



State of New Jersey

HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL

100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
www.nj.gov/njhighlands



Planning Area Exemption Application

The purpose of this application is to determine whether or not a proposed project is exempt from the provisions of the Highlands Water Protection and Planning Act.

Instructions:

1. Complete Page 1.
2. Review the eligible exemptions to determine which may be applicable to the proposed project(s). Applicants need to only qualify for one of the exemptions, although more than one could apply.
 - a. Select the exemption that yields the highest and best use of the property.
 - b. Initial as indicated by the applicable exemption.
 - c. Include supporting documentation as outlined with the exemption to demonstrate the project meets the parameters.
3. Sign the application form.
4. Submit completed application along with all supporting documentation to the Highlands Council at the address above or via email.

Important Note:

This application will be evaluated by the Highlands Council to determine whether a proposed activity, improvement, or development project involving lands within the Highlands Region is exempt from the provisions of the Highlands Water Protection and Planning Act (N.J.S.A. 13:20-1 et seq., "Highlands Act"). Any proposal that is exempt from the Highlands Act is also exempt from the Highlands Water Protection and Planning Act Rules ("Highlands Rules," N.J.A.C. 7:38-1 et seq.) and from any Highlands Area land use ordinance adopted by the municipality pursuant to approval of its Petition for Plan Conformance by the Highlands Council.

Please note that all references to a professional indicated in this application shall be construed to include any and all qualified individuals licensed, certified, or otherwise eligible and authorized to complete such work, in accordance with the applicable laws and legal requirements of the State of New Jersey including but not limited to the MLUL (N.J.S.A. 40:55D-1 et seq) and Title 13 of the New Jersey Administrative Code, Law and Public Safety.

Please note that this application only addresses whether or not your project is exempt from Highlands regulations. Certification that a project is exempt from the Highlands Act does not relieve one from other regulatory requirements that may apply, including the need to apply for any other permits, whether under municipal, state or other jurisdictional authority. Please note, applicants seeking a Highlands Act Exemption Determination may apply to the NJDEP for projects located in the Preservation Area. Additionally, certain municipalities are qualified and trained to issue certain exemptions. Please visit the Highlands Council website to determine local authority.

Date:		Application Number: <i>(Highlands Use Only)</i>	
Applicant Name:			
Property/Project Information			
Street Address:			
Block(s) & Lot(s):			
Date Lot Created:		Date of Conformance:	
Municipality:		County:	
Existing/Current Use(s):			
Property Owner Information			
Same as Applicant		Owner's Name:	
Owner's Address:			
Applicant Information			
Applicant Name:		Address:	
Phone:		Email:	
Engineer, Attorney or Other Principal Contact Information			
Name:		Address:	
Phone:		Email:	
Project Information			
Brief Project Description <i>(Attach Additional information as necessary)</i>			

Exemptions: Please select one of the following exemptions.

<p>Exemption #4: For the reconstruction 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 by 1/4 acre or more. *The date of lawfully existing impervious surface is Date of Conformance Ordinance in the Planning Area*</p>	
	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 the date of the Highlands Conformance/Land Use Ordinance for the Planning Area.
	A parcel plan certified by a qualified Licensed New Jersey Professional showing all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.
	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.
<p>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.</p>	
	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 a qualified Licensed New Jersey Professional showing all existing property improvements, 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.
<p>Exemption #7: For any activity conducted by a landowner in accordance with an approved woodland management plan issued pursuant to Section 3 of the Farmland Assessment Act, N.J.S.A. 54:4-23.3 or the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester.</p>	
	A brief description of the total area of woodlands that is the subject of the approved woodland management plan and indication of the length of time that the area has been in woodland management (may be submitted in this form).
	A brief description of the activities for which the exemption is claimed (may be submitted in this form).
For a private landowner with an approved woodlot management plan:	
	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. if applicable
	A copy of the approved woodland management plan.
For a forest management plan approved by the State Forester:	
	A copy of the forest management plan approved by the State Forester.
<p>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 use easement has been established.</p>	
	A site plan certified by the appropriate qualified 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: <i>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 Act and does not result in the construction of any new through-capacity lanes.</i>	
	A site plan certified by the appropriate qualified 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 the Highlands Act.
	Provide the name of the Government agency/entity that is sponsoring and overseeing the proposed activities along with pertinent contact information.
<i>For large scale 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/or a comprehensive mitigation plan. Large scale projects include those that cross municipalities, result in an ultimate disturbance of 2 acres or more, or projects that the Highlands Council determines would have a significant impact on one or more Highlands Resources identified in the RMP. It is advised to contact the Highlands Council prior to submission to determine if your project requires additional information.</i>	
Exemption #10: <i>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.</i>	
	A site plan certified by the appropriate qualified 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.
	Provide the name of the Government agency/entity that is sponsoring and overseeing the proposed activities along with pertinent contact information.
Exemption #11: <i>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.</i>	
	A site plan certified by the appropriate qualified 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 Regional Master Plan (RMP) and the Highlands Act.
	The identify of the public utility that is sponsoring the proposed activities, and pertinent contact information.
<i>For large scale public utility lane 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/or a comprehensive mitigation plan. Large scale projects include those that cross municipalities, result in an ultimate disturbance of 2 acres or more, or projects that the Highlands Council determines would have a significant impact on one or more Highlands Resources identified in the RMP. It is advised to contact the Highlands Council prior to submission to determine if your project requires additional information.</i>	
Exemption #12: <i>For the reactivation of rail lines and rail beds existing as of August 10, 2004.</i>	
	A site plan certified by the appropriate qualified 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: <i>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.</i>	
	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 qualified licensed New Jersey Professional showing the location of existing and proposed activity and development.

At least one relevant official document (tax records, local or state permits, bills of sale, lading, etc.) demonstrating that the mine or facility was in existence or operation 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 qualified 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. 12L58-10B-1 et seq.

The contact information 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 qualified 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.

Provide the name and contact information of the official supervising the project.

Additional Information: *Please include additional attachments as needed.*

I, the undersigned hereby certify that the information given herein is correct to the best of my knowledge.

Applicant Signature:

Date:

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 the application and all materials via email or mail to:

Email: highlands@highlands.nj.gov

Mail:

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

For more information, visit nj.gov/njhighlands or call 908-879-6737.