

**Highlands Preservation Area Approval Application Checklist Items for
HPAA with Redevelopment Waiver**

700 Bartley Chester Road, L.L.C - Block 6800, Lot 10, Mount Olive

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. ****

November 28, 2012

HPAA Checklist Item <i>(All of the information required in N.J.A.C. 7:38-9.5)</i> Items deemed unnecessary highlighted	Submittal Status/ Highlands Council Analysis	Comments and Action Items Items in green, applicant needs to supply
1. A completed copy of the HPAA checklist	Applicant will submit	Applicant to provide.
2. A LURP-2 application form, completed in accordance with the directions on the form;	ALREADY COMPLETED FOR HIGHLANDS COUNCIL PETITION	Applicant already completed LURP-2 application as part of <i>Pre-Application Meeting Checklist</i> (also required for Highlands Council Redevelopment Area Designation Petition). Applicant to include copy in NJDEP submittal package.
3. The appropriate fee, indicated in the Highlands Preservation Area Approval fee table, which can be found at www.state.nj.us/dep/highlands	Applicant will submit	Applicant 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	Applicant will submit	Applicant to provide notice.

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environmental commission, municipal planning board and construction official, county planning board, county environmental commission, all landowners within 200 feet of boundary of site		
5. The approximate boundaries the project or activities clearly delineated on a USGS quadrangle Map	ALREADY SUBMITTED FOR HIGHLANDS COUNCIL PETITION	Applicant to include copies in NJDEP submittal package.
6. Two copies of a recent county road map or local street map, with the site clearly marked	ALREADY SUBMITTED – IN HIGHLANDS COUNCIL FILE FROM PREVIOUS HAD APPLICATIONS TO NJDEP	Applicant to include copies in NJDEP submittal package.
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	Note: The project site can be readily viewed and analyzed using the Highlands Council interactive mapping with 3-D Birds Eye View at http://maps.njhighlands.us/hgis/	Applicant to include copies in NJDEP submittal package.
8. A copy of a Municipal tax map(s) delineation the project or activity site by lot(s) and block(s)	ALREADY SUBMITTED FOR HIGHLANDS COUNCIL PETITION	Applicant to include copies in NJDEP submittal package.
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)	N/A	N/A
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	N/A. No additional water supply demands.	
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	APPLICANT ALREADY SUBMITTED, FOR HIGHLANDS COUNCIL PETITION, NATURAL HERITAGE PROGRAM LETTER. Also, Highlands Council project review at: http://www.highlands.state.nj.us/njhighlands/projectreview/	Applicant to include a copy of the Natural Heritage Program letter in NJDEP submittal package.

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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)	According to the Highlands Council GIS data (source is NJDEP Landscape data), the easterly portion of the property where the parking lot expansion is proposed lies within the Highlands Regional Master Plan 1,000 foot buffer of a vernal pool. In its assessment of potential impacts to vernal pool habitat, the Highlands Council staff notes that the area where the parking lot expansion is proposed is over 500 feet to the mapped vernal pool and does not function as core habitat for vernal pool species as it is disturbed/maintained lawn. In addition, the area separating the subject parcel and the mapped vernal pool is largely commercial development to the north and east which serves as a barrier to the migration of vernal pool wildlife species.	
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	According to the Highlands Council GIS data, there is a mapped wetland on the eastern side of the subject parcel where there is maintained lawn and where the parking lot expansion is proposed. However, the applicant conducted a wetland delineation (report and map provided to the Highlands Council) and according to the report and mapping, there are no on-site wetlands. According to the report and mapping, the proposed development would not encroach into any Highlands Open Waters buffers.	Applicant to include a copy of the wetlands delineation report in the NJDEP submittal package. Letter of Interpretation (LOI) will be part of HPAA permitting process.
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	See Item 13.	See Item 13.

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<p>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;</p> <p>C. If the applicant has a currently valid approved Freshwater Wetlands letter of interpretation (LOI), issued by the 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>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</p>	<p>The Highlands Council CD and Recommendation Report fulfill this requirement. See Highlands Council project review at: http://www.highlands.state.nj.us/njhighlands/projectreview/ 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 4. Findings and Recommendations – Resource Assessment</p>	<p>.</p>

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<p>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>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>C. See Recommendation Report – Section 1. Project Description</p> <p>D. N/A – schedule to be determined</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</p> <p>F. See Consistency Determination – Comments for Part 1 Subpart A – Forest Resources</p> <p>G. See Recommendation Report – Section 4. Findings and 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>L. See site plan</p> <p>M. No floodplain</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</p>	<p>Applicant will submit</p>	<p>Applicant to provide</p>

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<p>waters, flood hazard areas, uplands, roads, and utility lines; 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; E. A calculation of total existing and proposed percent 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.</p>		
17. A mitigation proposal for all disturbances to Highlands open waters shall be submitted.	N/A – No direct disturbance to Highlands Open Waters proposed. Mitigation deemed not necessary.	
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	N/A	

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19. Stormwater management calculations in accordance with the Stormwater Management rules must be provided for all major developments	Applicant will submit. **Note – there should be a coordinated review of the stormwater plan between the Highlands Council and the NJDEP to ensure that the conditions of the Highlands Council’s recommendation are met. Related to stormwater is the condition that the applicant shall supply a stormwater management plan that incorporates low impact development techniques and a construction implementation plan that minimizes disturbance during and after construction.	Applicant will provide
20. A copy of all past Department approvals for activities on the site;		Applicant will provide any Department approvals
21. The names and addresses of all consultants, engineers, and other persons providing technical assistance in preparing the application;		Applicant will provide
Remainder of the checklist is to be used for any project that proposes activities regulated pursuant to the Flood Hazard Area Control Act rules at N.J.A.C. 7:13.	According to wetland delineation report prepared by applicant, the proposed development does not encroach 300 foot Highlands Open Waters buffers and thus it is not anticipated that proposed activity is subject to Flood Hazard Area Control Act rules.	Applicant to consult with Department to ensure that the proposed action is <i>not</i> subject to the Flood Hazard Area Control Act rules at N.J.A.C. 7:13, which are regulated by the Department

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 items 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: **The applicant to complete.**
3. A description of the source of water or waste water disposal that would be used by development if the waiver is granted
Response: There would be no new water/wastewater requirements. No expansion of a public water supply system is proposed, and no expansion of the existing sewer service area is proposed.
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. 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: HPAA standard:
 1. N.J.A.C. 7:38-3.5 limits a development to a maximum of three percent impervious coverage. The site already has greater than 3 percent impervious surface and more is proposed for the proposed Redevelopment Area.
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 Consistency Determination, a 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 that begins 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

****Note – there shall be a coordinated review of the HPAA with redevelopment waiver application between the Highlands Council and the NJDEP to ensure that the conditions of the Highlands Council's recommendation are met as follows:**

1. A waiver from NJDEP will be required for the project regarding the Preservation Area rules (N.J.A.C. 7:-38) regarding the maximum 3% impervious surface;
2. The Letter of Interpretation (LOI) from the NJDEP during the HPAA permitting process confirms the wetland boundaries identified by the applicant (LOIs are not issued by the NJDEP in the Highlands Region until the time of the HPAA permitting process); and
3. The stormwater regulations must be followed in the project design upon HPAA with redevelopment permitting, as part of the NJDEP permitting process. There shall be a coordinated review between the staff of the Highlands Council and the NJDEP such that under the NJDEP waiver, the applicant shall supply a stormwater management plan that incorporates low impact development techniques and a construction implementation plan that minimizes disturbance during and after construction.
4. The applicant must conduct a geotechnical investigation to confirm that no karst features exist in the area of the proposed project.