

Highlands Preservation Area Approval Application Checklist Items  
 Heath Village Retirement Community  
 Block 20, Lots 56, 57, 58, 72 and 74, Washington Twp., Morris County  
 See Highlands Council Review at: <http://www.highlands.state.nj.us/njhighlands/projectreview/>

\*\*For advisory purposes only – please be advised that this checklist provides information to both the applicant and NJDEP from the analysis prepared by the Highlands Council. NJDEP may require additional information be required as part of the review of the HPAA application. \*\*

May 2010

HPAA Checklist Item (All of the information required in N.J.A.C. 7:38-9.5) Items deemed unnecessary highlighted	Submittal Status/ Highlands Council Analysis	Comments and Action Items Items in green, Heath Village needs to supply
1. A completed copy of this checklist	Applicant will submit	Heath Village to provide
2. A LURP-2 application form, completed in accordance with the directions on the form;	Applicant will submit	Heath Village to provide
3. The appropriate fee, indicated in the Highlands Preservation Area Approval fee table, which can be found at <a href="http://www.state.nj.us/dep/highlands">www.state.nj.us/dep/highlands</a>	Applicant will submit	Heath Village to provide The base fee for the review of a HPAA with a completed HRAD shall be \$2,500 plus \$50.00 per acre, or any fraction thereof of Highlands resource areas to be affected (Highlands Council contends that its Consistency Determination and Recommendation Report serve as functional equivalent for HRAD.) For all projects requiring review of stormwater calculations: \$2,000
4. Proof that the public notice requirements below have been met. (Note: To prove that an item has been sent to a person, submit either the white postal receipt you receive when you send the item by certified mail, or the green certified mail return receipt card.) Entire application must be sent to municipal clerk and Highlands Council. Notice letters to environmental commission, municipal planning board and construction official, county planning board, county	Applicant will submit	Heath Village to provide notice

<b>HPAA Checklist Item</b> <i>(All of the information required in N.J.A.C. 7:38-9.5)</i> <b>Items deemed unnecessary highlighted</b>	<b>Submittal Status/ Highlands Council Analysis</b>	<b>Comments and Action Items</b> <span style="background-color: #90EE90;">Items in green, Heath Village needs to supply</span>
environmental commission, all landowners within 200 feet of boundary of site		
<span style="background-color: #FFFF00;">5. The approximate boundaries the project or activities clearly delineated on a USGS quadrangle Map</span>	During project review, the applicant has prepared a site plan with redevelopment boundaries on it.	The Highlands Council is submitted the redevelopment site plan on Highlands Council GIS mapping. Therefore a USGS quadrangle map is unnecessary.
<span style="background-color: #FFFF00;">6. Two copies of a recent county road map or local street map, with the site clearly marked</span>	The project site can be readily viewed and analyzed using the Highlands Council interactive mapping. See attached photo and interactive mapping at <a href="http://maps.njhighlands.us/hgis/">http://maps.njhighlands.us/hgis/</a>	
<span style="background-color: #FFFF00;">7. Two sets of original color photographs, mounted on 8½ by 11 inch paper, sufficient to show the conditions on the site, and immediately surrounding areas, as well as the area of disturbance for the proposed activities. A minimum of ten photographs is required</span>	The project site can be readily viewed and analyzed using the Highlands Council interactive mapping with <i>3-D Birds Eye View</i> at <a href="http://maps.njhighlands.us/hgis/">http://maps.njhighlands.us/hgis/</a>	
8. A copy of a Municipal tax map(s) delineation the project or activity site by lot(s) and block(s)	<span style="background-color: #90EE90;">Applicant will submit copy of Municipal tax map.</span>	Site plan identifies block and lot information. <span style="background-color: #90EE90;">Applicant will submit copy of Municipal tax map.</span>
<span style="background-color: #FFFF00;">9. A copy of the Highlands Applicability Determination issued by the Department, or, in the case where an applicant does not have an applicability determination because he or she stipulated under N.J.A.C. 7:38-2.4(a) that the proposed activity is subject to the Highlands Act, the information required at N.J.A.C. 7:38-9.2(b)3 and 4, and 9.2(c)</span>	N/A - Applicant stipulates that Highlands Act is applicable. Highlands CD and Recommendation report the functional equivalent of HRAD – meeting requirements at N.J.A.C. 7:38-9.2(b)3 and 4, and 9.2(c)	
<span style="background-color: #FFFF00;">10. If the proposed project or activity requires new or modified water supply allocation permits please visit the Highlands website for the checklists to apply for these permits</span>	N/A	
<span style="background-color: #FFFF00;">11. Information and/or certifications regarding the presence or absence of rare, threatened or endangered species habitat, ecological communities, historic or archaeological resources, or other features on the site relevant to determining compliance with the requirements of this chapter. This information shall include but not be limited to a letter from</span>	The Highlands Council GIS data indicate that there is forested area mapped as Critical Habitat on the tract. No change is proposed to the Critical Habitat or areas mapped as Forest within a Forest Resource Area. The Highlands Council GIS data indicate that there are no historic or archaeological resources.	The areas outside the redevelopment area on the project parcels will be deed restricted as a requirement of the Redevelopment Area designation and as part of the HPAA permitting process. No additional information should be required regarding the presence or absence of rare, threatened or endangered species habitat.

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the Natural Heritage Program indicating the presence or absence of any rare, threatened or endangered species or ecological communities listed in the Natural Heritage Database on or near the site		
12. When an applicant intends to rebut the presumption of rare, threatened or endangered species habitat on the applicant's site as set forth at N.J.A.C. 7:38-5.1(a), all habitat evaluation information pursuant to N.J.A.C. 7:38-5.1(b)	N/A	
13. Any other information not listed herein, that the applicant or the Department deems necessary to demonstrate compliance with this rule or the Federal rules governing the Department's assumption of the Federal 404 program. In addition, the Department may require any information necessary to clarify whether an application meets State and/or Federal standards	The NJDEP shall determine if applicant is in compliance with the Federal rules governing the Department's assumption of the Federal 404 program.	
14. The following information on the location of special Highlands resources on the site: A. A Highlands Area Resource Determination (HRAD) if one has been issued for the site; or  B. If no Highlands LOI has been issued, and the site is larger than one acre, the application must include all of the information required for an application for a line verification HRAD. A formal delineation report is not required. However, the application must include the data sheets and supporting information used to record the information on soils and vegetation which formed the basis for the boundary determination;  C. If the applicant has a currently valid approved Freshwater Wetlands letter of interpretation (LOI), issued by the	The Council staff's analysis of its GIS data (supplemented with a wetlands field investigation performed by the applicant) indicate that a portion of Building 'A' will encroach approximately 100 ft. into the HOW buffer, however, existing structures and an access road are already situated between the proposed building and the buffer. Building 'D' will be situated entirely within an already disturbed HOW buffer and wetland buffer, with approximately 70 ft. between the proposed building and wetlands. An existing building (to be removed) is within 35 feet of the HOW. The proposed construction is within a disturbed area.  Based on this analysis, the Highlands Council recommends that sufficient information exists for the resource components of the HRAD. The Highlands Council recognizes that the HRAD requirements include staking of the intended development	<b>Applicant to submit wetlands field investigation as part of the HPAA permit application.</b>

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<p>Department for the site under N.J.A.C. 7:7A-3, this may be submitted instead of an HRAD so long as the applicant also provides information regarding any additional HRAs not previously identified in the LOI;</p> <p>D. If no Freshwater wetlands LOI or HRAD has been issued and the site does not contain Highlands open waters, no delineation or other information is required;</p> <p>E. If no Freshwater or HRAD has been issued, and the site is one acre or smaller, no delineation or other information is required, except if indicated otherwise in this checklist</p>	<p>envelope on the property. However, given that the proposed redevelopment will occur within existing disturbed areas, the Department should waive this requirement in this particular instance.</p>	
<p>15. Six copies of a detailed project description including:</p> <p>A. The purpose and intended use of the proposed project;</p> <p>B. A description of the regulated activities necessary to complete and operate or occupy the proposed project;</p> <p>C. A description of any structures to be erected, and how they will be used;</p> <p>D. A schedule for the progress and completion of the proposed project;</p> <p>E. The total area of Highlands open waters and Highlands open water buffers proposed to be disturbed (if any);</p> <p>F. The total area of upland forest area on the site and the total area of upland forest area that will be disturbed</p> <p>G. The amount of pre-development impervious coverage on the site and the total aggregate impervious coverage on the site following completion of the proposed project;</p> <p>H. A description of slopes between 10% and 20% and 20% or greater that are present on the site</p> <p>I. An evaluation of whether and how rare, threatened or endangered animals or plant species or ecological communities will be affected by the proposed activities;</p>	<p>The Highlands Council CD and Recommendation Report fulfill this requirement. See Highlands Council project review at: <a href="http://www.highlands.state.nj.us/njhighlands/projectreview/">http://www.highlands.state.nj.us/njhighlands/projectreview/</a>  The Highlands Council has provided copies to NJDEP.</p> <p>A. See Recommendation Report – Section 1. Project Description</p> <p>B. See Recommendation Report – Section 1. Project Description &amp; Section 4. Findings and Recommendations – Resource Assessment</p> <p>C. See Recommendation Report – Section 1. Project Description</p> <p>D. N/A – <b>Schedule to be determined</b></p> <p>E. See Recommendation Report – Section 4. Findings and Recommendations – Resource Assessment and Consistency Determination – Comments for Part 1 Subpart B – Highlands Open Waters and Riparian Areas for discussion related to encroachment into HOW buffers.</p> <p>F. N/A – No Forest Resources to be disturbed.</p> <p>G. See Recommendation Report – Section 4. Findings and</p>	<p><b>Applicant to provide the names, addresses and professional qualifications of those prepared submittal</b></p>

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<p>J. An architectural or Phase I archaeological survey for the applicants proposing work that will impact historic structures or archaeological resources</p> <p>K. A Phase II archaeological survey for applicants that discover archaeological features resources as a result of the Phase I archaeological survey</p> <p>L. The names, addresses and professional qualifications of those used to prepare the detailed project description</p> <p>M. If any or all of the proposed project or activity is in a flood hazard area</p> <p>N. Source of floodplain data</p>	<p>Recommendations – Impervious Surface Requirement</p> <p>H. See Consistency Determination – Comments for Part 1 Subpart C – Steep Slopes</p> <p>I. See Consistency Determination – Comments for Part 1 Subpart D – Critical Habitat</p> <p>J. See Consistency Determination – Comments for Part 4 Historic, Cultural, Archaeological, and Scenic Resources</p> <p>K. See Consistency Determination – Comments for Part 4 Historic, Cultural, Archaeological, and Scenic Resources</p> <p><b>Applicant to provide</b></p> <p>M. Activities to occur within existing development footprint.</p> <p>N. Highlands GIS data</p>	
<p>16. Six folded copies of a site plan or subdivision map, signed and sealed by a NJ licensed professional surveyor and, where appropriate, a NJ licensed professional engineer, showing the entire site and indicating the following:</p> <p>A. All existing structures on the site and on all immediately adjacent lots;</p> <p>B. All proposed structures, disturbances, and activities;</p> <p>C. Distances and dimensions of areas, structures and lots, including the boundaries of freshwater wetlands, state open waters, flood hazard areas, uplands, roads, and utility lines;</p> <p>D. A complete delineation of the boundaries of all Highlands open waters, transition areas, forest and slopes 10% to 20% and slopes greater than 20%, HRAD issued by the Department that shows the Highlands open water boundary, forest boundary slopes 10% to 20% and slopes greater than 20% may be submitted to satisfy this requirement. Include a copy of a map or plan, which depicts the approved lines;</p> <p>E. A calculation of total existing and proposed percent</p>	<p><b>Applicant will submit</b></p>	<p><b>Applicant to provide site plan and all features except for Highlands resources</b> Highlands Council GIS data should be used for resource boundaries mapping listed under section D</p>

<b>HPAA Checklist Item</b> <i>(All of the information required in N.J.A.C. 7:38-9.5)</i> <b>Items deemed unnecessary highlighted</b>	<b>Submittal Status/ Highlands Council Analysis</b>	<b>Comments and Action Items</b> <b>Items in green, Heath Village needs to supply</b>
impervious surface for the entire site F. The area which will be used for the proposed activity or discharge; G. The location of the site in relation to development in the region; H. The scale of the plan and a north arrow; I. Soil erosion/sediment control details; J. The name of all persons who prepared the plan and the date of preparation; K. The name of the applicant, and municipal lot(s) and block number(s) of the project site; L. For projects in a flood hazard area plans must also: 1. Reference 1929 NGVD; 2. Provide all cross sections, profiles and all relevant details referenced in the engineering report.		
17. A mitigation proposal for all disturbances to Highlands open waters shall be submitted.	<b>Condition of Highlands Council resolution. Applicant to submit to NJDEP and Highlands Council approval.</b>	<b>Applicant must submit open water protection area mitigation plan to NJDEP and Highlands Council for approval.</b>
<b>18. If the site is located in an area designated a Wild and Scenic River, or under study for such designation, this approval will not be granted until a letter is received from the National Park Service</b>	N/A	
19. Stormwater management calculations in accordance with the Stormwater Management rules must be provided for all major developments	<b>Recharge-based mitigation for use of Conditional Water Availability a condition of Highlands Council resolution, in addition to recharge maintenance required by NJDEP</b>	<b>Applicant must prepare stormwater calculations and stormwater management plan.</b>
20. A copy of all past Department approvals for activities on the site;	<b>Applicant will submit</b>	Heath Village had received an Exemption #3 in 2006, but construction on the project did not commence before the August 2007 deadline. Therefore, the exemption expired.
21. The names and addresses of all consultants, engineers, and other persons providing technical assistance in preparing the application;	<b>Applicant will submit</b>	<b>Applicant to provide the names, addresses and professional qualifications of those prepared wetlands submittal.</b>

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<b>This ends the HPAA Checklist if project not regulated pursuant to the Flood Hazard Area Control Act rules at N.J.A.C. 7:13 – applicant/NJDEP to determine if regulated. For stream encroachment activities pursuant to N.J.A.C. 7:13, the following additional information is required:</b>		
22. Hydrologic and hydraulic calculations are generally required if any of the following occur: Please check all that apply: <input type="checkbox"/> A. The peak 100-year flow in the stream will be significantly increased or decreased; <input type="checkbox"/> B. The size, shape, skew, location and/or alignment of the stream channel will be altered; <input type="checkbox"/> C. A new bridge or culvert will be constructed where none currently exists; <input type="checkbox"/> D. A replacement bridge or culvert will be constructed that is different in size, length, shape, material, skew, location and/or alignment from the existing structure; <input type="checkbox"/> E. The floodplain limits are unknown and need to be delineated in order to demonstrate compliance with the requirements of the rules, such as for net-fill calculations or determining lowest floor elevations; <input type="checkbox"/> F. The floodplain limits are unknown and need to be delineated to establish stream encroachment lines.	The Department to determine if Flood Hazard Control Rules apply.	
23. An engineering report must be submitted if detailed calculations are required to demonstrate compliance with the flood hazard area rules.	The Department to determine if Flood Hazard Control Rules apply.	

## 7:38-9.6 ADDITIONAL APPLICATION REQUIREMENTS FOR A HIGHLANDS PRESERVATION AREA APPROVAL WITH WAIVER

An administratively complete application for an HPAA with waiver shall contain:

1. All of the information required in N.J.A.C. 7:38-9.5:

**Response:** See checklist above

2. An analysis describing all alternatives to the proposed project which would reduce each impact of the project as listed in N.J.A.C. 7:38-6.2(a) and the reasons the applicant did not adopt that alternative

**Response:** In January 2008, council staff met with Heath Village's consultant's to discuss the project and the redevelopment process. After this meeting, staff provided feedback in the form of formal comments to the applicant regarding the feasibility of the Highlands Redevelopment Area delineation and potential impacts to RMP resources. The letter identified potential resource impacts that the project might create and provided recommendations on how to avoid, minimize and mitigate those effects. Heath Village returned for a meeting with staff to discuss their project and revised site plans. Revised site plans were submitted that showed how the applicant avoided siting new buildings in undisturbed areas and demonstrated on-site mitigation for increased consumptive water use.

3. A description of the source of water or waste water disposal that would be used by development if the waiver is granted

**Response:** See the Consistency Determination - Part 2 Water Resources and Water Utilities, Subpart A Water Resources Availability, and Subpart D Sustainable Development and Water Resources (both Water Utility and Wastewater Utility) for a discussion regarding water and wastewater.

4. A request for a specific waiver in accordance with N.J.A.C. 7:38-6.4(a)

**Response:** Consistent with N.J.A.C. 7:38-6.4(a), is seeking a waiver from the Department under N.J.A.C. 7:38-6.4(a)2 regarding impervious surface limits and Highlands Open Water buffers. Redevelopment in a previously developed area in the Preservation Area identified by the Highlands Council pursuant to N.J.S.A. 13:20-9b or N.J.S.A 13:20-11

5. A detailed explanation why the proposed activity meets the criteria for a waiver in N.J.A.C. 7:38-6.4(a);

**Response:** The Highlands Council has issued a Highlands Redevelopment Area Designation pursuant to N.J.S.A. 13:20-9b and N.J.S.A 13:20-11

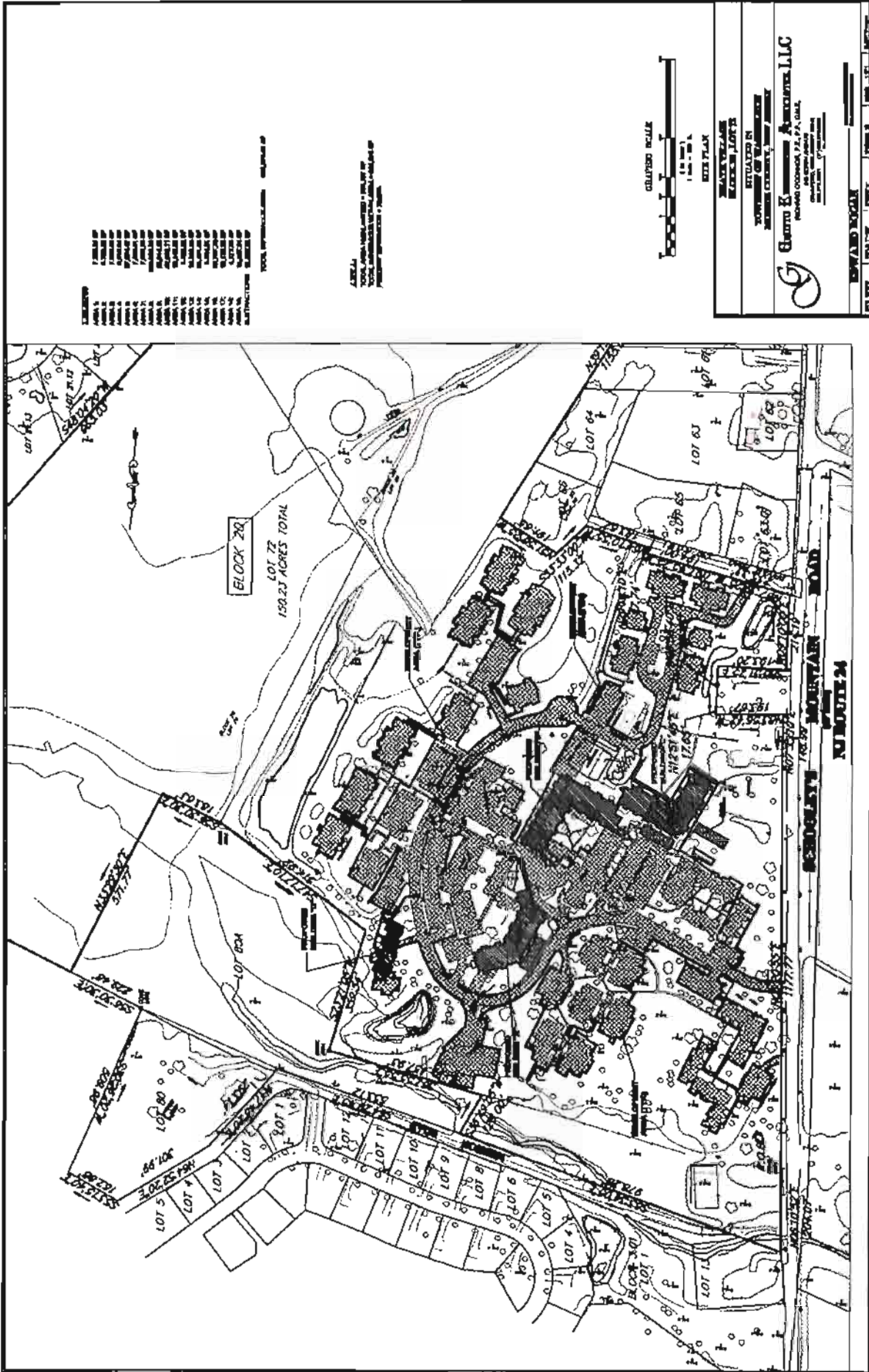
6. A detailed description of the specific HPAA requirement for which a waiver is sought, and a comparison of the HPAA standard with the level of compliance the proposed development provides (for example, "N.J.A.C. 7:38-3.5 limits a development to a maximum of three percent impervious coverage whereas the proposed project requires a total of four percent");

**Response:** Two HPAA standards:

1. N.J.A.C. 7:38-3.5 limits a development to a maximum of three percent impervious coverage whereas the proposed project requires additional impervious surface;



2. N.J.A.C. 7:38-3.6 states that there shall be a 300-foot buffer adjacent to Highlands open waters in which no disturbance is permitted, except as provided in this chapter. The proposed Buildings 'A' and 'D' would encroach upon a portion of an existing disturbed Highlands Open Waters buffer from a C1 stream and wetlands. A waiver for encroachment into the wetlands buffer for Building 'D' is requested and appropriate with the condition of a buffer mitigation plan to be submitted for approval by the NJDEP and Highlands Council. **Applicant to Provide**. No additional impacts to the Highlands Open Water would occur.
  
7. An explanation how the proposed activity satisfies each of the remaining HPAA standards at N.J.A.C. 7:38-3  
**Response:** The Highlands Council approval of this Highlands Redevelopment Area demonstrates that the proposed activity satisfies each of the remaining HPAA standards at N.J.A.C. 7:38-3. The Highlands Council approval process includes: 1) A pre-application and application to the Highlands Council; 2) A Draft Consistency Determination, a Draft Staff Recommendation Report, and Mapping of Highlands resources; 3) A Public Notice, public comment period, and a Comments Summary and Response document; 4) A Public meeting held by the Highlands Council with additional opportunity for public comment and a vote by Council on a Resolution. Given this extensive process, the NJDEP should be able to rely upon the analysis and conclusions of the Highlands Council in considering an HPAA application for a redevelopment area waiver in accordance with NJDEP's Preservation Area rules at N.J.A.C. 7:38-1.1
  
8. A detailed explanation why the proposed activity satisfies the standards at N.J.A.C. 7:38-6.2(a);  
**Response:** That explanation can be found in the Highlands Council Recommendation Report (table on page 4).
  
9. Documents showing the conclusion of an applicant's legal challenges, if any, to the Department's decision on the application for an HPAA under the rules as strictly applied,  
**Response:** N/A



1. ALL LOTS ARE TO BE DEVELOPED WITH RESIDENTIAL USES.  
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 27. ALL LOTS ARE TO BE DEVELOPED WITH RESIDENTIAL USES.

TOTAL IMPROVEMENTS: 150.23 ACRES TOTAL  
 LOT 27



**PREPARED BY:**  
**Geocon Engineering Associates, LLC**  
 10000 GARDEN DRIVE, SUITE 100  
 FORT WORTH, TEXAS 76132  
 TEL: 817.335.1111  
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April 20, 2010

Heath Village Redevelopment Area  
Block 20, Lots 56, 57, 58, 72 and 74  
Contiguous Parcels



Heath Village Redevelopment Area  
Block 20, Lot 72  
Site Layout



Heath Village Redevelopment Area  
Block 20, Lot 72  
Highlands Open Water Buffer

