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RMP Program: Redevelopment
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<p><i>Issue Overview</i></p>	<p>The Regional Master Plan strives to accommodate regional growth and development needs primarily through the reuse and redevelopment of previously developed areas, including brownfields, greyfields, and underutilized sites. These areas generally have access to existing utility and transportation infrastructure and often are located in or near existing communities. As they have already been developed, these sites will have comparably fewer environmental constraints than undeveloped areas and the reuse of developed lands conserves natural resources and maximizes infrastructure investments. However, not all such sites are in locations conducive to redevelopment, especially where redevelopment could harm surrounding environmentally sensitive resources.</p> <p>Redevelopment is a strategy to achieve sustainable development in the Highlands. However, redevelopment projects may face more hurdles than the development of greenfields (undeveloped land). Complicating factors may include project financing, ownership and title issues, the regulatory process, legal requirements, remediation, and the demolition/adaptive reuse and rebuilding of land improvements. For this reason, the Highlands Council strives to maximize opportunities for redevelopment in appropriate locations by serving as an advocate for redevelopment in the Highlands Region and by providing technical resources, planning assistance, and agency coordination to municipalities, counties, land owners, and non-profit organizations who are interested in pursuing redevelopment.</p>
<p><i>RMP Policies and Objectives Addressed</i></p>	<p>GOAL 6.5.1 Accommodation of regional growth and development needs through the reuse and redevelopment of previously developed areas, including brownfields, greyfields, and underutilized sites.</p> <p>GOAL 6.5.2. Occurrence of residential, commercial, and industrial development, redevelopment and economic growth in developed areas in locations with limited environmental constraints, access to existing utility and transportation infrastructure, and existing communities.</p> <p>Policy 6.5.2.1. To encourage redevelopment of brownfields, greyfields, and other previously developed areas in a manner consistent with the goals, and requirements of the Plan.</p>

	<p><i>Objective 6.5.2.1.1. Establish a Highlands Interagency Team to support and expedite redevelopment and development activities that conform to the Plan.</i></p> <p><i>Objective 6.5.2.1.2. Encourage and support the use of planning and financing tools that are available through state agencies and programs.</i></p> <p>Policy 6.5.2.2. To maintain a Developed Land Inventory to encourage opportunities for land development, redevelopment and economic growth, where appropriate.</p> <p><i>Objective 6.5.2.2.1. A parcel based inventory of lands in the Highlands Region that are developed, vacant (adjacent to developed), economically underutilized, oversized residential lots, and contaminated sites, to serve as a tool for identifying and marketing sites.</i></p> <p>GOAL 6.5.4. Protection and enhancement of Highlands’ resources through the decontamination of contaminated sites in the region.</p> <p>Policy 6.5.4.1. Encourage and support the restoration and redevelopment or open space use of contaminated areas.</p>
<p>Program Summary</p>	<p>The Highlands Redevelopment Program helps interested parties, municipalities, counties, state, and federal agencies understand where redevelopment opportunities are targeted by the RMP, and how to achieve redevelopment within each RMP zone and in the Planning and Preservation Areas. Redevelopment is a tool that will help achieve residential, retail, service, office, and industrial needs and achieve general economic sustainability in the Region.</p> <p>Redevelopment in the Highlands is a process used to rebuild, restore, or enhance a previously developed area that is appropriate for economic investment and community development in accordance with the smart growth component of the RMP. Redevelopment activities may include the removal and replacement, adaptive reuse or infill of structures within areas which are surrounded by development or substantially developed, or conversion of similar sites to open space uses where appropriate.</p> <p>Redevelopment activities may take place in previously developed areas and greyfields. Greyfield sites usually contain industrial or commercial facilities exhibiting signs of abandonment or underutilization in areas with existing infrastructure, but without evidence or expectation of contamination. These areas are often declining and underutilized strip shopping areas. In the Preservation Area, previously developed areas must have 70% or greater impervious surfaces to be considered for approval by the Highlands Council.</p> <p>Redevelopment activities may also take place on brownfield sites, which are defined as any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been or there is suspected to have been, a discharge or contaminant that meets the designation of a brownfield site pursuant to N.J.A.C. 7:38-6.6. In many cases, brownfield restoration and redevelopment ends with new development. In some cases, it may be more appropriate to consider a “brownfield to greenfield” conversion, which is a project that results in the restoration of contaminated sites into open space and conservation projects, rather than residential or commercial structures. It is also important to implement and enhance, where appropriate, remediation standards and practices that support the restoration of contaminated sites and the associated Highlands resources that may be impaired.</p> <p>In New Jersey, the phrase “area in need of redevelopment” refers to a different process established through the Local Redevelopment and Housing Law (“LRHL”), N.J.S.A. 40A:12A-1 et seq.. This law establishes the process by which municipalities commence redevelopment as a public purpose. While the Highlands Act and the</p>

	<p>RMP refer to “redevelopment” activities, the term in this context is not intended to, nor should it be interpreted to indicate the redevelopment process pursuant to the LRHL. Depending upon the nature of the project, municipalities may decide to utilize the process established by LRHL or may find that it is not necessary.</p>
<p>Preservation Area Redevelopment</p>	<p>Program Description: In the Preservation Area, land development is required to be in accordance with the enhanced environmental standards of the Highlands Water Protection and Planning Act Rules (N.J.A.C 7:38-6.6) adopted by the New Jersey Department of Environmental Protection (NJDEP). NJDEP grants waivers from the Highlands rules on a case-by-case basis for several scenarios, including redevelopment in previously developed areas and brownfields. In order to qualify for a waiver from the Highlands rules, a proposed redevelopment site must be designated as appropriate for development by the Highlands Council. Only those projects that satisfy both Highlands Council’s redevelopment criteria and NJDEP’s waiver criteria may be approved.</p> <p>Greyfields Redevelopment Approval - In order to initiate redevelopment activities on previously developed lands with 70% impervious surfaces in the Preservation Area, the general process is as follows:</p> <ol style="list-style-type: none"> 1. The Highlands Council must approve the designation of a redevelopment site, which must have at least 70% impervious coverage and be appropriate for redevelopment. This approval process is called the Highlands Redevelopment Site Approval Process and can be initiated by any county, municipality, property owner, or designated agent. The Highlands Redevelopment Site Approval Process results in an approval, an approval with conditions, or the denial of an application requesting designation of a Highlands Redevelopment Area. In cases where the Highlands Council determines that a proposed Highlands Redevelopment Area is appropriate for redevelopment, the final determination may include specific conditions to restrict any activities on the site. 2. The NJDEP must review the proposed redevelopment project and issue a Highlands Preservation Area Approval (“HPAA”) with waiver if all necessary requirements are satisfied. A HPAA is a permit to conduct regulated activities in the Perseveration Area and includes a review of the project to determine that it is compliant with all provisions of the Highlands Act. <p>Brownfields Redevelopment Approval - Redevelopment of a brownfield site requires a three step process:</p> <ol style="list-style-type: none"> 1. A site must be designated by the NJDEP as a Highlands brownfield. In accordance with N.J.A.C. 7:38-6.6, there are three tracks under which a site may be designated as a Highlands Brownfield, provided that the contamination onsite is not the result of a current or previous agricultural use: <ul style="list-style-type: none"> • Track One addresses sanitary landfill sites; • Track Two addresses former or current commercial or industrial sites for which: <ol style="list-style-type: none"> i. Prior to the issuance of a No Further Action (NFA) letter, a remedial action report was completed confirming the presence of contamination onsite, and documenting the current or previous use as a commercial or industrial site; ii. The NJDEP has issued an NFA letter for the entire site for which the

	<p>brownfield designation is sought as of July 1, 1993, or later; and</p> <p>iii. No discharge of a contaminant has occurred on the site since the date of the NFA letter.</p> <ul style="list-style-type: none"> • Track Three addresses former or current commercial or industrial sites with suspected or confirmed onsite contamination that have not yet received a No Further Action letter. <p>In order to receive a brownfields designation from the NJDEP, a Highlands Resource Area Determination (“HRAD”) must be completed. An HRAD identifies and/or verifies the location of any Highlands resource area features. The HRAD is not a permit, but rather a process intended to confirm the presence, absence, or location of a Highlands resource area on a site as well as its boundary. On-site remediation may begin, where appropriate, and it must be conducted in accordance with the NJDEP’s Technical Requirements for Site Remediation (N.J.A.C. 7:26E).</p> <ol style="list-style-type: none"> 2. The Highlands Council must identify a brownfield location as appropriate for redevelopment, through the Highlands Redevelopment Site Approval Process. 3. Finally, the DEP reviews the proposed redevelopment project and grants a Highlands Preservation Area Approval (“HPAA”) with waiver if all necessary requirements are satisfied. <p>For further program details, refer to the Highlands Redevelopment Site Approval Process and N.J.A.C. 7:38.</p>
<p><i>Planning Area Redevelopment</i></p>	<p>Program Description:</p> <p>In the Planning Area, redevelopment opportunities exist in accordance with the RMP overlay zone where the proposed project is located. In the Existing Community Zone, opportunities include sites that meet the Preservation Area redevelopment criteria, greyfields, and previously developed lands in locations with water, wastewater, and transportation capacity, <u>and</u> that are appropriate for increased land use intensity or conversion to greenfields. Redevelopment is encouraged where appropriate in the Existing Community Zone. Infringement on environmentally sensitive areas will be limited through application of RMP policies. Conforming municipalities initiating redevelopment activities in accordance with the RMP do not require any specific approval from the Highlands Council.</p> <p>In the Conservation and Protection Zones, redevelopment activities are permitted when they meet the Preservation Area redevelopment criteria, or are greyfield sites in locations with water, wastewater, and transportation capacity, <u>and</u> are appropriate for increased land use intensity or conversion to greenfields. In the Conservation and Protection Zone, Highlands Council approval of a site(s) is required, and approval may be granted as part of the Conformance process or in accordance with the Highlands Redevelopment Site Approval Process.</p>
<p><i>Developed Lands Analysis</i></p>	<p>Program Description:</p> <p>The Highlands Council analyzed developed areas and characterized them by their potential for enhanced growth opportunities. It is a parcel based inventory of lands that are developed, vacant (adjacent to developed), economically underutilized, oversized residential lots, and sites with existing initiatives that suggest the potential for development and redevelopment activities. Additional land data include contaminated sites and non-operating landfills with evidence of ground water contamination. All information will be maintained and updated, as necessary. Not all</p>

	<p>of the identified sites will be appropriate for redevelopment, depending on the potential impact of redevelopment activities on sensitive environmental resources, the pattern of development, etc. The Developed Land Inventory represents a rough estimate of the maximum development potential, part of which will not be realized due to other local and regional policy constraints, land character, market conditions, etc.</p> <p>The Developed Land Inventory is parcel based and will be used to identify sites with potential for redevelopment and will be the basis for monitoring completed redevelopment projects. In Conformance, municipalities and counties are required to review and comment on the existing inventory, and suggest additions and deletions as necessary.</p>
<p>Redevelopment Site Design Standards</p>	<p>Program Description: Site development standards will be provided for all projects, including redevelopment projects. The site standards will guide and control development and redevelopment in the Region. The site standards are intended to provide protection of natural resources, environmentally sensitive areas, open space and agricultural lands, and to enhance and reflect community character. This will be achieved in part by providing flexibility for site requirements that are incompatible with smart growth principles. Examples of flexibility include but are not limited to the reduction of minimum setbacks, the modification of uniform road frontage requirements, and the increase in maximum permitted height.</p> <p>In order to achieve both resource protection goals and remedial requirements, the Highlands Council will determine if enhanced standards for remediation activities will be required. The evaluation of site design and development for contaminated properties will require interagency coordination and will continue to be refined in support of RMP policies.</p> <p>Refer to the <i>Smart Growth Program</i> for additional information.</p>
<p>General Assistance for Eligible Projects – Agency Coordination</p>	<p>Program Description: The Highlands Council will seek to streamline the redevelopment process by establishing a Highlands Interagency Team to support and expedite redevelopment and development activities that are consistent with RMP policies. The Highlands Interagency Team will assist municipalities, counties, and interested parties in redevelopment initiatives that restore and enhance natural features and enhance the built environment. The Interagency Team will be comprised of relevant state agencies who will informally review projects with a problem-solving approach.</p>
<p>General Assistance for Eligible Projects – Technical Assistance</p>	<p>Program Description: The Council will also provide technical assistance in the overall redevelopment process. Technical assistance and support is available for the following activities:</p> <ul style="list-style-type: none"> ▪ Technical assistance with the Highlands Redevelopment Site Approval Process; ▪ Technical assistance with economic improvement issues through the Economic and Fiscal Vitality Program, which covers available programs which enhance economic health and vitality of the Highlands Region; ▪ GIS data, including but not limited to: RMP and municipal zoning, parcel layer data, Highlands natural resource location, open space, water resources, utilities, and impervious surfaces; ▪ Information for those looking to acquire funding through existing resources. Currently, state and federal agency programs offer a variety of grant, loan, and

	<p>technical assistance programs for the planning and implementation of development and redevelopment projects. While available programs and technical assistance may change over time, examples of programs and technical assistance that may be useful for a project in the Highlands Region include;</p> <ul style="list-style-type: none"> ▪ New Jersey Office of Smart Growth’s smart future planning grant program, which offers planning grants to municipalities, counties and non-profit agencies; ▪ New Jersey Economic Development Authority’s real estate development programs and bond financing; ▪ NJ Economic Development Authority and the NJDEP administer the Hazardous Discharge Site Remediation loan and grant programs, which awards funds for the investigation and remediation work on contaminated sites; ▪ New Jersey Environmental Infrastructure Trust’s low-cost financing for projects (including brownfield remediation) that protect and improve water resources; and ▪ Natural Resource Damages Liability Protection for Developers provides liability protection for non-responsible developers against natural resource damage claims.
<p><i>General Assistance for Eligible Projects – Highlands Planning Grants</i></p>	<p>Program Description: Highlands Council discretionary planning grants are intended to initiate important elements of the RMP through planning studies on targeted issues. The grant program serves as a mechanism to implement the goals and policies of the RMP. Sample projects that may be eligible include planning for brownfield and greyfield redevelopment, town center/transit village development, and local and regional economic development strategies.</p> <p>The <i>Plan Conformance Program</i> contains information on Highlands Council funding opportunities relating to the implementation of the RMP.</p>
<p><i>General Assistance for Eligible Projects – Education and Outreach</i></p>	<p>Program Description: The Highlands Council will support education and technical training programs for municipal officials and interested organizations for innovative/alternative development and redevelopment initiatives. These programs will support stakeholder understanding of balancing resource protection/restoration with redevelopment initiatives that contribute to making communities of place with a mix of uses.</p> <p>(See <i>Municipal Education and Outreach Program</i> for further details.)</p>