

## **RESOLUTION 2012-29**

### **NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL DESIGNATION OF HIGHLANDS REDEVELOPMENT AREA 700 BARTLEY CHESTER ROAD, L.L.C., BLOCK 6800, LOT 10 TOWNSHIP OF MOUNT OLIVE, MORRIS COUNTY**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act) has 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 Department of Environmental Protection (NJDEP), and 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), authorized 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 had 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**, the Applicant, 700 Bartley Chester Road, L.L.C., submitted a Petition for 700 Bartley Chester Road, Block 6800 Lot 10, Mount Olive Township, for a Highlands Redevelopment Area Determination; and

**WHEREAS**, the Highlands Council released the Highlands Council Staff Draft Recommendation Report dated October 1, 2012 for public comment; and

**WHEREAS**, the Highlands Council held a public comment period concerning the proposed Highlands Redevelopment Area Designation commencing October 1, 2012 and ending October 15, 2012; and

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

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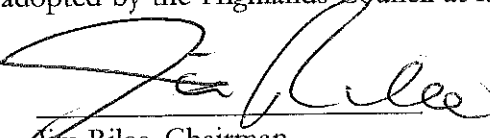
**WHEREAS**, after Highlands Council staff review, staff recommended that the Highlands Council approve the proposed Highlands Redevelopment Area Designation with conditions set forth in the Highlands Council Staff Final Recommendation Report dated October 15, 2012; and

**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 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 approves 700 Bartley Chester Road, L.L.C., 700 Bartley Chester Road, Block 6800 Lot 10, Mount Olive Township, Morris County for Highlands Redevelopment Area Designation with conditions as set forth in the Final Recommendation Report and authorizes the Executive Director to prepare a document so informing the NJDEP of the Highlands Redevelopment Area Designation.

#### CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 18<sup>th</sup> day of October, 2012.

  
 Jim Rilee, Chairman

#### Vote on the Approval of This Resolution

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			✓			
Councilmember Carluccio				✓		
Councilmember Dougherty			✓			
Councilmember Dressler				✓		
Councilmember Francis			✓			
Councilmember Holtaway	✓		✓			
Councilmember James						✓
Councilmember Mengucci			✓			
Councilmember Richko				✓		
Councilmember Sebetich			✓			
Councilmember Tfank			✓			
Councilmember Visioli			✓			
Councilmember Vohden		✓	✓			
Councilmember Walton			✓			
Chairman Rilee			✓			