to a master plan, development regulations, or other regulations adopted by a local government unit to specifically conform them with the RMP; and

WHEREAS, pursuant to Section 30 of the Highlands Act, N.J.S.A. 13:20-28, all seventeen exemptions are applicable to development in the Preservation Area, while fifteen exemptions are applicable to development in the Planning Area (exemptions # 3 and 17 do not apply to the Planning Area because they apply only to "major Highlands development" which, by definition, is limited to certain development projects in the Preservation Area); and

WHEREAS, the NJDEP's Highlands Rules incorporate all seventeen statutory exemptions for the Preservation Area and provide for the NJDEP to issue Highlands Applicability Determinations as to whether a proposed development or activity is exempt from the Highlands Act; and

WHEREAS, pursuant to Section 8 of the Highlands Act, the Highlands Council incorporated the seventeen exemptions in Objective 7F1a of the RMP and specified, in Objective 7F1e, that exemptions # 3 and # 17 are limited to specified development projects in the Preservation Area; and

WHEREAS, Objective 7F1g of the RMP specifies that "Highlands municipalities and counties may not issue Highlands Act exemption determinations. Delegation of Highlands Act exemption determinations, in the Highlands Region, may be authorized for conforming municipalities and counties through specific delegation approvals issued by the Highlands Council and the NJDEP"; and

WHEREAS, Sections 14 and 15 of the Highlands Act, N.J.S.A. 13:20-14 and -15, establish the conformance process whereby municipalities in the Highlands Region bring master plans and development regulations into conformance with the goals, requirements, and provisions of the RMP; and

WHEREAS, Section 18 of the Highlands Act, N.J.S.A. 13:20-18, authorizes the Highlands Council to make available grants and other financial and technical assistance to municipalities and counties to facilitate conformance with the RMP, pursuant to which the Highlands Council established an active grants program by which it provides funds for projects that promote the goals of the Highlands Act or further the RMP; and

WHEREAS, the Highlands Council and the NJDEP collaboratively examined the seventeen Highlands Act exemptions, discussed which exemptions are appropriate to be issued by Conforming Municipalities, as hereinafter defined, and agreed that seven of the seventeen exemptions, specifically exemptions # 1, 2, 4, 5, 6, 7, and 8 (collectively, the "Municipal Issued Exemptions"),¹

¹ The Municipal Issued Exemptions are:

1. Construction of a single-family dwelling, for an individual's own use or the use of an immediate family member, on a lot owned by the individual on August 10, 2004 or on a lot for which an individual has, on or before May 17, 2004, entered into a binding contract of sale to purchase that lot;
2. Construction of a single-family dwelling on a lot in existence on August 10, 2004, provided that construction does not result in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more;
4. Reconstruction for any reason of any building or structure within 125 percent of the footprint of the lawfully existing impervious surfaces on the site on August 10, 2004, provided that the reconstruction or development does not increase the lawfully existing impervious surface by one-quarter acre or more. This exemption shall not apply to the reconstruction of any agricultural or horticultural building or structure for a non-agricultural or non-horticultural use;
5. Any improvement to a lawfully existing 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 as long as the improvement maintains the use as a single-family dwelling as defined by code or ordinance in the municipality in which the dwelling is located and does not permit use of the structure as a multiple unit dwelling;

may be issued by those municipalities where a Petition for Plan Conformance has been approved or approved with conditions by the Highlands Council regarding the Preservation Area, Planning Area, or both ("Conforming Municipalities"); and where such Conforming Municipalities, by ordinance, establish appropriate procedures and requirements governing the review and issuance of such determinations.

NOW THEREFORE, in consideration of the principles, assurances, and premises contained in this Memorandum of Understanding, the Highlands Council and the NJDEP do hereby agree to the following:

- A. The Highlands Council and the NJDEP shall establish a cooperative and collaborative process to enable Conforming Municipalities to review and issue exemption determinations for the Municipal Issued Exemptions in accordance with the requirements of the Highlands Act and the NJDEP's implementing regulations.
 - B. The Highlands Council and the NJDEP shall collaboratively develop and implement a Highlands Exemption Training Program for Conforming Municipalities. Grant funding for the reasonable costs for municipal participation in the Highlands Exemption Training Program may be provided by the Highlands Council in accordance with the Highlands Act.
 - C. Conforming Municipalities shall prepare and adopt a Highlands Exemption Ordinance based on the model ordinance to be prepared by the Highlands Council. The Highlands Exemption Ordinance shall apply to all applications submitted to and under the jurisdiction of the Conforming Municipality, seeking approvals for projects and activities affecting the use and development of land within the conformance area of the Conforming Municipality. The Highlands Exemption Ordinance shall:
 1. Recognize that the Conforming Municipality may issue exemption determinations under the Highlands Act for the Municipal Issued Exemptions;
 2. Require that such exemption determinations be issued to applicants in a timely fashion, in writing, inclusive of a statement indicating the basis for the final decision;
 3. Require that the Conforming Municipality provide a copy of each exemption application and municipal exemption determination be provided to the Highlands Council and to the NJDEP within ten (10) business days of the date of issuance;
-
6. Any improvement, for non-residential purposes, to a place of worship owned by a non-profit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on August 10, 2004, including, but not limited to, new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility;
 7. Any activity conducted in accordance with an approved woodland management plan issued pursuant to the Farmland Assessment Act, N.J.S.A. 54:4-23.3, or the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester; and
 8. The construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established and filed with the deed for the lots on which the easement exists.

4. Provide that municipal exemption determinations by a Conforming Municipality may be appealed to the Highlands Council for applications involving lands in the Planning Area and to the NJDEP for applications involving lands in the Preservation Area by any affected party within twenty (20) days of the effective date of the Conforming Municipality's issuance of the exemption determination. The Highlands Council and the NJDEP shall examine any such exemption appeals based upon a de novo review; and
 5. Provide that, for any applicant who receives a municipal exemption determination from a Conforming Municipality and is required to obtain a Highlands Applicability Determination pursuant to N.J.A.C. 7:38-2.4(b), the NJDEP will review the municipal determination as part of the NJDEP permit review.
- D. The Highlands Exemption Ordinance shall be reviewed by the Highlands Council in accordance with the provisions of Sections 14 and 15 of the Highlands Act, N.J.S.A. 13:20-14 and -15, and the requirements of the Council's Plan Conformance Guidelines. A Conforming Municipality may review and issue exemption determinations under the Highlands Exemption Ordinance only after the Highlands Council issues: (a) formal approval of the municipality's Highlands Exemption Ordinance; and (b) certification that the applicable officers and representatives of the Conforming Municipality have satisfactorily completed the Highlands Exemption Training Program. The Highlands Exemption Ordinance shall be adopted and effectuated as a Land Development Ordinance in accordance with all legal requirements and protocols pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.).
- E. The preceding provisions notwithstanding, nothing herein shall be construed to authorize Conforming Municipalities to review or issue requests for exemption determinations sought by other local government units, as these are defined under the Highlands Act. Notwithstanding anything herein to the contrary, a Conforming Municipality may not issue any exemption determination pertaining to proposed development or improvement of any local government unit (as defined in N.J.S.A. 13:20-3), its own lands or facilities, or any other publicly owned or controlled land or facility, including, but not limited to, such examples as municipal buildings, parklands, public works facilities, or school improvements.
- F. The NJDEP shall issue exemption determinations in the Preservation Area for any capital or other project of a State entity or local government unit as defined by the Highlands Act, and for all exemptions other than the Municipal Issued Exemptions in Conforming Municipalities that have adopted a Highlands Exemption Ordinance.
- G. The Highlands Council shall issue exemption determinations in the Planning Area for any capital or other project of a State entity or local government unit as defined by the Highlands Act, as applicable, and for all exemptions other than the Municipal Issued Exemptions in Conforming Municipalities that have adopted a Highlands Exemption Ordinance.
- H. Nothing herein shall limit the NJDEP's enforcement authority under Section 37 of the Highlands Act, N.J.S.A. 13:20-35.

BE IT FURTHER AGREED that the NJDEP and the Highlands Council authorize this Memorandum of Understanding to be duly executed by their authorized representatives to be effective on the date first written above.

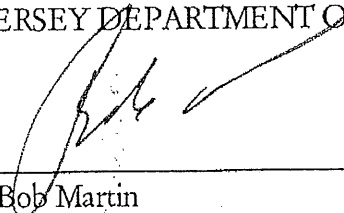
BE IT FURTHER AGREED that this Memorandum of Understanding shall remain in effect unless either party determines at its sole discretion, with 60 days' written notice to the other party, to terminate this Memorandum of Understanding, and that the municipal actions enabled by this Memorandum of Understanding shall be coterminous with this Memorandum of Understanding.

NEW JERSEY HIGHLANDS COUNCIL

By:  _____

Title: Chairman

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:  _____
Bob Martin

Title: Commissioner

Appendix B. Exemption Determination Application Templates and Instructions

Instructions for Highlands Exemption Determination

1. Exemption designee determines which exemption is appropriate for the proposed project (choose the most generous exemption).
 - If exemption 5 is determined, shorter “CERTIFICATION OF HIGHLANDS EXEMPTION #5” form may be used. This form may be completed by applicant or exemption designee at the municipality’s discretion.
2. Applicant fills out the appropriate sections of the “Highlands Exemption Determination Application” form. (Instructions on application form.)
 - Only need to prove one exemption, do not check boxes for more than one exemption;
 - Applicant initials as indicated where necessary for exemptions 1, 2 & 5;
 - Applicant and/or owner signs application.
3. Exemption designee collects information from applicant to support exemption.
4. Exemption designee completes last page of application to support exemption determination; note which exemption has been issued.
5. Exemption designee transmits an electronic copy (pdf attachment) of completed application via email to the Highlands Council at: highlands@highlands.nj.gov with a copy to the Municipal Liaison – Must be submitted **within ten (10) business days** of issuance.

NAME OF MUNICIPALITY
Highlands Exemption Determination Application

INSERT MUNICIPAL SEAL (Optional) AND ADDRESS

The purpose of this application is to determine whether or not a proposed project is exempt from the provisions of the Highlands Water Protection and Planning Act (see note below).

Instructions for Completing Form

1. Complete page 1.
2. Review the seven exemptions eligible for municipal determinations (see pages 2-3) to determine which may be applicable to the proposed project. Applicants need only qualify for one of the exemptions, although more than one may apply. Below each exemption is a list of documentation that is required to determine whether the exemption applies.
3. Initial as indicated by the applicable exemption.
4. Sign the application form.
5. Submit completed application along with all supporting documentation to the municipal office at the address above.

Important Note

This application will be evaluated by the municipality to determine whether a proposed activity, improvement or development project involving lands within the Highlands Region is exempt from the provisions of the Highlands Water Protection and Planning Act (N.J.S.A. 13:20-1 et seq., "Highlands Act"). Any proposal that is exempt from the Highlands Act is also exempt from the Highlands Water Protection and Planning Act Rules ("Highlands Rules," N.J.A.C. 7:38-1 et seq.) and from any Highlands Area land use ordinance adopted by the municipality pursuant to approval of its Petition for Plan Conformance by the Highlands Water Protection and Planning Council ("Highlands Council"). The municipality has been authorized and certified by the Highlands Council to issue Highlands Exemption Determinations, pursuant to a July 19, 2012 Memorandum of Understanding (MOU) between the Highlands Council and the New Jersey Department of Environmental Protection (NJDEP). The local ordinance effectuating this delegation of authority is Ordinance #____, "Borough/Township/Town of ____ Highlands Area Exemption Ordinance," adopted ____, 201__, and effective ____, 201__.

Please note that all references to professional preparers indicated in this application shall be construed to include any and all qualified individuals licensed, certified, or otherwise eligible and authorized to complete such work, in accordance with the applicable laws and legal requirements of the State of New Jersey including but not limited to the MLUL (N.J.S.A. 40:55D-1 et seq) and Title 13 of the New Jersey Administrative Code, Law and Public Safety.

Please note that this application only addresses whether or not your project is exempt from Highlands regulations (as listed above). Certification that a project is exempt from the Highlands Act does not relieve one from other regulatory requirements that may apply, including the need to apply for any other permits, whether under municipal, state or other jurisdictional authority. Please also note that in accordance with the MOU, Ordinance #____ requires that the municipal Exemption Designee retain Highlands Council certification to exercise the authority to issue Municipal Exemption Determinations. In the event of personnel changes or other extenuating circumstances that leave the municipality without the services of a certified municipal Exemption Designee, applicants seeking a Highlands Act Exemption Determination may apply to the NJDEP for projects located in the Preservation Area, or to the Highlands Council, for projects located in the Planning Area.

MUNICIPALITY NAME Application for Municipal Highlands Exemption Determination INSERT MUNICIPAL SEAL AND ADDRESS		Receipt Stamp - Municipal Use Only	
Date:		Application #:	
Applicant Name: <input type="text"/>			
Property Information			
Street Address: <input type="text"/>			
Block(s) & Lot(s): <input type="text"/>			
Date Lot Created:	<input type="checkbox"/> Prior to August 10, 2004	If after August 10, 2004:	<input type="text"/>
Located in:	<input type="checkbox"/> Planning Area	<input type="checkbox"/> Preservation Area	<input type="checkbox"/> Planning and Preservation Area
Existing Uses:	<input type="text"/>		
Property Owner Information			
<input type="checkbox"/> Same as Applicant	Owner's Name: <input type="text"/>		
Owner's Address: <input type="text"/>			
Applicant Information			
Applicant Address: <input type="text"/>			
Phone #:	<input type="text"/>	Fax #:	<input type="text"/>
		email:	<input type="text"/>
Engineer, Attorney or Other Principal Contact Information			
Name: <input type="text"/>			
Address: <input type="text"/>			
Phone #:	<input type="text"/>	Fax #:	<input type="text"/>
		email:	<input type="text"/>
Project Information			
Brief Project Description (Attach Additional as Necessary):	<input type="text"/>		

A. Exemption 1: For the construction of a single-family dwelling for an individual's own use or the use of an immediate family member, on a lot owned by the individual on August 10, 2004, or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.

<input type="checkbox"/>	I hereby certify that the single-family dwelling proposed for construction on the subject lot is intended for my own use or the use of the following immediate family member (as defined by ORDINANCE #).		
Applicant Initial:	<input type="text"/>	Name of Family Member:	<input type="text"/>
	Relationship of Family Member:	<input type="text"/>	

Lot Legally Owned by the Applicant on August 10, 2004:

<input type="checkbox"/>	Copy of a deed, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was legally owned by the applicant as of August 10, 2004 and indicating the lot and block as designated by the municipal tax mapping, the municipality and county in which the lot is located, and the street address.
<input type="checkbox"/>	I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004
Applicant Initial:	<input type="text"/>

Lot Under Contract of Sale to Applicant as of May 17, 2004:

<input type="checkbox"/>	Copy of the binding contract of sale executed by the seller and the applicant on or before May 17, 2004 for the lot on which the house is to be constructed.
<input type="checkbox"/>	I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of the date of the executed contract of sale.
Applicant Initial:	<input type="text"/>

B. Exemption 2: For the construction of a single-family dwelling on a lot that lawfully existed as of August 10, 2004, provided that construction does not result in the ultimate disturbance of 1 or more acres of land or a cumulative increase in impervious surface by 1/4 acre or more.

<input type="checkbox"/>	A copy of the recorded deed or plat showing that the lot was created on or before August 10, 2004.
<input type="checkbox"/>	A property survey certified by a licensed New Jersey Professional indicating the property boundary lines and overall lot size, and showing what structures currently exist on the lot, if any.
<input type="checkbox"/>	A parcel plan certified by a qualified licensed New Jersey Professional showing all existing and proposed development, including all structures, grading, clearing, impervious surface and disturbance, areas of existing disturbance to be restored (if any), and including calculations demonstrating that impervious surfaces and areas of disturbance are within the 1/4 acre and 1 acre limit as prescribed.
<input type="checkbox"/>	A metes and bounds description by a qualified licensed New Jersey Professional showing the area of the lot to be disturbed, limited to less than one acre.
<input type="checkbox"/>	I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004.
Applicant Initial:	<input type="text"/>

C. Exemption 4: For the reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by 1/4 acre or more.*
**The date of lawfully existing impervious surface is August 10, 2004 in the Preservation Area and DATE OF ORDINANCE in the Planning Area.*

<input type="checkbox"/>	A parcel plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site as of August 10, 2004 for the Preservation Area or DATE OF ORDINANCE for the Planning Area; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading. Also include supporting calculated values for existing and proposed impervious surfaces for the project/activity.
<input type="checkbox"/>	A copy of any official documentation indicating the original date of construction of the existing buildings and/or structures, or otherwise establishing the lawfulness of their existence, inclusive of that of existing impervious surfaces.

D. Exemption 5: *For any improvement to a single family dwelling in existence as of August 10, 2004, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system. (Such improvements include only those that maintain the use as a single family dwelling; the exemption does not apply to or permit the creation of multiple dwelling units.)*

- ☐ A copy of any official documentation proving the single family dwelling was in existence on August 10, 2004.
- ☐ A description of the proposed improvements.
- ☐ I hereby affirm that the subject property was in existence as of August 10, 2004 and that all proposed improvements are intended and will continue to be used for single family dwelling purposes.
- Applicant Initial:

E. Exemption 6: *For any improvement, for non-residential purposes, to a place of worship owned by a non-profit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on August 10, 2004, including, but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility*

- ☐ A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004.
- ☐ For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non profit status.
- ☐ A site plan plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surface and limits of disturbance, existing on the site on August 10, 2004; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.

F. Exemption 7: *For any activity conducted by a landowner in accordance with an approved woodland management plan issued pursuant to Section 3 of the Farmland Assessment Act, N.J.S.A. 54:4- 23.3 or the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester*

- ☐ A brief description of the total area of woodlands that is the subject of the approved woodland management plan and indication of the length of time that the area has been in woodland management (may be submitted in this form).
- ☐ A brief description of the activities for which the exemption is claimed (may be submitted in this form).

For a private landowner with an approved woodlot management plan:

- ☐ A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq. if applicable.
- ☐ A copy of the approved woodland management plan.

For a forest management plan approved by the State Forester:

- ☐ A copy of the forest management plan approved by the State Forester.

G. Exemption 8: *For the construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.*

- ☐ A site plan certified by the appropriate qualified Licensed New Jersey Professional showing the proposed trail construction with details including the location and width of existing and proposed trails and those off-site trails to which they connect, if any.
- ☐ A written description of the non-impervious materials to be used.
- ☐ For privately owned property, a copy of a deed for the property, including the language establishing the conservation or recreational use easement on the property.

I, the undersigned hereby certify that the information given herein is correct to the best of my knowledge.

Applicant Signature: Date:

I, the undersigned hereby grant permission for the submission of this application for the property reference herein.

Owner Signature: Date:

*Municipal Use Only
Exemption Review Worksheet*

Information
Submitted:

Project
Summary:

Exemption
Review:

Comments:

As the Certified Municipal Exemption Designee I hereby
certify the following finding for this application

Date:

Signature:

NAME OF MUNICIPALITY
INSERT MUNICIPAL SEAL (Optional) and ADDRESS

CERTIFICATION OF HIGHLANDS EXEMPTION #5

DATE: _____

NAME: _____

ADDRESS: _____

BLOCK: _____ LOT: _____

DESCRIPTION OF PROJECT: _____

The aforementioned project is located wholly within the Highlands Preservation Area and Highlands regulations restrict development. However, the Highlands Rules at N.J.A.C. 7:38-2.3 set forth various exemptions. Name of Municipality tax records indicate that this dwelling was in existence prior to August 10, 2004 and, therefore, qualifies for **Exemption #5** defined as: "**Any improvement to a lawfully existing 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, as long as the improvement maintains the use as a single-family dwelling as defined by code or ordinance in the municipality in which the dwelling is located and does not permit use of the structure as a multiple unit dwelling.**"

Therefore, the proposed Project is deemed **exempt** from the provisions of the Highlands Rules, subject to the following limitation (s):

"If the Name of Municipality subsequently determines the information submitted to obtain this decision is inaccurate, the exemption shall be void."

This exemption determination is limited to the land area and specific scope of the activities described herein or as shown on a survey of the property. This determination does not eliminate the need for any permits, approvals, or certifications required by any other Federal, State, County, or municipal review agency with jurisdiction over this activity, including, but not limited to, freshwater wetlands or flood hazard permits or review of storm-water management.

Authorized Representative:

Name, Title
Name of Municipality

Appendix C. Model Deed Notice for Exemption #2

Model Deed Notice for Exemption #2

IN ACCORDANCE WITH THE CONDITIONS LISTED IN THIS MODEL DEED NOTICE FOR EXEMPTION #2 (DEED NOTICE), ISSUED BY (*Name of Municipality & County*) ON [*Insert date of issuance*], THIS DOCUMENT IS TO BE RECORDED IN THE SAME MANNER AS ARE DEEDS AND OTHER INTERESTS IN REAL PROPERTY.

Prepared by: _____
[Signature]

[Print name below signature]

Recorded by:

[Signature, Officer of County Recording Office]

[Print name below signature]

DEED NOTICE

This Deed Notice is made as of the ____ day of ____, ____, by [*Insert the full legal name and address of each current property owner*] (together with his/her/its/their successors and assigns, collectively "Owner").

1. THE PROPERTY. [*Insert the full legal name and address of each current property owner*] [*Insert as appropriate: "is", or "are"*] the owner in fee simple of certain real property designated as Block(s) ____ Lot(s) ____, on the tax map of the [*Insert, as appropriate: City/Borough/Township/Town*] of [*Insert the name of municipality*], [*Insert the name of county*] County (the "Property"). The Deed Notice for Exemption #2 (Deed Notice) issued for this Property is more particularly described in the municipal approved supporting Exemption #2 plan documents, entitled ____, prepared by ____ dated ____, and revised through ____ which is attached hereto and made a part hereof (the "Plan").

2. CONSIDERATION. In accordance with (*Name of Municipality*)'s issuance of a Deed Notice for the Property, and in consideration of the terms and conditions of that determination, and other good and valuable consideration, Owner has agreed to the limitations associated with the exemption granted pursuant to the Deed Notice and to provide notice to subsequent owners, lessees and operators of the limitations outlined in this Deed Notice, as set forth herein.

3. DISTURBED AREA. Pursuant to the Deed Notice, the municipal approved area of ultimate disturbance consists of less than 1.0 acre and is described in the municipal approved metes and bounds delineation of the disturbed area. **The metes and bounds delineation of the disturbed area is only required for projects where the property is 1.0 acre or more.** In addition, the proposed impervious surface, on the above identified Plan, does not equal or exceed one-quarter acre. Pursuant to the Deed Notice, should additional disturbance beyond the metes and bounds delineation of the disturbed area or impervious covering occur that would reach or exceed either of these thresholds, the Exemption #2 Certification shall be null and void and the regulations at N.J.A.C. 7:38-1 et seq. shall apply in the Preservation Area and the Highlands Checklist Ordinance or Land Use Ordinance, shall apply in the Planning Area.

4. NOTICES. The Owner and the subsequent owners and lessees, shall cause all leases, grants, and other written transfers of an interest in the Property to contain a provision expressly requiring all holders thereof to take the Property subject to the limitations contained herein and to comply with all, and not to violate any of the conditions of this Deed Notice. Nothing contained in this Paragraph shall be construed as limiting any obligation of any person to provide any notice required by any law, regulation, or order of any governmental authority.

5. SIGNATURES. IN WITNESS WHEREOF, Owner has executed this Deed Notice as of the date first written above.

[If Owner is an individual]

WITNESS:

[Signature]

[Print name below signature]

[If Owner is a corporation]

ATTEST:

[Name of corporation]

By _____

[Print name and title]

[Signature]

[If Owner is a general or limited partnership]

WITNESS:

[Name of partnership]

[Signature]

By _____, General
[Print name] Partner

[If Owner is an individual]

STATE OF [State where document is executed] SS.:
COUNTY OF [County where document is executed]

I certify that on _____, 20__, [Name of Owner] personally came before me, and this person acknowledged under oath, to my satisfaction, that this person [or if more than one person, each person]

(a) is named in and personally signed this document; and

(b) signed, sealed and delivered this document as his or her act and deed.

_____, Notary Public
[Print Name and Title]

[If Owner is a corporation]

STATE OF [State where document is executed] SS.:
COUNTY OF [County where document is executed]

I certify that on _____, 20__, [Name of person executing document on behalf of Owner] personally came before me, and this person acknowledged under oath, to my satisfaction, that:

(a) this person is the [secretary/assistant secretary] of [Owner], the corporation named in this document;

(b) this person is the attesting witness to the signing of this document by the proper corporate officer who is the [president/vice president] of the corporation;

(c) this document was signed and delivered by the corporation as its voluntary act and was duly authorized;

(d) this person knows the proper seal of the corporation which was affixed to this document; and

(e) this person signed this proof to attest to the truth of these facts.

[Signature]

[Print name and title of attesting witness]

Signed and sworn before me on _____, 20__

_____, Notary Public

[Print name and title]

[If Owner is a partnership]

STATE OF [State where document is executed] SS.:

COUNTY OF [County where document is executed]

I certify that on _____, 20__, [Name of person executing document on behalf of Owner] personally came before me, and this person acknowledged under oath, to my satisfaction, that this person:

(a) is a general partner of [Owner], the partnership named in this document;

(b) signed, sealed and delivered this document as his or her act and deed in his capacity as a general partner of [owner]; and

(c) this document was signed and delivered by such partnership as its voluntary act, duly authorized.

[Signature]

_____, General Partner
[Print Name]

_____, Notary Public

[Print name and title]

Appendix D. Website Information: Certification Program Materials & Identification of Certified Municipalities

Appendix D. Website Information: Certification Program

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To access Municipal Exemption Determination Certification Program materials and identify municipalities that have been certified through the Municipal Exemption Determination Certification Program, first navigate to the Highlands Council website (www.nj.gov/njhighlands). From the home page, click “Plan Conformance” in the left-hand menu (link is circled in screenshot below).



On the Plan Conformance page, click “Guidelines and Procedures” from the secondary menu, and then “Municipal Exemption Determination Program” on from the right-hand menu (links circled in screenshots below).




continued...



New Jersey Highlands Council

- Home
- About the Council
- Highlands Act
- Regional Master Plan (RMP)
- Project Review
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 - Guidelines and Procedures
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 - Liaisons
- Grant Programs
- News
- Highlands Development Credits (TDR Program)
- Interactive Maps & GIS Data



Home > Plan Conformance > Guidelines and Procedures > Municipal Exemption Determination Program

Municipal Exemption Determination Program

Through a Memorandum of Understanding (MOU) with the New Jersey Department of Environmental Protection (NJDEP), the Highlands Council has developed a program to authorize municipalities with approved Plan Conformance Petitions to issue determinations regarding certain Highlands Act exemptions, following completion of a training and certification program and adoption of an approved Highlands ordinance. Details regarding this program are provided below.

[Exemptions Eligible for Municipal Determination Certification and Tracking](#)
[Training Program Materials](#)
[Model Highlands Area Exemption Ordinance](#)
[Background](#)

Exemptions Eligible for Municipal Determination

Descriptions below are only summaries of the seven exemptions eligible for municipal decision. The complete list and full text of all exemptions can be found in the Highlands Act. All local zoning, land use ordinances, state and federal regulations still apply.

Exemption 1	The construction of a single family dwelling for owner's own use
Exemption 2	The construction of a single family dwelling with conditions
Exemption 4	The reconstruction of any building or structure with conditions
Exemption 5	Any improvement to a single family dwelling
Exemption 6	Any improvement, for non-residential purposes, to a place of worship owned by a nonprofit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital
Exemption 7	An activity conducted in accordance with an approved woodland management plan
Exemption 8	The construction or extension of trails with non-impervious surfaces on publicly or privately owned lands

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Certification and Tracking

Certified Municipalities

Bergen	Mahwah Township, Oakland Borough
Hunterdon	Alexandria Township, Bethlehem Township, Calton Borough, Clinton Township, Glen Gardner Borough, High Bridge Borough, Lebanon Township
Morris	Chester Township, Jefferson Township, Montville Township, Mount Arlington Borough, Mount Olive Township, Parsippany-Troy Hills Township, Washington Township
Passaic	Ringwood Borough, West Milford Township
Somerset	Bedminster
Sussex	Byram Township, Hardyston Township, Honesdale Borough, Soarta Township, Vernon Township
Warren	Allamuchy Township, Franklin Township, Hackettstown, Harmony Township, Lehigh Township, Oxford Township, Pohatcong Township, Washington Township

Tracking Sheets

- Municipally Issued Exemption Tracking Sheet (pdf)
- ARCHIVE: Municipally Issued Exemptions 2022 (pdf)
- ARCHIVE: Municipally Issued Exemptions 2021 (pdf)
- ARCHIVE: Municipally Issued Exemptions 2013-2020 (pdf)

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Training Program Materials

Materials are provided here for reference only. Attendance at Highlands Council training is required for certification.

- Highlands Area Municipal Exemption Determination Certification Program Manual 2021, 14 MB pdf
- Highlands Area Municipal Exemption Determination Certification Program Presentation 2021, 499 KB pdf

CEUs: This training program has been approved for one technical contact hour for individuals holding a Rutgers-issued Board Secretary, Zoning Official, and/or Land Use Administrator certification(s). Attendees will be provided with the proper paperwork and instructions at the training session. Please note that certificate holders may only count their attendance at one Municipal Exemption Determination training session per planning/zoning renewal cycle.

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Model Highlands Area Exemption Ordinance

Please note that this ordinance is only for use by municipalities that have completed the training program referenced above. Adoption of this ordinance must occur prior to certification of the municipality.

- Model Highlands Area Exemption Ordinance (May 2013)

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Background

- Memorandum of Understanding (pdf)
- Press Release: Highlands Council Moves Forward with Plans to Delegate Exemption Decisions (pdf)
- Press Release: Highlands Municipalities Enjoying Benefits of Localized Exemption Decisions (pdf)
- Highlands Act Exemptions and Waivers

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- Petition Guidance and Grants
- Municipal Model Documents
- Warehousing Policy
- Highlands Center Designation
- Municipal Exemption Determination Program
- RMP Updates and Map Adjustments

Training Program materials and information, the Model Ordinance, and background information is available for download. A list of certified municipalities is updated regularly.

Appendix E. Municipal Role to Implementing the Highlands Water Protection and Planning Act

A Municipal Role to Implementing the Highlands Water Protection and Planning Act



The Highlands Water Protection and Planning Act (Highlands Act) was enacted on Aug. 10, 2004 with the purpose of protecting the region's great wealth of natural resources, including the waterbodies that supply drinking water to more than half of the state's population. The Highlands Act defined both a Highlands Preservation Area and a Highlands Planning Area. The Department of Environmental Protection (DEP), Division of Land Use Regulation is responsible for the regulatory program established by the Highlands Act which applies only to "Major Highlands Development" in the Highlands Preservation Area. The Highlands Rules were adopted on November 1, 2006, last amended on December 7, 2009. (For regulatory history and effective dates see the New Jersey Administrative Code). An interactive map (geo-web) of the Highlands Region is available at (<https://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=02251e521d97454aabadfd8cf168e44d>).

Municipalities play an important role in the successful implementation of the Highlands Act. This information sheet is provided to assist municipalities in understanding the Highlands Act and its requirements.

Summary of Important Definitions

"Development" means the same as that term is defined in the Municipal Land Use Law (N.J.S.A. 40:55D-4)

"Major Highlands Development" - the Highlands Act regulates only those projects and activities that meet the definition of Major Highlands Development. Major Highlands Development means any one of the following:

- 1.) Any non-residential development in the preservation area; or
- 2.) Any residential development in the preservation area that either:
 - a.) Requires an environmental land use or water permit from the Department of Environmental Protection (DEP). (Some examples: treatment works approvals (TWA), water main extensions, NJPDES discharge permits, freshwater wetlands permits, flood hazard area permits, transition area waivers, etc.); or:



- b.) Results in the ultimate disturbance of 1 acre or more of land (meaning all existing and proposed disturbance must stay under 1 acre in total); or
 - c.) A cumulative increase in impervious surface by 0.25 acres or more.
- 3.) Any activity undertaken or engaged in the preservation area that is not a development (as defined in the Municipal Land Use Law) but;
- a.) Results in the disturbance of 0.25 acres or more of forested area; or
 - b.) Results in a cumulative increase in impervious surface by 0.25 acres or more on a lot.
- 4.) Any capital or other project of a state entity or local government unit in the preservation area that:
- a.) Requires an environmental land use or water permit from the DEP; or
 - b.) Results in the disturbance of 1 acre or more of land; or
 - c.) A cumulative increase in impervious surface by 0.25 acres or more
- 5.) Major Highlands Development shall not mean an agricultural or horticultural development or agricultural or horticultural use in the preservation area.

Jurisdictional Determinations

This voluntary determination provides an applicant with an official DEP determination as to whether their property is located within the boundaries of the Highlands Preservation Area. This determination is both voluntary and free. The Jurisdictional Determination form may be found at: <https://dep.nj.gov/wlm/forms/>. An individual may alternatively determine whether their property is in the Highlands on their own by using the DEP's interactive mapping system (<https://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=02251e521d97454aabadfd8cf168e44d>). A Jurisdictional Determination will not provide the applicant with any information regarding whether or not a project is regulated or exempt pursuant to the Highlands Act.

Exemption Reviews

The Highlands Act identified 17 types of projects and activities that are exempt. The DEP has implemented a program to review project applicability and exemption requests. This review, called a Highlands Applicability Determination (HAD), will determine if a project is a Major Highlands Development, and thus regulated, or qualifies for an exemption from the Highlands Act.

HADs are voluntary, except for projects that require any permits from the DEP (such as freshwater wetlands permits, transition area waivers, etc.), projects that have local approval that require an exemption from the DEP, or those projects that qualify under Section 2.4(b) of the Highlands Rules. (see General Pointers on page 6)

To initiate a HAD, applicants may submit the form titled: *Highlands Applicability and Water Quality Management Plan (WQMP) Consistency Determination Application Form*, which may be found on the DEP's Web site at <https://dep.nj.gov/wlm/forms/>. DEP's review will result in one of two determinations, exempt or not exempt.



Exempt - The project/activity qualifies for one of the 17 exemptions set forth in the Highlands Act. This means the project/activity is not regulated by the Highlands regulations described in the Highlands Act and Highlands Rules. However, the project must secure all other necessary federal, state and local approvals for the project/activity (i.e. freshwater wetlands or flood hazard area permits).

Not Exempt - The project/activity is not exempt and is regulated by the Highlands Act. Therefore, the project/activity is now subject to the Highlands regulations. This does not mean it isn't possible for a project/activity to receive approval to construct. It means the project/activity has to apply for and receive a Highlands Preservation Area Approval (HPAA) issued by the DEP's Division of Land Use Regulation, prior to construction, including site preparation.

If a project/activity is determined to be a Major Highlands Development, and does not qualify for one of the 17 exemptions, a Highlands Preservation Area Approval is required from the DEP.

Municipal Role in Implementation of the Highlands Act

Notice: In order to streamline the exemption process, the Department and the Highlands Council signed a Memorandum of Understanding ([https://www.nj.gov/njhighlands/about/calend/2012_meetings/jul_19_meeting_docs/Final MOU Highlands Exemptions.pdf](https://www.nj.gov/njhighlands/about/calend/2012_meetings/jul_19_meeting_docs/Final%20MOU%20Highlands%20Exemptions.pdf)) on July 19, 2012, which provides conforming municipalities with the authority to review and issue 7 out of the 17 exemptions available under the Highlands Act (specifically, exemptions #1, 2, 4, 5, 6, 7 and 8; collectively, the "Municipal Issued Exemptions"). However, municipalities may only issue these exemptions after the Highlands Council issues: (a) formal approval of the municipality's Highlands Exemption Ordinance; and (b) certification that the applicable officers and representatives of the Conforming Municipality have satisfactorily completed the Highlands Exemption Training Program.

If a municipal official can conclude by inspection that a project is not a Major Highlands Development or is exempt from the Highlands Act, then the municipality may issue all of the local permits that are needed for the project to begin construction, absent the requirement of a HAD from the DEP. However, **the municipality does not have the authority to issue a letter declaring the project exempt from the Highlands Act unless they have been certified to do so for specific exemptions as noted above.**

When a municipality is unable to determine with certainty that a project is not a Major Highlands Development or is exempt, two courses of action may be taken depending on the municipal ordinances governing the local approval process. The municipality should require, either as part of its application or as a condition of its approval, that an applicant provide a copy of either a HAD that states the project is exempt or a HPAA issued by the DEP.

Below are examples of Highlands Act exemptions that are more easily determined by inspection. Where the municipality can conclude by inspection that these projects qualify for exemption from the Highlands Act, the municipality need not require a DEP-issued exemption determination:



- Improvements or additions to a single-family dwelling that existed on Aug. 10, 2004: The determination may be made by the municipality for a dwelling that existed on or before Aug. 10, 2004 provided that the addition does not result in a new dwelling unit.
- Construction of a new single-family dwelling on a lot that existed on Aug. 10, 2004: There are multiple factors that must be considered in making this determination. There are two different exemptions in the Highlands Act that may apply to the construction of a new single-family dwelling:
 - The construction of a home for use by the property owner or an immediate family member;
 - The construction of a single-family home for subsequent sale.

The following are some factors to consider:

- In order to qualify for either of these exemptions the lot must have existed on Aug. 10, 2004. If the property was subdivided, or if a lot line has been moved after Aug. 10, 2004, to create a new developable lot, then the lot did not exist prior to enactment and neither exemption is applicable to the property.
- To qualify for an exemption for a single-family home for an individual's own use or that of an immediate family member, that lot must have been owned by the applicant on Aug. 10, 2004 (or under binding contract by May 17, 2004). Proof of ownership should be required. In addition, the DEP requires a notarized affidavit that the proposed house is for the applicant's own use. No other limitations are placed on this exemption.
- To qualify for an exemption for a single-family home for sale, there are limitations on both the amount of disturbance and the amount of new impervious cover. A project that proposes to disturb 1 acre or more (including existing and proposed disturbances), or that proposes to place 0.25 acres or more of impervious surface, does not qualify for this exemption. Please note that the statutory definition of impervious surface includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures and other similar structures. The DEP requires that a metes and bounds description of the limits of disturbance be shown on the approved site plan and that an approved conservation restriction be placed on the lot to ensure long-term compliance with these limitations.

The Highlands Act may also not regulate single-family home construction if the project does not meet the definition of a Major Highlands Development (defined above). Critical to this determination is whether the lot on which the home is to be constructed was created through subdivision after Aug. 10, 2004. If the lot was created after this date, then all disturbance and new impervious surface on the parent lot (the lot as it existed on Aug. 10, 2004) must be considered when determining if the project is a Major Highlands Development. **In any case where a municipality believes that a permit is required from the DEP for construction of the single-family home, it should assume the project is regulated by the Highlands Act and require an exemption determination or HPAA from the DEP, regardless of the amount of disturbance or impervious surface proposed.**

Example: A 20-acre lot is subdivided into 10, 2-acre lots after Aug. 10, 2004. Even though there are now 10 lots on this property, the original 20-acre lot is the tract that would need to be considered when



determining whether a project is exempt from the Highlands Act. This situation can be problematic if none of the lots would need any DEP permits, and all of the proposed homes are each under 1 acre of ultimate disturbance and 0.25 acres of impervious covering. Individually, it would appear that the homes may not be a Major Highlands Development. However, the project must consider all disturbance and impervious surface on the lot as it existed at the time the Highlands Act was signed into law. Because the lots did not exist on Aug. 10, 2004, the cumulative total disturbance and impervious surface proposed on all lots must be considered and the development of each lot is subject to a HPAA.

Example: A 3-acre lot contains a single-family dwelling with a disturbed area of 2 acres. The property owner proposes to subdivide the lot to build and sell a new single-family dwelling. In order for this project to continue without a HPAA, the new dwelling must not be a Major Highlands Development. To do so, the new dwelling must not result in 0.25 acres or more of new impervious surface or 1 acre or more of ultimate disturbance on the lot that existed on Aug. 10, 2004. Ultimate disturbance means all existing and proposed disturbance must stay under 1 acre in total. Since there is already 2 acres of existing disturbance on the lot, a metes and bounds description of the ultimate disturbance area must be provided, and it must include the existing dwelling, associated structures and cleared area, as well as the new dwelling and its associated structures and lawn area. Together, the metes and bounds descriptions of the two lots must encompass less than 1 acre. The area of the lot outside of described area of disturbance is required by the DEP to have a conservation restriction attached to it via the deed, such that the ultimate disturbance remains below the 1-acre threshold.

Deed Restrictions:

When municipal determinations are made regarding the applicability of the Highlands Act to a project, it is recommended that all deed restrictions required by the DEP also be required by the municipality. This would mean that a metes and bounds disturbance area delineation line would be required to prove the project is staying under 1 acre of ultimate disturbance. Projects that would require this restriction are single-family dwellings on a lot that existed on Aug. 10, 2004 not for the individual's own use (exemption 2),

- It should be noted that when the DEP requires a deed restriction for a project, it is also required that proof of filing of the restriction in the deed be submitted to the DEP prior to project construction.

Projects that qualify as the construction of a single-family dwelling not for the individual's own use should be deed restricted to reflect that no disturbance beyond 1 acre of ultimate disturbance is allowed. A restriction should be added to the deed and a metes and bounds line should be required by the municipality. This is to ensure that disturbance does not occur beyond the 1-acre threshold and the placement of new impervious surface beyond the 0.25-acre threshold does not occur.

Access Roads:

Any new access roads that are required by a municipality for development of a single-family home are **not** exempt under the Highlands Act unless they are exempt because they received local and DEP approvals prior to March 29, 2004. This exemption expires by statute on Aug. 10, 2007. These




exemptions are often complicated and the DEP encourages the municipality to require a HAD from the DEP in these cases. In some cases, a municipality may require the incremental improvement of a paper street as part of a single-family home construction. These new roads should not be included in the exemption for the construction of a single-family dwelling. New roads are not residential development and the extension of new roads in the Highlands Preservation Area violates the intent of the Act by providing access for potential future development. Therefore, new roads require a HPAA. If a single-family home requires access, a driveway can be included to provide that access as long as the disturbance and impervious surface required for that driveway are included in the disturbance and impervious surface calculations for the dwelling.

General Pointers

There are a few situations when a project requires a DEP permit (other than a NJPDES or TWA permit), but is not required to receive a HAD. These situations are outlined in Section 2.4(b) of the Highlands Rules and below:

- 1.) Improvements to a legally existing single-family dwelling in existence on Aug. 10, 2004, provided that the lot upon which the home is situated has not been further subdivided.
- 2.) Routine maintenance and operations, preservation, or repair of transportation systems by a State entity or local government unit provided such activity is confined to the existing footprint of development, and does not create new travel lanes or increase the length of an existing travel lane by more than 2,640 feet, not including tapers;
- 3.) Rehabilitation or reconstruction of transportation systems by a State entity or local government unit provided such activity:
 - i.) Does not result in a cumulative increase in impervious surface by 0.5 acres or more;
 - ii.) Does not involve the ultimate disturbance of 1 or more acres of land; and
 - iii.) Does not create new travel lanes or increase the length of an existing travel lane by more than 2,640 feet, not including tapers.
- 4.) Routine maintenance and operations, rehabilitation, preservation, reconstruction and repair of infrastructure systems by a State entity or local government unit provided such activity is confined to the existing footprint of development, and does not increase the conveyance capacity, for example, by increasing the pipe size of a sewer or water system.
- 5.) The construction of transportation safety projects and bicycle and pedestrian facilities by a State entity or local government unit provided the activity **does not**:
 - i.) Create a new travel lane or increase the length of an existing travel lane by more than 2,640 linear feet, not including tapers; or
 - ii.) Result in a cumulative increase in impervious surface of one acre or more; or

iii.) Involve the ultimate disturbance of two or more acres of land;

- 
- 6.) Any activity that is part of an agricultural or horticultural development or agricultural or horticultural use;
- 7.) Any activity conducted by a landowner in accordance with an approved woodland management plan issued pursuant to the Farmland Assessment Act, N.J.S.A. 54:4-23.3 or [for public lands,] the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester;
- 8.) The remediation of any contaminated site pursuant to N.J.S.A. 58:10B, provided no residential, commercial, or industrial development is undertaken concurrently with, or subsequent to, the remediation. Any concurrent or subsequent development at the site is subject to the requirements of this chapter for a Highlands applicability determination and HPAA as applicable;
- 9.) The addition of telecommunications equipment or antennas to a telecommunication facility existing on August 10, 2004, provided the equipment is located within the existing fenced compound or on lawfully existing impervious surface so that it does not increase impervious surface; or
- 10.) Installation of cellular equipment on a legally existing overhead utility tower and the construction of the attendant 10-foot by 20-foot pad, when located within the four footings of such tower within a right-of-way owned or controlled by a public utility, constructed with the consent of the public utility; Routine maintenance, rehabilitation, reconstruction and repair of transportation or infrastructure systems by a State entity or local government unit, provided such activity is confined to the existing footprint of development and does not increase the conveyance capacity.
- 11.) The construction of transportation safety projects and bicycle and pedestrian facilities by a State entity or local government unit, provided the construction does not create new travel lanes or increase the length of an existing lane by more than 2,640 linear feet; result in the cumulative increase in impervious surface by 1 acre or more; or involve the ultimate disturbance of 2 or more acres.

If there is any question as to the applicability of the Highlands Act for a project/activity and the municipality is not certified to issue formal exemptions, the municipality should direct the applicant to apply to the DEP to receive a formal written determination in the form of a HAD. To initiate a HAD, applicants may submit the form: ***Highlands Applicability and Water Quality Management Plan (WQMP) Consistency Determination Application Form***, which may be found on the DEP's Web site under Highlands Forms: <https://dep.nj.gov/wlm/forms/>.

If a municipality can determine with certainty that a project is not regulated by the Highlands Act, there is still the possibility that the State, at some point, may require proof of exemption from the project owner.



This could occur in a situation where a concerned citizen brings to the DEP's attention that construction of a development is occurring without a HPAA. It would be beneficial for an applicant to receive a formal written determination in the form of a HAD from the DEP to remove any question that the project is exempt, thereby eliminating potential construction delays that may result from an enforcement investigation.

When local approvals (such as a subdivision or site plan approvals) are given for a Major Highlands Development before a HAD is issued by the DEP and the municipality is unable to conclude that the project would be exempt, a condition should be included in the municipal approval requiring that the applicant receive a HAD or HPAA before the municipal approval becomes final.

When a subdivision occurs after Aug. 10, 2004, the allowable disturbance and impervious surface must be considered for all of the new lots, not just each new lot individually. In other words, the lot that should be considered is the lot that existed on Aug. 10, 2004. When considering the lots as a whole, the DEP will check whether any permits are applicable to any of the lots.

When a lot is created after Aug. 10, 2004, and the proposed development on that lot is not a Major Highlands Development and, therefore, is not required to receive a HPAA from the DEP, language should be added to the deed for each of the new lots to ensure that the square footage of disturbance and impervious areas are not exceeded in the future. No new disturbed areas or impervious surfaces beyond the allowable limits of the original lot may be added in the future after the construction of the proposed development. This provides future owners with notice that further development may be restricted.

Contact Information

To contact the Highlands Council:

Highlands Council
100 North Road
Route 513
Chester, NJ 07930
(908) 879-6737
Fax (908) 879-4205

www.nj.gov/njhighlands

To contact the DEP, Division of Land Resource Protection:

New Jersey Department of Environmental Protection
Division of Land Resource Protection
Mail Code 501-02A; PO Box 420
Trenton, NJ 08625-0420

<https://dep.nj.gov/wlm/lrp/>

Appendix F. Highlands Area Exemption Ordinance

MODEL HIGHLANDS AREA EXEMPTION ORDINANCE

A Supplement to the Land Use Ordinances of

**BOROUGH/TOWNSHIP/TOWN OF _____
_____ COUNTY, NEW JERSEY**

**DRAFT for submission to the New Jersey Highlands Water
Protection and Planning Council**

DATE: _____, 2018

This document is based on a model Highlands Area Exemption Ordinance prepared and provided to Highlands municipalities by the New Jersey Highlands Water Protection and Planning Council.

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ARTICLE 1. TITLE, PURPOSE, SCOPE

§ 1.1 TITLE

This Ordinance shall be known and cited as the “Borough/Township/Town of _____ Highlands Area Exemption Ordinance.”

§ 1.2 PURPOSE

The purpose of this Ordinance is to set forth the procedural and substantive requirements by which the municipality will issue Highlands Act Exemption Determinations. Such determinations pertain only to Highlands Act Exemptions 1, 2, 4, 5, 6, 7, and 8. Highlands Act Exemption Determinations indicate whether proposed activities, improvements or development projects affecting lands located within the Borough/Township/Town Highlands Area are exempt from the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.), and are therefore exempt from the Highlands Water Protection and Planning Council’s (“Highlands Council”) Regional Master Plan, the New Jersey Department of Environmental Protection’s (NJDEP) Highlands Water Protection and Planning Act Rules (“Preservation Area Rules,” N.J.A.C. 7:38-1 et seq.), and from any amendments to the Borough/Township/Town’s master plan, development regulations, or other regulations adopted pursuant to the approval of the Borough/Township/Town’s Petition for Plan Conformance by the Highlands Council.

§ 1.3 SCOPE/APPLICABILITY

The provisions of this Ordinance pertain to activities, improvements and development projects involving lands located within the Borough/Township/Town Highlands Area. The Highlands Area comprises that portion of the municipality for which the applicable provisions of the Borough/Township/Town Master Plan, land use ordinances and other pertinent regulations have been deemed by the Highlands Council to be in conformance with the Highlands Regional Master Plan (RMP) (see § 3.1.1). The provisions of this Ordinance shall not be construed to alleviate any person or entity from the provisions and requirements of any other applicable ordinances, rules, or regulations of the municipality, or from any other applicable law, regulation, or requirement of any county, state, or federal authority having jurisdiction. Nor shall the provisions of this Ordinance deprive any person or entity from seeking a Highlands exemption determination from the NJDEP or the Highlands Council.

§ 1.4 STATUTORY AUTHORITY

This Ordinance is adopted under the authority of the Highlands Act and the New Jersey Municipal Land Use Law (“MLUL”, N.J.S.A. 40:55D-1 et seq.). In the Highlands Act, the Legislature identified numerous categories of activities that are exempt from the Act, the RMP, the Preservation Area Rules, and any amendments to a master plan, development regulations, or other regulations adopted by a local government to conform them with the RMP. See N.J.S.A. 13:20-28. The Legislature granted the Highlands Council the authority to administer the plan conformance process and to approve, reject, or approve with conditions municipal plan conformance petitions. See N.J.S.A. 13:20-14, -15. The Legislature, through the MLUL, granted authority to New Jersey municipalities to govern land use and development within their borders and, through the Highlands Act, established requirements for Highlands municipalities to conform their land use and development regulations with the RMP. In a July 19, 2012 Memorandum of Understanding (MOU) between the Highlands Council and the NJDEP, the Council and the NJDEP recognized the circumstances in which it would be appropriate for conforming, Highlands Council-certified municipalities to make determinations regarding specified Highlands Act exemptions.

MODEL HIGHLANDS AREA EXEMPTION ORDINANCE

§ 1.5 SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall in no way affect the validity of the ordinance as a whole, or of any other portion thereof.

§ 1.6 EFFECTIVE DATE

This Ordinance shall take effect after final passage and publication in the manner required by law.

ARTICLE 2. DEFINITIONS

§ 2.1 WORD USAGE

Terms used in the body of this Ordinance which are defined by the Highlands Act (N.J.S.A. 13:20-3) are intended to have the same definitions as provided in the Highlands Act. Unless expressly stated to the contrary or alternately defined herein, terms which are defined by the MLUL are intended to have the same meaning as set forth in the MLUL. For purposes of this Ordinance, the terms “shall” and “must” are indicative of a mandatory action or requirement while the word “may” is permissive.

§ 2.2 DEFINITIONS

For purposes of this Ordinance the following definitions shall apply:

Agricultural or Horticultural Development – Construction for the purposes of supporting common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing. (N.J.S.A. 13:20-3.)

Agricultural or Horticultural Use – The use of land for common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing. (N.J.S.A. 13:20-3.)

Agricultural Impervious Cover – Agricultural or horticultural buildings, structures or facilities with or without flooring, residential buildings and paved areas, but not meaning temporary coverings. (N.J.S.A. 13:20-3.)

Applicant – Any entity applying to the Board of Health, Planning Board, Zoning Board of Adjustment, Zoning Officer, Construction Official or other applicable authority of the municipality for permission or approval to engage in an activity that is regulated by the provisions of this Ordinance.

Application for Development – The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).

Building Permit – Used interchangeably with the term “Construction Permit;” see definition below.

Construction Permit – A permit issued pursuant to the New Jersey Uniform Construction Code, Chapter 23 of Title 5 of the New Jersey Administrative Code (N.J.A.C. 5:23-1 et seq.), providing authorization to begin work subject to the conditions and requirements established under the provisions therein.

Development – The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land

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or extension of use of land, for which permission may be required pursuant to the MLUL. (N.J.S.A. 13:20-3; N.J.S.A. 40:55D-4.)

Disturbance – The placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation. (N.J.S.A. 13:20-3.)

Disturbance, Ultimate – The total existing or proposed area of disturbance of a lot, parcel, or other legally designated (or otherwise legally recognized) tract or subdivision of land, for the purpose of, and in connection with, any human activity, property improvement, or development, including the surface area of all buildings and structures, all impervious surfaces, and all associated land disturbances such as excavated, filled, and graded areas, and all lawn and landscape areas. Ultimate disturbance shall not include areas of prior land disturbance which at the time of evaluation: a) contain no known man-made structures (whether above or below the surface of the ground) other than such features as old stone rows or farm field fencing; and b) consist of exposed rock outcroppings, or areas which, through exposure to natural processes (such as weathering, erosion, siltation, deposition, fire, flood, growth of trees or other vegetation) are no longer impervious or visually obvious, or ecologically restored areas which will henceforth be preserved as natural areas under conservation restrictions.

Environmental Land Use or Water Permit – A permit, approval, or other authorization issued by the Department of Environmental Protection pursuant to the "Freshwater Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et seq.), the "Water Supply Management Act," P.L.1981, c.262 (C.58:1A-1 et seq.), the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), "The Realty Improvement Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23 et seq.), the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.), the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), or the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.). (N.J.S.A. 13:20-3.)

Farm Management Unit – A parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise. (N.J.S.A. 13:20-3.)

Forest Management Plan – A written guidance document describing the forest resources present on a property, the landowner's management goals and objectives, and the recommended practices or activities to be carried out over time on the land. This tool is used to evaluate a forest land's current state and provide a management process which, over time, meets the landowner's objectives, while maintaining health and vigor of the resource. Forest Management Plans are typically written for a ten year period. (RMP, Glossary.)

Farmsite – A Farm Management Unit as defined above.

Highlands Applicability Determination – A determination made by the NJDEP (pursuant to N.J.A.C. 7:38-2.4) indicating whether a project proposed for the Preservation Area is a major Highlands development, whether any such major Highlands development is exempt from the Highlands Act, and whether the project is consistent with the applicable Areawide Water Quality Management Plan

Highlands Area – That portion of the municipality for which the land use planning and regulation are in conformance with, or are intended or proposed to be in conformance with, the Highlands RMP.

Highlands Preservation Area Approval (HPAA) – An approval issued by the NJDEP pursuant to 7:38-6 pertinent to a regulated activity in the Highlands Preservation Area, and including an HPAA that contains a waiver pursuant to N.J.S.A. 13:20-33b..

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Immediate Family Member – A spouse, child, parent, sibling, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half brother, or half sister, whether the individual is related by blood, marriage, or adoption. (N.J.S.A. 13:20-3.)

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

Impervious Surfaces, Cumulative – The total area of all existing or proposed impervious surfaces situated or proposed to be situated within the boundary lines of a lot, parcel, or other legally recognized subdivision of land, expressed either as a measure of land area such as acreage, or square feet, or as a percentage of the total lot or parcel area.

Major Highlands Development – Except as otherwise provided pursuant to subsection a. of section 30 of the Highlands Act (“Exemptions”): (1) any non-residential development in the Preservation Area; (2) any residential development in the Preservation Area that requires an environmental land use or water permit [from the NJDEP, *see definition above*], or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more; (3) any activity undertaken or engaged in the Preservation Area that is not a development but results in the ultimate disturbance of one-quarter acre or more of forested area or that results in a cumulative increase in impervious surface by one-quarter acre or more on a lot; or (4) any capital or other project of a State entity or local government unit in the Preservation Area that requires an environmental land use or water permit [from the NJDEP, *see definition above*], or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more. Major Highlands Development shall not include any agricultural or horticultural development or agricultural or horticultural use. Solar panels shall not be included in any calculation of impervious surface. (As defined by the Highlands Act, N.J.S.A. 13:20-1 et seq., as amended.)

Master Plan – For purposes of this Ordinance, all references to the “Borough/Township/Town Master Plan,” “master plan,” or “Master Plan,” refer to the municipal master plan, as defined in the MLUL (N.J.S.A. 40:55D-5), as adopted by the Borough/Township/Town Planning Board.

Master Plan, Highlands Regional (RMP) – For purposes of this Ordinance, all references to the Highlands Regional Master Plan (RMP), shall be by use of the words “Highlands Regional Master Plan,” “Highlands RMP,” “Regional Master Plan,” or “RMP.”

Municipal Land Use Law (MLUL) – The New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

NJDEP – New Jersey Department of Environmental Protection

NJDEP Preservation Area Rules – The regulations established by the NJDEP to implement requirements of the Highlands Act, titled “Highlands Water Protection and Planning Act Rules,” and codified at N.J.A.C. 7:38-1 et seq.

Planning Area – Lands within the Highlands Region that are not located in that portion designated by the Highlands Act as the “Preservation Area” (see metes and bounds description at N.J.S.A. 13:20-7b).

Preservation Area – Lands within the Highlands Region that are located in that portion designated by the Highlands Act as the “Preservation Area” (see metes and bounds description at N.J.S.A. 13:20-7b).

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Solar Panel – An elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array. (N.J.S.A. 13:20-3.)

Structure – A combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

ARTICLE 3. GEOGRAPHIC AREA OF APPLICABILITY

§ 3.1 HIGHLANDS PLANNING AREA AND PRESERVATION AREA

The Highlands Act establishes the Preservation Area and Planning Area of the Highlands Region. It describes the varied attributes of each and sets forth the major land use planning goals that pertain to the lands located within each. The Act defines the geographic extent of the Highlands Region to include the aggregated land area making up its constituent municipalities (N.J.S.A. 13:20-7a). It provides a physical delineation of the Preservation Area by use of a specific metes and bounds description (N.J.S.A. 13:20-7b), designating all remaining lands within the Highlands Region as the Planning Area.

§ 3.1.1 Highlands Area

The Borough/Township/Town Master Plan incorporates the Highlands Preservation Area and/or Planning Area, inclusive of the goals applicable to each/it, as an integral component of the planning and land use policies of the municipality. For purposes of this Ordinance, this/these Area/s is/are designated as the Borough/Township/Town Highlands Area. A map of the Borough/Township/Town Highlands Area appears in Exhibit 1.

§ 3.1.2 Applicability Specified

This Ordinance applies specifically and solely to lands designated as the Borough/Township/Town Highlands Area, as delineated in Exhibit 1.

ARTICLE 4. HIGHLANDS ACT EXEMPTION DETERMINATIONS

§ 4.1 HIGHLANDS ACT EXEMPTIONS

Section 30 of the Highlands Act identifies as exempt, specific activities, improvements and development projects affecting lands within the Highlands Region. Such activities, improvements and projects may be proposed as a component of any type of land use application submitted to the municipality for approval, including but not limited to zoning permit applications, building permit applications, and Applications for Development (as defined at § 2.2). Any such qualifying activity, improvement or development project is exempt, with regard specifically to that activity, improvement or development project, from the requirements of the Highlands Act, the Highlands RMP, the NJDEP Preservation Area Rules, and any amendments to the Borough/Township/Town's master plan, development regulations, or other regulations adopted pursuant to the approval of Borough/Township/Town's Petition for Plan Conformance by the Highlands Council. Such an exemption specifically applies to any Highlands Area land use ordinance adopted by the Borough/Township/Town pursuant to the Highlands Council's approval of Borough/Township/Town's Petition for Plan Conformance.

Where any application submitted to the municipality for approval proposes to rely upon a Highlands Act Exemption, the applicant must, as a condition of application completeness, and prior to review or approval of the application by the applicable municipal authority, provide sufficient evidence that the proposed activity, improvement, or development project in fact qualifies as a Highlands Act Exemption. Such evidence shall consist of either a State Agency Exemption Determination or a Municipal Exemption Determination (see § 4.1.1 or § 4.1.2 below) indicating that the proposed activity, improvement, or development project qualifies for a Highlands Act Exemption.

§ 4.1.1 State Agency Exemption Determination

State Agency Exemption Determinations shall consist of either, a Highlands Applicability Determination issued by the NJDEP for a Preservation Area proposal, or a Highlands Exemption Determination issued by the Highlands Council for a Planning Area proposal. State Agency Determinations may be requested with regard to any Highlands Act Exemption, however for applications involving any exemption not identified at § 4.2 below, a State Agency Exemption Determination is required. Any applicant seeking a formal exemption determination for a capital or other project of any State entity or local government unit, or for any other publicly-owned or controlled land or facility, also must request a State Agency Exemption Determination.

§ 4.1.2 Municipal Exemption Determination

For an application involving any of the specific exemptions listed in Section 4.2 below, the applicant may request a Municipal Exemption Determination. The applicant may rely upon the findings of a Municipal Exemption Determination to the same extent as would apply to an exemption determination issued by the Highlands Council or the NJDEP.

§ 4.2 HIGHLANDS ACT EXEMPTIONS ELIGIBLE FOR MUNICIPAL DETERMINATION

Effective as of the date on which the municipality receives written authorization from the Highlands Council to proceed, an applicant may seek a Municipal Exemption Determination for the Highlands Act Exemptions listed hereunder. *[This listing will be finalized in consultation with the municipality. The Highlands Council encourages municipalities to incorporate all exemptions authorized for municipal determination, as listed below. While municipalities may consider shortening this list, the Council encourages municipalities to assume responsibility for exemption determinations to the maximum extent feasible, to provide ease and efficiency in processing of municipal applications and to reduce costs to applicants. Training will be provided for municipal officials prior to adoption and effectuation of these provisions and on-going assistance will be available to all officials designated with review authority.]*

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1. *Exemption 1.* The construction of a single family dwelling, for an individual's own use or the use of an immediate family member, on a lot owned by the individual on the date of enactment of the Highlands Act (August 10, 2004) or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.
2. *Exemption 2.* The construction of a single family dwelling on a lot in existence on the date of enactment of the Highlands Act (August 10, 2004), provided that the construction does not result in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more.
 - a) A Municipal Exemption Determination indicating that an applicant qualifies under Highlands Act Exemption 2 shall require approval and filing of a Deed Notice along with a site plan delineating the total exempt area and the extent of the disturbance recognized in the Municipal Exemption Determination (see 4.4 below). Municipal Exemption Determinations in such instances shall not take effect until the applicant has provided proof of filing of the approved Deed Notice.
3. *Exemption 4.* The reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more. This exemption shall not apply to the reconstruction of any agricultural or horticultural building or structure for a non-agricultural or non-horticultural use.
 - a) For purposes of this Ordinance, this exemption shall not be construed to permit multiple 125% footprint expansions, but rather, to permit one or more reconstruction activities cumulatively resulting in a maximum 125% increase in the footprint of the impervious surfaces lawfully existing on the site, provided they do not cumulatively exceed the one-quarter acre limitation. Any determination of whether the expansion of impervious cover meets the statutory criteria for the exemption must account for the preexisting impervious cover, and such expansion must be contiguous to the location of the existing impervious cover. See In re August 16, 2007 Determination of NJDEP ex rel. Christ Church, 414 N.J. Super. 592 (App. Div. 2010), certif. denied, 205 N.J. 16 (2010).
 - b) For Preservation Area determinations, the applicable date of lawful existence shall be August 10, 2004, the date of enactment of the Highlands Act. For Planning Area determinations, the date of lawful existence shall coincide with the effective date of the municipally-adopted Highlands Area Checklist Ordinance or Highlands Area Land Use Ordinance, whichever is earlier.
4. *Exemption 5.* Any improvement to a single family dwelling in existence on the date of enactment of the Highlands Act (August 10, 2004), including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool or septic system.
5. *Exemption 6.* Any improvement, for non-residential purposes, to a place of worship owned by a nonprofit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on the date of enactment of the Highlands Act (August 10, 2004), including but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility.
6. *Exemption 7.* An activity conducted in accordance with an approved woodland management plan pursuant to section 3 of the "Farmland Assessment Act," P.L.1964, c.48 (C.54:4-23.3) or a forest

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stewardship plan approved pursuant to section 3 of P.L.2009, c. 256 (C.13:1L-31), or the normal harvesting of forest products in accordance with a forest management plan or forest stewardship plan approved by the State Forester.

7. *Exemption 8.* The construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.

§ 4.3 EXEMPTION DESIGNEE(S)

Municipal Exemption Determinations regarding Highlands Act Exemptions shall be issued by the Borough/Township/Town *[insert as applicable: e.g., Planner, Engineer, and/or Zoning Officer]*. The Exemption Designee(s) shall be authorized to issue Municipal Exemption Determinations on behalf of the municipality, and shall only begin to do so, after satisfactory completion of a Highlands Council training class for which the individual(s) has/have received formal certification from the Highlands Council.

§ 4.3.1 Updates to Training Certification

In the event of programmatic changes, updated information, or modifications to procedures, updated training certification may be required of Exemption Designees in order to maintain qualifications for providing Municipal Exemption Determinations. The Highlands Council will provide training modules on an as-needed basis, to provide base training to new employees, and/or to further the expertise of already-certified individuals. Exemption Designees and the municipalities they serve will be advised of any need for upgraded training, which will be provided and funded by the Highlands Council.

§ 4.3.2 Interim Determinations

For the duration of any period during which the municipality is without a qualified Exemption Designee(s) due to changes in personnel or other extenuating circumstances, applicants seeking Highlands Act Exemption Determinations shall be referred to the NJDEP or the Highlands Council, for a State Agency Determination pursuant to § 4.1.1, above.

§ 4.4 APPLICATION PROCEDURES

§ 4.4.1 Municipal Exemption Applications

Requests for Municipal Exemption Determination shall be submitted on forms provided by the *[insert as appropriate: e.g., Planning/Engineering/Community Development Department – note, model forms will be provided by the Highlands Council for this purpose, which the municipality may modify as necessary to incorporate municipal beatings, contact information, application fee requirements, and submission details]* and shall be accompanied by sufficient information and documentary evidence to demonstrate whether the proposed activity, improvement or development project qualifies for the applicable exemption. Required submission materials applicable to each exemption, appear at § 4.7, below.

§ 4.4.2 Completeness Determination

The Exemption Designee shall review the application and all accompanying materials to determine whether sufficient information has been submitted to make a determination on the application. In the event of a finding that the application is incomplete, the Exemption Designee shall, within calendar days of receipt *[municipality to insert timing as appropriate]*, issue such findings in writing to the applicant, indicating what information is required to properly consider the application.

MODEL HIGHLANDS AREA EXEMPTION ORDINANCE

§ 4.4.3 Time for Determination

The Exemption Designee shall issue Municipal Exemption Determinations within [redacted] calendar days of receipt [municipality to insert timing as appropriate] of a complete application. The Exemption Designee may consult with the Executive Director (or applicable designee) of the Highlands Council as needed in making any exemption determination, however. In such circumstance, the Exemption Designee shall seek such assistance within the [redacted]-period [same timing as previous] and shall issue the determination within at least ten (10) calendar days of receiving the requested guidance. In no case shall failure to meet this date constitute approval of the exemption.

§ 4.4.4 Determinations

All Municipal Exemption Determinations shall be provided in writing, shall certify to the applicability or inapplicability of the exemption, and shall include a statement of the rationale for the decision. Any Municipal Exemption Determination certifying to the applicability of Highlands Act Exemptions #2 shall be contingent upon submission of proof of filing of the required Deed Notice, as set forth at § 4.4.5, below.

§ 4.4.5 Notice of Determination Required

The Exemption Designee shall provide copies of all Municipal Exemption Determinations including a copy of the full application, to the Highlands Council and for decisions regarding lands in the Highlands Preservation Area, to the NJDEP, in either case, within ten (10) business days of issuance.

§ 4.4.6 Deed Notice for Exemption #2

Any Municipal Exemption Determination that certifies to the applicability of Highlands Act Exemption #2 (§ 4.2 above), shall be issued conditionally, pending fulfillment of the requirement that a deed notice be recorded in the office of the County Clerk or Register, as applicable, indicating the extent of the exemption that has been consumed. The deed notice shall incorporate each of the components listed below and the applicant shall provide a copy of the filed Deed Notice to the Highlands Council within five (5) business days of filing.

- A. Clear identification of the name(s) and address(es) of the owner(s) in fee of the property;
- B. Designated tax block and lot number(s), street address(es), municipality and county of location of the property;
- C. Reference to the Municipal Exemption Determination (by date, numbering if applicable) issued and under which the deed notice is being filed;
- D. Description of the approved area of ultimate disturbance and the impervious surface area, with verification that these remain below the statutory limits;
- E. For properties of one acre or more in area, metes and bounds delineation indicating the portion of the property for which the ultimate disturbance has been authorized;
- F. Agreement to abide by the ultimate disturbance and impervious surface limits imposed, any furtherance thereof rendering the Municipal Exemption Determination null and void; and
- G. Notice that the owner(s) and subsequent owner(s) and lessees shall cause all leases, grants, and other written transfers of interest in the property to contain provisions expressly requiring all holders thereof to take the property subject to the limitations therein set forth.

MODEL HIGHLANDS AREA EXEMPTION ORDINANCE

§ 4.5 APPEAL OF MUNICIPAL EXEMPTION DETERMINATION

A Municipal Exemption Determination may be appealed by any affected person/entity by filing a notice of appeal within twenty (20) calendar days of issuance or receipt of said determination, whichever is later, specifying the grounds therefor. Appeals must be filed with the NJDEP in the case of any Preservation Area Exemption, and with the Highlands Council, in the case of any Planning Area Exemption. All appeals shall be copied to the Exemption Designee, who shall immediately transmit to the NJDEP or the Highlands Council, as applicable, copies of the notice of appeal, the Municipal Exemption Determination Application, and all supplemental materials constituting the record that the Exemption Designee relied upon in issuing the Municipal Exemption Determination. Where the Municipal Exemption Determination deems an activity, improvement or development project exempt, the filing of an appeal to the NJDEP or the Highlands Council shall stay all proceedings in furtherance of its approval by the municipality.

§ 4.6 EFFECT OF CERTIFIED EXEMPTION

Issuance of a Municipal Exemption Determination that certifies to the applicability of a Highlands Act exemption shall recognize the applicant's exemption from the provisions of the RMP, NJDEP Preservation Area Rules, and any municipal ordinances and requirements adopted under the authority of the Highlands Act to achieve Highlands Plan Conformance. The exemption is restricted solely to the extent of the specified activity, improvement, or development project as described in the language of the Highlands Act exemption, or to any lesser activity, improvement, or development project as proposed and certified through a Municipal Exemption Determination Application. Any activity, improvement, or development project, or any part thereof, that is not specifically listed as an exemption or exceeds the limits of an exemption, remains subject to all of the above regulatory programs to the full extent of the respective applicability of each. Issuance of a Highlands Exemption Determination shall not relieve the applicant from securing all other required federal, state, or local approvals.

§ 4.7 APPLICATION FEES (OPTIONAL)

[Municipalities may in their discretion determine whether to charge application fees for Municipal Exemption Determinations, consistent with applicable State and local requirements.]

§ 4.8 SUBMISSION REQUIREMENTS

All applications shall be accompanied by the Municipal Exemption Determination Application Form, the applicable fees, and the information listed below, as applicable to the particular exemption or exemption(s) being sought by the applicant. All references to professional preparers indicated herein shall be construed to include any and all qualified individuals licensed, certified, or otherwise eligible and authorized to complete such work, in accordance with the applicable laws and legal requirements of the State of New Jersey including but not limited to the MLUL (N.J.S.A. 40:55D-1 et seq.) and Title 13 of the New Jersey Administrative Code, Law and Public Safety. Where the Exemption Designee finds that any submission item is not necessary to address the evidentiary requirements that must be satisfied for issuance of an Exemption Determination, either because alternate items have been provided by the applicant, or the relevant information is readily available through records, maps, or any other documents on file in the offices of the municipality, the Exemption Designee may waive the applicant's obligation to submit such information..

A. *Exemption 1.*

1. A copy of a deed, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was legally owned by the applicant on or before August 10, 2004 and indicating the lot and block as designated by the municipal tax mapping, the municipality and county in which the lot is located, and the street address;

MODEL HIGHLANDS AREA EXEMPTION ORDINANCE

2. If the applicant did not own the lot, a copy of the binding contract of sale executed by the seller and the applicant on or before May 17, 2004 for the lot on which the house is to be constructed;
3. A certification by the applicant stating that the single family dwelling proposed for construction on the lot specified and described therein by tax lot and block, municipality and county of location, and street address, is intended for the applicant's own use or the use of an immediate family member as identified therein by name and relationship to the applicant; and

B. *Exemption 2.*

1. A copy of the recorded deed or plat showing that the lot was created on or before August 10, 2004 or proof of subdivision approval on or before August 10, 2004;
2. A property survey certified by a licensed New Jersey Professional Land Surveyor indicating the property boundary lines and overall lot size, and showing what structures currently exist on the lot, if any;
3. A parcel plan certified by a licensed New Jersey Professional Engineer showing all existing and proposed development, including all structures, grading, clearing, impervious surface and disturbance, and including the calculations supporting the claim that impervious surfaces and areas of disturbance are within the limits necessary for Exemption 2; and
4. A metes and bounds description of the area of the lot to be disturbed, limited to less than one acre and a draft conservation restriction or deed notice (pursuant to § 4.4.5, above) to cover the balance of the lot.

C. *Exemption 4.*

1. A parcel plan certified by a licensed New Jersey Professional Engineer depicting:
 - a) All existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, lawfully existing on the site as of August 10, 2004; and
 - b) All proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading; and
2. A copy of any official documentation of the original date of construction of the building or otherwise establishing the lawfulness of existing impervious surfaces.

D. *Exemption 5.*

1. A copy of any official documentation proving the single family dwelling was in existence on August 10, 2004;
2. A description of the proposed improvement; and
3. A certification from the applicant that the property and all improvements will continue to be used for single family dwelling purposes.

E. *Exemption 6.*

MODEL HIGHLANDS AREA EXEMPTION ORDINANCE

1. A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004;
2. For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non-profit status;
3. A site plan certified by a licensed New Jersey Professional Engineer depicting:
 - a) All existing property improvements including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site on August 10, 2004; and
 - b) All proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.

F. *Exemption 7.*

1. For a private landowner with an approved woodland management plan or forest stewardship plan:
 - a) A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq., if applicable;
 - b) A brief description of the total area of woodlands that is the subject of the approved woodland management plan or forest stewardship plan;
 - c) A brief description of the length of time that the area to be managed has been in use for woodland management or forest stewardship plan; and
 - d) A copy of the approved woodland management plan or forest stewardship plan.
2. For the normal harvesting of forest products in accordance with a forest management plan or forest stewardship plan approved by the State Forester:
 - a) A brief description of the total area where the normal harvesting of forest products occurs;
 - b) A brief description of the length of time that the area to be managed has been in use for normal harvesting of forest products; and
 - c) A copy of a forest management plan or forest stewardship plan approved by the State Forester.

G. *Exemption 8.*

1. A site plan certified by a licensed New Jersey Professional Engineer showing the proposed trail construction with details including the location, and width of existing and proposed trails and those off-site trails to which they connect, if any;
2. A written description of the non-impervious materials to be used; and
3. For privately owned property, a copy of a deed for the property and the conservation or recreational use easement on the property.

Appendix G. Rutgers Continuing Studies

This training program has been approved for one technical contact hour for individuals holding a Rutgers issued **Board Secretary, Zoning Official, and/or Land Use Administrator** certification(s). Please note that certificate holders may only count their attendance at one Highlands Area Municipal Exemption Determination Certification training program per planning/zoning renewal cycle.

Note: If you are taking this program as a refresher, you may obtain credit but attendees can only count participation in one of these sessions towards a certificate renewal cycle.

Rutgers Certification is **not** intended for professional planner and/or professional engineer continuing education requirements.

Individuals seeking credit for the 2023 session must complete the attached form, retain it as proof of attendance (Highlands certificate), and submit both items when you renew your Rutgers Planning Zoning (PZ) certificate.

MULTI-PURPOSE CONTINUING EDUCATION FORM
Planning & Zoning Administration Program
Center for Government Services



Please read this entire form to ensure you maintain the appropriate continuing education records for submission with your certificate renewal application.

Part A: Type of Request

Date of Request _____

Check One:

- ☐ **Pre-Attendance** – For certificate holders that have identified an upcoming continuing education program they would like to attend that is sponsored by an organization other than the Rutgers University Center for Government Services.


This type of request must be accompanied by:

1. A copy of your completed registration form for the program.
2. A copy of the program description and agenda which includes the length of the program (number of days and hours per day).

- ☐ **Post-Attendance** – For certificate holders that have already attended a continuing education program they would like to have considered for continuing education credits that was sponsored by an organization other than the Rutgers University Center for Government Services.

This type of request must be accompanied by:

1. A copy of the program description and agenda which includes the length of the program (number of days and hours per day).
2. A copy of a certificate of completion or attendance confirmation from the sponsoring organization OR
3. The instructor's original signature here:

_____ Instructor's Name (Print)	 _____ Instructor's Signature
------------------------------------	---

Part B: Program Information

Date(s) of Program _____ Classroom Hours (excluding lunch) _____

Program Title _____

Sponsoring Organization _____

Program Location _____

Instructor(s) _____

Part C: Requester's Information

Check the appropriate box(es). I hold a: ☐ Planning/Zoning Board Secretary Certificate
☐ Land Use Administrator Certificate
☐ Zoning Official Certificate

Name _____

Home Address _____

Home Phone _____ Mobile Phone _____

Employer _____

Business Address _____

Work Phone _____ E-mail _____

Official Title _____

Can Rutgers return this form to you via e-mail as a PDF attachment? ☐ Yes ☐ No
If yes, please ensure your e-mail is clearly written above.

Part D: Records to Maintain for Certificate Renewal Applications

Rutgers will review this request and return this form to you indicating the number of approved contact hours in Part E below. **Please file this document with your continuing education records. Each certificate holder is responsible for maintaining records of his/her own accumulated continuing education hours.**

Certificate Renewal Instructions - Please submit the following documents with your certificate renewal application. Always keep a file of these records for yourself.

If this is a **Pre-Attendance** request, you must submit the following documents with your certificate renewal application:

1. A copy of this *Multi-Purpose Continuing Education Form* with the pre-approval indicated.
2. A copy of a certificate of completion or attendance confirmation from the sponsoring organization OR
3. The instructor's original signature here:

Instructor's Name (Print)

Instructor's Signature

If this is a **Post-Attendance** request, you must submit a copy of this *Multi-Purpose Continuing Education Form* with the post-attendance approval indicated. Rutgers does not maintain copies of student Continuing Education forms.

Part E: Approval Status – FOR RUTGERS USE ONLY

☐ **Pre-Attendance**

☐ Administrative ☐ Technical

Number of hours approved: _____

_____ Date: _____

Pre-Approval:

☐ Reg. Form

☐ Description/Agenda

Renewal:

☐ CE Form

☐ Certificate/Sponsor Confirmation/Instructor Signature

☐ **Post-Attendance**

☐ Administrative ☐ Technical

Number of hours approved: _____

_____ Date: _____

Post-Approval:

☐ Description/Agenda

☐ Certificate/Sponsor Confirmation/Instructor Signature

Renewal:

☐ CE Form

Return this completed form and supporting documentation to: flagg@docs.rutgers.edu.

Appendix H. Delegated Exemption Examples

Exemption #1. Construction of a single family dwelling for own use or family use

The construction of a single family dwelling, for an individual's own use or the use of an immediate family member, on a lot owned by the individual on the date of enactment of this act or on a lot for which the individual has on or before May 17, 2004 entered into a binding contract of sale to purchase that lot.

TOWNSHIP OF MONTVILLE

Highlands Exemption Determination Application
195 Changebridge Road
Montville, NJ 07045
(973) 331-3300



Receipt Stamp - Municipal Use Only

Date:

August 12, 2014

Application #:

217-14

Applicant Name:

[REDACTED]

Property Information

Street Address:

10 OLD LANE MONTVILLE NJ 07045

Block(s) & Lot(s):

LOT 35.04 BLOCK 21.01 THE TOWNSHIP OF MONTVILLE MORRIS COUNTY NJ 07045

Date Lot Created:

☒ Prior to August 10, 2004

If after August 10, 2004:

Existing Uses:

CONSTRUCTION SITE FOR A SINGLE FAMILY HOME
WITH SEPTIC APPROVAL

Property Owner Information

☐ Same as Applicant

Owner's Name:

[REDACTED]

Owner's Address:

6 OLD LANE MONTVILLE NJ 07045

Applicant Information

Applicant Address:

6 OLD LANE MONTVILLE NJ 07045

Phone #:

[REDACTED]

Fax #:

[REDACTED]

email:

[REDACTED]

Engineer, Attorney or Other Principal Contact Information

Name:

Jeff Careaga PE c/o Patricia Dannhardt PE CLA

Address:

382 RT 46 W (Equity Plaza) Budd Lake NJ 07828

Phone #:

973 448 0651

Fax #:

973 448 0652

email:

Trish@careagaengineering.com

Project Information

Brief Project
Description
(Attach
Additional as
Necessary):

VAUER FROM HIGHLANDS TO CONNECT TO SEWER
PROPOSED FOR 10 OLD LANE MONTVILLE NJ 07045
Exemption for residence to include
connection to municipal sewer system

A. Exemption 1: For the construction of a single-family dwelling for an individual's own use or the use of an immediate family member, on a lot owned by the individual on August 10, 2004, or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.

☒ I hereby certify that the single-family dwelling proposed for construction on the subject lot is intended for my own use or the use of the following immediate family member (as defined by ORDINANCE #2014-02).

Applicant Initial:

Name of Family Member:

Relationship of Family Member:

Lot Legally Owned by the Applicant on August 10, 2004:

☒ Copy of a deed, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was legally owned by the applicant as of August 10, 2004 and indicating the lot and block as designated by the municipal tax mapping, the municipality and county in which the lot is located, and the street address.

☒ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004

Applicant Initial:

Lot Under Contract of Sale to Applicant as of May 17, 2004:

☐ Copy of the binding contract of sale executed by the seller and the applicant on or before May 17, 2004 for the lot on which the house is to be constructed.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of the date of the executed contract of sale.

Applicant Initial:

NA

B. Exemption 2: For the construction of a single-family dwelling on a lot that lawfully existed as of August 10, 2004, provided that construction does not result in the ultimate disturbance of 1 or more acres of land or a cumulative increase in impervious surface by 1/4 acre or more.

☐ A copy of the recorded deed or plat showing that the lot was created on or before August 10, 2004.

☐ A property survey certified by a licensed New Jersey Professional indicating the property boundary lines and overall lot size, and showing what structures currently exist on the lot, if any.

☒ A parcel plan certified by a qualified licensed New Jersey Professional showing all existing and proposed development, including all structures, grading, clearing, impervious surface and disturbance, areas of existing disturbance to be restored (if any), and including calculations demonstrating that impervious surfaces and areas of disturbance are within the 1/4 acre and 1 acre limit as prescribed.

☐ A metes and bounds description by a qualified licensed New Jersey Professional showing the area of the lot to be disturbed, limited to less than one acre.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004.

Applicant Initial:

C. Exemption 4: For the reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces* on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by 1/4 acre or more.
*The date of lawfully existing impervious surface is August 10, 2004 in the Preservation Area.

☐ A parcel plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site as of August 10, 2004 for the Preservation Area; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading. Also include supporting calculated values for existing and proposed impervious surfaces for the project/activity.

☐ A copy of any official documentation indicating the original date of construction of the existing buildings and/or structures, or otherwise establishing the lawfulness of their existence, inclusive of that of existing impervious surfaces.

Information Submitted:

Project Summary:

Exemption
Review:

Comments:

As the Certified Municipal Exemption Designee I hereby certify the following finding for this application

EXEMPTIONS: ~~AND 5 as necessary~~

Date:

10/24/14

Signature: _____

Neghan Hunscher



New Jersey Highlands Council



Legend



Pre Highlands Act
Sewer Service
Area

**Montville Twp.
Pre Highlands Act
Sewer Service Area**



1:9,600

1 inch = 800 feet

DEED

Prepared by: (Print signer's name below signature)
Frances S. Margolis
Frances S. Margolis

This Deed is made on July 5TH, 1994.

BETWEEN LMZ ASSOCIATES, a New Jersey partnership composed of LMZ LIMITED, INC. and MAX HALBRECHT,

84518

whose address is 441 Baldwin Road, Maplewood, Essex County, New Jersey 06040, referred to as the Grantor,

AND

whose post office address is referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of One hundred fifteen thousand (\$115,000.00) Dollars.

The Grantor acknowledges receipt of this money.

Tax Map Reference (N.J.S.A. 46:15-1.1) Municipality of Montville,
Block No. 21.01 Lot No. 35.04 Account No.
☐ No property tax identification number is available on the date of this Deed. (Check box if applicable).

Property. The property consists of the land and all the buildings and structures on the land in the Township of Montville, County of Morris and State of New Jersey. The legal description is:
Tract 2: BEING known and designated as Lot 35.04 in Block 21.01 as shown on a certain map entitled "Final subdivision plat prepared for L.M.Z. Associates, situate in the Township of Montville, Morris County, New Jersey", which said map was filed in the Morris County Clerk's Office on June 26, 1992 as filed map No. 4967.

Said premises being also described as follows:

BEGINNING at a point in the northeasterly line of Old Lane distant 542.81 feet southeasterly from the point of intersection of the northeasterly line of Old Lane with the southeasterly line of Stony Brook Road and from thence running;

(1) North 18 degrees 35 minutes 22 seconds east 234.61 feet to a point; thence

(2) South 70 degrees 34 minutes 38 seconds east 26.13 feet to a point; thence

(3) North 89 degrees 19 minutes 47 seconds east 105.12 feet; thence

(4) North 81 degrees 34 minutes 35 seconds east 22.15 feet to a point; thence

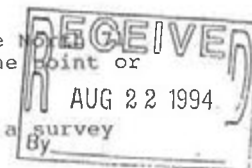
(5) South 9 degrees 40 minutes 36 seconds west 278.58 feet to a point in the northeasterly line of Old Lane; thence

(6) Along the same north 74 degrees 46 minutes 18 seconds west 11.95 feet to a point of curvature; thence

(7) Continuing along the northeasterly line of Old Lane on a curve to the right having a radius of 1,753.63 feet an arc distance of 102.32 feet to a point; thence

(8) Still along the Northeasterly Line of Old Lane north 10 degrees 25 minutes 42 seconds west 74.06 feet to the point or place of BEGINNING.

The foregoing description being in accordance with a survey prepared by J. Peter Borbas, dated May 31, 1994.



DB4012 P024

STATE OF NEW JERSEY, COUNTY OF

Bergen

SS:

I CERTIFY that on

July

5

, 19 94

Mark Roth

personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the secretary of LMZ Limited, Inc.,
the corporation named in the attached Deed;
- (b) this person is the attesting witness to the signing of this Deed by the proper corporate officer who is
Lionel Roth, the President of the corporation;
- (c) this Deed was signed and delivered by the corporation as its voluntary act duly authorized by a proper
resolution of its Board of Directors;
- (d) this person knows the proper seal of the corporation which was affixed to this Deed;
- (e) this person signed this proof to attest to the truth of these facts; and
- (f) the full and actual consideration paid or to be paid for the transfer of title is \$ 115,000.00
(Such consideration is defined in N.J.S.A. 46:15-5.)

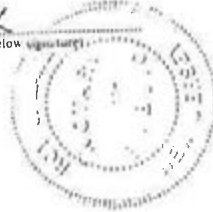
Signed and sworn to before me on

July 5th, 1994

Roy J. Lawlor

ROY J. LAWLOR
Notary Public of New Jersey
My Commission Expires April 14, 1998

Mark Roth
(Print name of attesting witness below signature)
Mark Roth



Prepared by:

N.J.S.A. 46:15-13 (Print signer's name below signature)

DEED

Dated: July 5th, 19 94

LMZ ASSOCIATES, a New Jersey partnership, composed of LMZ LIMITED, INC. and MAX HALBRECHT

Record and return to:

Grantor,

TO



Grantee.

RECEIVED
JUL 13 12 23 PM '94
ALFONSE W. SCERBO
MORRIS CO. CLERK

COUNTY OF MORRIS

Consideration 115,000.00
Base Tax 402.50
Additional Tax 402.50
REALTY TRANSFER FEE 402.50
Date 7/13/94 By am
RECORDING FEE 24

Chicago

DB4012 P027

THIS conveyance is made subject to easements, restrictions, reservations, applicable zoning ordinances and all other matters of record and is subject to such facts as an accurate survey may disclose.

Being part of the same premises conveyed to grantor by Deed from Lowell E. Jaeger and Joanne E. Jaeger, his wife, dated October 25, 1985, and recorded in the Morris County Clerk's Office on October 29, 1985 in Deed Book 2823, page 424.

TITLE SOURCE

Order Number: 57676243
Production Date: March 7, 2013

Revision Date: 4/9/2013
Revision Number: 4

CONVEYANCE SEARCH

Effective Date: February 28, 2013 at 8:00 a.m.

From examination of the records in the Register of Deeds Office, Morris County, NJ, for property described as follows, to wit:

Land situated in the Township of Montville in the County of Morris in the State of NJ
(See Attached Exhibit A - Legal Description)

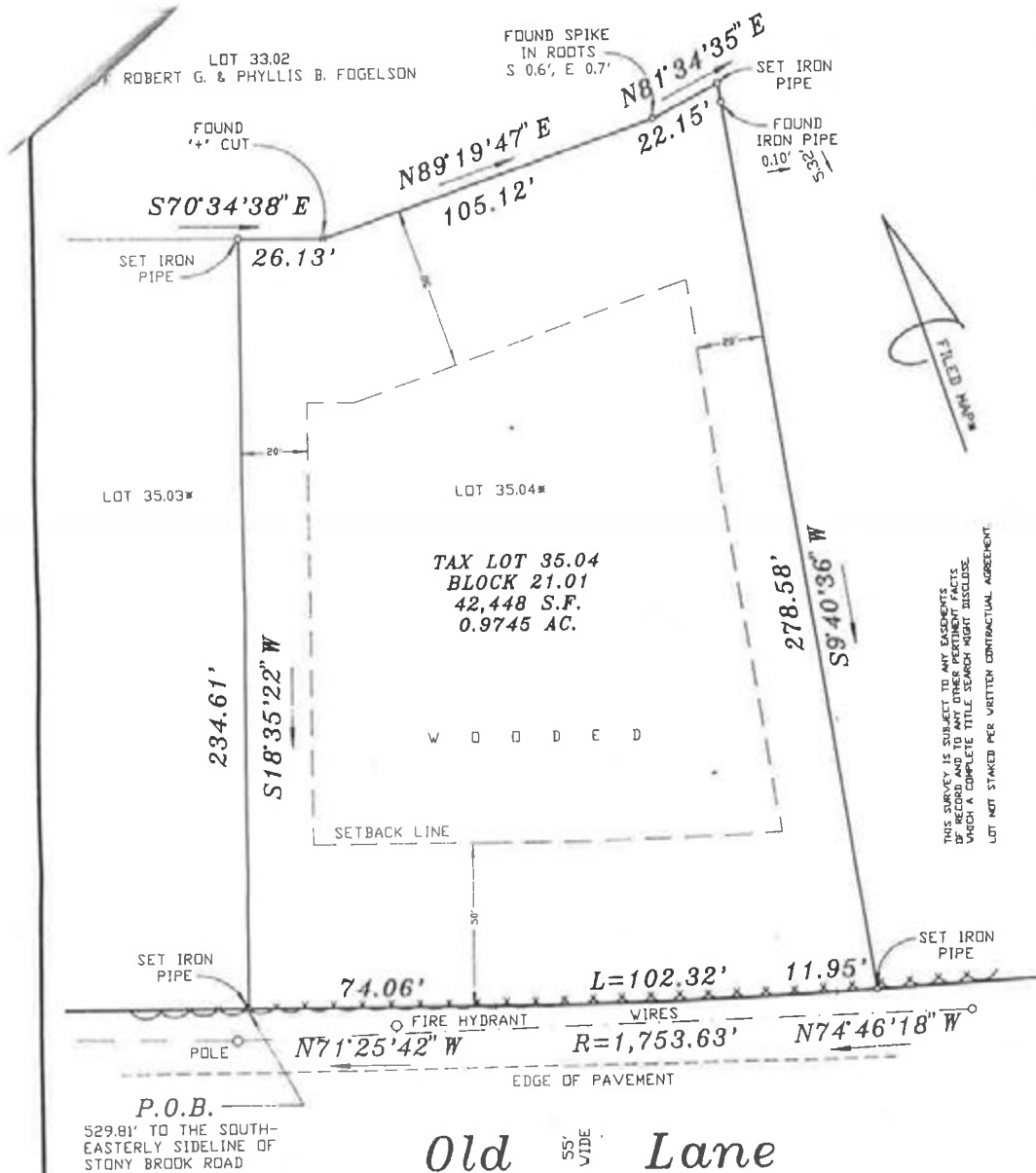
Commonly known as: 6 Old Lane, Montville, NJ 07045

Block: 21.1 Lot: 35.3, 0021 100035 3

24 months prior to February 28, 2013, we find there are no conveyances affecting subject property except the following:

1. Deed from [REDACTED] to [REDACTED] dated June 7, 2001 and recorded June 21, 2001 in Liber/Book 5398, Page/Folio 176

This report contains information from public land records available in the county indicated above for whose accuracy and completeness we assume no responsibility. This report is released with the understanding that it is strictly confidential and only to be used by the party requesting it. This report is not to be construed as an opinion of title or as a commitment for title insurance. For matters of a legal nature, we suggest you contact your attorney. The liability of Title Source, Inc. is limited to the amount paid for this report. Title Source, Inc. assumes no liability, financial or otherwise, in association with the information in this report.



THIS SURVEY IS SUBJECT TO ANY EASEMENTS
RECORDING IN THE PUBLIC RECORDS. THE SURVEYOR
MAKES NO WARRANTY AS TO THE ACCURACY OF THE
FACTS SET FORTH HEREIN. A COMPLETE TITLE SEARCH MUST DISCLOSE
LOT NOT STAKED PER WRITTEN CONTRACTUAL AGREEMENT.

THIS SURVEY IS CERTIFIED ONLY TO:

CHICAGO TITLE INSURANCE COMPANY

* FILED MAP REFERENCE

BEING LOT 35.04 IN BLOCK 21.01 AS SHOWN ON A
MAP ENTITLED 'FINAL SUBDIVISION PLAT PREPARED
FOR L.M.Z. ASSOCIATES SITUATE IN THE TOWNSHIP
OF MONTVILLE MORRIS COUNTY NEW JERSEY' DATED
SEPT. 18, 1991 AND FILED IN THE MORRIS COUNTY
CLERK'S OFFICE ON JUNE 26, 1992 AS MAP NO. 4967.

SURVEY OF PROPERTY
TAX LOT 35.04
BLOCK 21.01
IN
THE TOWNSHIP OF
MONTVILLE
MORRIS COUNTY, NEW JERSEY

SCALE: 1"=40'
FIELD BOOK: 92-5/139/94-7/19
ORDER NO.: 94052904
FILE: JPB 33 #49

J. PETER BORBAS

PROFESSIONAL LAND SURVEYOR
PROFESSIONAL PLANNER

RD 3 11A ROCKAWAY VALLEY ROAD
BOONTON, NEW JERSEY 07005

Phone (201) 316-8743
FAX (201) 402-6627

PL531653 PP3884

Date: MAY 31, 1994

TOWNSHIP OF MONTVILLE
Highlands Exemption Determination Application
195 Changebridge Road
Montville, NJ 07045
(973) 331-3300



Receipt Stamp - Municipal Use Only

Date: June 13, 2014

Application #:

Applicant Name:

Property Information

Street Address: Stony Brook Road

Block(s) & Lot(s): Block 21.01, Lot 15

Date Lot Created: ☒ Prior to August 10, 2004

If after August 10, 2004:

Existing Uses: Farm

Property Owner Information

☒ Same as Applicant

Owner's Name:

Owner's Address: 6 Wedgewood Drive, Montville, NJ 07045

Applicant Information

Applicant Address: 6 Wedgewood Drive, Montville, NJ 07045

Phone #:

Fax #:

email:

Engineer, Attorney or Other Principal Contact Information

Name: Mianeki Consulting Engineers, c/o Joseph S. Mianeki, Jr., P.E., P.P.

Address: 9 Midvale Avenue, Towaco, NJ 07082

Phone #:

Fax #:

email:

Project Information

Brief Project
Description
(Attach
Additional as
Necessary):

To construct a single-family dwelling for the property owner's use.

A. Exemption 1: For the construction of a single-family dwelling for an individual's own use or the use of an immediate family member, on a lot owned by the individual on August 10, 2004, or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.

- ☒ I hereby certify that the single-family dwelling proposed for construction on the subject lot is intended for my own use or the use of the following immediate family member (as defined by ORDINANCE #2014-02).

Applicant Initial:

Name of Family Member:

Relationship of Family Member:

Lot Legally Owned by the Applicant on August 10, 2004:

- ☒ Copy of a deed, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was legally owned by the applicant as of August 10, 2004 and indicating the lot and block as designated by the municipal tax mapping, the municipality and county in which the lot is located, and the street address.

- ☒ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004

Applicant Initial:

Lot Under Contract of Sale to Applicant as of May 17, 2004:

- ☐ Copy of the binding contract of sale executed by the seller and the applicant on or before May 17, 2004 for the lot on which the house is to be constructed.

- ☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of the date of the executed contract of sale.

Applicant Initial:

B. Exemption 2: For the construction of a single-family dwelling on a lot that lawfully existed as of August 10, 2004, provided that construction does not result in the ultimate disturbance of 1 or more acres of land or a cumulative increase in impervious surface by 1/4 acre or more.

- ☐ A copy of the recorded deed or plat showing that the lot was created on or before August 10, 2004.

- ☐ A property survey certified by a licensed New Jersey Professional indicating the property boundary lines and overall lot size, and showing what structures currently exist on the lot, if any.

- ☐ A parcel plan certified by a qualified licensed New Jersey Professional showing all existing and proposed development, including all structures, grading, clearing, impervious surface and disturbance, areas of existing disturbance to be restored (if any), and including calculations demonstrating that impervious surfaces and areas of disturbance are within the 1/4 acre and 1 acre limit as prescribed.

- ☐ A metes and bounds description by a qualified licensed New Jersey Professional showing the area of the lot to be disturbed, limited to less than one acre.

- ☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004.

Applicant Initial:

C. Exemption 4: For the reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces* on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by 1/4 acre or more.
***The date of lawfully existing impervious surface is August 10, 2004 in the Preservation Area.**

- ☐ A parcel plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site as of August 10, 2004 for the Preservation Area; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading. Also include supporting calculated values for existing and proposed impervious surfaces for the project/activity.

- ☐ A copy of any official documentation indicating the original date of construction of the existing buildings and/or structures, or otherwise establishing the lawfulness of their existence, inclusive of that of existing impervious surfaces.

D. Exemption 5: For any improvement to a single family dwelling in existence as of August 10, 2004, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system. (Such improvements include only those that maintain the use as a single family dwelling; the exemption does not apply to or permit the creation of multiple dwelling units.)

- ☐ A copy of any official documentation proving the single family dwelling was in existence on August 10, 2004.
- ☐ A description of the proposed improvements.
- ☐ I hereby affirm that the subject property was in existence as of August 10, 2004 and that all proposed improvements are intended and will continue to be used for single family dwelling purposes.
- Applicant Initial:

E. Exemption 6: For any improvement, for non-residential purposes, to a place of worship owned by a non-profit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on August 10, 2004, including, but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility

- ☐ A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004.
- ☐ For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non profit status.
- ☐ A site plan plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surface and limits of disturbance, existing on the site on August 10, 2004; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.

F. Exemption 7: For any activity conducted by a landowner in accordance with an approved woodland management plan issued pursuant to Section 3 of the Farmland Assessment Act, N.J.S.A. 54:4- 23.3 or the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester

- ☐ A brief description of the total area of woodlands that is the subject of the approved woodland management plan and indication of the length of time that the area has been in woodland management (may be submitted in this form).
- ☐ A brief description of the activities for which the exemption is claimed (may be submitted in this form).

For a private landowner with an approved woodlot management plan:

- ☐ A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq. if applicable.
- ☐ A copy of the approved woodland management plan.

For a forest management plan approved by the State Forester:

- ☐ A copy of the forest management plan approved by the State Forester.

G. Exemption 8: For the construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.

- ☐ A site plan certified by the appropriate qualified Licensed New Jersey Professional showing the proposed trail construction with details including the location and width of existing and proposed trails and those off-site trails to which they connect, if any.
- ☐ A written description of the non-impervious materials to be used.
- ☐ For privately owned property, a copy of a deed for the property, including the language establishing the conservation or recreational use easement on the property.

I, the undersigned, hereby certify that the information given herein is correct to the best of my knowledge.

Applicant Signature: Date: 6-13-14

I, the undersigned, hereby grant permission for the submission of this application for the property reference herein.

Owner Signature: Date: 6-13-14

Municipal Use Only
Exemption Review Worksheet

Information
Submitted:

- ① Deed October 15, 2003 Hartmann to Chestnut Tree Farm L.L.C.
- ② Operating Agreement for Chestnut Tree Farm L.L.C. indicating members Leonard Borowski Jr and Dawn Borowski

Project
Summary:

new single family home

Exemption
Review:

Proof submitted that applicant owns property since before August 10, 2004

Comments:

As the Certified Municipal Exemption Designee I hereby certify the following finding for this application

EXEMPTION 1

Date:

7/30/2014

Signature:

[Redacted Signature]

\$35.00 check 048830 receipt

Exemption #2. Construction of a single family dwelling on existing lot

The construction of a single family dwelling on a lot in existence on the date of enactment of this act, provided that the construction does not result in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more.



TOWNSHIP OF LEBANON
530 West Hill Rd
Glen Gardner, NJ 08826
Phone: (908) 638-8523
Fax: (908) 638-5957



Receipt Stamp: Municipal Use Only



Date: Application #:

Applicant Name:

Property Information

Street Address:

Block(s) & Lot(s):

Date Lot Created: ☒ Prior to August 10, 2004 ☐ If after August 10, 2004:

Located in: ☐ Planning Area ☐ Preservation Area ☐ Planning and Preservation Area

Existing Uses:

Property Owner Information

☒ Same as Applicant Owner Name:

Owner Address:

Applicant Information

Applicant Address:

Phone #: Fax #: email:

Engineer, Attorney or Other Principal Contact Information

Name:

Address:

Phone #: Fax #: email:

Project Information

Brief Project
Description
(Attach
Additional as
Necessary):

Create lot for single family dwelling
to sell.

A. Exemption 1: For the construction of a single-family dwelling for an individual's own use or the use of an immediate family member, on a lot owned by the individual on August 10, 2004, or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.

☐ I hereby certify that the single-family dwelling proposed for construction on the subject lot is intended for my own use or the use of the following Immediate family member (as defined by ORDINANCE #2014-05).

Applicant Initial:

Name of Family Member:

Relationship of Family Member:

Lot Legally Owned by the Applicant on August 10, 2004:

☐ Copy of a deed, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was legally owned by the applicant as of August 10, 2004 and indicating the lot and block as designated by the municipal tax mapping, the municipality and county in which the lot is located, and the street address.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004

Applicant Initial:

Lot Under Contract of Sale to Applicant as of May 17, 2004:

☐ Copy of the binding contract of sale executed by the seller and the applicant on or before May 17, 2004 for the lot on which the house is to be constructed.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of the date of the executed contract of sale.

Applicant Initial:

B. Exemption 2: For the construction of a single-family dwelling on a lot that lawfully existed as of August 10, 2004, provided that construction does not result in the ultimate disturbance of 1 or more acres of land or a cumulative increase in impervious surface by 1/4 acre or more.

☒ A copy of the recorded deed or plat showing that the lot was created on or before August 10, 2004.

☒ A property survey certified by a licensed New Jersey Professional indicating the property boundary lines and overall lot size, and showing what structures currently exist on the lot, if any.

☒ A parcel plan certified by a qualified licensed New Jersey Professional showing all existing and proposed development, including all structures, grading, clearing, impervious surface and disturbance, areas of existing disturbance to be restored (if any), and including calculations demonstrating that impervious surfaces and areas of disturbance are within the 1/4 acre and 1 acre limit as prescribed.

☒ A metes and bounds description by a qualified licensed New Jersey Professional showing the area of the lot to be disturbed, limited to less than one acre.

☒ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004.

Applicant Initial:

C. Exemption 3: For the reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surface on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by 1/4 acre or more. The date of lawfully existing impervious surface is August 10, 2004 in the Preservation Area and May 14, 2014 in the Planning Area.

☐ A parcel plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site as of August 10, 2004 for the Preservation Area or May 14, 2014 for the Planning Area; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading. Also include supporting calculated values for existing and proposed impervious surfaces for the project/activity.

☐ A copy of any official documentation indicating the original date of construction of the existing buildings and/or structures, or otherwise establishing the lawfulness of their existence, inclusive of that of existing impervious surfaces.

D. Exemption 5: For any improvement to a single family dwelling in existence as of August 10, 2004, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system. (Such improvements include only those that maintain the use as a single family dwelling; the exemption does not apply to or permit the creation of multiple dwelling units.)

☐ A copy of any official documentation proving the single family dwelling was in existence on August 10, 2004.

☐ A description of the proposed improvements.

☐ I hereby affirm that the subject property was in existence as of August 10, 2004 and that all proposed improvements are intended and will continue to be used for single family dwelling purposes.

Applicant Initial:

E. Exemption 6: For any improvement for non-residential purposes, to a place of worship owned by a non-profit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on August 10, 2004, including, but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility.

☐ A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004.

☐ For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non profit status.

☐ A site plan plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surface and limits of disturbance, existing on the site on August 10, 2004; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.

F. Exemption 7: For any activity conducted by a landowner in accordance with an approved woodland management plan issued pursuant to Section 3 of the Farmland Assessment Act, N.J.S.A. 54:4-23.3 or the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester.

☐ A brief description of the total area of woodlands that is the subject of the approved woodland management plan and indication of the length of time that the area has been in woodland management (may be submitted in this form).

☐ A brief description of the activities for which the exemption is claimed (may be submitted in this form).

For a private landowner with an approved woodlot management plan:

☐ A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq. if applicable.

☐ A copy of the approved woodland management plan.

For a forest management plan approved by the State Forester:

☐ A copy of the forest management plan approved by the State Forester.

G. Exemption 8: For the construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.

☐ A site plan certified by the appropriate qualified Licensed New Jersey Professional showing the proposed trail construction with details including the location and width of existing and proposed trails and those off-site trails to which they connect, if any.

☐ A written description of the non-impervious materials to be used.

☐ For privately owned property, a copy of a deed for the property, including the language establishing the conservation or recreational use easement on the property.

I, the undersigned, hereby certify that the information given herein is correct to the best of my knowledge.

Applicant Signature:

Date:

I, the undersigned, hereby grant permission for the submission of this application for the property reference herein.

Owner Signature:

te:

8/14/14

Municipal Use Only
Exemption Review Worksheet

Information
Submitted:

- Sheets dated January 7, 1981 and August 1, 2006
- Location Survey, dated September 20, 2008
- Plat and Highlands Plan, last revised October 8, 2014

Project
Summary:

- Single family dwelling on 14.7 acre lot

Exemption
Review:

- Proposed development satisfies disturbance and impervious surface limits for Exemption # 2

Comments:

As the Certified Municipal Exemption Designee I hereby
certify the following finding for this application

Qualifies for Exemption # 2

Date:

10/24/14

Signature:

Michael P. Bolan

1421-21.1-21.1

TOWNSHIP OF MONTVILLE Highlands Exemption Determination Application 195 Changebridge Road Montville, NJ 07045 (973) 331-3300		Receipt Stamp - Municipal Use Only <div style="border: 2px solid blue; padding: 5px; text-align: center;"> RECEIVED MAR 24 2016 59406 </div>	
Date: <u>MARCH 17, 2016</u>		Application #: _____	
Applicant Name: [REDACTED]			
Property Information			
Street Address: _____			
Block(s) & Lot(s): <u>Block 21.01 LOT 21.01</u>			
Date Lot Created: <input checked="" type="checkbox"/> Prior to August 10, 2004		If after August 10, 2004: _____	
Existing Uses: <u>Vacant land</u>			
Property Owner Information			
<input checked="" type="checkbox"/> Same as Applicant		Owner's Name: [REDACTED]	
Owner's Address: <u>167 Forest Ave, Verona, NJ 07044</u>			
Applicant Information			
Applicant Address: <u>167 Forest Ave, Verona, NJ 07044</u>			
Phone #: [REDACTED]		Fax #: [REDACTED] email: [REDACTED]	
Engineer, Attorney or Other Principal Contact Information			
Name: <u>Frank Matarazzo, MATARAZZO ENGINEERING, LLC</u>			
Address: <u>575 Rt 46 W, FAIRFIELD, NJ 07004</u>			
Phone #: <u>(973) ECE-8779</u>		Fax #: <u>(973) ECE-8789</u> email: <u>FRANK@MATENGINEERS.COM</u>	
Project Information			
Brief Project Description (Attach Additional as Necessary): <u>construction of single family home (see attached lot grading plan)</u>			

A. Exemption 1: For the construction of a single-family dwelling for an individual's own use or the use of an immediate family member, on a lot owned by the individual on August 10, 2004, or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.

☐ I hereby certify that the single-family dwelling proposed for construction on the subject lot is intended for my own use or the use of the following immediate family member (as defined by ORDINANCE #2014-02).

Applicant Initial:

Name of Family Member:

Relationship of Family Member:

Lot Legally Owned by the Applicant on August 10, 2004:

☐ Copy of a deed, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was legally owned by the applicant as of August 10, 2004 and indicating the lot and block as designated by the municipal tax mapping, the municipality and county in which the lot is located, and the street address.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004

Applicant Initial:

Lot Under Contract of Sale to Applicant as of May 17, 2004:

☐ Copy of the binding contract of sale executed by the seller and the applicant on or before May 17, 2004 for the lot on which the house is to be constructed.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of the date of the executed contract of sale.

Applicant Initial:

B. Exemption 2: For the construction of a single-family dwelling on a lot that lawfully existed as of August 10, 2004, provided that construction does not result in the ultimate disturbance of 1 or more acres of land or a cumulative increase in impervious surface by 1/4 acre or more.

☒ A copy of the recorded deed or plat showing that the lot was created on or before August 10, 2004.

☒ A property survey certified by a licensed New Jersey Professional indicating the property boundary lines and overall lot size, and showing what structures currently exist on the lot, if any.

☒ A parcel plan certified by a qualified licensed New Jersey Professional showing all existing and proposed development, including all structures, grading, clearing, impervious surface and disturbance, areas of existing disturbance to be restored (if any), and including calculations demonstrating that impervious surfaces and areas of disturbance are within the 1/4 acre and 1 acre limit as prescribed.

☐ A metes and bounds description by a qualified licensed New Jersey Professional showing the area of the lot to be disturbed, limited to less than one acre. *ENTIRE LOT IS LESS THAN ACRE Frank Matlock*

☒ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004.

Applicant Initial:

C. Exemption 4: For the reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by 1/4 acre or more. The date of lawfully existing impervious surface is August 10, 2004 in the Preservation Area.

☐ A parcel plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site as of August 10, 2004 for the Preservation Area; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading. Also include supporting calculated values for existing and proposed impervious surfaces for the project/activity.

☐ A copy of any official documentation indicating the original date of construction of the existing buildings and/or structures, or otherwise establishing the lawfulness of their existence, inclusive of that of existing impervious surfaces.

N/A

D- Exemption 5: For any improvement to a single family dwelling in existence as of August 10, 2004; including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system. (Such improvements include only those that maintain the use as a single family dwelling; the exemption does not apply to or permit the creation of multiple dwelling units.)

☐ A copy of any official documentation proving the single family dwelling was in existence on August 10, 2004.

☐ A description of the proposed improvements.

☐ I hereby affirm that the subject property was in existence as of August 10, 2004 and that all proposed improvements are intended and will continue to be used for single family dwelling purposes.

Applicant Initial:

E- Exemption 6: For any improvement for non-residential purposes to a place of worship owned by a non-profit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on August 10, 2004; including, but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility.

☐ A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004.

☐ For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non profit status.

☐ A site plan plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surface and limits of disturbance, existing on the site on August 10, 2004; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.

F- Exemption 7: For any activity conducted by a landowner in accordance with an approved woodland management plan issued pursuant to Section 8 of the Farmland Assessment Act, N.J.S.A. 54:4-23.3 or the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester.

☐ A brief description of the total area of woodlands that is the subject of the approved woodland management plan and indication of the length of time that the area has been in woodland management (may be submitted in this form).

☐ A brief description of the activities for which the exemption is claimed (may be submitted in this form).

For a private landowner with an approved woodlot management plan:

☐ A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq. if applicable.

☐ A copy of the approved woodland management plan.

For a forest management plan approved by the State Forester:

☐ A copy of the forest management plan approved by the State Forester.

G- Exemption 8: For the construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.

☐ A site plan certified by the appropriate qualified Licensed New Jersey Professional showing the proposed trail construction with details including the location and width of existing and proposed trails and those off-site trails to which they connect, if any.

☐ A written description of the non-impervious materials to be used.

☐ For privately owned property, a copy of a deed for the property, including the language establishing the conservation or recreational use easement on the property.

I, the undersigned, hereby certify that the information given herein is correct to the best of my knowledge.

Applicant Signature:

Date: 3/17/16

I, the undersigned, hereby grant permission for the submission of this application for the property reference herein.

Owner Signature:

Date: 3/17/16

**MUNICIPAL ONLY
EXEMPTION REVIEW WORKSHEET**

**INFORMATION
SUBMITTED**

- 1) COMPLETED HIGHLANDS EXEMPTION DETERMINATION APPLICATION.
- 2) COPY OF RECORDED DEEDS FROM 2005 AND 1969 CONFIRMING THAT THIS LOT WAS CREATED BEFORE AUGUST 10, 2004.
- 3) CORRESPONDENCE FROM TAX ASSESSOR DATED MAY 21, 2004 WITH TAX ASSESSMENT INFORMATION.
- 4) PROPERTY SURVEY DATED MARCH 16, 2016 CONFIRMING LOT SIZE AND BOUNDARIES.
- 5) LOT GRADING PLAN PREPARED BY MATARAZZO ENGINEERING, LLC DELINEATING PROPOSED DEVELOPMENT PLANS.

**PROJECT
SUMMARY**

REMOVAL OF EXISTING BARN BUILDING AND CONSTRUCTION OF A SINGLE FAMILY RESIDENTIAL DWELLING.

**EXEMPTION
REVIEW:**

SUBJECT PROPERTY (LOT 21, BLOCK 21.01) IS LOCATED WITHIN THE HIGHLANDS PRESERVATION AREA. DEED AND TAX ASSESSOR INFORMATION CONFIRMS THAT THIS PROPERTY EXISTED PRIOR TO AUGUST 10, 2004. PROVIDED SURVEY CONFIRMS LOT AREA AND BOUNDARIES. LOT GRADING PLAN CONFIRMS THAT THE PROPOSED LAND DISTURBANCE IS LESS THAN ONE ACRE AND THE PROPOSED INCREASE IN IMPERVIOUS AREAS DOES NOT EXCEED 1/4 ACRE.

COMMENTS:

IN CONFORMANCE WITH THE ADDITIONAL REQUIREMENTS FOR MUNICIPAL EXEMPTION DETERMINATIONS AUTHORIZING APPLICANT TO PROCEED UNDER HIGHLANDS ACT EXEMPTION #2 THE APPLICANT MUST FILE A DEED NOTICE WITH THE MORRIS COUNTY CLERK'S OFFICE PROVIDING FOR THE PROTECTION OF THE BALANCE OF THE APPLICANT'S PROPERTY.

AS THE CERTIFIED MUNICIPAL EXEMPTION DESIGNEE I HEREBY
CERTIFY THE FOLLOWING FINDING FOR THIS APPLICATION

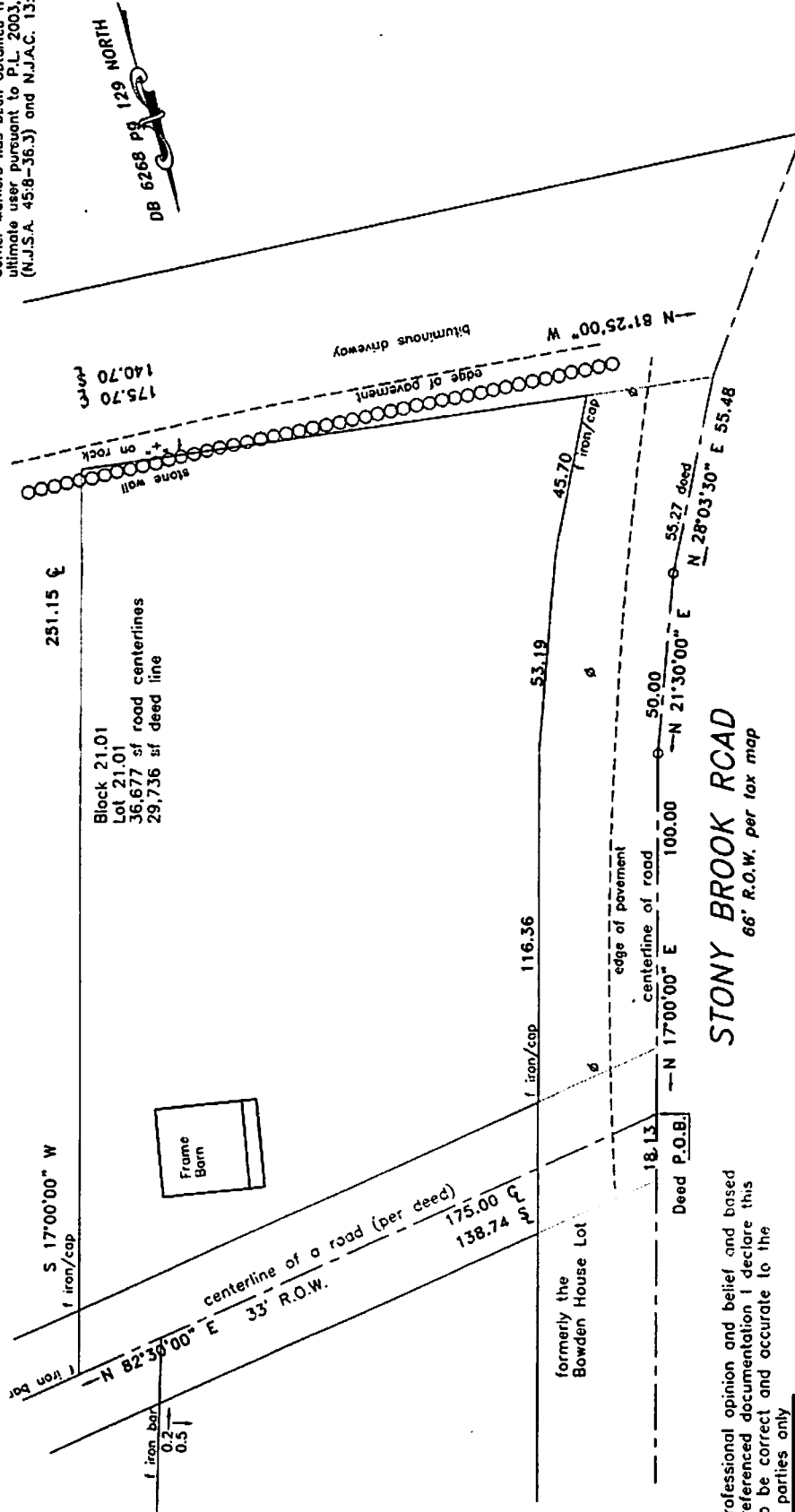
EXEMPTION #2

DATE: MARCH 23, 2016

SIGNATURE



A written Waiver and Direction Not to Set Corner Markers has been obtained from the ultimate user pursuant to P.L. 2003, c.14 (N.J.S.A. 45:8-36.3) and N.J.A.C. 13:40-5.1(d)



STONY BROOK ROAD

In my professional opinion and belief and based on the referenced documentation I declare this survey to be correct and accurate to the following parties only

- Subsurface and environmental conditions were examined as part of this survey
- The location and extent of the property was confirmed by this survey
- Flood plain maps were not reviewed or considered as part of this survey
- Subject to any and all easements or restrictions either recorded or unrecorded
- No responsibility or liability is assumed by the Surveyor for the location of underground utilities or easements not visible on the surface of the lands hereon.
- No responsibility or liability is assumed by the Surveyor for use of Survey for any other purpose including, but not limited to, use of survey for survey affidavit, record of property, or to any other person not listed in certification, either directly or indirectly. This survey is invalid without the embossed seal of the Surveyor.

SURVEY
BLOCK 21.01 LOT 21.01
TOWNSHIP of MONTVILLE NJ
MORRIS COUNTY, NJ

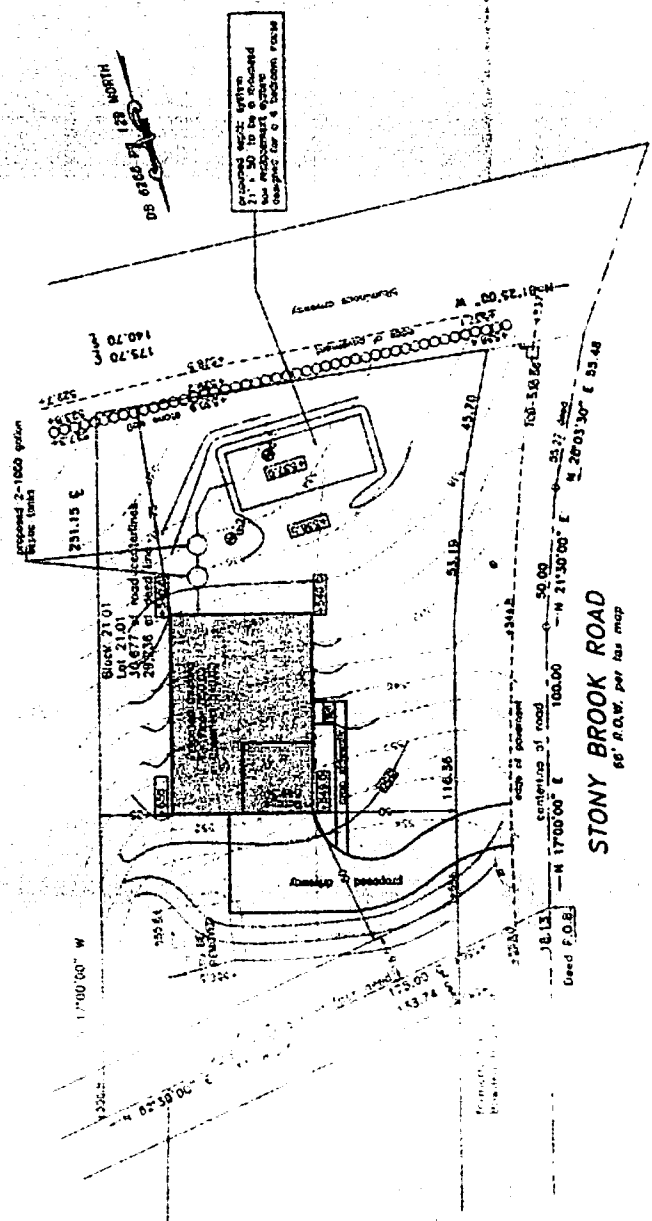
Matarazzo Engineering, LLC
engineers surveyors planners
375 Route 46 West Fairfield, NJ 07004
Tel (973)808-8779 Fax (973)808-8789
Certificate of Authorization 24CA28051000

Frank Matarazzo
FRANK MATARAZZO
professional engineer & land surveyor NJ Lic 37513

CHARLES J. CARBONE
professional engineer NJ Lic 32367

SCALE	DRN BY	CHK BY	FILE NO	DRAWING	Date
1"= 30'	CJC	FM	115535	115535sur	March 16, 2016

-Based on a boundary survey prepared by Matarazzo Engineering, LLC dated March 18, 2016.
 -Based on a topographic survey prepared by Matarazzo Engineering, LLC dated March 18, 2016.
 -Soil logs for the property were obtained from the Morris County Health Department on March 1, 2016.
 -Soil permeability test performed by Bauer Engineering Associates, PA on March 7, 2016.
 -Elevation datum is NGVD 1929 based on Morristown Bench Mark 11553.



STONY BROOK ROAD

66' R.O.W. per tax map

- 550 existing elevation
- 550 existing contour
- 550 proposed elevation
- 550 proposed contour
- 550 location of soil log

-Proposed septic system to connect to Municipal Water System in Stony Brook Road
 -Proposed septic system to connect to proposed septic system

Soil Log 1
 18" - 18" 100% gravel, 100% coarse sand, 100% fine sand, 100% silt, 100% clay, 100% organic matter, 100% water, 100% air, 100% light, 100% heat, 100% sound, 100% vibration, 100% electricity, 100% magnetism, 100% gravity, 100% time, 100% space, 100% matter, 100% energy, 100% information, 100% consciousness, 100% soul, 100% spirit, 100% God.
 Soil Log 2
 18" - 18" 100% gravel, 100% coarse sand, 100% fine sand, 100% silt, 100% clay, 100% organic matter, 100% water, 100% air, 100% light, 100% heat, 100% sound, 100% vibration, 100% electricity, 100% magnetism, 100% gravity, 100% time, 100% space, 100% matter, 100% energy, 100% information, 100% consciousness, 100% soul, 100% spirit, 100% God.
 503 Permeability Coefficient Test Results
 Note 1: sample at 6"

Property	Area	Volume
Stony Brook Road	3568 sf	280 sf
Stony Brook Road	2100 sf	5948 sf

Property	Area	Volume
Stony Brook Road	3568 sf	280 sf
Stony Brook Road	2100 sf	5948 sf

LOT GRADING PLAN

STONY BROOK ROAD

BLOCK 21.01 LOT 21.01

TOWNSHIP of MONTVILLE MORRIS COUNTY, NJ

Matarazzo Engineering, LLC

engineers surveyors planners

275 S. 1st Ave.
Fairfield, NJ 07004
Tel: (973) 948-8778 Fax: (973) 948-8789
Certified NJ Authorization 24528951000

DATE: March 17, 2016

PROJECT: Stony Brook Road

SCALE: 1" = 30' 1/2"

REVISION: 11553

DATE: March 17, 2016

PROJECT: Stony Brook Road

SCALE: 1" = 30' 1/2"

REVISION: 11553



TOWNSHIP OF LEBANON
530 West Hill Rd
Glen Gardner, NJ 08826
Phone: (908) 638-8523
Fax: (908) 638-5957

Receipt Stamp - Municipal Use Only

DEC 20 2014

Date: 11/3/2014 Application #: MICHAEL P. GOLAN

Applicant Name: [REDACTED]

Street Address: 43 WOODLAND DRIVE

Block(s) & Lot(s): B16 L47

Date Lot Created: ☒ Prior to August 10, 2004 If after August 10, 2004: [REDACTED]

Located in: ☐ Planning Area ☐ Preservation Area ☐ Planning and Preservati

Existing Uses: VACANT LOT IN NIEGHBORHOOD

☒ Same as Applicant Owner Name: GLENN FISCHER, RIVERSIDE BUILDERS INC

Owner Address: 3 WOODER HILL ROAD, WASHINGTON NJ 07882

Applicant Address: 3 WOODER HILL ROAD, WASHINGTON, NJ 07882

Phone #: [REDACTED] Fax #: [REDACTED] email: [REDACTED]

Name: KURT HOFFMAN

Address: P.O. BOX 149 ASBURY NJ 08802

Phone #: 908 735-6464 Fax #: [REDACTED] email: [REDACTED]

Brief Project Description (Attach Additional as Necessary):

NEW SINGLE FAMILY DWELLING ON VACANT LOT IN EXISTING NIEGHBORHC

Exemption 1: For the construction of a single-family dwelling for an individual's own use or the use of an immediate family member, on a lot on or before August 10, 2004, or on a lot for which the individual entered into a binding contract of sale to purchase on or before August 10, 2004.

☐ I hereby certify that the single-family dwelling proposed for construction on the subject lot is intended for my own use or the use of the following immediate family member (as defined by ORDINANCE #2014-05).

Applicant Initial: Name of Family Member:

Relationship of Family Member:

Lot Legally Owned by the Applicant on August 10, 2004:

☐ Copy of a deed, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was legally owned by the applicant as of August 10, 2004 and indicating the lot and block as designated by the municipal tax mapping, the municipality and county in which the lot is located, and the street address.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004

Applicant Initial:

Lot Under Contract of Sale to Applicant as of May 17, 2004:

☐ Copy of the binding contract of sale executed by the seller and the applicant on or before May 17, 2004 for the lot on which the house is to be constructed.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of the date of the executed contract of sale.

Applicant Initial:

Exemption 2: For the construction of a single-family dwelling on a lot that lawfully existed as of August 10, 2004, provided that construction does not increase the disturbance of 1 or more acres of land or a cumulative increase in impervious surface by 1/4 acre or more.

☐ A copy of the recorded deed or plat showing that the lot was created on or before August 10, 2004.

☒ A property survey certified by a licensed New Jersey Professional indicating the property boundary lines and overall lot size, and showing what structures currently exist on the lot, if any.

☒ A parcel plan certified by a qualified licensed New Jersey Professional showing all existing and proposed development, including all structures, grading, clearing, impervious surface and disturbance, areas of existing disturbance to be restored (if any), and including calculations demonstrating that impervious surfaces and areas of disturbance are within the 1/4 acre and 1 acre limit as prescribed.

☒ A metes and bounds description by a qualified licensed New Jersey Professional showing the area of the lot to be disturbed, limited to less than one acre.

☒ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004.

Applicant Initial:

Exemption 3: Where reconstruction or replacement of a building or structure for any reason, within 125% of the footprint of the lawfully existing structure, is provided that the reconstruction does not increase the lawfully existing impervious surface by 1/4 acre or more. Lawfully existing impervious surface is August 10, 2004 in the Preservation Area and May 14, 2014 in the Planning Area.

☐ A parcel plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site as of August 10, 2004 for the Preservation Area or May 14, 2014 for the Planning Area; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading. Also include supporting calculated values for existing and proposed impervious surfaces for the project/activity.

☐ A copy of any official documentation indicating the original date of construction of the existing buildings and/or structures, or otherwise establishing the lawfulness of their existence, inclusive of that of existing impervious surfaces.

Other than a site plan improvement to a single family dwelling in existence as of August 10, 2004, including but not limited to an addition, driveway, porch, deck, pool, swimming pool, septic system. (Such improvements include only those that maintain the use as a single family dwelling. The exemption does not apply to or permit the creation of multiple dwelling units.)

☐ A copy of any official documentation proving the single family dwelling was in existence on August 10, 2004.

☐ A description of the proposed improvements.

☐ I hereby affirm that the subject property was in existence as of August 10, 2004 and that all proposed improvements are intended and will continue to be used for single family dwelling purposes.

Applicant Initial:

Other than a site plan improvement to a place of worship owned by a non-profit entity, society or association, or a public or private school, or a hospital, in existence on August 10, 2004, including, but not limited to, a building, structure, site improvement, or a sanitary facility.

☐ A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004.

☐ For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non profit status.

☐ A site plan plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surface and limits of disturbance, existing on the site on August 10, 2004; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.

Other than a site plan improvement to a woodland in accordance with an approved woodland management plan issued pursuant to the Forest Land Use and Management Act, N.J.S.A. 15:27, or the harvesting of forest products in accordance with a forest management plan approved by the State Forester.

☐ A brief description of the total area of woodlands that is the subject of the approved woodland management plan and indication of the length of time that the area has been in woodland management (may be submitted in this form).

☐ A brief description of the activities for which the exemption is claimed (may be submitted in this form).

For a private landowner with an approved woodlot management plan:

☐ A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq. if applicable.

☐ A copy of the approved woodland management plan.

For a forest management plan approved by the State Forester:

☐ A copy of the forest management plan approved by the State Forester.

Other than a site plan improvement to a trail with non-impervious surfaces on publicly owned lands or on privately owned lands where a record easement has been established.

☐ A site plan certified by the appropriate qualified Licensed New Jersey Professional showing the proposed trail construction with details including the location and width of existing and proposed trails and those off-site trails to which they connect, if any.

☐ A written description of the non-impervious materials to be used.

☐ For privately owned property, a copy of a deed for the property, including the language establishing the conservation or recreational use easement on the property.

I, the undersigned, hereby correct to the best of my knowledge.

Applicant Signature:

Date:

11/3/14

I, the undersigned, hereby claim for the submission of this application for the property reference herein.

Owner Signature:

Date:

11/3/14

Municipal Use Only
Exemption Review Worksheet

Information
Submitted:

- Highroads Exemption Plan Glenn Fischer, prepared by Kurt Hoffman Engineering and last revised on September 17, 2014
- Property and Topographical Survey, prepared by Glenn Allen and dated December 5, 2013

Project
Summary:

- Single family dwelling on 1.23 acre lot

Exemption
Review:

- Proposed development satisfies the standards for Exemption # 2

Comments:

As the Certified Municipal Exemption Designee I hereby
certify the following finding for this application

Qualifies for Exemption # 2

Date: 1/20/15

Signature:

Michael P. Bolan

Exemption #4. Reconstruction of buildings or structures within 125% of the footprint

The reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more. This exemption shall not apply to the reconstruction of any agricultural or horticultural building or structure for a non-agricultural or non-horticultural use.



BOROUGH OF HIGH BRIDGE
Highlands Exemption Determination
71 Main Street, High Bridge, NJ 08829
Phone: 908-638-6455 ~ Fax: 908-638-9374

Receipt Stamp - Municipal Use Only

Received June 5, 2015

Date: Jun 2, 2015

Application #: *PB-01-2015*

Applicant Name: [REDACTED]

Property Information

Street Address: Center Street

Block(s) & Lot(s): Block 29.02 Lot 12

Date Lot Created: ☒ Prior to August 10, 2004

If after August 10, 2004: [REDACTED]

Located in: ☒ Planning Area

☐ Preservation Area

☐ Planning and Preservation Area

Existing Uses: Vacant lot

Property Owner Information

☐ Same as Applicant

Owner's Name: [REDACTED]

Owner's Address: 637 East Hill Road, Califon, NJ 07830

Applicant Information

Applicant Address: 25 Mountain View Blvd., Suite 200

Phone #: [REDACTED]

Fax #: [REDACTED]

email: [REDACTED]

Engineer, Attorney or Other Principal Contact Information

Name: Engineering & Land Planning Associates, Inc.

Address: 140 West Main Street

Phone #: 908-238-0544

Fax #: 908-238-9572

email: Wayne@elp-inc.com

Project Information

Brief Project Description
(Attach Additional as Necessary):

12-unit apartment building

A. Exemption 4: For the reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces* on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by 1/4 acre or more.
*The date of lawfully existing impervious surface is 6/23/2011 in the Planning Area.

☒ A parcel plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site as of 6/23/2011 for the Planning Area; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading. Also include supporting calculated values for existing and proposed impervious surfaces for the project/activity.

☒ A copy of any official documentation indicating the original date of construction of the existing buildings and/or structures, or otherwise establishing the lawfulness of their existence, inclusive of that of existing impervious surfaces.

B. Exemption 6: For any improvement, for non-residential purposes, to a place of worship owned by a non-profit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on August 10, 2004, including, but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility

☐ A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004.

☐ For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non profit status.

☐ A site plan plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surface and limits of disturbance, existing on the site on August 10, 2004; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.

C. Exemption 7: For any activity conducted by a landowner in accordance with an approved woodland management plan issued pursuant to Section 3 of the Farmland Assessment Act, N.J.S.A. 54:4- 23.3 or the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester

☐ A brief description of the total area of woodlands that is the subject of the approved woodland management plan and indication of the length of time that the area has been in woodland management (may be submitted in this form).

☐ A brief description of the activities for which the exemption is claimed (may be submitted in this form).

For a private landowner with an approved woodlot management plan:

☐ A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq. if applicable.

☐ A copy of the approved woodland management plan.

For a forest management plan approved by the State Forester:

☐ A copy of the forest management plan approved by the State Forester.

D. Exemption 8: For the construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.

☐ A site plan certified by the appropriate qualified Licensed New Jersey Professional showing the proposed trail construction with details including the location and width of existing and proposed trails and those off-site trails to which they connect, if any.

☐ A written description of the non-impervious materials to be used.

☐ For privately owned property, a copy of a deed for the property, including the language establishing the conservation or recreational use easement on the property.

I, the undersigned, hereby certify that the information given herein is correct to the best of my knowledge.

Applicant Signature:

[Redacted Signature]

Date:

6/5/2015

I, the undersigned, hereby grant permission for the submission of this application for the property reference herein.

Owner Signature:

[Redacted Signature]

Date:

6/5/2015

Municipal Use Only
Exemption Review Worksheet

Information
Submitted:

1. Certified Sanborn Map Report, dated November 13, 2014.
2. Plan entitled "Highlands Exemption Plan", dated May 26, 2015, revised through July 7, 2015, prepared by Engineering and Land Planning Associates, Inc.
3. Borough of High Bridge Highlands Exemption Determination Application, received June 5, 2015.

Project
Summary:

The Applicant is seeking preliminary and final approval to construct a 12,245 square foot building that will contain 12 apartments and associated site improvements. Two of the units will be reserved for affordable housing.

The site has historically been used for a variety of purposes. As indicated by the Highlands Exemption Plan, the majority of the site is covered by gravel and compacted dirt. Tests on site reveal that the gravel/compacted dirt areas are present at least one to three inches below grade.

Exemption
Review:

Presently, the site contains 16,604 square feet of impervious surfaces. The building and proposed associated improvements will be built largely over the existing compacted surfaces. New impervious coverage totals 2,028 square feet and all compacted gravel/dirt surfaces outside of the limits of the building, parking lot and other improvements will be removed and replaced with vegetative surface. Therefore, there will be a net decrease in proposed impervious lot coverage over the pre-June 23, 2011 conditions of 2,965 square feet.

This office has reviewed the materials submitted, after careful review of the information submitted, it has been determined that the project qualifies for Exemption #4.

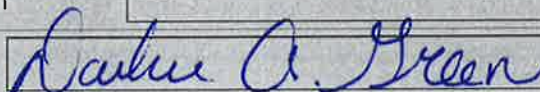
Comments:

As the Certified Municipal Exemption Designee I hereby
certify the following finding for this application

The project as proposed has been determined to be Exempt

Date: Jul 7, 2015

Signature:





State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Coastal and Land Use Planning

Mail Code 401-07C

P.O. Box 420, 401 East State Street

Trenton, New Jersey 08625-0420

Telephone: (609) 984-6888

Fax: (609) 292-0687

<http://www.nj.gov/dep/lum/>

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

MAY 14 2012

Re: Reconstruction of Cabin Row
Block: 5, Lot(s): 2

Agency Determination: **Highlands Act – Exempt**
 Exemption # 4
 Water Quality Management Plan – Consistent

Dear [REDACTED]

This letter is forwarded in reply to your recent request for a Highlands Applicability Determination and Water Quality Management Plan Consistency Determination. Based on the information submitted, it has been determined that your proposed project/activity is located within the Highlands Preservation Area. Therefore, your project/activity has been reviewed to determine the applicability of the New Jersey Highlands Water Protection and Planning Act Rules at N.J.A.C. 7:38 (Highlands Rules) as well as the requirements defined in the Statewide Water Quality Management Planning Rules at N.J.A.C. 7:15.

The project/activity subject of this review includes: the reconstruction of eight (8) eighteen bed existing cabins at the Star Lake Camp to five (5) thirty-two bed proposed cabins and the replacement and relocation of the existing sanitary laterals from the existing cabins to the proposed new cabins. The proposed activity also includes the reconstruction of the existing gravel pathway connecting the existing cabins to the internal driveways of the Star Lake Camp. The existing impervious surface located within the camp site is 15.9 acres. The proposed activity will cumulatively increase 0.07 acre

of impervious surface to the site. The percentage of the impervious surface increase to the impervious surface of the footprint of the existing structures on the site will be 1.13%. The existing cabins generate 7,200 gallons per day of wastewater which is conveyed by the Pequannock River Basin Regional Sewerage Authority's regional interceptor system to the Two Bridges Sewerage Authority Sewage Treatment Plant at Lincoln Park. The proposed five cabins will generate an additional 800 gallons per day of wastewater. The total 8,000 gallons per day of wastewater will continue to be conveyed to and treated by Two Bridges Sewerage Authority Sewage Treatment Plant.

During the application review process, items of information appeared to be missing and/or inaccurate and, therefore, were requested in a Notice of Technical Incompleteness dated February 23, 2012. Those requested items of information were received on March 12, 2012.

The Department of Environmental Protection (Department) reviewed the materials submitted to determine the applicability of the provisions of the Highlands Rules. As a result, the Department has determined that your project/activity is potentially affected because it meets the definition of "Major Highlands Development," as defined at N.J.A.C. 7:38-1.4 since it is not a single-family-dwelling development and the ultimate disturbance will be greater than one acre. However, the Highlands Rules at N.J.A.C. 7:38-2.3 sets forth various exemptions. After a careful review of the information submitted, it has been determined that the project described above qualifies for the following exemption:

Reconstruction of any building or structure for any reason within 125 percent of the prior footprint of the lawfully existing impervious surfaces, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more.

Supporting documentation includes:

- A plan titled, "SALVATION ARMY CAMP FACILITY BLOCK 5, LOT 2 BOROUGH OF BLOOMINDALE, PASSAIC COUNTY, N.J. DEMOLITION, SITE, GRADING UTILITIES & SOIL EROSION PLAN," signed and sealed by Paul J. Emilius Jr., P.L.S., and Anthony Castillo, P.E., dated January 18, 2012, page 1 of 1, showing the structures and the location of the existing cabins. (The proposed location of the proposed cabins is revised on the plan listed below.)
- A plan titled, "SALVATION ARMY CAMP FACILITY BLOCK 5, LOT 2 BOROUGH OF BLOOMINDALE, PASSAIC COUNTY, N.J. ADDITIONAL IMPERVIOUS AREA PLAN," signed and sealed by Anthony Castillo, P.E., dated March 7, 2012, page 1 of 1, showing the proposed cabins and the impervious surface to be added to the site.
- A plan titled, "SALVATION ARMY CAMP FACILITY BLOCK 5, LOT 2 BOROUGH OF BLOOMINDALE, PASSAIC COUNTY, N.J. IMPERVIOUS COVERAGE ANALYSIS," signed and sealed by Paul J. Emilius Jr., P.L.S., and Anthony Castillo, P.E., dated March 9, 2012, page 1 of 1, showing the existing impervious surface on the site. Note that on January 7, 2009, the Department issued an Exemption #6 (PI435442, CSD070034) for additional non-residential facilities on the Salvation Army Star Lake Camp site and the new impervious surfaces created after August 10, 2004 allowed by the Exemption #6 were excluded from the analysis in this plan.

- Photos of the existing cabins.
- Aerial photo from 2002 showing the existence of the cabins.
- A calculation sheet titled, "Impervious Coverage Analysis," signed and sealed by Anthony Castillo, P.E., dated March 8, 2012, sheet 1 of 1, showing the calculation of the cumulative increase of impervious surface and the percentage of the impervious surface increase to the impervious surface of the footprint of the existing structures.

The Salvation Army Star Lake Camp received a previous Exemption #4 under the Highlands Rules on January 8, 2007 for the camp's proposed lodge building expansion (PI435442, CSD060039). In that exemption, the camp proposed to add 879 square feet to the existing impervious surface. Required by the Highlands Rules, all impervious surface increases to the site after August 10, 2004 under Exemption #4 have to be limited to within one-quarter acre; therefore, the 879 square-foot addition proposed in the January 8, 2007 exemption was added with the 0.07-acre (3,049 square feet) addition of the impervious surface proposed in this exemption. As the result, the total increase of the impervious surface to the site after August 10, 2004 under Exemption #4 will be 3,928 square feet (0.09 acre), which is still within the 0.25-acre limit set forth in the Highlands Rules.

Therefore, the proposed project/activity is deemed exempt from the provisions of the Highlands Rules, subject to the following limitation(s):

This exemption determination is limited to the land area and specific scope of the activities described herein or as shown on the referenced plans above. This determination does not eliminate the need for any permits, approvals, or certifications required by any other Federal, State, county or municipal review agency with jurisdiction over this project/activity.

- A. The allowable increase in exempt impervious surface shall not be 0.25 of an acre or more.
- B. If the site is forested, any disturbance more than 20-feet from the edge of the exempt impervious cover is not exempted. If disturbance extends beyond this limit then the project shall not be exempt.
- C. This exemption shall not apply to reconstruction of any agricultural or horticultural building or structure for a non-agricultural or horticultural use.

Please be advised that in any future submissions of other projects to be reviewed under Exemption #4, the plan and the calculations showing both the impervious surface cumulatively added to the site under Exemption #4 after August 10, 2004, and the impervious surface proposed to be added to the site after August 10, 2004 must be provided.

The Department also reviewed your project/activity for consistency with the Statewide Water Quality Management Planning Rules at N.J.A.C. 7:15 and the provisions and recommendations of the Northeast WQMP. Based on our review, the proposed project is consistent with the WQMP and is in accordance with the WQMP Rule (N.J.A.C. 7:15). This determination is made based on the following:

The project/activity is served by a sewer collection system that had been installed prior to August 10, 2004 and the receiving sewage treatment plant, Two Bridges Sewerage Authority (TBSA) Sewage Treatment Plant (STP) in Lincoln Park has adequate capacity to accept the 8,000 gallons per day total discharge proposed from this site. Furthermore, the Pequannock River Basin Regional Sewerage Authority (PRBRSA) confirmed via a letter dated January 19, 2012 that the Borough of Bloomingdale has adequate reserve capacity and they consented to the conveyance of an additional 800 gallons per day of wastewater flow from the proposed cabins to the TBSA STP in Lincoln Park. However, the Department's digital sewer service area mapping adopted on October 6, 2006, did not identify this site as sewer service area of the TBSA STP in Lincoln Park. On January 7, 2009, the Department adopted a revision to the PRBRSA WMP to identify a portion of the project site as sewer service area of the TBSA STP in Lincoln Park, however not all of the cabin sites were included in this revision. An additional revision to the PRBRSA WMP and the Department's digital sewer service area mapping is pending (PI435442, REV120001) to include the remainder of the existing cabins served by the existing collection system into the sewer service area of the TBSA STP in Lincoln Park. Therefore, this project is consistent with the Northeast WQMP.

A copy of this determination letter must be enclosed with any future permit application(s) filed with the Department.

This Highlands Applicability and Consistency Determination is subject to the following limitations:

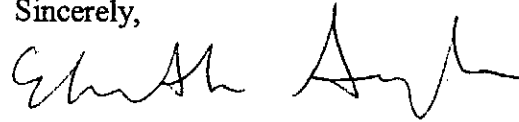
- (1) This determination does not eliminate the need for any permits, approvals, or certifications required by any other Federal, State, County or municipal review agency with jurisdiction over this project/activity.
- (2) This determination shall be considered null and void if changes are made to the project that would increase the scope or area disturbed by the project, or result in a change in the use or change the method of wastewater treatment; or if the information submitted to obtain this determination from the Department is later determined to be inaccurate.

Let it be noted that this project, Reconstruction of Cabin Row, was published in the February 22, 2012, DEP Bulletin and no public comments were received.

If the applicant disputes the Department's factual findings or any of its conditions or if anyone is aggrieved by this determination, that person may request an adjudicatory hearing. A request for an adjudicatory hearing shall be submitted in writing by certified mail, or by other means which provides verification of the date of delivery to the Department, within 30 days of notice of this decision published in the DEP Bulletin in accordance with N.J.A.C. 7:38-1.5. The adjudicatory hearing request must be accompanied by a completed Adjudicatory Hearing Request Checklist and Tracking Form (form enclosed).

Please place the program interest number and the activity number found above at the top of all written correspondence submitted to the Division of Coastal and Land Use Planning. If you have any questions or require further assistance, please call Changi Wu at (609) 777-4297.

Sincerely,



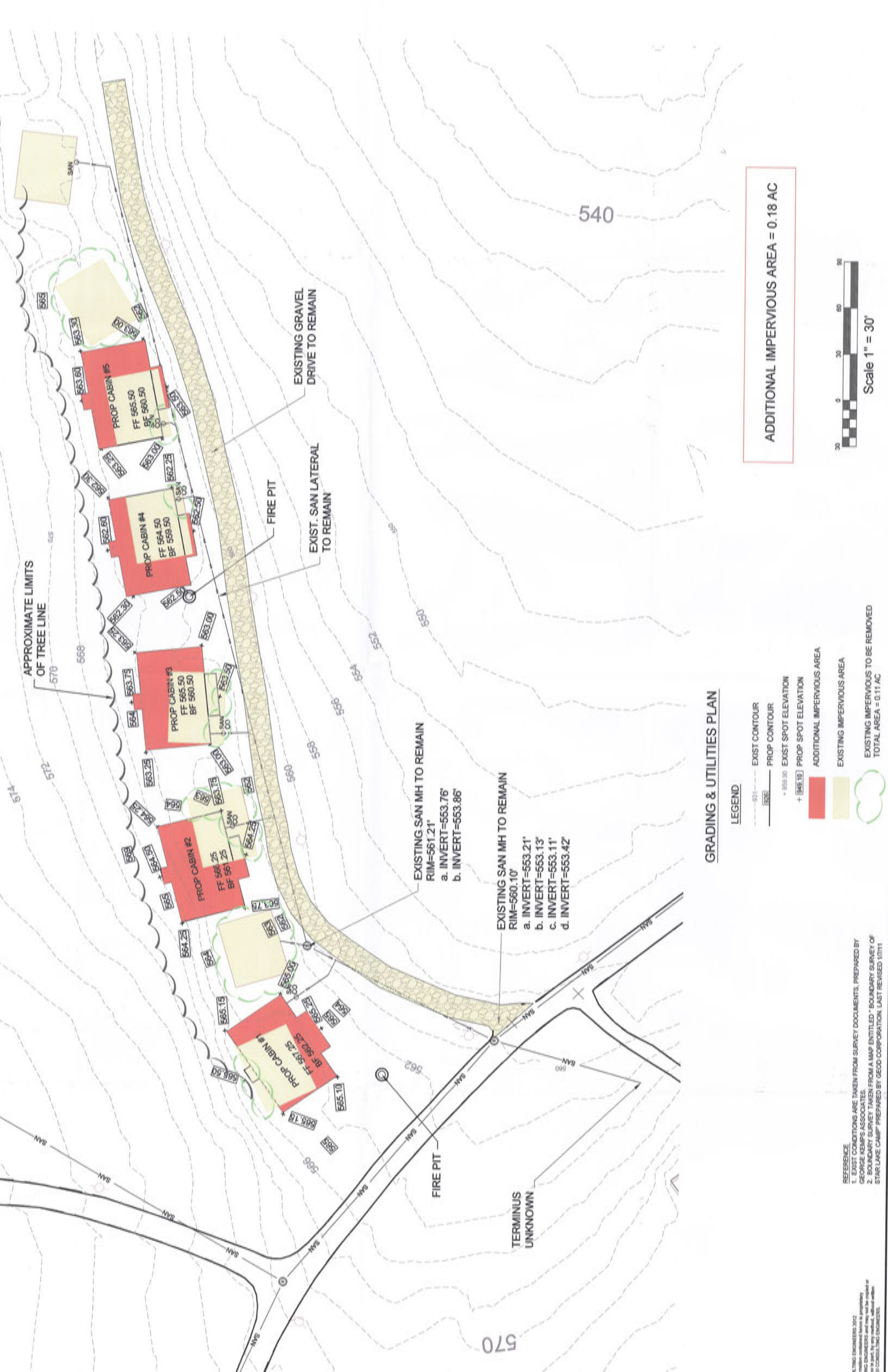
Elizabeth Semple, Acting Director
Division of Coastal and Land Use Planning

Enclosure

c: Anthony Castillo, SESI Consulting Engineers
Jane McCarthy, Township Clerk, Bloomingdale Borough
Dan Hagberg, Township Construction Official, Bloomingdale Borough
Bloomingdale Borough Environmental Commission
Bloomingdale Borough Planning Board
Thomas Williamson, Commissioner, Passaic County Planning Board
Executive Director, Highlands Council
Division of Coastal and Land Use Planning - File

Copy via Email:

Barbara Baus, NJDEP, Bureau of Coastal and Land Use Compliance and Enforcement (w/o
encl.)
Armand Perez, NJDEP, Bureau of Coastal and Land Use Compliance and Enforcement (w/o
encl.)
Lou Cattuna, NJDEP, Bureau of Inland Regulation (w/o encl.)
Barbara Greenhalgh-Weidman, NJDEP, Division of Coastal and Land Use Planning (w/o encl.)
Changi Wu, NJDEP, Division of Coastal and Land Use Planning (w/o encl.)



APPROXIMATE LIMITS
OF TREE LINE

EXISTING GRAVEL
DRIVE TO REMAIN

FIRE PIT

EXIST. SAN LATERAL
TO REMAIN

EXISTING SAN MH TO REMAIN
RIM=561.21"
a. INVERT=563.76"
b. INVERT=553.86"

EXISTING SAN MH TO REMAIN
RIM=560.10"
a. INVERT=563.21"
b. INVERT=563.13"
c. INVERT=553.11"
d. INVERT=553.42"

TERMINUS
UNKNOWN

ADDITIONAL IMPERVIOUS AREA = 0.18 AC

GRADING & UTILITIES PLAN

LEGEND

- EXIST CONTOUR
- PROP CONTOUR
- EXIST SPOT ELEVATION
- PROP SPOT ELEVATION
- ADDITIONAL IMPERVIOUS AREA
- EXISTING IMPERVIOUS AREA
- EXISTING IMPERVIOUS TO BE REMOVED
- TOTAL AREA = 0.11 AC



REFERENCE
1. EXIST CONDITIONS ARE TAKEN FROM SURVEY DOCUMENTS. PREPARED BY
GEORGE KEMP'S ASSOCIATES.
2. BOUNDARY SURVEY TAKEN FROM A MAP ENTITLED "BOUNDARY SURVEY OF
STAR LAKE CAMP" PREPARED BY GEOFF CORPORATION LAST REVISED 10/11

Borough of Ringwood
Highlands Exemption Determination Application
60 Margaret King Ave
Ringwood, NJ 07456
(973) 475-7103



Receipt Stamp - Municipal Use Only

JUL 28 2015

By 56070

Date:

6/9/15

Application #:

2015-02

Applicant Name:

[REDACTED]

Property Information

Street Address:

33 Duret Drive, Ringwood, NJ 07456

Block(s) & Lot(s):

508 Lot - 2.12

Date Lot Created:

☒ Prior to August 10, 2004

If after August 10, 2004:

[REDACTED]

Existing Uses:

Parking/Warehouse

Property Owner Information

☒ Same as Applicant

Owner's Name:

[REDACTED]

Owner's Address:

[REDACTED]

Applicant Information

Applicant Address:

[REDACTED]

Phone #:

[REDACTED]

Fax #:

[REDACTED]

email:

[REDACTED]

Engineer, Attorney or Other Principal Contact Information

Name:

Maturozzo Engineering LLC

Address:

575 RT 46 West, Fairfield, NJ 07004

Phone #:

973-808-8779

Fax #:

[REDACTED]

email:

[REDACTED]

Project Information

Brief Project Description
(Attach Additional as Necessary):

Re-paving Parking lot, adding some parking lot to sides to be able to move Trucks better.
Building Retaining walls

A: Exemption 1: For the construction of a single-family dwelling for an individual's own use or the use of an immediate family member, on a lot owned by the individual on August 10, 2004, or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.

☐ I hereby certify that the single-family dwelling proposed for construction on the subject lot is intended for my own use or the use of the following immediate family member (as defined by Ordinance #2014-01).

Applicant Initial:

Name of Family Member:

Relationship of Family Member:

Lot Legally Owned by the Applicant on August 10, 2004:

☐ Copy of a deed, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was legally owned by the applicant as of August 10, 2004 and indicating the lot and block as designated by the municipal tax mapping, the municipality and county in which the lot is located, and the street address.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004

Applicant Initial:

Lot Under Contract of Sale to Applicant as of May 17, 2004:

☐ Copy of the binding contract of sale executed by the seller and the applicant on or before May 17, 2004 for the lot on which the house is to be constructed.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of the date of the executed contract of sale.

Applicant Initial:

B: Exemption 2: For the construction of a single-family dwelling on a lot that lawfully existed as of August 10, 2004, provided that construction does not result in the ultimate disturbance of 1 or more acres of land or a cumulative increase in impervious surface by 1/4 acre or more.

☐ A copy of the recorded deed or plat showing that the lot was created on or before August 10, 2004.

☐ A property survey certified by a licensed New Jersey Professional indicating the property boundary lines and overall lot size, and showing what structures currently exist on the lot, if any.

☐ A parcel plan certified by a qualified licensed New Jersey Professional showing all existing and proposed development, including all structures, grading, clearing, impervious surface and disturbance, areas of existing disturbance to be restored (if any), and including calculations demonstrating that impervious surfaces and areas of disturbance are within the 1/4 acre and 1 acre limit as prescribed.

☐ A metes and bounds description by a qualified licensed New Jersey Professional showing the area of the lot to be disturbed, limited to less than one acre.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004.

Applicant Initial:

C: Exemption 4: For the reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces* on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by 1/4 acre or more. *The date of lawfully existing impervious surface is August 10, 2004 in the Preservation Area.

☒ A parcel plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site as of August 10, 2004 for the Preservation Area; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading. Also include supporting calculated values for existing and proposed impervious surfaces for the project/activity.

☒ A copy of any official documentation indicating the original date of construction of the existing buildings and/or structures, or otherwise establishing the lawfulness of their existence, inclusive of that of existing impervious surfaces.

D. Exemption 5: For any improvement to a single family dwelling in existence as of August 10, 2004, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system. (Such improvements include only those that maintain the use as a single family dwelling; the exemption does not apply to or permit the creation of multiple dwelling units.)

- ☐ A copy of any official documentation proving the single family dwelling was in existence on August 10, 2004.
- ☐ A description of the proposed improvements.
- ☐ I hereby affirm that the subject property was in existence as of August 10, 2004 and that all proposed improvements are intended and will continue to be used for single family dwelling purposes.
- Applicant Initial:

E. Exemption 6: For any improvement, for non-residential purposes, to a place of worship owned by a non-profit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on August 10, 2004, including, but not limited to, new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility

- ☐ A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004.
- ☐ For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non profit status.
- ☐ A site plan plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surface and limits of disturbance, existing on the site on August 10, 2004; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.

F. Exemption 7: For any activity conducted by a landowner in accordance with an approved woodland management plan issued pursuant to Section 3 of the Farmland Assessment Act, N.J.S.A. 54:4-23.3 or the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester

- ☐ A brief description of the total area of woodlands that is the subject of the approved woodland management plan and indication of the length of time that the area has been in woodland management (may be submitted in this form).
- ☐ A brief description of the activities for which the exemption is claimed (may be submitted in this form).

For a private landowner with an approved woodlot management plan:

- ☐ A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq. if applicable.
- ☐ A copy of the approved woodland management plan.

For a forest management plan approved by the State Forester:

- ☐ A copy of the forest management plan approved by the State Forester.

G. Exemption 8: For the construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.

- ☐ A site plan certified by the appropriate qualified Licensed New Jersey Professional showing the proposed trail construction with details including the location and width of existing and proposed trails and those off-site trails to which they connect, if any.
- ☐ A written description of the non-impervious materials to be used.
- ☐ For privately owned property, a copy of a deed for the property, including the language establishing the conservation or recreational use easement on the property.

I, the undersigned, hereby certify that the information given herein is correct to the best of my knowledge.

Applicant Signature:

Date:

I, the undersigned, hereby grant permission for the submission of this application for the property reference herein.

Owner Signature:

Date:

Municipal Use Only
Exemption Review Worksheet

Information
Submitted:

Survey DATED MARCH 19, 2015 DRAWN BY MATRAZO
ENGINEERING.

Project
Summary:

PARKING LOT RESURFACE WITH SLIGHT
MODIFICATIONS.

Exemption
Review:

Existing IMPERVIOUS SURFACE 133,928 VERIFIED PRIOR SITE
PROPOSED ADDITIONAL IMPERVIOUS 3,476 plan
137,404

Comments:

MAX ALLOWABLE ADDITIONAL IMPERVIOUS 10,890
2015 ADDITIONS 3,476
7,414 - MAXIMUM ALLOWABLE
ADDITIONAL FUTURE
IMPERVIOUS

As the Certified Municipal Exemption Designee, I hereby
certify the following finding for this application:

CONSISTENT WITH EXEMPTION #4

Date: 7-20-15

Signature:



7/21/15



HAROLD E. PELLOW & ASSOCIATES, INC.

CONSULTING ENGINEERS · PLANNERS · LAND SURVEYORS

ESTABLISHED 1969

HAROLD E. PELLOW, *PRESIDENT*
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.
PA - P.E.

ANN PELLOW WAGNER
NJ - C.L.A., VA - C.L.A., PA - C.L.A.
(5/26/84 - 7/27/89)

DAVID B. SIMMONS, JR., *VICE PRESIDENT*
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.
NY - P.E. & L.S., PA - P.E. & L.S.

CORY L. STONER, *EXEC. VICE PRESIDENT*
NJ - P.E., NJ - C.M.E.
PA - P.E.

THOMAS G. KNUTELSKY, *ASSOCIATE*
NJ - P.E.

June 1, 2016

MEMORANDUM TO: Cheryl White, Byram Township Planning Board Secretary

FROM: Cory L. Stoner, P.E., C.M.E., Planning Board Engineer

SUBJECT: **Municipal Highlands Exemption Determination**
Route 206 Byram GW LLC (Quick Chek)
Block 41 Lot 88.01, 88.02, 89
Located at 26-28 Route 206
Byram Township, Sussex County

Dear Cheryl,

Please find enclosed herewith the approved Municipal Highlands Exemption Determination for the above referenced application submitted for the proposed Quick Chek. This exemption is hereby granted because the Applicant has illustrated that they qualify for Highlands Exemption #4.

With this exemption certification in hand, the Applicant can now apply for the zoning permits, construction permits, and/or approvals from the Township of Byram Planning Board.

If you have any questions regarding this determination, please feel free to contact me.

Very truly yours,

Cory L. Stoner, P.E., C.M.E.

HAROLD E. PELLOW & ASSOCIATES, INC.
Byram Township Engineer

CLS:cls

K:\PROJECTS\MUNICIPAL\BYRAM\PB\15-166 - WEBER BROTHERS PROPERTIES LLC HIGHLANDS EXEMPTION\WHITE2.DOC

Enclosures: *1 Original & 1 Copy of Municipal Highlands Exemption Determination*

cc: *Letter & Form Only*

Judy Thorton - NJ Highlands Council (via email judy.thorton@highlands.state.nj.us)



Township of Byram
Municipal Highlands Exemption Determination
10 Mansfield Drive, Stanhope, N.J. 07874
Phone: 973.347.2500 | Fax: 973.347.0502

Receipt Stamp - Municipal Use Only

Date:

3-20-16

Application #:

Applicant Name:

ROUTE 206 BYRAM GW LLC

Property Information

Street Address:

26-28 ROUTE 206

Block(s) & Lot(s):

BLOCK 41 LOTS 88.01 88.02 89

Date Lot Created:

☒ Prior to August 10, 2004

If after August 10, 2004:

Located in:

☒ Planning Area

☐ Preservation Area

☐ Planning and Preservation Area

Existing Uses:

BYRAM DINER - RETAIL STORE - SF DWELLING

Property Owner Information

☐ Same as Applicant

Owner's Name:

TSILIOS

Owner's Address:

26 ROUTE 206

Applicant Information

Applicant Address:

9 CONKLING STREET BASKING RIDGE NJ 07920

Phone #:

201-650-2956

Fax #:

email:

eagconserve@aol.com

Engineer, Attorney or Other Principal Contact Information

Name:

ED GRASSO

Address:

7 BURNETT DRIVE CHESTER NJ 07930

Phone #:

201-650-2956

Fax #:

email:

eagconserve@aol.com

Project Information

Brief Project Description
(Attach Additional as Necessary):

PROPOSED QUICK CHEK RETAIL STORE
W/GAS STATION

A. Exemption 1: For the construction of a single-family dwelling for an individual's own use or the use of an immediate family member, on a lot owned by the individual on August 10, 2004, or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.

☐ I hereby certify that the single-family dwelling proposed for construction on the subject lot is intended for my own use or the use of the following immediate family member (as defined by Ordinance #14-2013).

Applicant Initial: Name of Family Member:

Relationship of Family Member:

Lot Legally Owned by the Applicant on August 10, 2004:

☐ Copy of a deed, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was legally owned by the applicant as of August 10, 2004 and indicating the lot and block as designated by the municipal tax mapping, the municipality and county in which the lot is located, and the street address.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004

Applicant Initial:

Lot Under Contract of Sale to Applicant as of May 17, 2004:

☐ Copy of the binding contract of sale executed by the seller and the applicant on or before May 17, 2004 for the lot on which the house is to be constructed.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of the date of the executed contract of sale.

Applicant Initial:

B. Exemption 2: For the construction of a single-family dwelling on a lot that lawfully existed as of August 10, 2004, provided that construction does not result in the ultimate disturbance of 1 or more acres of land or a cumulative increase in impervious surface by 1/4 acre or more.

☐ A copy of the recorded deed or plat showing that the lot was created on or before August 10, 2004.

☐ A property survey certified by a licensed New Jersey Professional indicating the property boundary lines and overall lot size, and showing what structures currently exist on the lot, if any.

☐ A parcel plan certified by a qualified licensed New Jersey Professional showing all existing and proposed development, including all structures, grading, clearing, impervious surface and disturbance, areas of existing disturbance to be restored (if any), and including calculations demonstrating that impervious surfaces and areas of disturbance are within the 1/4 acre and 1 acre limit as prescribed.

☐ A metes and bounds description by a qualified licensed New Jersey Professional showing the area of the lot to be disturbed, limited to less than one acre.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004.

Applicant Initial:

C. Exemption 4: For the reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces* on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by 1/4 acre or more.

*The date of lawfully existing impervious surface is August 10, 2004 in the Preservation Area and January 6, 2014 in the Planning Area.

☒ A parcel plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site as of August 10, 2004 for the Preservation Area or January 6, 2014 for the Planning Area; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading. Also include supporting calculated values for existing and proposed impervious surfaces for the project/activity.

☒ A copy of any official documentation indicating the original date of construction of the existing buildings and/or structures, or otherwise establishing the lawfulness of their existence, inclusive of that of existing impervious surfaces.

D. Exemption 5: For any improvement to a single family dwelling in existence as of August 10, 2004, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system. (Such improvements include only those that maintain the use as a single family dwelling; the exemption does not apply to or permit the creation of multiple dwelling units.)

- ☐ A copy of any official documentation proving the single family dwelling was in existence on August 10, 2004.
- ☐ A description of the proposed improvements.
- ☐ I hereby affirm that the subject property was in existence as of August 10, 2004 and that all proposed improvements are intended and will continue to be used for single family dwelling purposes.
- Applicant Initial:

E. Exemption 6: For any improvement, for non-residential purposes, to a place of worship owned by a non-profit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on August 10, 2004, including, but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility

- ☐ A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004.
- ☐ For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non profit status.
- ☐ A site plan plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surface and limits of disturbance, existing on the site on August 10, 2004; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.

F. Exemption 7: For any activity conducted by a landowner in accordance with an approved woodland management plan issued pursuant to Section 3 of the Farmland Assessment Act, N.J.S.A. 54:4- 23.3 or the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester

- ☐ A brief description of the total area of woodlands that is the subject of the approved woodland management plan and indication of the length of time that the area has been in woodland management (may be submitted in this form).
- ☐ A brief description of the activities for which the exemption is claimed (may be submitted in this form).

For a private landowner with an approved woodlot management plan:

- ☐ A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq. if applicable.
- ☐ A copy of the approved woodland management plan.


For a forest management plan approved by the State Forester:

- ☐ A copy of the forest management plan approved by the State Forester.

G. Exemption 8: For the construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.

- ☐ A site plan certified by the appropriate qualified Licensed New Jersey Professional showing the proposed trail construction with details including the location and width of existing and proposed trails and those off-site trails to which they connect, if any.
- ☐ A written description of the non-impervious materials to be used.
- ☐ For privately owned property, a copy of a deed for the property, including the language establishing the conservation or recreational use easement on the property.

I, the undersigned hereby certify that the information given herein is correct to the best of my knowledge.

Applicant Signature: 

Date: 3-20-16

I, the undersigned hereby grant permission for the submission of this application for the property reference herein.

Owner Signature:

Date:

*Municipal Use Only
Exemption Review Worksheet*

Information
Submitted:

1. Plans entitled "Preliminary & Final Site Plan For Route 206 Byram GW LLC, Proposed 'Quick Chek' Food Store With Fuel Sales; Block 41, Lots 88.01, 88.02 & 89, 26 & 28 U.S. Route 206, Township of Byram, Sussex County, New Jersey", prepared by Bohler Engineering, dated 03/22/16 and consisting of nineteen (19) sheets.
2. Impervious area calculations for existing and proposed conditions prepared by Edward S. Walsh, P.E., last revised May 31, 2016.

Project
Summary:

The applicant is proposing to construct a Quick Chek food store with fuel sales and a number of related improvements on the site. The construction will also include additional parking, retaining walls, detention basin and other drainage improvements and other miscellaneous site improvements.

Exemption
Review:

Exemption #4 requires that the applicant not exceed 125% of the lawfully existing impervious coverage on the site and must not increase the lawfully existing impervious coverage by $\frac{1}{4}$ acre or more.

The proposed building construction and improvements to the existing parking lot and access driveways will result in a total impervious area of 54,911 sf. The existing impervious coverage on the property is 44,038 sf. The total allowable impervious coverage on the property is calculated to be $44,038 \text{ sf} + 10,890 \text{ sf} (0.25 \text{ acre}) = 54,928 \text{ sf}$ or $44,038 \text{ sf} \times 125\% = 55,047.50 \text{ sf}$ whichever is less.

Comments:

As stated above, the proposed improvements to the site will result in an increase in impervious coverage, which will be slightly less than the 54,928 sf of impervious coverage allowed on the property. The final impervious coverage is, therefore, less than 125% of the lawfully existing impervious surface on the site and does not increase the total impervious surfaces by one-quarter acre or more.

As the Certified Municipal Exemption Designee I hereby
certify the following finding for this application

Qualifies for Highlands Exemption #4

Date:

6/1/16

Signature:

E. S. Walsh



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation

Mail Code 501-02A

P.O. Box 420

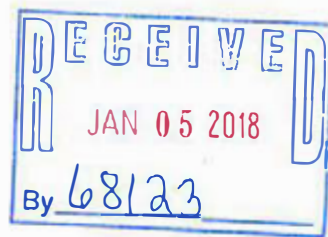
Trenton, New Jersey 08625-0420

www.state.nj.us/dep/landuse

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner



Re: Long Pond Road Subdivision
Project: Subdivision of 1 lot into 2 lots; and Construction of 2 single-family dwellings
(after demolition of 1 single-family dwelling)
Block: 4106 Lot(s): 1
West Milford Township, Passaic County
Northeast Water Quality Management Plan (WQMP)
Program Interest No.: 1615-08-0009.2 Activity No: APD170001
**Agency Determination: Highlands Act-Exempt
Exemption #4
Water Quality Management Plan-Consistent**

Dear Mr. Houser:

This letter is in reply to your request for a Highlands Applicability Determination and Water Quality Management Plan (WQMP) Consistency Determination. Based on the information submitted and Division of Land Use Regulation (Division) review, it has been determined that the project described below qualifies for Exemption #4 and the project is considered "consistent" with the Water Quality Management Plan.

The proposed project is located within the Highlands Preservation Area at 99 Long Pond Road, West Milford, Passaic County, NJ, and consists of the construction of two single family dwellings with associated improvements, sub-division of the lot into 2 lots and sanitary sewer hookup for 2 homes. The project as shown on the site plan entitled, "HIGHLANDS EXEMPTION PLAN, ENVIRONMENTAL CONSTRUCTION CO., MINOR SUBDIVISION PLAN, 99 LONG POND ROAD, TOWNSHIP OF WEST MILFORD, BLOCK 4106, LOT 1, COUNTY OF PASSAIC, NEW JERSEY", sheet 1 of 1, dated March 1, 2017, last revised December 13, 2017, and prepared by Jeffrey (J.R.) Houser, P.E., of Houser Engineering, has been reviewed to determine the applicability of the New Jersey Highlands Water Protection and Planning Act Rules at N.J.A.C. 7:38 (Highlands Rules) as well as the requirements defined in the Statewide Water Management Planning rules at N.J.A.C. 7:15 (WQMP rules)

After a careful review of the information submitted, it has been determined that the Project described above qualifies for exemption #4 for the "reconstruction for any reason of any building or structure within 125 percent of the footprint of a lawfully existing impervious surface in existence on August 10, 2004, provided that construction does not increase the lawfully existing impervious surface by one-quarter acre or more. The existing imperious surfaces on site (both lots) is 7,200 sq. ft.

The applicant is proposing a net decrease of impervious surfaces and is proposing 5,996 sq. ft. of ultimate impervious surfaces which is less than an allowable increase of 125% for the project.

This Project was published in the November 1, 2017, DEP Bulletin and no public comments were received.

Therefore, the proposed Project is deemed exempt from the provisions of the Highlands Rules, subject to the following limitation(s):

If the Division subsequently determines the information submitted to obtain this decision is inaccurate, the exemption shall be void.

This exemption determination is limited to the land area and specific scope of the activities described herein or as shown on the referenced site plan above. This determination does not eliminate the need for any permits, approvals, or certifications required by any other Federal, State, county or municipal review agency with jurisdiction over this activity, including, but not limited to, freshwater wetlands or flood hazard permits or review of storm water management.

The Division also reviewed your Project for consistency with the WQMP rules and the provisions and recommendations of the Northeast WQMP. Based on our review, the proposed Project is consistent with the Northeast WQMP based on the following:


The project is in the approved sewer service area of the West Milford-MUA-Awosting Sewer Treatment Plant and adequate capacity is available under NJPDES Permit #NJ0027669. Because this project is exempt from the provisions of the Highlands Act, the sewer service area in effect prior to the Highlands Act was not revoked by the Highlands Act and the property remains within the approved sewer service area.

A copy of this determination letter must be enclosed with any future permit application(s) filed with the Department.

In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this determination may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the Checklist is available through the Division's website at http://www.nj.gov/dep/landuse/download/lur_024.pdf. In addition to our hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website www.nj.gov/dep/odr for more information about this process.

If you have any questions or require further assistance, please call Jill Neall at (609) 777-0456 or by email at jill.neall@dep.nj.gov.

Sincerely,

Handwritten signature of Patricia Cluelow in blue ink, dated 12/29/17.

Patricia Cluelow, Supervisor
Application Support Unit
Division of Land Use Regulation

C: West Milford Township Clerk, Construction Official, Environmental Commission
West Milford Township Planning Board Official
Passaic County Planning Board Official, Passaic County Environmental Commission
New Jersey Highlands Council-Margaret Nordstrom

LOT COVERAGE TABLE

EXISTING	SQUARE FOOTAGE
SHED	102 SF
DIRT DRIVE	1158 SF
GRAVEL	201 SF
STONE DRIVEWAY	1392 SF
PRE-2004	
GRAVEL/COMPACTED DIRT DRIVE	13,751 SF
TOTAL	16,604 SF

PROPOSED	SQUARE FOOTAGE
BUILDING	4346 SF
PARKING LOT	7010 SF
WALKWAY	419 SF
WALL	359 SF
TRASH ENCLOSURE	113 SF
EXISTING DRIVEWAY TO REMAIN	1392 SF
TOTAL	13,639 SF

PROPOSED NEW COVERAGE IS 2,028 S.F. (0.046 ACRE) OVER EXISTING COVERAGE, OR A 112% INCREASE.

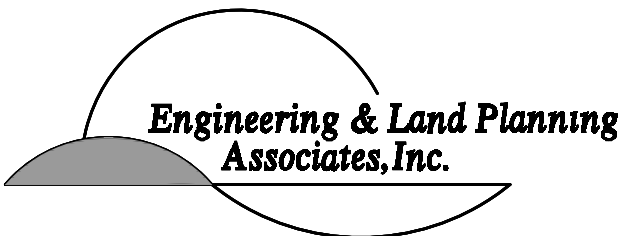
NET DECREASE IN PROPOSED IMPERVIOUS LOT COVERAGE OVER PRE JUNE 23, 2011 CONDITIONS IS 2,965 S.F. (0.068 ACRE).

ALL COMPACTED GRAVEL SURFACES OUTSIDE THE LIMITS OF THE PROPOSED BUILDING, PARKING LOT, AND SIDEWALKS ON-SITE TO BE REMOVED AND REPLACED WITH VEGETATIVE SURFACE.

REFERENCES:

- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS REFERENCED TO THE PLAN ENTITLED "BOUNDARY & TOPOGRAPHIC SURVEY" PREPARED BY LRC GROUP DATED MAY 18, 2015 OR LAST REVISED.
- THE PLAN IS IN REFERENCE TO NAD UTM 18N OF 1983.

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140 WEST MAIN STREET HIGH BRIDGE, NJ 08829
PH. 908-238-0544 FAX. 908-238-9572
A PROFESSIONAL ASSOCIATION
CERTIFICATE OF AUTHORIZATION NO.: 24GA28021500

3	REV. PER COMMENTS	DW	7/7/15
2	REV. PER COMMENTS	DW	7/2/15
1	REV. FOR COMPLETENESS	DW	6/23/15
NO.	REVISION	BY	DATE

6/4/15
DATE
WAYNE J. INGRAM
PROFESSIONAL ENGINEER
N.J. P.E. NO. 24GE048393
PROFESSIONAL LAND SURVEYOR
N.J. P.L.S. NO. 24GS4335300

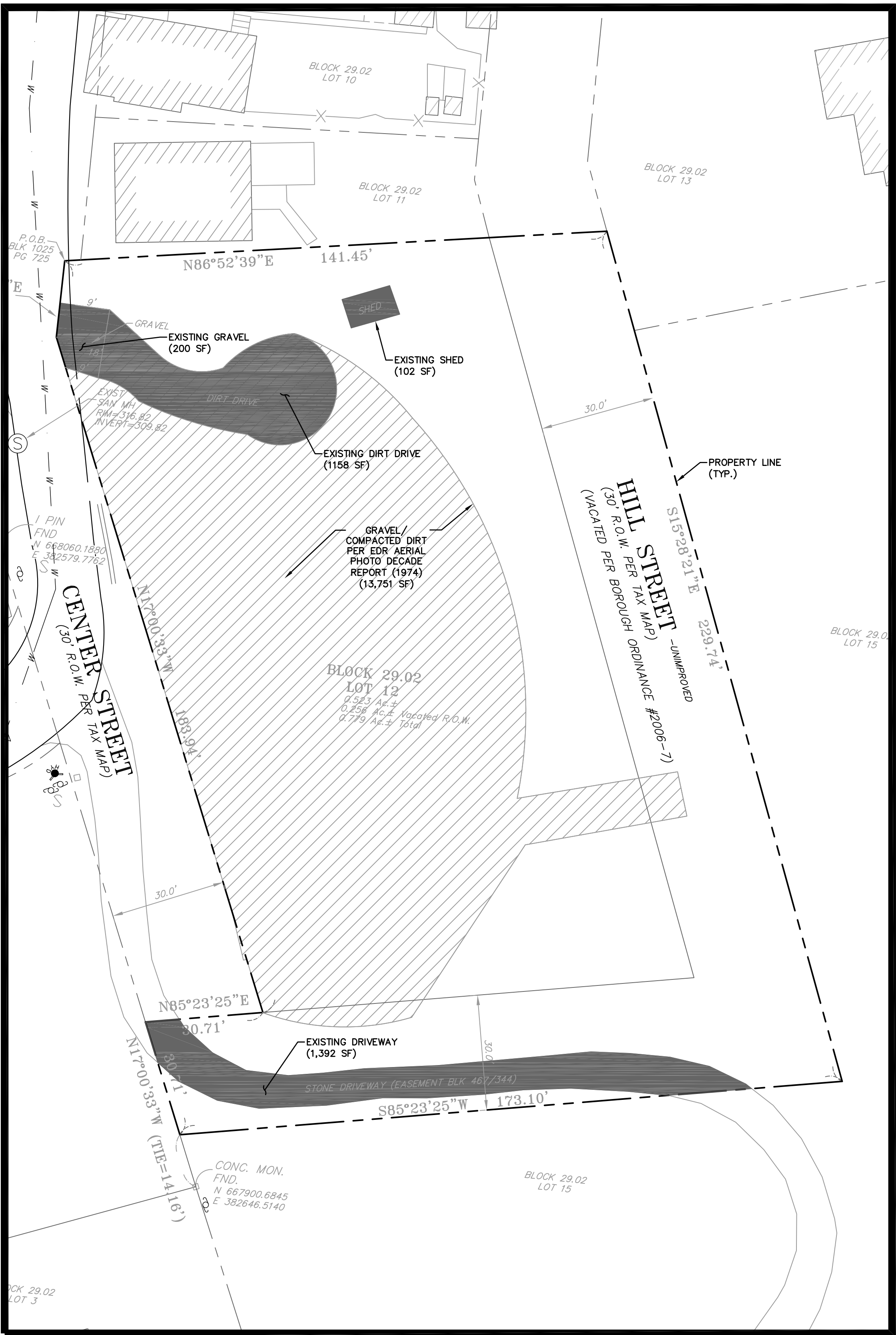
PROJECT:
HIGH BRIDGE APARTMENTS
MAJOR SITE PLAN
CENTER STREET
BLOCK 29.02 LOT 12 SHEET 11
HIGH BRIDGE BOROUGH

HUNTERDON COUNTY NEW JERSEY

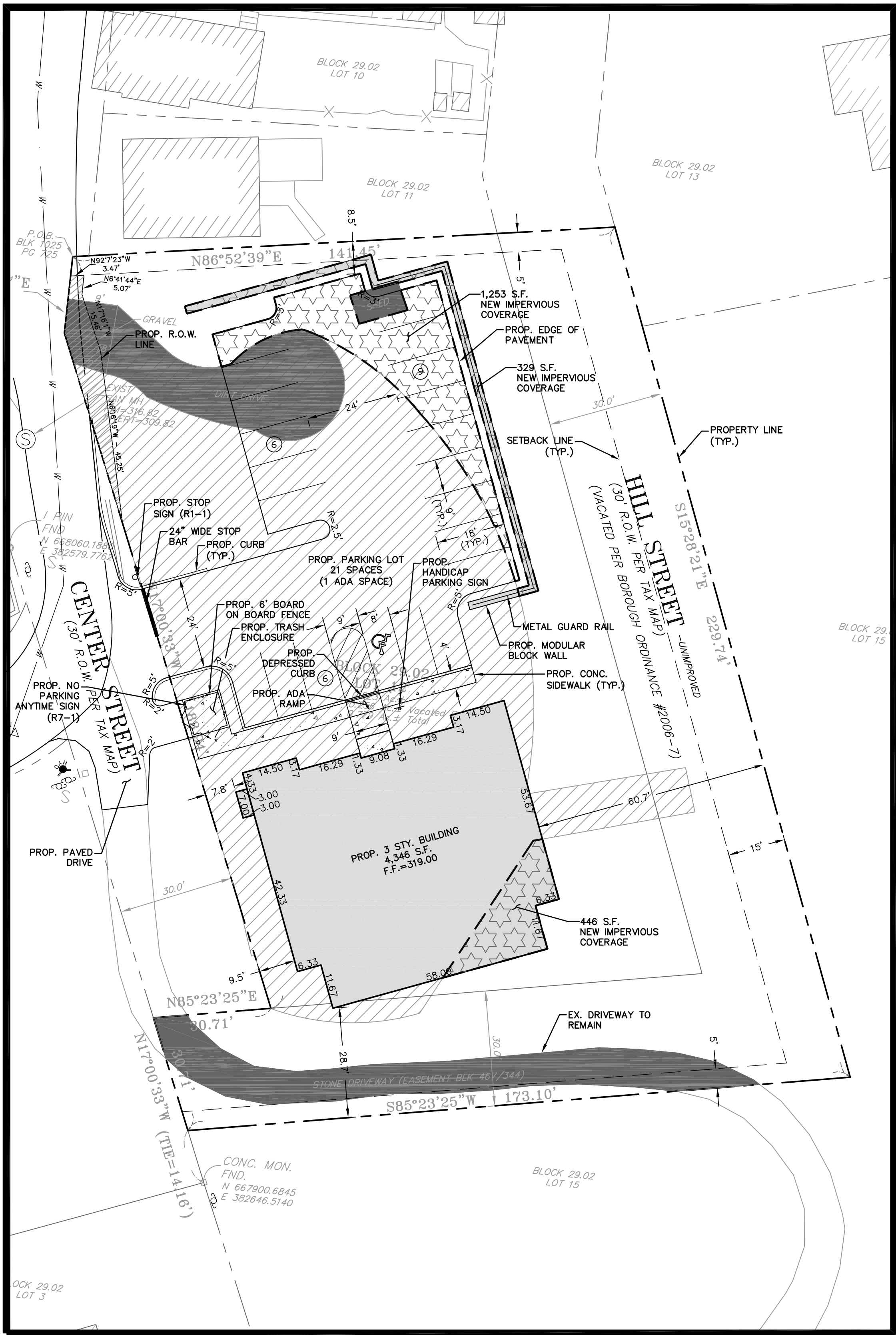
TITLE:

HIGHLANDS
EXEMPTION PLAN

JOB NO.:	14273C	DRAWING NO.:	1
SCALE:	1"=20'		
DESIGNED:	DW		
CHECKED:	CRN		
FILENAME:	EXEMPTION.DWG		
DATE:	5/26/15		

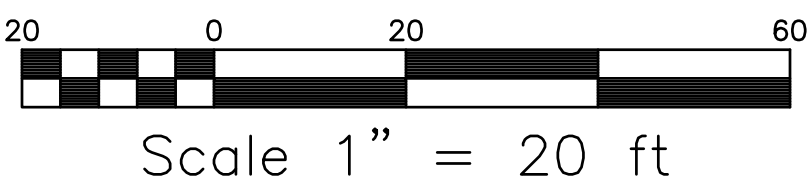


EXISTING CONDITIONS PLAN



SITE PLAN

- NOTES:
- ALL SURFACES SHOWN IN SOLID AND STRIPPED HATCHES PREDATE JUNE 23, 2011.
 - GRAVEL/COMPACTED DIRT AREAS SHOWN IN STRIPPED HATCHING REMAIN PRESENT 1-3" BELOW GRADE.



Exemption #5. Improvement to a single family dwelling

Any improvement to a single family dwelling in existence on the date of enactment of this act, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system.

TOWNSHIP OF MONTVILLE
Highlands Exemption Determination Application
195 Changebridge Road
Montville, NJ 07045
(973) 331-3300



Receipt Stamp - Municipal Use Only

FILE

Date:

10/9/14

Application #:

205-14

Applicant Name:

[REDACTED]

Property Information

Street Address:

20 old lane Towaco NJ 07082

Block(s) & Lot(s):

Block 21-1 Lot 38.17

Date Lot Created:

☒ Prior to August 10, 2004

If after August 10, 2004:

[REDACTED]

Existing Uses:

Single Family Home

Property Owner Information

☒ Same as Applicant

Owner's Name:

[REDACTED]

Owner's Address:

20 old lane Towaco NJ 07082

Applicant Information

Applicant Address:

20 old lane Towaco NJ 07082

Phone #:

[REDACTED]

Fax #:

[REDACTED]

email:

[REDACTED]

Engineer, Attorney or Other Principal Contact Information

Name:

Jeff Carcaga PE c/o Patricia Dannhardt PE CLA

Address:

382 Rt 46 W (Equity Plaza) Budd Lake NJ 07828

Phone #:

973 448 0651

Fax #:

973 448 0652

email:

Trish@carcagaengineering.com

Project Information

Brief Project
Description
(Attach
Additional as
Necessary):

connection to sewer system

A. Exemption 1: For the construction of a single-family dwelling for an individual's own use or the use of an immediate family member, on a lot owned by the individual on August 10, 2004, or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.

☐ I hereby certify that the single-family dwelling proposed for construction on the subject lot is intended for my own use or the use of the following immediate family member (as defined by ORDINANCE #2014-02).

Applicant Initial:

Name of Family Member:

Relationship of Family Member:

Lot Legally Owned by the Applicant on August 10, 2004:

☐ Copy of a deed, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was legally owned by the applicant as of August 10, 2004 and indicating the lot and block as designated by the municipal tax mapping, the municipality and county in which the lot is located, and the street address.

I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004

Applicant Initial:

Lot Under Contract of Sale to Applicant as of May 17, 2004:

☐ Copy of the binding contract of sale executed by the seller and the applicant on or before May 17, 2004 for the lot on which the house is to be constructed.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of the date of the executed contract of sale.

Applicant Initial:

B. Exemption 2: For the construction of a single-family dwelling on a lot that lawfully existed as of August 10, 2004, provided that construction does not result in the ultimate disturbance of 1 or more acres of land or a cumulative increase in impervious surface by 1/4 acre or more.

☐ A copy of the recorded deed or plat showing that the lot was created on or before August 10, 2004.

☐ A property survey certified by a licensed New Jersey Professional indicating the property boundary lines and overall lot size, and showing what structures currently exist on the lot, if any.

☐ A parcel plan certified by a qualified licensed New Jersey Professional showing all existing and proposed development, including all structures, grading, clearing, impervious surface and disturbance, areas of existing disturbance to be restored (if any), and including calculations demonstrating that impervious surfaces and areas of disturbance are within the 1/4 acre and 1 acre limit as prescribed.

☐ A metes and bounds description by a qualified licensed New Jersey Professional showing the area of the lot to be disturbed, limited to less than one acre.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004.

Applicant Initial:

C. Exemption 4: For the reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces* on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by 1/4 acre or more.

*The date of lawfully existing impervious surface is August 10, 2004 in the Preservation Area.

☐ A parcel plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site as of August 10, 2004 for the Preservation Area; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading. Also include supporting calculated values for existing and proposed impervious surfaces for the project/activity.

☐ A copy of any official documentation indicating the original date of construction of the existing buildings and/or structures, or otherwise establishing the lawfulness of their existence, inclusive of that of existing impervious surfaces.

D. Exemption 5: For any improvement to a single family dwelling in existence as of August 10, 2004, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system. (Such improvements include only those that maintain the use as a single family dwelling; the exemption does not apply to or permit the creation of multiple dwelling units.)

☒ A copy of any official documentation proving the single family dwelling was in existence on August 10, 2004.

☒ A description of the proposed improvements.
connection to sewer system

☒ I hereby affirm that the subject property was in existence as of August 10, 2004 and that all proposed improvements are intended and will continue to be used for single family dwelling purposes.

Applicant Initial: [REDACTED]

E. Exemption 6: For any improvement, for non-residential purposes, to a place of worship owned by a non-profit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on August 10, 2004, including, but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility

☐ A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004.

☐ For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non profit status.

☐ A site plan plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surface and limits of disturbance, existing on the site on August 10, 2004; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.

F. Exemption 7: For any activity conducted by a landowner in accordance with an approved woodland management plan issued pursuant to Section 3 of the Farmland Assessment Act, N.J.S.A. 54:4- 23.3 or the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester

☐ A brief description of the total area of woodlands that is the subject of the approved woodland management plan and indication of the length of time that the area has been in woodland management (may be submitted in this form).

☐ A brief description of the activities for which the exemption is claimed (may be submitted in this form).

For a private landowner with an approved woodlot management plan:

☐ A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq. if applicable.

☐ A copy of the approved woodland management plan.

For a forest management plan approved by the State Forester:

☐ A copy of the forest management plan approved by the State Forester.

G. Exemption 8: For the construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.

☐ A site plan certified by the appropriate qualified Licensed New Jersey Professional showing the proposed trail construction with details including the location and width of existing and proposed trails and those off-site trails to which they connect, if any.

☐ A written description of the non-impervious materials to be used.

☐ For privately owned property, a copy of a deed for the property, including the language establishing the conservation or recreational use easement on the property.

I, the undersigned, hereby certify that the information given herein is correct to the best of my knowledge.

Applicant Signature: [REDACTED]

Date: 10/3/14

I, the undersigned, hereby grant permission for the submission of this application for the property reference herein.

Owner Signature: [REDACTED]

Date: 10/3/14

check \$35 - receipt 048905

Municipal Use Only
Exemption Review Worksheet

Information
Submitted:

- ① Deed Alfano to Trifari June 15, 2006
- ② Property record card indicating dwelling was built in 1968

Project
Summary:

connection to sewer system

Exemption
Review:

Proof submitted that dwelling existed prior to August 10, 2004

Comments:

Highlands GIS map illustrates that lot was located in sewer service area prior to August 10, 2004

As the Certified Municipal Exemption Designee I hereby certify the following finding for this application

EXEMPTION #5

Date:

10/9/14

Signature:

Mykha Hirscher



New Jersey Highlands Council



Legend



Pre Highlands Act
Sewer Service
Area

**Montville Twp.
Pre Highlands Act
Sewer Service Area**



1:9,600

1 inch = 800 feet

21.1
38.17

Prepared by:

JANE A. GRINCH, ESQ.

DEED

This Deed is made on June 15, 2006

BETWEEN

whose address is 20 Old Lane, Towaco, New Jersey 07082, referred to as Grantor,

AND

whose address is about to be 20 Old Lane, Towaco, New Jersey 07082, referred to as Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

1. **TRANSFER OF OWNERSHIP.** The Grantor grants and conveys (transfers ownership of) the property (called the "Property") described below to the Grantee. This transfer is made for the sum of **SIX HUNDRED THIRTY FIVE THOUSAND AND 00/100 (\$635,000.00)** DOLLARS. The Grantor acknowledges receipt of this money.

2. **TAX MAP REFERENCE.** (N.J.S.A. 46:15-1.1) Municipality of Township of Montville
Block No. 00021.1 Lot No. 0038.17 Qualifier No. Account No.

☐ No lot and block or account number is available on the date of this Deed. (Check Box if Applicable.)

3. **PROPERTY.** The property consists of the land and all the buildings and structures on the land in the Township of Montville, County of Morris and State of New Jersey. The legal description is:

☒ Please see attached Legal Description annexed hereto and made a part hereof. (Check Box if Applicable.)

Being the same premises conveyed to the Grantors herein by Deed from John A. Caamano, Jr., and Maria Caamano, his wife dated July 1, 2002, and recorded on July 10, 2002 in the Morris County Clerk's Office in Deed Book 5655, at Page 1.

(A)

MORRIS COUNTY, NJ
JOAN BRAMHALL, COUNTY CLERK
DEED-OR BOOK 20545 PG 1786
RECORDED 06/23/2006 14:29:04
FILE NUMBER 2006060407
RCPT #: 33338; RECD BY: Jessica
RECORDING FEES 70.00
MARGINAL NOTATION 0.00
TOTAL TAX 5,556.00

JUL 10 2006

Trinity Land Surveying, Inc.

990 N. Washington Avenue; 2nd Fl

Green Brook, NJ 08812

Tel: (732) 926-1105 Fax: (732) 926-1144

BSA#0001025

*Description of Property Known as Tax Map Lot 38.17 in Block 21.01
Township of Montville, Morris County
New Jersey*

BEGINNING at a pin/cap found in the easterly line of Old Lane therein distant 398.32 feet as measured northerly along the same from its intersection with the northerly line of Mulbrook Lane and from said point of **BEGINNING**, thence running,

1. Along the easterly line of Old Lane N.08°34'00"W., a distance of 53.75 feet to a point, thence,
2. Continuing along the easterly line of Old Lane N.77°44'30"W., a distance of 28.12 feet to a point, thence,
3. Still continuing along the easterly line of Old Lane N.09°13'45"W., a distance of 36.25 feet to a point, thence,
4. N.81°26'00"E., a distance of 226.69 feet to a pin/cap found, thence,
5. S.08°34'00"E., a distance of 100.00 feet to a pin/cap found, thence,
6. S.81°26'00"W., a distance of 200.00 feet to the point and place of **BEGINNING**.

Commonly known as 20 Old Lane, Montville, New Jersey.

This description is in accordance with a survey made by Frank G. Whittaker, PLS on June 12, 2006.

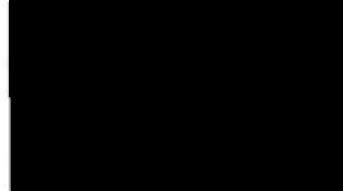
TLS5709

The street address of the Property is: 20 Old Lane, Towaco, New Jersey 07082

4. PROMISES BY GRANTOR. The Grantor promises that the Grantor has done no act to encumber the Property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the Property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

5. SIGNATURES. The Grantor signs this Deed as of the date at the top of the first page.

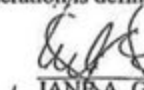
Witnessed by:



STATE OF NEW JERSEY, COUNTY OF ESSEX SS.:

I CERTIFY that on June 15, 2006 [REDACTED] personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) was the maker of this Deed;
- (b) executed this Deed as his or her own act; and
- (c) made this Deed for \$635,000.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)


JANE A. GRINCH
Attorney at Law of New Jersey

RECORD AND RETURN TO:

Allen J. Sczafabo, Jr., Esq.
Lunga, Evers and Johnson, PC
710 Route 46 East
Fairfield, New Jersey 07004

Cowen & Grinch/Real Estate/Alfano Sale



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation

Mail Code 501-02A

P.O. Box 420

Trenton, New Jersey 08625-0420

www.state.nj.us/dep/landuse

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner



AUG 15 2016

Mr. Jeffery R. Houser
Houser Engineering, LLC
1141 Greenwood Lake Turnpike
Ringwood, NJ 07456

Re: Domney Sewer Connection
Block: 275, Lot(s): 7.03
3 Green Road
Wanaque Township, Passaic County
Northeast Water Quality Management Plan (WQMP)
Program Interest No.: 1613-15-0002.1
Activity No.: 160001

Agency Determination: Highlands Act – Exempt
Exemption #5
Water Quality Management Plan – Consistent

Dear Mr. Houser:

This letter is forwarded in reply to your request for a Highlands Applicability Determination and Water Quality Management Plan Consistency Determination. Based on the information submitted, it has been determined that your proposed project/activity is located within the Highlands Preservation Area. Therefore, your project/activity has been reviewed to determine the applicability of the New Jersey Highlands Water Protection and Planning Act Rules at N.J.A.C. 7:38 (Highlands Rules) as well as the requirements defined in the Statewide Water Quality Management Planning Rules at N.J.A.C. 7:15.

The subject of this review includes the proposed connection to city water and the installation of a sewer lateral connection to the collection system of the Wanaque Valley Regional Sewerage Authority for a proposed 300 gallons per day wastewater discharge. On August 9, 2004, the project site was located within the approved sewer service area of the Wanaque Valley Regional Sewerage Authority.

The Department of Environmental Protection (Department) reviewed the materials submitted to determine the applicability of the provisions of the Highlands Rules. After a careful review of the information submitted, it has been determined that the project described above qualifies for the following exemption:

Any improvement to a legally existing 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.

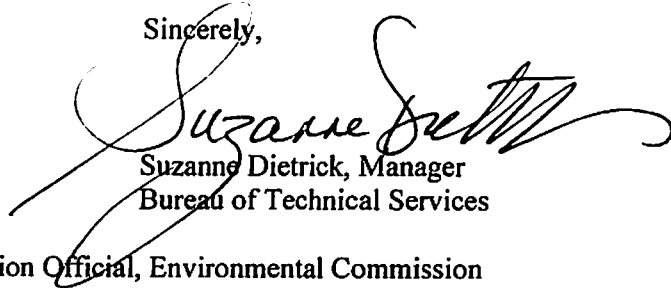
- (1) This determination does not eliminate the need for any permits, approvals, or certifications required by any other Federal, State, County or municipal review agency with jurisdiction over this project/activity.
- (2) This determination shall be considered null and void if changes are made to the project that would increase the scope or area disturbed by the project, or result in a change in the use or change the method of wastewater treatment; or if the information submitted to obtain this determination from the Department is later determined to be inaccurate.

Let it be noted that this project was published in the July 20, 2016 DEP Bulletin and no public comments were received.

In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this determination may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the Checklist is available through the Division's website at http://www.nj.gov/dep/landuse/download/lur_024.pdf. In addition to our hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website www.nj.gov/dep/odr for more information about this process.

If you have any questions or require further assistance, please call Jill Neall at (609) 777-0456 or by email at jill.neall@dep.nj.gov.

Sincerely,



Suzanne Dietrick, Manager
Bureau of Technical Services

C: Wanaque Township Clerk, Construction Official, Environmental Commission
Wanaque Planning Board Official
Passaic County Planning Board Official, Passaic County Environmental Commission
New Jersey Highlands Council-Margaret Nordstrom
Agent

BOROUGH OF CALIFON**Highlands Exemption Determination Application**

39 Academy Street

Califon, NJ 07830

(908) 832-7850 Fax: (908) 832-6085



Receipt Stamp - Municipal Use Only

Date:

10-14-2014

Application #:

HE2014-01

Applicant Name:

[REDACTED]

Property Information

Street Address:

1402 Califon Cokesbury Rd, CALIFON

Block(s) & Lot(s):

Blk 27, Lot 1

Date Lot Created:



Prior to August 10, 2004

If after August 10, 2004:

Existing Uses:

Single Family Home, Residence of Owners

Property Owner Information

Same as Applicant

Owner Name:

[REDACTED]

Owner Address:

[REDACTED]

Applicant Information

Applicant Address:

1402 Califon Cokesbury Rd, CALIFON NJ 07830

Phone #:

[REDACTED]

Fax #:

[REDACTED]

email:

[REDACTED]

Engineer**Attorney or Other Principal Contact Information**

Name:

WAYNE INGRAM P.E., P.P., C.M.E.

Address:

54 Old Hwy. 22, Suite 300 CLINTON NJ 08809

Phone #:

908-238-0544

Fax #:

908-238-9572

email:

[REDACTED]

Project InformationBrief Project
Description
(Attach
Additional as
Necessary):

INSTALLATION OF INGROUND POOL.

A. Exemption 1: For the construction of a single-family dwelling for an individual's own use or the use of an immediate family member, on a lot owned by the individual on August 10, 2004, or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.

☐ I hereby certify that the single-family dwelling proposed for construction on the subject lot is intended for my own use or the use of the following immediate family member (as defined by ORDINANCE #2014-05).

Applicant Initial:

Name of Family Member:

Relationship of Family Member:

Lot Legally Owned by the Applicant on August 10, 2004:

☐ Copy of a deed, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was legally owned by the applicant as of August 10, 2004 and indicating the lot and block as designated by the municipal tax mapping, the municipality and county in which the lot is located, and the street address.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004

Applicant Initial:

Lot Under Contract of Sale to Applicant as of May 17, 2004:

☐ Copy of the binding contract of sale executed by the seller and the applicant on or before May 17, 2004 for the lot on which the house is to be constructed.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of the date of the executed contract of sale.

Applicant Initial:

B. Exemption 2: For the construction of a single-family dwelling on a lot that lawfully existed as of August 10, 2004, provided that construction does not result in the ultimate disturbance of 1 or more acres of land or a cumulative increase in impervious surface by 1/4 acre or more.

☐ A copy of the recorded deed or plat showing that the lot was created on or before August 10, 2004.

☐ A property survey certified by a licensed New Jersey Professional indicating the property boundary lines and overall lot size, and showing what structures currently exist on the lot, if any.

☐ A parcel plan certified by a qualified licensed New Jersey Professional showing all existing and proposed development, including all structures, grading, clearing, impervious surface and disturbance, areas of existing disturbance to be restored (if any), and including calculations demonstrating that impervious surfaces and areas of disturbance are within the 1/4 acre and 1 acre limit as prescribed.

☐ A metes and bounds description by a qualified licensed New Jersey Professional showing the area of the lot to be disturbed, limited to less than one acre.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004.

Applicant Initial:

C. Exemption 4: For the reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by 1/4 acre or more. *The date of lawfully existing impervious surface is August 10, 2004 in the Preservation Area.*

☐ A parcel plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site as of August 10, 2004 for the Preservation Area; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading. Also include supporting calculated values for existing and proposed impervious surfaces for the project/activity.

☐ A copy of any official documentation indicating the original date of construction of the existing buildings and/or structures, or otherwise establishing the lawfulness of their existence, inclusive of that of existing impervious surfaces.

D. Exemption 5: For any improvement to a single family dwelling in existence as of August 10, 2004, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system. (Such improvements include only those that maintain the use as a single family dwelling; the exemption does not apply to or permit the creation of multiple dwelling units.)

☒ A copy of any official documentation proving the single family dwelling was in existence on August 10, 2004.

☒ A description of the proposed improvements.

☒ I hereby affirm that the subject property was in existence as of August 10, 2004 and that all proposed improvements are intended and will continue to be used for single family dwelling purposes.

Applicant Initial: [REDACTED]

E. Exemption 6: For any improvement, for non-residential purposes, to a place of worship owned by a non-profit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on August 10, 2004, including, but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility

☐ A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004.

☐ For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non profit status.

☐ A site plan plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surface and limits of disturbance, existing on the site on August 10, 2004; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.

F. Exemption 7: For any activity conducted by a landowner in accordance with an approved woodland management plan issued pursuant to Section 3 of the Farmland Assessment Act, N.J.S.A. 54:4-23.3 or the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester

☐ A brief description of the total area of woodlands that is the subject of the approved woodland management plan and indication of the length of time that the area has been in woodland management (may be submitted in this form).

☐ A brief description of the activities for which the exemption is claimed (may be submitted in this form).

For a private landowner with an approved woodlot management plan:

☐ A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq. if applicable.

☐ A copy of the approved woodland management plan.

For a forest management plan approved by the State Forester:

☐ A copy of the forest management plan approved by the State Forester.

G. Exemption 8: For the construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.

☐ A site plan certified by the appropriate qualified Licensed New Jersey Professional showing the proposed trail construction with details including the location and width of existing and proposed trails and those off-site trails to which they connect, if any.

☐ A written description of the non-impervious materials to be used.

☐ For privately owned property, a copy of a deed for the property, including the language establishing the conservation or recreational use easement on the property.

I, the undersigned, hereby certify that the information given herein is correct to the best of my knowledge.

Applicant Signature: [REDACTED]

Date:

10-14-14

I, the undersigned, hereby grant permission for the submission of this application for the property reference herein.

Owner Signature: [REDACTED]

Date:

10-14-14

Municipal Use Only
Exemption Review Worksheet

Information
Submitted:

- SURVEY DATED 1996
- PROJECT PLAN FOR VARIANCE APPLICATION DATED 7/17/14.

Project
Summary:

Exemption
Review:

Comments:

CALIFON PLANNING/ZONING BOARD DRAFT RESOLUTION OF APPROVAL
with Exhibit A-2 dated 9/24/14 showing project
plan (Attached)

As the Certified Municipal Exemption Designee I hereby
certify the following finding for this application

Date:

10/14/14

Signature:

Bill Glen Zornig

1002-3-4



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

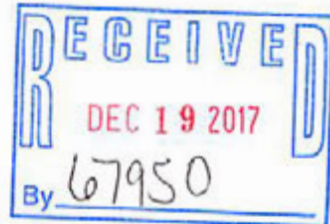
Division of Land Use Regulation

Mail Code 501-02A

P.O. Box 420

Trenton, New Jersey 08625-0420

www.state.nj.us/deo/landuse



BOB MARTIN
Commissioner

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

DEC 14 2017

Re: Reconstruction of Single Family Dwelling & Associated Improvements
Block: 3 Lot(s): 4
60 Staats Road
Bethlehem Township, Hunterdon County
Northeast Water Quality Management Plan (WQMP)
Program Interest No.: 1002-17-0008.1 Activity No.: APD170001

Agency Determination: Agency Determination: Highlands Act-Exempt
Exemption #5
Water Quality Management Plan – Consistent

Dear Mr. Creveling:

This letter is in reply to your request for a Highlands Applicability Determination and Water Quality Management Plan Consistency Determination. Based on the information submitted and Division of Land Use Regulation (Division) review, it has been determined that the project described below qualifies for Exemption #5 and the project is considered "Consistent" in the Water Quality Management Plan.

Your proposed project is located within the Highlands Preservation Area at 60 Staats Road, Bethlehem, Township, Hunterdon County, New Jersey. The project consists of the reconstruction and possible relocation of a single-family dwelling and associated improvements, and has been reviewed to determine the applicability of the New Jersey Highlands Water Protection and Planning Act Rules at N.J.A.C. 7:38 (Highlands Rules), as well as the requirements defined in the Statewide Water Quality Management Planning rules at N.J.A.C. 7:15 (WQMP rules).

The Highlands Rules at N.J.A.C. 7:38-2.3 set forth various exemptions. After a careful review of the information submitted, it has been determined that the Project described above qualifies for exemption #5 for "Any improvement (including reconstruction and relocation) to a lawfully existing 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 as long as the improvement maintains the use as a single-family dwelling as defined by code or ordinance in the municipality in which the dwelling is located and does not permit use of the structure as a multiple unit dwelling." The submitted tax information indicates the dwelling was built 1850/1986 and existed in 2004.

Therefore, the proposed Project is deemed exempt from the provisions of the Highlands Rules, subject to the following limitation(s):

If the Division subsequently determines the information submitted to obtain this decision is inaccurate, the exemption shall be void.

This exemption determination is limited to the land area and specific scope of the activities described herein or as shown on the referenced site plan above. This determination does not eliminate the need for any permits, approvals, or certifications required by any other Federal, State, county or municipal review agency with jurisdiction over this activity, including, but not limited to, freshwater wetlands or flood hazard permits or review of storm-water management.

The Division also reviewed your Project for consistency with the WQMP rules and the provisions and recommendations of the Upper Delaware WQMP. Based on our review, the proposed Project is considered "Consistent" by the Upper Delaware WQMP and is in accordance with the WQMP rules. This determination is made based on the fact that septic flows will be less than 2,000 gallons per day.

In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this approval may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the Checklist is available through the Division's website at http://www.nj.gov/dep/landuse/download/lur_024.pdf. In addition to our hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website www.nj.gov/dep/odr for more information about this process.

If you have any questions or require further assistance, please call Jill Neall at (609) 777-0456 or by email at jill.neall@dep.state.nj.us.

Sincerely,



Patricia Cluelow, Supervisor
Application Support Unit
Division of Land Use Regulation

12/14/17

- C: Bethlehem Township Clerk, Construction Official, Environmental Commission
Bethlehem Township Municipal Planning Board Official
Hunterdon County Planning Board Official, Hunterdon County Environmental Commission
New Jersey Highlands Council-Margaret Nordstrom



State of New Jersey

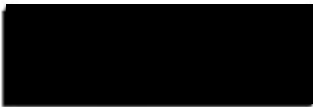


PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Land Use Regulation
Mail Code 501-02A
P.O. Box 420
Trenton, New Jersey 08625-0420
www.nj.gov/dep/landuse

CATHERINE R. McCABE
Commissioner



RE: Highlands Applicability Determination-**Withdrawal**
Applicant: Maria Moschella
LURP File No.: 1436-18-0003.1 (APD180001)
Block: 7903 Lot: 5
Roxbury Township, Morris County

Dear Ms. Moschella:

The Division of Land Use Regulation is in receipt of your June 27, 2018, email requesting the withdrawal of the above-mentioned application for a Highlands Applicability Determination for an Exemption No. 5. It has been determined by Roxbury Township Zoning Office and DEP that the project may proceed without a formal determination since the subject dwelling legally existed prior to 2004 and therefore is not subject to Highlands Regulations as long as it remains a single-family dwelling.

The subject application is hereby considered withdrawn and no further action will be taken. I have enclosed a refund form for fees submitted to us.

If you have any questions regarding this letter, please contact Jill Neall of our staff, at the above address or at (609) 777-3779 or email at jill.neall@dep.nj.gov. Be sure to indicate the Program's file number in any communication.

Sincerely,

Patricia Cluelow 7/6/18

Patricia Cluelow, Supervisor
Application Support Unit
Division of Land Use Regulation

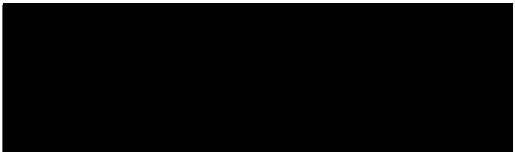
C: Roxbury Township Construction and Zoning Official
Highlands Council-Margaret Nordstrom

Enclosure: Refund Form

LAND USE REGULATION REFUND FORM

Mail To:
Division of Land Use Regulation
501 E. State Street
PO Box 420
Mail Code 501-02A,
Trenton, NJ 08625-0420
Attn: Renee Wair

Please send a copy of the check along with any support documentation with this form. Thank you.

Name and Address of Refund Recipient: 
Check Number for Land Use Application: 5388
Check Date: June 11, 2018
Rejection Number or Application Number: 1436-18-0003.1
Refund Amount: \$100.00
Reason for Refund: Does not need official HAD. (see Jill Neall)
Phone Number:
Date:
Applicant Signature

OFFICE USE ONLY

Received Date:
Check Amount:
Engineer:
VCL /Bill ID#
Activity #
Authorization: <input type="checkbox"/> Approved <input type="checkbox"/> Denied
Signature: Date:

Exemption #6. Places of worship, schools, or hospitals

Any improvement, for non-residential purposes, to a place of worship owned by a nonprofit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on the date of enactment of this act, including but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility.

1615-7701-11
7701-12

Township of West Milford
Application for Municipal Highlands Exemption Determination
1480 Union Valley Road
West Milford, NJ 07480
(973) 728 - 7000



Receipt Stamp - Municipal Use Only

FEB 25 2015

Date:

11/13/2014

Application #:

Applicant Name:

World for Christ Crusade Inc

Property Information

Street Address:

1005 Union Valley Rd

Block(s) & Lot(s):

Block 7701

Lots 11, 12

Date Lot Created:

☒ Prior to August 10, 2004

If after August 10, 2004:

Existing Uses:

Class "C" Boarding Home for men

Property Owner Information

☒ Same as Applicant

Owner's Name:

World for Christ Crusade Inc

Owner's Address:

1005 Union Valley Rd

Applicant Information

Applicant Address:

1005 Union Valley Rd

Phone #:

973-728-3267

Fax #:

973-728-3351

email:

mlstorm@earthlink.net

Engineer, Attorney or Other Principal Contact Information

Name:

McKerrick Engineering Assoc. Inc

Address:

2024 Macopin Rd

Phone #:

973-728-7228

Fax #:

973-728-7249

email:

Project Information

Brief Project
Description
(Attach
Additional as
Necessary):

Repair of existing septic system.

D. Exemption 5: For any improvement to a single family dwelling in existence as of August 10, 2004, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system. (Such improvements include only those that maintain the use as a single family dwelling; the exemption does not apply to or permit the creation of multiple dwelling units.)

☐ A copy of any official documentation proving the single family dwelling was in existence on August 10, 2004.

☐ A description of the proposed improvements.

☐ I hereby affirm that the subject property was in existence as of August 10, 2004 and that all proposed improvements are intended and will continue to be used for single family dwelling purposes.

Applicant Initial:

E. Exemption 6: For any improvement, for non-residential purposes, to a place of worship owned by a non-profit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on August 10, 2004, including, but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility

☒ A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004.

☒ For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non profit status.

☒ A site plan plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surface and limits of disturbance, existing on the site on August 10, 2004; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.

F. Exemption 7: For any activity conducted by a landowner in accordance with an approved woodland management plan issued pursuant to Section 3 of the Farmland Assessment Act, N.J.S.A. 54:4-23.3 or the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester

☐ A brief description of the total area of woodlands that is the subject of the approved woodland management plan and indication of the length of time that the area has been in woodland management (may be submitted in this form).

☐ A brief description of the activities for which the exemption is claimed (may be submitted in this form).

For a private landowner with an approved woodlot management plan:

☐ A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq. if applicable.

☐ A copy of the approved woodland management plan.

For a forest management plan approved by the State Forester:

☐ A copy of the forest management plan approved by the State Forester.

G. Exemption 8: For the construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.

☐ A site plan certified by the appropriate qualified Licensed New Jersey Professional showing the proposed trail construction with details including the location and width of existing and proposed trails and those off-site trails to which they connect, if any.

☐ A written description of the non-impervious materials to be used.

☐ For privately owned property, a copy of a deed for the property, including the language establishing the conservation or recreational use easement on the property.

I, the undersigned hereby certify that the information given herein is correct to the best of my knowledge.

Applicant Signature:

Mr. William X. Hlopsha

Date:

11/13/2014

I, the undersigned hereby grant permission for the submission of this application for the property reference herein.

Owner Signature:

Mr. William X. Hlopsha

Date:

11/13/2014

Municipal Use Only
Exemption Review Worksheet

Information
Submitted:

Project
Summary:

Exemption
Review:

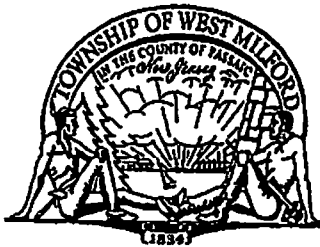
Comments:

As the Certified Municipal Exemption Designee I hereby
certify the following finding for this application

Date: 11.13.14

Signature:

VINCENT LUPO SEPTIC



Township of West Milford

DEPARTMENT OF BUILDING SAFETY

1480 Union Valley Road, West Milford, NJ 07480
(973) 728-2780 Fax (973) 728-2843

Dwelling Existence Certification

I (We), (print name(s)) World for Christ Crusade Inc,
am the deeded owner of Block 7701 Lot 11, 12, commonly
known as Bethel Ranch In the Township of
West Milford. I (We) certify that this property contained a single-family dwelling
with a certificate of occupancy issued prior to August 10, 2004. I further certify
that my submitted project is limited to an addition, garage, shed, driveway, porch,
deck, patio, swimming pool, or septic system where that improvement shall
maintain the use as a single-family dwelling and does not permit use of the
structure as a multiple dwelling unit

*I hereby certify that the plans and other information that I have submitted, upon
which this determination has been made, are accurate.*

Rev. William Stelpstra
Signature of Homeowner

11/13/2014
Date

**ALL PERMITS ISSUED IN THE TOWNSHIP OF WEST MILFORD ARE
SUBJECT TO CONTINUING OVERSIGHT BY THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION AND THE HIGHLANDS COUNCIL.**

-----For Office Use Only-----

☒ I certify that the above property contained a single-family dwelling with a
certificate of occupancy prior to August 10, 2004.

☐ I certify that the above property **DID NOT** contain a single-family dwelling
with a certificate of occupancy prior to August 10, 2004.

Bruce Tond
Signature of Tax Assessor

11-13-14
Date

ST-5 (4-78, R-3)

State of New Jersey

DIVISION OF TAXATION

SALES TAX

To be completed by purchaser and given to
one retained by vendor. Read instructions
on back of this certificate.

The vendor must collect the tax on a sale of
taxable property or service unless the pur-
chaser gives him a properly completed ex-
emption certificate.

EXEMPT ORGANIZATION PERMIT NUMBER

WORLD FOR CHRIST CRUSADE INC.
1005 UNION VALLEY ROAD
WEST MILFORD

N J 07480

E-226-063-975/000

Date JULY 01, 1976

• EXEMPT ORGANIZATION CERTIFICATE •

FORM ST-5

TO
(Name of Vendor)

.....
(Address of Vendor)

The undersigned certifies:

That this organization holds a valid Exempt Organization Permit (number shown above)
and is not subject to the New Jersey Sales and Use Tax, in connection with this trans-
action.

That the tangible personal property or service described below which shall be purchased
from you is intended solely and exclusively for this organization and is directly related
to the purposes for which this organization was created.

That the tangible personal property or service to be purchased is described as follows:

.....
.....
.....
.....

Sidney Glaser

DIRECTOR
DIVISION OF TAXATION

World For Christ Crusade, Inc.

(Name of organization as registered with the Division of Taxation)

By *Rev. William Stelgata* Pres.
(Signature of Officer or Trustee of the organization) (Date)

1005 Union Valley Road, West Milford, N.J.
07480
(Address of Purchaser)

(See INSTRUCTIONS on reverse side)



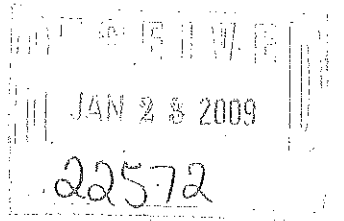
State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Watershed Management
Bureau of Watershed Regulation
P.O. Box 418, 401 East State Street
Trenton, New Jersey 08625-0418
Telephone: (609) 984-6888
Fax: (609) 984-6505
www.state.nj.us/dep/watershedmgt

JON S. CORZINE
Governor

MARK N. MAURIELLO
Acting Commissioner



JAN 7 2009

Major Edmund Chung
Secretary for Business Administration
The Salvation Army
120 West 14th Street
New York, NY 10011-7393

Re: The Salvation Army, Proposed Star Lake Camp Pool Facility
Block: 5, Lot(s): 26.01
268 Macopin Road
Bloomingdale Borough, Passaic County
Northeast Water Quality Management Plan (WQMP)
Program Interest No.: 435442
Activity No.: CSD070034

Agency Determination: **Highlands Act – Exempt**
 Exemption # 6
 Water Quality Management Plan – Consistent

Dear Mr. Chung:

This letter is forwarded in reply to your recent request for a Highlands Applicability Determination and Water Quality Management Plan Consistency Determination. Based on the information submitted, it has been determined that your proposed project/activity is located within the Highlands Preservation Area. Therefore, your project/activity has been reviewed to determine the applicability of the New Jersey Highlands Water Protection and Planning Act Rules at N.J.A.C. 7:38 (Highlands Rules) as well as the requirements defined in the Statewide Water Quality Management Planning Rules at N.J.A.C. 7:15:

The project/activity subject of this review includes a proposed amphitheater with a water feature, as well as an in-ground pool and a single story building consisting of storage, changing rooms, and bathrooms to be located on an existing basketball court, on Block 5, Lot 26.01 in Bloomingdale Borough, Passaic County. Associated with the proposed project are the relocation of existing sewer lines on the property (to circumvent the proposed pool) and the installation of a new lateral connection to the existing Borough of Bloomingdale wastewater collection system, which is operated by the Pequannock River Basin Regional Sewerage Authority (PRBRSA), with treatment by the existing Two

Bridges Sewerage Authority Wastewater Treatment Plant (WTP). The project also proposes to construct a concrete service driveway and handicap accessible entrance to the pool facility. The total acreage of the project site is 280.50 acres. The existing Star Lake Camp facility is depicted on a site plan prepared by Steven P. Byszewski, P.E. of SESI Consulting Engineers, dated September 28, 2006 and last revised on April 3, 2007, titled, "PROPOSED POOL & FACILITY BLOCK 5, LOT 26.01 BOROUGH OF BLOOMINGDALE, PASSAIC COUNTY, N.J. EXISTING CONDITIONS AND DEMOLITION PLAN," sheet 2 of 5. The proposed pool facility is depicted on a site plan prepared by Steven P. Byszewski, P.E. of SESI Consulting Engineers, dated September 28, 2006 and last revised on April 3, 2007, titled, "PROPOSED POOL & FACILITY BLOCK 5, LOT 26.01 BOROUGH OF BLOOMINGDALE, PASSAIC COUNTY, N.J. PROPOSED SITE & GRADING PLAN," sheet 3 of 5. There is no proposed increase in the number of campers at the facility and, therefore, no proposed increase in the amount of wastewater discharged to the existing Two Bridges Sewerage Authority WTP.

During the application review process, items of information appeared to be missing and/or inaccurate and, therefore, were requested in a Notice of Technical Incompleteness dated October 18, 2007. Those requested items of information, as well as additional items that required clarification and were requested by phone were received on January 16, 2008, September 18, 2008 and December 11, 2008.

The Department of Environmental Protection (Department) reviewed the materials submitted to determine the applicability of the provisions of the Highlands Rules. As a result, the Department has determined that your project/activity is potentially affected because it meets the definition of "Major Highlands Development," as defined at N.J.A.C. 7:38-1.4 since it is a non-residential development. However, the Highlands Rules at N.J.A.C. 7:38-2.3 sets forth various exemptions. After a careful review of the information submitted, it has been determined that the project described above qualifies for the following exemption:

Any improvement for non-residential purposes to a place of worship owned by a non-profit entity, society or association, or association organized primarily for religious purposes, or a public or private school or hospital, in existence on August 10, 2004, including but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility.

Official documentation indicating that the Star Lake Camp facility was in existence on August 10, 2004 consists of the following:

- A building permit (#435/75) issued by the Department of Community Affairs in 1975 for Block 5, Lot 26 to construct dining hall #2 on the site;
- Resolution; Calendar No. 456 of the Borough of Bloomingdale, dated July 10, 1975, for a variance to construct a hotel/conference center at premises known as Macopin Road and Star Lake Road, Star Lake Camp in the Borough of Bloomingdale, also known as Lot(s) 26, 27 & 28 in Block 5; and
- An aerial photograph of the site from 2002.

Official documentation indicating that the Salvation Army, owners of the Star Lake Camp facility, is a tax-exempt, non-profit religious organization consists of the following:

- An October 3, 2005 letter from the Internal Revenue Service stating that by a ruling made in June 1933, the National Headquarters of the Salvation Army is exempt from federal income tax and that by a ruling dated April 30, 1972, the National Headquarters of the Salvation Army and its components are classified as a publicly supported organization, not a private foundation.

Therefore, the proposed project/activity is deemed exempt from the provisions of the Highlands Rules, subject to the following limitation(s):

This exemption determination is limited to the land area and specific scope of the activities described herein or as shown on the referenced site plan above. This determination does not eliminate the need for any permits, approvals, or certifications required by the Department or any Federal, State, county or municipal review agency with jurisdiction over this project/activity. Department approvals that may be required include, but are not limited to: sewer extension and discharge approvals under the Water Pollution Control Act (N.J.S.A. 58:10A), water main extensions under the Safe Drinking Water Act (N.J.S.A. 58:12A), approval under the Realty Improvement Sewerage and Facilities Act (N.J.S.A. 58:11-23 et seq.), water allocation or registration pursuant to the Water Supply Management Act (N.J.S.A. 58:1A), approvals under the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B) and approvals under the Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 et seq.).

The improvements exempted shall not be used for residential purposes.

The Department also reviewed your project/activity for consistency with the Statewide Water Quality Management Planning Rules at N.J.A.C. 7:15 and the provisions and recommendations of the Northeast WQMP. Based on our review, the proposed project is consistent with the WQMP. This determination is made based on the following:

The project/activity is located at the Star Lake Camp facility which currently discharges from certain specific buildings to the Borough of Bloomingdale's wastewater collection system, operated by the PRBRSA, with treatment provided by the Two Bridges Sewerage Authority WTP. As clarified in a letter dated December 28, 2007, from the PRBRSA, "the Authority's regional lines and those of TBSA were in existence..." on August 10, 2004. In addition, the applicant submitted a survey of the existing wastewater collection system, including all existing and proposed sewage generating structures, prepared by Paul J. Emilius Jr., Licensed New Jersey Professional Land Surveyor of Geod Corporation, dated September 3, 2008, titled, "Existing Sanitary Sewer Plan Salvation Army - Star Lake Campground SESI CONSULTING ENGINEERS Block 5, Lot 26.01 Located In: Borough of Bloomingdale Passaic County, New Jersey", sheets 1 through 9. The applicant also submitted a survey depicting the overall sanitary sewer system, and indicating the specific buildings on the subject property that are currently connected to the sanitary sewer system, in addition to the proposed pool facility, prepared by Paul J. Emilius Jr., Licensed New Jersey Professional Land Surveyor of Geod Corporation, with an original date of October 2, 2008, last revised on December 10, 2008, titled, "OVERALL SANITARY SEWER PLAN SALVATION ARMY - STAR LAKE CAMPGROUND SESI CONSULTING ENGINEERS BLOCK 5, LOT 26.01 LOCATED IN: BOROUGH OF BLOOMINGDALE PASSAIC COUNTY, NEW JERSEY", PAGE 1 OF 1. Since the proposed project is Exempt from the Highlands Act, as stated above, and has been discharging to the existing wastewater collection system, a revision to the Department's adopted sewer service area mapping will be processed to update the coverage.

No wastewater will be generated from this project/activity. Further information regarding swimming pool discharges is available at: http://www.state.nj.us/dep/dwq/gp_surfacewater.htm.

A copy of this determination letter must be enclosed with any future permit application(s) filed with the Department.

This Highlands Applicability and Consistency Determination is subject to the following limitations:

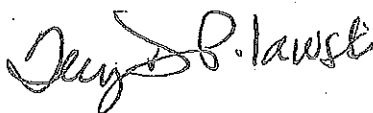
- (1) This determination does not eliminate the need for any permits, approvals, or certifications required by the Department or any Federal, State, County or municipal review agency with jurisdiction over this project/activity. Department approvals that may be required include, but are not limited to, sewer extension and water main extension approvals, a water allocation, approvals under the Freshwater Wetlands Protection Act Rules, (N.J.A.C. 7:7A) and approvals required under the Flood Hazard Area Control Act Rules, (N.J.A.C. 7:13).
- (2) The issuance of this determination shall not obligate the Department to issue any other approvals, permits or certifications required for this project/activity.
- (3) This determination shall be considered null and void if changes are made to the project that would increase the scope or area disturbed by the project, or result in a change in the use or change the method of wastewater treatment; or if the information submitted to obtain this determination from the Department is later determined to be inaccurate.

Let it be noted that this project, The Salvation Army, Proposed Star Lake Camp Pool Facility, was published in the July 11, 2007 DEP Bulletin and no public comments were received.

If the applicant disputes the Department's factual findings or any of its conditions or if anyone is aggrieved by this determination, that person may request an adjudicatory hearing. A request for an adjudicatory hearing shall be submitted in writing by certified mail, or by other means which provides verification of the date of delivery to the Department, within 30 days of notice of this decision published in the DEP Bulletin in accordance with N.J.A.C. 7:38-1.5. The adjudicatory hearing request must be accompanied by a completed Adjudicatory Hearing Request Checklist and Tracking Form (form enclosed).

Please place the program interest number and the activity number found above at the top of all written correspondence submitted to the Division of Watershed Management. If you have any questions or require further assistance, please call Meghan Gosselink at (609) 984-6888.

Sincerely,



Terry Pilawski, Chief
Bureau of Watershed Regulation

Enclosure(s)

c: Anthony Castillo, PE, SESI Consulting Engineers
Jane McCarthy, Borough of Bloomingdale Township Clerk
Dan Hagberg, Borough of Bloomingdale Construction Official
Frank O'Reilly, Borough of Bloomingdale Environmental Commission
Alan Gunderson, Borough of Bloomingdale Planning Board
Passaic County Planning Board
Passaic County Environmental Commission
Chris Ross, Highlands Council
Scott Brubaker, NJDEP, Bureau of Coastal and Land Use Compliance and Enforcement (w/o
encl.)
Michael Nystrom, NJDEP, Bureau of Coastal and Land Use Compliance and Enforcement (w/o
encl.)
Diane Dow, NJDEP, Bureau of Inland Regulation (w/o encl.)
Barry Miller, NJDEP, Bureau of Watershed Regulation (w/o encl.)
Meghan Gosselink, NJDEP, Bureau of Watershed Regulation (w/o encl.)
Pat Rector, NJDEP, Bureau of Watershed Regulation (w/o encl.)
Nick Angarone, NJDEP, Office of Planning and Sustainable Communities (w/o encl.)
Abigail Amutah, NJDEP, Bureau of Watershed Regulation (w/o encl.)
Bureau of Watershed Regulation – File (w/o encl.)

Exemption #7. Woodland and Forest management plans

An activity conducted in accordance with an approved woodland management plan pursuant to section 3 of P.L.1964, c. 48 (C.54:4-23.3) or the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester.

Exemption #8. Trails on public or private lands

The construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.



HAROLD E. PELLOW & ASSOCIATES, INC.
CONSULTING ENGINEERS · PLANNERS · LAND SURVEYORS
ESTABLISHED 1969

HAROLD E. PELLOW, *PRESIDENT*
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.
PA - P.E.

ANN PELLOW WAGNER
NJ - C.L.A., VA - C.L.A., PA - C.L.A.
(6/26/84 - 7/27/89)

DAVID B. SIMMONS, JR., *VICE PRESIDENT*
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.
NY - P.E. & L.S., PA - P.E. & L.S.

CORY L. STONER, *EXEC. VICE PRESIDENT*
NJ - P.E., NJ - C.M.E.
PA - P.E.

THOMAS G. KNUTELSKY, *ASSOCIATE*
NJ - P.E.

June 26, 2015

Via Email (kdecker@vernontwp.com)

MEMORANDUM TO: Kimberley Decker, Vernon Township Planning & Zoning Secretary

FROM: Cory L. Stoner, P.E., C.M.E., Land Use Board Engineer

SUBJECT: Highland Exemption Determination Application
Hidden Valley Ski Area
Block 192.02 Lots 12-16, 19, 25 & 26 & Block 192.01 Lot 13
Vernon Township, Sussex County

Dear Kim:

Please find enclosed herewith the approved Municipal Highlands Exemption Determination for the above referenced application submitted by Zinno Construction, LLC for the National Winter Activity Center. This exemption is hereby granted because the Applicant has illustrated that they qualify for Highlands Exemption #8.

With the exemption certification in hand, the Applicant can now apply for the zoning permits, construction permits, and/or other approvals that may be required for this project.

If you have any questions regarding this determination, please feel free to contact me. If you have any questions regarding the proposed project or my review of the exemption application, please do not hesitate to contact me.

Very truly yours,

Cory L. Stoner, P.E., C.M.E.
HAROLD E. PELLOW & ASSOCIATES, INC.
Vernon Township Engineer

CLS:cls
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cc: Schone Malliet (via email schone.malliet@nwsef.com)
James Humphries - NJ Highlands Council (via email James.Humphries@highlands.nj.gov)

New Jersey Highlands Council
Planning Area Exemption Determination Application

100 North Road, Chester, NJ
Phone: 908-879-6737

Website: www.highlands.state.nj.us



Highlands Council Use Only

Date: Feb 18, 2015

Exemption No.: Eight

Project Name: Hidden Valley Ski Area

Property Information

Street Address: 14 Breakneck Road

Block(s) & Lot(s): Bk 192.02, Lots 12-16, 19, 25 & 26, 192.01 lot 13

Acres: 75.35 acres

Municipality: Vernon

County: Sussex

Applicant Information

Applicant Name: Zinno Construction, LLC

Applicant Address: P.O. Box 333, Vernon, NJ 07462

Phone #: 973-827-0039

Fax #: 973-764-3999

email: vzinno@zinnoconstruction.com

Property Owner Information
(If different from applicant)

Owner Name: National Winter Activity Center

Owner Address: 75 Liberty Ave, Suite E09, Jersey City NJ 07307

Engineer, Attorney or Other Principal Contact Information

Name: Suburban Consulting Engineers, Inc.

Address: 100 Valley Road, Suite 202, Mt. Arlington, NJ 07856

Phone #: 973-398-1776

Fax #: 973-398-2121

email: dphil@suburbanconsulting.com

Project Information

Project Description:

The extension of existing trails within the subject property with non-impervious surfaces to support revised programming for the recreational center. The subject property is entirely within a recreational use easement and meets the requirements of exemption #8. The trail extension scope of work and surface restoration is detailed on the Highlands Exemption #8 Map included with this submission. The trail extension area will be cleared, graded and receive topsoil, seed and mulch. The trail extension area will be maintained as a meadow/lawn area.

Highlands Planning Area Exemption Determination
Submission Requirements

For Exemptions 1, 2, and 5, "single family dwelling" includes those group homes, community residences, and other alternative living arrangements that are specifically authorized to be given equivalent treatment as a single family dwelling under the Municipal Law Use Law, N.J.S.A. 40:55D-1 et seq.

For Exemptions 9 and 11, which require a finding that the project or activity is consistent with the goals and purposes of the Highlands Act, the Highlands Council uses the resource policies, objectives and requirements of the Regional Master Plan as a measure of whether a project meets this threshold. General consistency with the substantive requirements must be found, but complete consistency with each individual requirement of the RMP is not required.

Exemption 1: For the construction of a single family dwelling for an individual's own use or the use of an immediate family member, on a lot owned by the individual on August 10, 2004, or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.

☐ I hereby certify that the single family dwelling proposed for construction on the subject lot is intended for my own use or the use of the following immediate family member.

Applicant Initial:

Name of Family Member:

Relationship of Family Member:

Lot Legally Owned by the Applicant on August 10, 2004:

☐ Copy of a deed, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was legally owned by the applicant as of August 10, 2004 and indicating the lot and block as designated by the municipal tax map, the municipality and county in which the lot is located, and the street address.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004

Applicant Initial:

Lot Under Contract of Sale to Applicant as of May 17, 2004:

☐ Copy of the binding contract of sale executed by the seller and the applicant on or before May 17, 2004 for the lot on which the house is to be constructed.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of the date of the executed contract of sale.

Applicant Initial:

Exemption 2: For the construction of a single family dwelling on a lot that lawfully existed as of August 10, 2004, provided that construction does not result in the ultimate disturbance of 1 or more acres of land or a cumulative increase in impervious surface by 1/4 acre or more.

☐ A copy of the recorded deed or plat showing that the lot was created on or before August 10, 2004.

☐ A property survey certified by a licensed New Jersey professional indicating the property boundary lines and overall lot size, and showing what structures currently exist on the lot, if any.

☐ A parcel plan certified by a qualified licensed New Jersey professional showing all existing and proposed development, including all structures, grading, clearing, impervious surface and disturbance, areas of existing disturbance to be restored (if any), and including calculations demonstrating that impervious surfaces and areas of disturbance are within the 1/4 acre and 1 acre limit as prescribed.

☐ A metes and bounds description by a qualified licensed New Jersey professional showing the area of the lot to be disturbed, limited to less than one acre.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004.

Applicant Initial:

Exemption 4: For reconstruction and/or expansion of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by 1/4 acre or more. (Lawfully existing impervious surface shall be that impervious surface in existence as of the date of municipal adoption of the Highlands Checklist Ordinance or Highlands Area Land Use Ordinance, whichever is earlier.)

- ☐ A parcel plan certified by a qualified licensed New Jersey professional showing all existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site as of August 10, 2004; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading. Also include supporting calculated values for existing and proposed impervious surfaces for the project/activity.
- ☐ A copy of any official documentation indicating the original date of construction of the existing buildings and/or structures, or otherwise establishing the lawfulness of their existence, inclusive of that of existing impervious surfaces.

Exemption 5: For improvement(s) to a single family dwelling in existence as of August 10, 2004, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system where that improvement shall maintain the use as a single family dwelling and does not permit use of the structure as a multiple dwelling unit.

- ☐ A copy of any official documentation proving the single family dwelling was in existence on August 10, 2004.
- ☐ A description of the proposed improvements.
- ☐ I hereby affirm that the subject property was in existence as of August 10, 2004 and that all proposed improvements are intended and will continue to be used for single family dwelling purposes.
Applicant Initial:

Exemption 6: For any improvement, for non-residential purposes, to a place of worship owned by a non-profit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on August 10, 2004, including, but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility.

- ☐ A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004.
- ☐ For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non-profit status.
- ☐ A site plan certified by the appropriate licensed New Jersey Professional showing all existing impervious surfaces, including all structures, grading, clearing, impervious surface and limits of disturbance, existing on the site on August 10, 2004; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.

Exemption 7: For any activity conducted by a landowner in accordance with an approved woodland management plan issued pursuant to the Farmland Assessment Act, N.J.S.A. 54:4-23.3 or for public lands, the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester.

- ☐ A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq.
- ☐ A brief description of the activities for which the exemption is claimed including the total area of woodlands that is the subject of the approved woodland management plan; and the length of time that the area to be managed has been in use for woodland management.
- ☐ A copy of the approved woodland management.

For Public Lands with a forest management plan approved by the State Forester:

- ☐ A brief description of the activities for which the exemption is claimed including: The total forest area where the normal harvesting of forest products occurs; and the length of time that the area to be managed had been in use for normal harvesting of forest products.
- ☐ A copy of the forest management plan approved by the State Forester.

Exemption 8: *For the construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational easement have been established and filed with the deed for the lots on which the easement exists.*

- ☒ A site plan certified by the appropriate licensed New Jersey professional showing the proposed trail construction with details including the location and width of existing and proposed trails and those off-site trails to which they connect, if any.
- ☒ A written description of the non-impervious materials to be used.
- ☒ For privately owned property, a copy of a deed for the property, including the language establishing the conservation or recreational use easement on the property.

Exemption 9: *For the routine maintenance and operations, rehabilitation, preservation, reconstruction, or repair of transportation or infrastructure systems by a State entity or local government unit, provided that the activity is consistent with the goals and purposes of the Highlands Water Protection and Planning Act and does not result in the construction of any new through-capacity travel lanes.*

- ☐ A site plan certified by the appropriate licensed New Jersey professional showing the proposed trail construction with details including the location and width of existing and proposed trails and those off-site trails to which they connect, if any.
- ☐ A written description of the non-impervious materials to be used.
- ☐ For privately owned property, a copy of a deed for the property, including the language establishing the conservation or recreational use easement on the property.
- For large scale transportation or infrastructure projects the Highlands Council may require additional information including but not limited to an alternatives analysis, a listing of all regulatory permits and approvals and a comprehensive mitigation plan. Large scale projects shall be those that cross municipal lines, result in an ultimate disturbance of 2 acres or more, or those that the Highlands Council determines would have a significant impact on one or more Highlands Resources identified in the RMP. Please contact the Highlands Council prior to submission to discuss these additional submission requirements.

Exemption 10: *For the construction of transportation safety projects and bicycle and pedestrian facilities by a State entity or local government unit, provided that the activity does not result in the construction of any new through-capacity travel lanes*

- ☐ A site plan certified by the appropriate licensed New Jersey professional showing the proposed transportation safety project, bicycle or pedestrian facility.
- ☐ A written description of the specific type of project to be constructed and the purpose of the project.
- ☐ A brief description of the State entity or local government unit that is sponsoring and overseeing the proposed activities.

Exemption 11: *For the routine maintenance and operations, rehabilitation, preservation, reconstruction, repair or upgrade of public utility lines, rights of way, or systems by a public utility, provided that the activity is consistent with the goals and purposes of the Highlands Water Protection and Planning Act.*

- ☐ A site plan certified by the appropriate licensed New Jersey professional showing the existing and proposed utility lines, rights of way or systems.
- ☐ A written description of the work to be conducted, the purpose of the activity and how that purpose is consistent with the Highlands Water Protection and Planning Act.
- ☐ The identity of the public utility that is sponsoring the proposed activities.

	<p>For large scale public utility line rehabilitation, reconstruction or upgrade projects, the Highlands Council may require additional information including but not limited to an alternatives analysis, a listing of all regulatory permits and approvals, and a comprehensive mitigation plan. Large scale projects shall be those that cross municipal lines, result in an ultimate disturbance of 2 acres or more, or those that the Highlands Council determines would have a significant impact on one or more Highlands Resources identified in the RMP. Please contact the Highlands Council prior to submission to discuss these additional submission requirements.</p>
<p>Exemption 12: For the reactivation of rail lines and rail beds existing as of August 10, 2004.</p>	
<input type="checkbox"/>	<p>A site plan certified by the appropriate licensed New Jersey professional showing the location of the existing rail lines and rail beds.</p>
<input type="checkbox"/>	<p>A brief description of the project for the reactivation, including the sponsoring entity, the work to be conducted to accomplish the project, and an estimated schedule for completion. Included should be a discussion of activities that will take place within and outside of the existing disturbed area, with justification for why the latter should qualify as the reactivation of a rail line and rail beds.</p>
<p>Exemption 13: For the construction of a public infrastructure project approved by public referendum prior to January 1, 2005 or a capital project approved by public referendum prior to January 1, 2005.</p>	
<input type="checkbox"/>	<p>A copy of the public referendum question as it appeared on the official ballot.</p>
<input type="checkbox"/>	<p>Documentation showing that the referendum was approved.</p>
<input type="checkbox"/>	<p>A resolution from the municipal or county governing body or certification by an official in the relevant State department, as the case may be, that describes the proposed project and its location and affirms that the proposed project is the same as that approved in the referendum.</p>
<p>Exemption 14: For mining, quarrying, or the production of ready mix concrete, bituminous concrete, or Class B recycling materials occurring or which are permitted to occur on any mine, mine site, or construction materials facility existing as of June 7, 2004.</p>	
<input type="checkbox"/>	<p>A site plan certified by the appropriate licensed New Jersey professional showing the location of existing and proposed activity and development.</p>
<input type="checkbox"/>	<p>At least one relevant official documentation (tax records, local or state permits, bills of sale, lading, etc.) demonstrating that the mine or facility was in existence and operating on June 7, 2004, and included the land on which the proposed activity or development will occur.</p>
<input type="checkbox"/>	<p>A copy of a Certificate of Registration issued by the Commissioner of Labor pursuant to N.J.S.A. 34:6-98.4.</p>
<p>Exemption 15: For the remediation of any contaminated site pursuant to N.J.S.A. 58:10B-1 et seq.</p>	
<input type="checkbox"/>	<p>A site plan certified by the appropriate licensed New Jersey professional indicating the area above or below ground where contamination will be removed or remedied.</p>
<input type="checkbox"/>	<p>A brief description of the project for the remediation activity to be conducted including any structures, impervious surfaces, clearing of vegetation or water diversion being proposed.</p>
<input type="checkbox"/>	<p>A copy of a NJDEP or USEPA letter, application, order, or other documentation demonstrating that the remediation activities are required in accordance with N.J.S.A. 12:58:10B-1 et seq.</p>
<input type="checkbox"/>	<p>The name, address, phone number and email address, if available of the case manager handling or supervising the remediation at the NJDEP.</p>
<p>Page 6 of 7</p>	

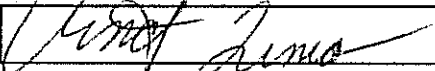
Exemption 16: For activities on lands of a federal military installation existing as of August 10, 2004

- ☐ A site plan certified by the appropriate licensed New Jersey professional showing the general location of the proposed activities as being within the borders of a federal military installation and the activity's location with respect to the Highlands Region boundaries.
- ☐ A letter briefly describing the proposed activities signed by a supervisory official of the installation.

Additional Information

Applicant Signature

I hereby certify that the information included within this application is true to the best of my knowledge.

Applicant Signature:  Date: 3/2/15

Owner Signature

I hereby certify that I am the owner of the property in question and that the above applicant has the right to submit this application for the property noted herein.

Owner Signature: _____ Date: _____

~~Please submit this completed application and all materials to:~~
~~**Highlands Water Protection and Planning Council**~~
~~**Attention: Highlands Planning Area Exemption Determination**~~
~~**100 North Road**~~
~~**Chester, NJ 07930**~~
~~For questions related to this application please call 908-879-6737.~~

Municipal Use Only
Exemption Review Worksheet

Information
Submitted:

Map entitled "Highlands Exemption #8 Map - Concept Phase Services, Hidden Valley Ski Area, Block 192.02 Lot 19, 25, and 26, Township of Vernon, County of Sussex, New Jersey", prepared by Suburban Consulting Engineers, Inc., and dated January 16, 2015.

Project
Summary:

The Applicant is proposing to cut and remove various trees and wooded areas within the limits of the ski trails that exist within the Hidden Valley Ski Resort. The removal of the trees and wooded areas are being completed for the purpose of widening ski trails and allow for the proper horizontal and vertical clearances for ski lifts that bring skiers from the base of the trails to the top of the mountain. Once the trees and wooded areas are removed, the areas will be restored with topsoiling, seeding and mulching.

Exemption
Review:

The project will be expanding the ski trails that exist today. The expanded ski trails will be completed on privately owned lands that have a conservation easement established and filed by deed to assure that the ski trail areas will be preserved. The deed for the property with the conservation easement protecting the ski slope areas was filed with the Sussex County Clerk's Office on May 18, 2015.

Comments:

Since the project will consist of the expansion of ski trails that exist today and the ski slope areas are covered by a conservation easement, the project qualifies for Highlands Exemption #8.

As the Certified Municipal Exemption Designee I hereby
certify the following finding for this application

Qualifies for Highlands Exemption # ~~4~~ #8

Date:

6/25/15

Signature:

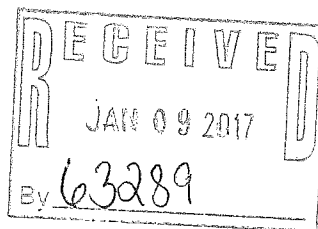
Cory L. Starn



HAROLD E. PELLOW & ASSOCIATES, INC.

CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS

ESTABLISHED 1969



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THOMAS G. KNUTELSKY, *ASSOCIATE*
NJ - P.E.

January 9, 2017

MEMORANDUM TO: Kimberley Decker, Land Use Board Secretary (*via Email*)

FROM: Cory L. Stoner, P.E., C.M.E., Land Use Board Engineer

SUBJECT: Preliminary & Final Major Site Plan for
National Winter Activity Center Cross Country Complex (LUB #11-16-11)
Block 192.01 Lots 13
Located at 24-38 Curtis Drive
Vernon Township, Sussex County
HPA No. 16-229

Dear Kim:

Please find enclosed herewith the approved Municipal Highlands Exemption Determination for the above referenced application. This exemption is hereby granted because the Applicant has illustrated that they qualify for Highlands Exemption #4 and #8.

With this exemption certification in hand, the Applicant can now apply approvals from the Vernon Township Land Use Board.

If you have any questions or need more information, please feel free to contact me.

Very truly yours,


Cory L. Stoner, P.E., C.M.E.
HAROLD E. PELLOW & ASSOCIATES, INC.
Vernon Land Use Board Engineer

CLS: MJM::mjn
K:\PROJECTS\MUNICIPAL\VERNON\LUB\16-229 - NWAC CROSS COUNTRY COURSE\HIGHLANDS EXEMPTION\DECKER1.DOCX

Enclosures: *1 Original & 1 Copy of Municipal Highlands Exemption Determination*

cc: Letter & Form Only

James Humphries – NJ Highlands Council (*via email james.humphries@highlands.state.nj.us*)

Vernon Township Highlands Exemption Determination Application 21 Church Street Vernon, NJ 07462 973-764-4055				Receipt Stamp - Municipal Use Only	
Date:		December 8, 2016		Application #:	
Applicant Name:		NATIONAL WINTER ACTIVITY CENTER			
Property Information					
Street Address:		44 BREAKNECK ROAD			
Block(s) & Lot(s):		Block 192.02, Lots 12-16, 19, 25 & 26, Block 192.01 Lot 13			
Date Lot Created:		<input checked="" type="checkbox"/> Prior to August 10, 2004		If after August 10, 2004:	
Existing Uses:		This is a recreational easement which provides winter recreational activities areas for youth providing instruction, equipment, mentoring and meals.			
Property Owner Information					
<input checked="" type="checkbox"/> Same as Applicant		Owner's Name: NATIONAL WINTER ACTIVITY CENTER			
Owner's Address:		44 BREAKNECK ROAD, VERNON, NJ 07462			
Applicant Information					
Applicant Address:		44 BREAKNECK ROAD, VERNON, NJ 07462			
Phone #:		973.846.8250		Fax #:	
				201.221.8199	
email:		schone.malliet@winter4kids.org			
Engineer, Attorney or Other Principal Contact Information					
Name:		Debra Nicholson			
Address:		1 Main Street, Suite 6, Sparta, NJ 07871			
Phone #:		973.729.3988		Fax #:	
				973.726.0017	
email:		Debra@dnicholsonlaw.com			
Project Information					
Brief Project Description (Attach Additional as Necessary):		<p>For Block 192.01 Lot 13, in this recreational easement, the proposed site improvements include- 1) demolition of the existing basketball court (1) , tennis courts (3), pool with shed, frame building, and gravel parking areas & driveway; 2) construction of a 12-ft to 16-ft wide cross-country (XC) ski trail built-up with snow; 3) construction of a 5,149± SF cross-country (XC) facility; 4) constructing a 3,001± SF garage/pump house; and 5) construction of associated parking/drive aisles to replace existing gravel lots, concrete sidewalks, additional landscaping, lighting and drainage.</p> <p>Based on the current design, the proposed project will reduce the overall impervious coverage by approximately 0.81± acres.</p>			

A. Exemption 1: For the construction of a single-family dwelling for an individual's own use or the use of an immediate family member, on a lot owned by the individual on August 10, 2004, or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.

- ☐ I hereby certify that the single-family dwelling proposed for construction on the subject lot is intended for my own use or the use of the following immediate family member (as defined by ORDINANCE #14-09).

Applicant Initial:

Name of Family Member:

Relationship of Family Member:

Lot Legally Owned by the Applicant on August 10, 2004:

- ☐ Copy of a deed, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was legally owned by the applicant as of August 10, 2004 and indicating the lot and block as designated by the municipal tax mapping, the municipality and county in which the lot is located, and the street address.

- ☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004.

Applicant Initial:

Lot Under Contract of Sale to Applicant as of May 17, 2004:

- ☐ Copy of the binding contract of sale executed by the seller and the applicant on or before May 17, 2004 for the lot on which the house is to be constructed.

- ☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of the date of the executed contract of sale.

Applicant Initial:

B. Exemption 2: For the construction of a single-family dwelling on a lot that lawfully existed as of August 10, 2004, provided that construction does not result in the ultimate disturbance of 1 or more acres of land or a cumulative increase in impervious surface by 1/4 acre or more.

- ☐ A copy of the recorded deed or plat showing that the lot was created on or before August 10, 2004.

- ☐ A property survey certified by a licensed New Jersey Professional indicating the property boundary lines and overall lot size, and showing what structures currently exist on the lot, if any.

- ☐ A parcel plan certified by a qualified licensed New Jersey Professional showing all existing and proposed development, including all structures, grading, clearing, impervious surface and disturbance, areas of existing disturbance to be restored (if any), and including calculations demonstrating that impervious surfaces and areas of disturbance are within the 1/4 acre and 1 acre limit as prescribed.

- ☐ A metes and bounds description by a qualified licensed New Jersey Professional showing the area of the lot to be disturbed, limited to less than one acre.

- ☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004.

Applicant Initial:

C. Exemption 3: For the reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by 1/4 acre or more. The date of lawfully existing impervious surface is August 10, 2004 in the Preservation Area.

- ☒ A parcel plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site as of August 10, 2004 for the Preservation Area; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading. Also include supporting calculated values for existing and proposed impervious surfaces for the project/activity.

- ☒ A copy of any official documentation indicating the original date of construction of the existing buildings and/or structures, or otherwise establishing the lawfulness of their existence, inclusive of that of existing impervious surfaces.

D. Exemption 5: For any improvement to a single family dwelling in existence as of August 10, 2004, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system. (Such improvements include only those that maintain the use as a single family dwelling; the exemption does not apply to or permit the creation of multiple dwelling units.)

☐ A copy of any official documentation proving the single family dwelling was in existence on August 10, 2004.

☐ A description of the proposed improvements.

☐ I hereby affirm that the subject property was in existence as of August 10, 2004 and that all proposed improvements are intended and will continue to be used for single family dwelling purposes.

Applicant Initial:

E. Exemption 6: For any improvement, for non-residential purposes, to a place of worship owned by a non-profit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on August 10, 2004, including, but not limited to, new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility

☐ A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004.

☐ For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non profit status.

☐ A site plan plan certified by a qualified Licensed New Jersey Professional showing all existing property improvements, including all structures, grading, clearing, impervious surface and limits of disturbance, existing on the site on August 10, 2004; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.

F. Exemption 7: For any activity conducted by a landowner in accordance with an approved woodland management plan issued pursuant to section 3 of the Farmland Assessment Act, N.J.S.A. 54:4-23.3 or the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester

☐ A brief description of the total area of woodlands that is the subject of the approved woodland management plan and indication of the length of time that the area has been in woodland management (may be submitted in this form).

☐ A brief description of the activities for which the exemption is claimed (may be submitted in this form).

For a private landowner with an approved woodlot management plan:

☐ A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq. if applicable.

☐ A copy of the approved woodland management plan.

For a forest management plan approved by the State Forester:

☐ A copy of the forest management plan approved by the State Forester.

G. Exemption 8: For the construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.

☒ A site plan certified by the appropriate qualified Licensed New Jersey Professional showing the proposed trail construction with details including the location and width of existing and proposed trails and those off-site trails to which they connect, if any.

☒ A written description of the non-impervious materials to be used.

☒ For privately owned property, a copy of a deed for the property, including the language establishing the conservation or recreational use easement on the property.

I, the undersigned hereby certify that the information given herein is correct to the best of my knowledge.

Applicant Signature:

Date:

December 8, 2016

I, the undersigned hereby grant permission for the submission of this application for the property reference herein.

Owner Signature:

Date:

December 8, 2016

Municipal Use Only
Exemption Review Worksheet

Information
Submitted:

Plan entitled "Existing Impervious Area Map", prepared by Dewberry Engineers, LLC., dated December 8, 2016 and consisting of one (1) sheets.

Plan entitled "Proposed Impervious Area Map", prepared by Dewberry Engineers, LLC., dated December 8, 2016 and consisting of one (1) sheets.

Project
Summary:

The Applicant is proposing to remove all of the existing impervious areas on the site to construct a cross-country ski complex. The proposed improvements include the construction of a 12-16 foot wide cross country ski trail, a 5,149 sf facility building, a 3,001 sf garage, parking lot, landscape lighting and drainage.

Exemption
Review:

Exemption #4 requires that the applicant not exceed 125% of the lawfully existing impervious coverage on the site as of August 10, 2004 and must not increase that lawfully existing impervious coverage by $\frac{1}{4}$ acre or more.

The proposed improvements will decrease the lawfully existing 2004 impervious coverage on the site from 1.66 acres to 0.85 acres. This new impervious coverage on the property in question brings the total impervious on site to 51% of the lawfully existing impervious onsite on August 10, 2004.

Exemption #8 allows the construction of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a recreational easement has been established. A recreational easement existing for the property and the proposed cross country ski trail will be non-impervious.

Comments:

As stated above, the proposed improvements to the site will actually decrease the lawfully existing impervious coverage existing as of August 10, 2004 to approximately 51%. The final impervious coverage is, therefore, less than 125% of the lawfully existing impervious surface on the site and does not increase the total impervious surfaces existing in 2004 by one-quarter acre or more.

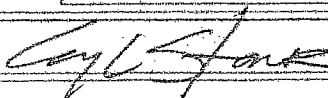
Also the proposed trails will not constructed of an impervious surface and exists on a property with an existing recreational use easement.

As the Certified Municipal Exemption Designee I hereby
certify the following finding for this application

Qualifies for Highlands Exemption #4 Exemption #8

Date: 1-9-17

Signature:





State of New Jersey

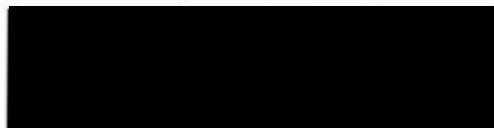


PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Land Use Regulation
Mail Code 501-02A
P.O. Box 420
Trenton, New Jersey 08625-0420
www.nj.gov/dep/landuse

CATHERINE R. McCABE
Commissioner



JUL 28 2018

Re: Washington Township
Proposed Trail at Rock Spring Park
Block: 24 Lot(s): 7
Washington Township, Morris County
Upper Raritan Water Quality Management Plan (WQMP)
Program Interest No.: 1438-17-0003.1
Activity No.: APD180001

Agency Determination: Highlands Act-Exempt
Exemption #10
Water Quality Management Plan-Consistent
Major Highlands Development

Dear Mr. Coppola:

This letter is in reply to your request for a Highlands Applicability Determination and Water Quality Management Plan Consistency Determination. Based on the information submitted and Division of Land Use Regulation (Division) review, it has been determined that the project described below qualifies for Exemption #10 and the project is considered "Consistent" with the Water Quality Management Plan.

The proposed project is located within the Highlands Preservation Area at 80 Schooleys Mountain Road, Washington Township, Morris County, and consists of the proposed construction of a 3,190-foot paved six-foot-wide trail within Rock Spring Park. The proposed project has been reviewed to determine the applicability of the New Jersey Highlands Water Protection and Planning Act Rules at N.J.A.C. 7:38 (Highlands Rules), as well as the requirements defined in the Statewide Water Quality Management Planning rules at N.J.A.C. 7:15 (WQMP rules).

This Project was published in the June 20, 2018, DEP Bulletin and no public comments were received.

The Division has determined that the Project is potentially regulated by the Highlands Act because it does meet the definition of "Major Highlands Development," as defined at N.J.A.C. 7:38-1.4, since it is not a residential development. However, the Highlands Rules at N.J.A.C. 7:38-2.3 set forth various exemptions. After a careful review of the information submitted, it has been determined that the Project described above qualifies for Exemption No. 10 for "The construction of bicycle and pedestrian facilities by a State entity or local government unit." The project is shown on the submitted plan(s) entitled: "ROCK SPRING PARK WALKING TRAIL, WASHINGTON TOWNSHIP, MORRIS COUNTY NEW

JERSEY", sheets 3 and 4 of 5, dated April 20, 2018, and prepared by Leon C. Hall, of Anderson & Denzler Associates, Inc.

Therefore, the proposed Project is deemed exempt from the provisions of the Highlands Rules, subject to the following limitation(s):

If the Division subsequently determines the information submitted to obtain this decision is inaccurate, the exemption shall be void.

This exemption determination is limited to the land area and specific scope of the activities described herein or as shown on the referenced site plan above. This determination does not eliminate the need for any permits, approvals, or certifications required by any other Federal, State, county or municipal review agency with jurisdiction over this activity, including, but not limited to, freshwater wetlands or flood hazard permits or review of storm water management.

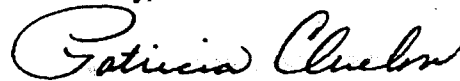
The Division also reviewed your Project for consistency with the WQMP rules and the provisions and recommendations of the Upper Raritan WQMP. Based on our review, the proposed Project is "Not Addressed" by the WQMP. This determination is based on the following:

The proposed project is not addressed by the Upper Raritan WQMP because no wastewater will be generated from this project/activity and is in accordance with the WQMP rules.

In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this approval may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the Checklist is available through the Division's website at http://www.nj.gov/dep/landuse/download/lur_024.pdf. In addition to our hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website www.nj.gov/dep/odr for more information about this process.

If you have any questions or require further assistance, please call Jill Neall at (609) 777-0454 or by email at jill.neall@dep.nj.gov.

Sincerely,



Patricia Chuelow, Supervisor
Application Support
Division of Land Use Regulation

7/24/18

C: Washington Township Clerk, Construction Official, Environmental Commission
Washington Township Municipal Planning Board Official
Morris County Planning Board Official & Environmental Commission
New Jersey Highlands Council-Margaret Nordstrom
Agent-Ryan Conklin, Collaborative Concepts LLC, 67 Fawnridge Drive, Long Valley, NJ 07853