

**ORDINANCE #2013-15**  
**AN ORDINANCE OF THE BOROUGH OF HIGH BRIDGE, IN THE COUNTY OF**  
**HUNTERDON AND STATE OF NEW JERSEY, HIGHLANDS AREA EXEMPTION**  
**ORDINANCE, A SUPPLEMENT TO THE BOROUGH OF HIGH BRIDGE LAND USE**  
**ORDINANCES, CHAPTER 145.**

**Title, Purpose, Scope**

**§1.1 Title**

This Ordinance shall be known and cited as the "Borough of High Bridge Highlands Area Exemption Ordinance."

**§1.2 Purpose**

The purpose of this Ordinance is to set forth the procedural and substantive requirements by which the Borough of High Bridge will issue Highlands Act Exemption Determinations. Such determinations pertain only to Highlands Act Exemptions 4, 6, 7, and 8. Highlands Act Exemption Determinations indicate whether proposed activities, improvements or development projects affecting lands located within the Borough 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, and from any amendments to the Borough's master plan, development regulations, or other regulations adopted pursuant to the approval of the Borough'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 Highlands Area. The Highlands Area comprises the entire municipality for which the applicable provisions of the Borough 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**

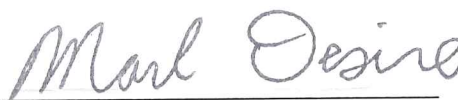
This Ordinance is adopted under the authority of the Highlands Act and the New Jersey Municipal Land Use Law ("MLUL", N.J.S.A. 40:55D-1 et seq.). In the Highlands Act, the Legislature identified numerous categories of activities that are exempt from the Act, the RMP, and any amendments to a master plan, 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.

**§1.5 Severability**

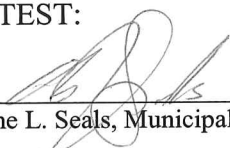
If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall in no way affect the validity of the ordinance as a whole, or of any other portion thereof.

**§1.6 Effective Date**

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

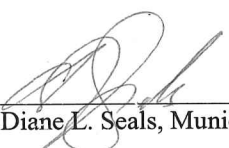
  
Mark Desire, Mayor

ATTEST:

  
Diane L. Seals, Municipal Clerk, RMC

**CERTIFICATION**

I, Diane L. Seals, Municipal Clerk, hereby certify that this ordinance was duly adopted by the Borough of High Bridge Common Council at a meeting duly held on the 18<sup>th</sup> day of July, 2013; that this ordinance has not been amended or repealed; and that it remains in full force and effect as of the date I have subscribed my signature.

  
Diane L. Seals, Municipal Clerk, RMC

# **HIGHLANDS AREA EXEMPTION ORDINANCE**

**A Supplement to the Land Use Ordinances of**

**BOROUGH OF HIGH BRIDGE  
HUNTERDON COUNTY, NEW JERSEY**

**Ordinance #2013-15**

**DATE: July 18, 2013**

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 of High Bridge Highlands Area Exemption Ordinance.”

### **§ 1.2 PURPOSE**

The purpose of this Ordinance is to set forth the procedural and substantive requirements by which the Borough of High Bridge will issue Highlands Act Exemption Determinations. Such determinations pertain only to Highlands Act Exemptions 4, 6, 7, and 8. Highlands Act Exemption Determinations indicate whether proposed activities, improvements or development projects affecting lands located within the Borough 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, and from any amendments to the Borough’s master plan, development regulations, or other regulations adopted pursuant to the approval of the Borough’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 Highlands Area. The Highlands Area comprises the entire municipality for which the applicable provisions of the Borough 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, 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.

### **§ 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

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

**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.

**Master Plan** – For purposes of this Ordinance, all references to the “Borough 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 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

**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).

**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 Master Plan incorporates the Highlands Planning Area, inclusive of the goals applicable to it, as an integral component of the planning and land use policies of the municipality. For purposes of this Ordinance, this Area is designated as the Borough Highlands Area, which encompasses the entire municipality.

##### **§ 3.1.2 Applicability Specified**

This Ordinance applies specifically and solely to lands designated as the Borough Highlands Area.

## **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, and any amendments to the Borough's master plan, development regulations, or other regulations adopted pursuant to the approval of Borough'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 pursuant to the Highlands Council's approval of Borough'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 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.

### **§ 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.

1. *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 Planning Area determinations, the date of lawful existence shall coincide with the effective date of the municipally-adopted Highlands Area Land Use Ordinance, which is June 23, 2011 for the Borough of High Bridge.
2. *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.
  3. *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 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.
  4. *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 Zoning Officer and/or Planner. The Exemption Designees 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 individuals 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 qualified Exemption Designees due to changes in personnel or other extenuating circumstances, applicants seeking Highlands Act Exemption Determinations shall be referred to 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 Planning/Zoning Department 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 14 calendar days of receipt, issue such findings in writing to the applicant, indicating what information is required to properly consider the application.

### **§ 4.4.3 Time for Determination**

The Exemption Designee shall issue Municipal Exemption Determinations within 21 calendar days of receipt 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 21 day-period 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.

### **§ 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 within ten (10) business days of issuance.

## **§ 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 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 Highlands Council, 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 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 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**

The application fee requirements of this subsection shall apply in addition to all existing fee requirements, including procedural and legal requirements, as set forth in the underlying municipal land use ordinances. The fees provided herein shall apply to applications for Municipal Exemption Determinations pursuant to § 4.2 of this Ordinance.

- A. Municipal Exemption Determination: \$300.00
- B. Denied Application Amended for Compliance: \$50.00

#### **§ 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 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 June 23, 2011; 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.

##### *B. Exemption 6.*

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.

C. *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.

D. *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.