



## State of New Jersey

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### MEMORANDUM

**TO:** RMP Amendment Committee

**FROM:** Lisa J. Plevin, Executive Director of the Highlands Council

**SUBJECT:** RMP Amendment - Procedures for Highlands Redevelopment Area Designation

**DATE:** November 15, 2018

#### History

Attached please find a final draft of the Highlands Council's proposed **Procedures for Highlands Redevelopment Area Designation**. These procedures are proposed to be adopted as an amendment to the Highlands Regional Master Plan (RMP). The adoption of the procedures will follow the RMP Amendment adoption process which involves a 60-day public comment period and six public hearings.

These procedures outline the process by which a property owner or municipality may apply to the Highlands Council for designation of a Highlands Redevelopment Area. A Highlands Redevelopment Area is an area in which the New Jersey Department of Environmental Protection (NJDEP) and the Highlands Council may provide waivers from the strict standards of the NJDEP Highlands Rules (N.J.A.C. 7:38) and the RMP. The Highlands Water Protection and Planning Act directs the Highlands Council to identify areas where redevelopment is possible, which shall be either a brownfield site designated by the NJDEP or a site on which at least 70% is covered with impervious surface (N.J.S.A. 13:20-9 and 11h).

The Highlands Council previously approved procedures for Highlands Redevelopment Area Designations after public comment and a public hearing in 2008. The Highlands Council subsequently acted on 12 Highlands Redevelopment Area applications. The procedures should be formally adopted as an amendment to the RMP.

Updated Highlands Redevelopment Procedures were prepared to address some concerns identified during the last 10 years. Significant updates proposed include:

- Notice must be provided to surrounding property owners for all applications;
- Applications for multiple properties not under common ownership can only be submitted by the municipality and all property owners within the Highlands Redevelopment Area must

- receive adequate notice of the application;
- Applications for multiple properties will be conditioned upon municipal adoption of a master plan amendment memorializing the approval of the Highlands Redevelopment Area;
- Planning Area properties may now also be identified as Highlands Redevelopment Areas;
- Clarification that a Highlands Redevelopment Area cannot include both Planning and Preservation Area lands;
- A Brownfields Highlands Redevelopment Area application must include the specific conditions related to the designation and remediation;
- Standards that any Highlands Redevelopment Area designation shall only be approved based on the specific information submitted with the application and such designation may be revoked if those conditions change (upon 60 days' notice to the applicant).
- Five-year duration of Highlands Redevelopment Area approval if the applicant fails to receive the necessary NJDEP or local approvals.

A copy of these updated draft procedures has been posted to the Highlands Council's website since 2016. The draft procedures have been reviewed by the DAG, the Governor's Authorities Unit and NJDEP staff. Accordingly, it is the staff recommendation that the RMP Amendment Committee should review these updated procedures in the context of a potential RMP Amendment. Below is a draft schedule, should the RMP Amendment Committee decide to move forward.

### **Timing**

The potential schedule for adoption would be as follows.

- December 3, 2018: RMP Amendment Committee to review the draft at a closed meeting.
- December 6, 2018: RMP Amendment Committee meeting open to the public at which they recommend the Council publish the RMP Amendment for public comment and public hearings.
- December 6, 2018: Highlands Council authorizes public hearings with a 60-day public comment period.
- December 7, 2018 to February 6, 2019: Public Comment period and six public hearings.
- February 7, 2019 to February 22, 2019: Prepare public comment response document.
- March 4, 2019 (week of): RMP Amendment Committee public meeting to review comments and forward amendment to Council for adoption.
- March 21, 2019: Highlands Council reviews RMP Amendment for potential adoption.