

2021-08
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
DETERMINATION ON APPLICATION FOR HIGHLANDS REDEVELOPMENT
AREA DESIGNATION FOR TOWNSHIP OF ROCKAWAY, MORRIS COUNTY,
BLOCK 22103, LOT 16

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

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

WHEREAS, Section 35 of the Highlands Act, N.J.S.A. 13:20-33.b.(2), authorizes the NJDEP to grant a waiver of any provision of a Highlands permitting review on a case-by-case basis for redevelopment in certain previously developed areas in the Preservation Areas identified by the Highlands Council pursuant to Section 9.b. or Section 11.a.(6)(h); and

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

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

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

WHEREAS, on September 27, 2017 the Council approved a Resolution adopting the final "RMP Addendum 2018-1 Procedure for Considering Proposals to Amend the Highlands Regional Master Plan" (Amendment Procedure) as an amendment of, and addendum to, the RMP; and

WHEREAS, the Council prepared a document entitled "RMP Addendum 2019-1 Procedures for Highlands Redevelopment Area Designation" (Redevelopment Procedures); and

WHEREAS, on December 6, 2018, the Highlands Council adopted a resolution authorizing Council staff to conduct the requisite public hearings under the Amendment Procedure before the Redevelopment Procedures may be adopted as an amendment to the RMP; and

WHEREAS, the Highlands Council adopted the final "RMP Addendum 2019-1 Procedures for Highlands Redevelopment Area Designation," as an addendum to the RMP on March 21, 2019; and

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BLOCK 22103, LOT 16**

WHEREAS, the Applicant, Cibao Meat Product, submitted a Petition for Block 22103 Lot 16, Township of Rockaway, Morris County, for a Highlands Redevelopment Area Designation; and

WHEREAS, the Highlands Council deemed the application administratively complete on December 14, 2020; and

WHEREAS, the Highlands Council released the Highlands Council Staff Draft Recommendation Report dated January 6, 2021 for public comment, and

WHEREAS, the Highlands Council held a public comment period concerning the proposed Highlands Redevelopment Area Designation commencing January 6, 2021 and ending February 4, 2021; and

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

WHEREAS, after Highlands Council staff review, staff recommended that the Highlands Council approve the proposed Highlands Redevelopment Area Designation with the following conditions set forth in the Highlands Council Staff Final Recommendation Report, dated February 9, 2021 which is incorporated by reference into this Resolution:

1. Applicant shall provide additional green infrastructure and low impact development stormwater planning;
2. Applicant shall obtain a NJDEP waiver for greater than 3% impervious surface;
3. Applicant shall place a conservation restriction on remainder of undeveloped property; and
4. Applicant shall submit the project for review by the Highlands Council as required under the Adopted Highlands Referral Ordinance; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to the expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.


NOW, THEREFORE, BE IT RESOLVED, the Highlands Council hereby

- (1) Adopts the findings of fact and conclusions based thereon set forth in the Final Recommendation Report, dated February 9, 2021; and
- (2) Based on said findings of fact and conclusions, approves the Block 22103, Lot 16, Township of Rockaway, Morris County, Highlands Redevelopment Area Designation with conditions as set forth in the Final Recommendation Report and recited above; and
- (3) Authorizes the Executive Director to prepare a document informing the NJDEP of the Highlands Redevelopment Area Designation.

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CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on 18th day of February 2021.



Carl J. Richko, Chairman

Vote on the Approval of The Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			√			
Councilmember Dougherty			√			
Councilmember Dressler	√		√			
Councilmember Francis			√			
Councilmember Holtaway			√			
Councilmember James						Recused
Councilmember Sebetich			√			
Councilmember Van Abs			√			
Councilmember Visioli			√			
Councilmember Vohden		√	√			
Councilmember Walton			√			
Chairman Richko			√			