



State of New Jersey

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Highlands Council Moves Forward with Plans to Delegate Exemption Decisions

Council votes on MOU with NJDEP that will give municipalities broader authority over seven exemptions

CHESTER, N.J. — The New Jersey Highlands Water Protection and Planning Council today voted to approve a Memorandum of Understanding (MOU) with the New Jersey Department of Environmental Protection (NJDEP) that outlines plans for implementing a previously announced agreement regarding exemption determinations. The MOU defines how the authority to approve seven exemptions will move from NJDEP to municipalities where conformance petitions have already been approved by the Highlands Council.

“The MOU gives clear guidance to conforming municipalities and places the authority to grant common sense exemptions at the local level, where it belongs,” said Jim Rilee, Highlands Council Chairman. “This allows municipalities to help property owners and simplifies the process. The Council greatly appreciates NJDEP Commissioner Bob Martin’s willingness to work with us to accomplish this important step forward.”

The Highlands Act includes 17 exemptions to provide relief for certain types of development in the Highlands Region. Presently, NJDEP administers applications for exemption determinations in the Preservation Area and the Highlands Council administers applications for exemption determinations in the Planning Area. The exemptions to be delegated are:

- 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

Note: The above details are summaries of the seven exemptions to be delegated. The complete language of each exemption can be found in the Highlands Act. The delegation of exemption determinations does not change the language of the Highlands Act and only involves the governmental level at which exemption decisions are made.

Also at the July 19 meeting, the Council approved a resolution to extend its approved Fiscal Year 2012 Budgets at the same average monthly spending level for approximately 90 days, as a final budget is being prepared and approved.

All Council decisions made at the meeting will take effect following the Governor's review and consideration of the meeting minutes, up to 10 business days from receipt of the minutes.

Materials related to this meeting including resolutions, presentations, audio and minutes will be posted at: <http://www.highlands.state.nj.us/njhighlands/about/calend/> (scroll to 7/19/2012 meeting)

Additional information regarding Highlands Act exemptions may be found here: <http://www.state.nj.us/dep/highlands/exemptions.htm>

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