



## State of New Jersey

Highlands Water Protection and Planning Council  
100 North Road (Route 513)  
Chester, New Jersey 07930-2322  
(908) 879-6737  
(908) 879-4205 (fax)  
www.highlands.state.nj.us



### Highlands Planning Area Exemption Determination Application

Projects within the Planning Area of a conforming town in the Highlands Region may be eligible for an exemption determination. In order to obtain such a determination from the Highlands Council, a project must meet the requirements for **any one** exemption category. This form outlines the information needed to support an exemption determination. There are fifteen (15) exemptions that may apply to development projects/activities in the Planning Area of conforming towns.

#### **Instructions for Completing Form**

1. Complete page 2 with general project information.
2. Review the fifteen (15) listed exemptions (pages 3-7) to determine which may be applicable to the proposed project. Applicants need only qualify for **one** exemption, although more than one may apply. Below each exemption is a list of documentation required to support the determination.\*
3. Initial as indicated to satisfy specific exemption requirements (applies only to exemptions 1, 2 & 5).
4. Submit completed form, along with all supporting documentation, to the Highlands Council at the address above.

\* An applicant may seek a waiver of a submission item. The Highlands Council may issue a waiver in such cases where the submission item is not applicable to the proposed project or is unnecessary to make the exemption determination. Additional information may be required upon review of the application by the Highlands Council.

If a project is found to be exempt, it is exempt from:

1. the provisions of the Highlands Act;
2. the Highlands Regional Master Plan (RMP);
3. the Highlands Preservation Area rules adopted by the New Jersey Department of Environmental Protection (NJDEP); and
4. any amendments to the master plans, development regulations or other regulations adopted by a municipality or county specifically to conform to the RMP.

An exemption approved by the Highlands Council does not alter or obviate the requirements of any other applicable federal, state or local laws, rules, regulations, development regulations, or ordinances.

New Jersey Highlands Council  
**Planning Area Exemption Determination Application**

100 North Road, Chester, NJ  
Phone: 908-879-6737

Website: [www.highlands.state.nj.us](http://www.highlands.state.nj.us)



Highlands Council Use Only

Date:

Exemption No.:

Project Name:

Property Information

Street Address:

Block(s) & Lot(s):

Acres:

Municipality:

County:

Applicant Information

Applicant Name:

Applicant Address:

Phone #:

Fax #:

email:

Property Owner Information  
*(if different from applicant)*

Owner Name:

Owner Address:

Engineer, Attorney or Other Principal Contact Information

Name:

Address:

Phone #:

Fax #:

email:

Project Information

Project Description:

Highlands Planning Area Exemption Determination  
Submission Requirements

For Exemptions 1, 2, and 5, "single family dwelling" includes those group homes, community residences, and other alternative living arrangements that are specifically authorized to be given equivalent treatment as a single family dwelling under the Municipal Law Use Law, N.J.S.A. 40:55D-1 et seq.

For Exemptions 9 and 11, which require a finding that the project or activity is consistent with the goals and purposes of the Highlands Act, the Highlands Council uses the resource policies, objectives and requirements of the Regional Master Plan as a measure of whether a project meets this threshold. General consistency with the substantive requirements must be found, but complete consistency with each individual requirement of the RMP is not required.

*Exemption 1: For the construction of a single family dwelling for an individual's own use or the use of an immediate family member, on a lot owned by the individual on August 10, 2004, or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.*

I hereby certify that the single family dwelling proposed for construction on the subject lot is intended for my own use or the use of the following immediate family member.

Applicant Initial:  Name of Family Member:

Relationship of Family Member:

Lot Legally Owned by the Applicant on August 10, 2004:

Copy of a deed, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was legally owned by the applicant as of August 10, 2004 and indicating the lot and block as designated by the municipal tax map, the municipality and county in which the lot is located, and the street address.

I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004

Applicant Initial:

Lot Under Contract of Sale to Applicant as of May 17, 2004:

Copy of the binding contract of sale executed by the seller and the applicant on or before May 17, 2004 for the lot on which the house is to be constructed.

I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of the date of the executed contract of sale.

Applicant Initial:

*Exemption 2: For the construction of a single family dwelling on a lot that lawfully existed as of August 10, 2004, provided that construction does not result in the ultimate disturbance of 1 or more acres of land or a cumulative increase in impervious surface by 1/4 acre or more.*

A copy of the recorded deed or plat showing that the lot was created on or before August 10, 2004.

A property survey certified by a licensed New Jersey professional indicating the property boundary lines and overall lot size, and showing what structures currently exist on the lot, if any.

A parcel plan certified by a qualified licensed New Jersey professional showing all existing and proposed development, including all structures, grading, clearing, impervious surface and disturbance, areas of existing disturbance to be restored (if any), and including calculations demonstrating that impervious surfaces and areas of disturbance are within the 1/4 acre and 1 acre limit as prescribed.

A metes and bounds description by a qualified licensed New Jersey professional showing the area of the lot to be disturbed, limited to less than one acre.

I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004.

Applicant Initial:

**Exemption 4:** For reconstruction and/or expansion of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by 1/4 acre or more. (Lawfully existing impervious surface shall be that impervious surface in existence as of the date of municipal adoption of the Highlands Checklist Ordinance or Highlands Area Land Use Ordinance, whichever is earlier.)

- A parcel plan certified by a qualified licensed New Jersey professional showing all existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site as of August 10, 2004 ; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading. Also include supporting calculated values for existing and proposed impervious surfaces for the project/activity.
- A copy of any official documentation indicating the original date of construction of the existing buildings and/or structures, or otherwise establishing the lawfulness of their existence, inclusive of that of existing impervious surfaces.

**Exemption 5:** For improvement(s) to a single family dwelling in existence as of August 10, 2004, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system where that improvement shall maintain the use as a single family dwelling and does not permit use of the structure as a multiple dwelling unit.

- A copy of any official documentation proving the single family dwelling was in existence on August 10, 2004.
- A description of the proposed improvements.
- I hereby affirm that the subject property was in existence as of August 10, 2004 and that all proposed improvements are intended and will continue to be used for single family dwelling purposes.  
Applicant Initial:

**Exemption 6:** For any improvement, for non-residential purposes, to a place of worship owned by a non-profit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on August 10, 2004, including, but not limited, to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility.

- A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004.
- For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non-profit status.
- A site plan certified by the appropriate licensed New Jersey Professional showing all existing impervious surfaces, including all structures, grading, clearing, impervious surface and limits of disturbance, existing on the site on August 10, 2004; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.

**Exemption 7:** For any activity conducted by a landowner in accordance with an approved woodland management plan issued pursuant to the Farmland Assessment Act, N.J.S.A. 54:4- 23.3 or for public lands, the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester

- A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq.
- A brief description of the activities for which the exemption is claimed including the total area of woodlands that is the subject of the approved woodland management plan; and the length of time that the area to be managed has been in use for woodland management.
- A copy of the approved woodland management.

**For Public Lands with a forest management plan approved by the State Forester:**

- A brief description of the activities for which the exemption is claimed including: The total forest area where the normal harvesting of forest products occurs; and the length of time that the area to be managed had been in use for normal harvesting of forest products.
- A copy of the forest management plan approved by the State Forester.

*Exemption 8: For the construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational easement have been established and filed with the deed for the lots on which the easement exists.*

- A site plan certified by the appropriate licensed New Jersey professional showing the proposed trail construction with details including the location and width of existing and proposed trails and those off-site trails to which they connect, if any.
- A written description of the non-impervious materials to be used.
- For privately owned property, a copy of a deed for the property, including the language establishing the conservation or recreational use easement on the property.

*Exemption 9: For the routine maintenance and operations, rehabilitation, preservation, reconstruction, or repair of transportation or infrastructure systems by a State entity or local government unit, provided that the activity is consistent with the goals and purposes of the Highlands Water Protection and Planning Act and does not result in the construction of any new through-capacity travel lanes.*

- A site plan certified by the appropriate licensed New Jersey Professional showing the existing and proposed transportation or infrastructure system.
- A written description of the work to be conducted, the purpose of the activity and how that purpose is consistent with the goals and purposes of Highlands Water Protection and Planning Act.
- A brief description of the State entity or local government unit that is sponsoring and overseeing the proposed activities.

For large scale transportation or infrastructure projects the Highlands Council may require additional information including but not limited to an alternatives analysis, a listing of all regulatory permits and approvals and a comprehensive mitigation plan. Large scale projects shall be those that cross municipal lines, result in an ultimate disturbance of 2 acres or more, or those that the Highlands Council determines would have a significant impact on one or more Highlands Resources identified in the RMP. Please contact the Highlands Council prior to submission to discuss these additional submission requirements.

*Exemption 10: For the construction of transportation safety projects and bicycle and pedestrian facilities by a State entity or local government unit, provided that the activity does not result in the construction of any new through-capacity travel lanes*

- A site plan certified by the appropriate licensed New Jersey professional showing the proposed transportation safety project, bicycle or pedestrian facility.
- A written description of the specific type of project to be constructed and the purpose of the project.
- A brief description of the State entity or local government unit that is sponsoring and overseeing the proposed activities.

*Exemption 11: For the routine maintenance and operations, rehabilitation, preservation, reconstruction, repair or upgrade of public utility lines, rights of way, or systems by a public utility, provided that the activity is consistent with the goals and purposes of the Highlands Water Protection and Planning Act.*

- A site plan certified by the appropriate licensed New Jersey professional showing the existing and proposed utility lines, rights of way or systems.
- A written description of the work to be conducted, the purpose of the activity and how that purpose is consistent with the Highlands Water Protection and Planning Act.
- The identity of the public utility that is sponsoring the proposed activities.

For large scale public utility line rehabilitation, reconstruction or upgrade projects, the Highlands Council may require additional information including but not limited to an alternatives analysis, a listing of all regulatory permits and approvals, and a comprehensive mitigation plan. Large scale projects shall be those that cross municipal lines, result in an ultimate disturbance of 2 acres or more, or those that the Highlands Council determines would have a significant impact on one or more Highlands Resources identified in the RMP. Please contact the Highlands Council prior to submission to discuss these additional submission requirements.

**Exemption 12: For the reactivation of rail lines and rail beds existing as of August 10, 2004.**

A site plan certified by the appropriate licensed New Jersey professional showing the location of the existing rail lines and rail beds.

A brief description of the project for the reactivation, including the sponsoring entity, the work to be conducted to accomplish the project, and an estimated schedule for completion. Included should be a discussion of activities that will take place within and outside of the existing disturbed area, with justification for why the latter should qualify as the reactivation of a rail line and rail beds.

**Exemption 13: For the construction of a public infrastructure project approved by public referendum prior to January 1, 2005 or a capital project approved by public referendum prior to January 1, 2005.**

A copy of the public referendum question as it appeared on the official ballot.

Documentation showing that the referendum was approved.

A resolution from the municipal or county governing body or certification by an official in the relevant State department, as the case may be, that describes the proposed project and its location and affirms that the proposed project is the same as that approved in the referendum.

**Exemption 14: For mining, quarrying, or the production of ready mix concrete, bituminous concrete, or Class B recycling materials occurring or which are permitted to occur on any mine, mine site, or construction materials facility existing as of June 7, 2004.**

A site plan certified by the appropriate licensed New Jersey professional showing the location of existing and proposed activity and development.

At least one relevant official documentation (tax records, local or state permits, bills of sale, lading, etc.) demonstrating that the mine or facility was in existence and operating on June 7, 2004, and included the land on which the proposed activity or development will occur.

A copy of a Certificate of Registration issued by the Commissioner of Labor pursuant to N.J.S.A. 34:6-98.4.

**Exemption 15: For the remediation of any contaminated site pursuant to N.J.S.A 58:10B-1 et seq.**

A site plan certified by the appropriate licensed New Jersey professional indicating the area above or below ground where contamination will be removed or remedied.

A brief description of the project for the remediation activity to be conducted including any structures, impervious surfaces, clearing of vegetation or water diversion being proposed.

A copy of a NJDEP or USEPA letter, application, order, or other documentation demonstrating that the remediation activities are required in accordance with N.J.S.A. 12:58:10B-1 et seq.

The name, address, phone number and email address, if available of the case manager handling or supervising the remediation at the NJDEP.

Exemption 16: *For activities on lands of a federal military installation existing as of August 10, 2004*

- A site plan certified by the appropriate licensed New Jersey professional showing the general location of the proposed activities as being within the borders of a federal military installation and the activity's location with respect to the Highlands Region boundaries.
- A letter briefly describing the proposed activities signed by a supervisory official of the installation.

Additional Information

Applicant Signature

I hereby certify that the information included within this application is true to the best of my knowledge.

Applicant Signature:  Date:

Owner Signature

I hereby certify that I am the owner of the property in question and that the above applicant has the right to submit this application for the property noted herein.

Owner Signature:  Date:

*Please submit this completed application and all materials to:*

**Highlands Water Protection and Planning Council**  
**Attention: Highlands Planning Area Exemption Determination**  
**100 North Road**  
**Chester, NJ 07930**

*For questions related to this application please call 908-879-6737.*