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MEETING OF THE HIGHLANDS COUNCIL**

RMP Program: Project Review Process
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Issue Overview	<p>The Highlands Council is legislatively charged with reviewing proposed projects throughout the Highlands Region, including both the Preservation Area and the Planning Area, for consistency with the goals, requirements, and provisions of the Highlands Regional Master Plan. The Project Review responsibilities identified in the Highlands Act and specified through State agency coordination include the following:</p> <ol style="list-style-type: none"> 1. Development applications submitted to Local Government Units 2. Call-up of Local Government Unit approvals 3. Capital, State and Local Government Unit projects 4. Highlands Preservation Area Approvals (HPAA) 5. Approvals, authorizations or permits issued by NJDEP 6. Highlands Act exemption determinations in the Planning Area <p><u>Development Applications:</u> Section 6.r of the Highlands Act identifies the specific responsibility to “comment upon any application for development before a local government unit, on the adoption of any master plan, development regulation, or other regulation by a local government unit, or on the enforcement by a local government unit of any development regulation or other regulation, which power shall be in addition to any other review, oversight, or intervention powers of the council prescribed by this act.”</p> <p><u>Call-up of Local Government Unit approvals:</u> Section 17.a.(1) of the Act states that “[s]ubsequent to adoption of the regional master plan, the council may review, within 15 days after any final local government unit approval, rejection, or approval with conditions thereof, any application for development in the preservation area” with the ability to override the local decision if inconsistent with the RMP. Within the Planning Area, the Council shall include as a condition of Plan Conformance procedures for the Highland Council call-up <u>Local Government Unit approvals.</u></p> <p><u>Capital, State and Local Unit Projects:</u> Section 16 of the Act states that “the council may provide comments and recommendations on any capital or other project proposed to be undertaken by any State entity or local government unit in the Highlands Region.”</p>
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	<p><u>Highlands Preservation Area Approvals (HPAA)</u>: The Highlands Act, in Sections 9 and 11, authorize the Highlands Council to “identify areas in which redevelopment shall be encouraged” in the Preservation Area and “any areas identified for possible redevelopment pursuant to this subsection shall be either a brownfield site designated by the Department of Environmental Protection or a site at which at least 70% of the area thereof is covered with impervious surface.” These Redevelopment Site Approvals would be reviewed and approved by the Highlands Council and then review for consistency with NJDEP’s waiver provisions in accordance with N.J.A.C. 7:38-6.</p> <p><u>Approvals, authorizations or permits issued by NJDEP</u>: The NJDEP’s Highlands rules (N.J.A.C. 7:38) also empowers the Council to review and comment on proposed projects in the Region. The rules state “for the planning area, when consistent with its statutory and regulatory authority, the Department shall not issue any approval, authorization or permit that the Department determines, in consultation with the Highlands Council, to be incompatible with the resource protection goals in the RMP...”(N.J.A.C. 7:38-1.1(h)). N.J.A.C. 7:38-1.1(i) states “In its review of permits or approvals under this chapter in the preservation area, the Department shall apply the standards of this chapter and those in the RMP, to be incorporated by reference in (l) below, when adopted by the Highlands Council. Where the Department, in consultation with the Highlands Council, determines there is an inconsistency in the standards, the Department shall apply the Regional Master Plan.” As per N.J.A.C. 7:38-1.1(j), the NJDEP shall give great consideration and weight to the RMP, to be incorporated by reference in making permit decisions that: 1) provide relief from strict compliance with the standards of the applicable permit programs, such as making a determination of public benefit or hardship waiver from certain NJDEP permits; or 2) provide relief through the issuance of a HPAA with waiver.</p> <p>Specifically, the rules at N.J.A.C. 7:38-1.1(k) require that NJDEP only approve a Water Quality Management Plan (WQMP) amendment after receiving from the Highlands Council a determination of consistency with the RMP, for both the Preservation and Planning Areas.</p> <p><u>Highlands Act exemption determinations in the Planning Area</u>: The Highlands Council will review and make determinations of those projects in the Planning Area that determined to be exempt from the Highlands Act under Section 30. The Council shall use the applications procedures and substantive standards for Highlands Applicability Determinations in NJDEP’ Highlands Rules at N.J.A.C. 7:38-1.1 et seq which are incorporated herein by reference.</p> <p>It is imperative to develop a comprehensive, coordinated system of project reviews to ensure that there is consistency and sufficient detail in review approach among different types of projects. Implementation of a detailed and comprehensive process will result in maximum efficiency, cost-effectiveness, and transparency and will serve as a mechanism to coordinate state agency reviews on projects requiring multiple permits.</p>
<p>RMP Policies and Objectives Addressed</p>	<p>Policy 1.1.2.5. To ensure that forest resources are protected on a site specific basis during site plan or subdivision review.</p> <p>Objective 1.1.2.5.1. <i>Applications for development approval require identification of any forest area on and adjacent to a site in accordance with the Highlands Council’s <u>Alternate Method for Identifying Upland Forest Areas</u> in the Highlands Region.</i></p> <p>Policy 1.2.1.4. Highlands Open Waters shall include a protection buffer of 300 feet from the edge of the Highlands Open Water feature. All development shall comply</p>

	<p>with buffer standards which provide for the protection of Highlands Open Waters reviewed on a site-specific basis during site plan or subdivision.</p> <p>Objective 1.2.1.4.1. <i>Require that all applications for site plan or subdivision approval include the identification and mapping of Highlands Open Waters.</i></p> <p>Policy 1.2.1.5. Protect the integrity of the Riparian Areas through the application of project review standards during site plan review.</p> <p>Objective 1.2.1.5.1. <i>Require that all applications for site plan or subdivision approval include the identification and mapping of Highlands Riparian Areas.</i></p> <p>Policy 1.3.1.6. To require that applications for site plan or subdivision approval include topographic information identifying the location of any Steep Slope Protection Areas located on the parcel proposed for development.</p> <p>Policy 1.3.1.7. To require that applications for site plan or subdivision approval involving parcels of land with slopes of 10% or greater include identification of forested lands, areas which are highly susceptible to erosion, depth to bedrock and Soil Capability Classes.</p> <p>Policy 1.4.1.6 To require that applications for site plan or subdivision approval for lands within Critical Wildlife Habitats, Significant Natural Areas, or within 1,000 feet of Vernal Pools be subject to resource management programs, including minimum standards and criteria.</p> <p>Policy 2.2.2.7. To implement resource protection standards to provide for the protection of ground water recharge areas on a site-specific basis during site plan review.</p> <p>Policy 3.1.10. To establish and implement resource management programs which protect agricultural resources during site plan or subdivision review and approval.</p> <p>Policy 4.1.4. To require that the impact of proposed human development on the historic and cultural resources of the Highlands Region be addressed during site plan or subdivision review and approval.</p> <p>Objective 4.1.4.1. <i>All applications for site plan or subdivision approval shall include identification of any cultural, historic or archaeological resources in the Highlands Region which are listed on the Highlands Historic and Cultural Resource Inventory and may be affected by the proposed development.</i></p> <p>Policy 4.2.5. To require that the impact of proposed human development on the scenic resources of the Highlands Region be addressed during site plan or subdivision review and approval.</p> <p>Objective 4.2.5.1. <i>All applications for site plan or subdivision approval shall include identification of any scenic resources in the Highlands Region which are listed on the Highlands Scenic Resources Inventory and may be affected by the proposed development.</i></p> <p>Policy 9.1.5. To implement resource protection standards to provide for the protection of air quality on a site-specific basis during site plan or subdivision review.</p>
<p>Program Summary</p>	<p>The purpose of this program is to establish administrative and procedural standards to facilitate accurate, comprehensive and timely reviews of applications submitted to the Highlands Council. The procedures will be designed to provide accurate and complete information as a basis Council determinations. The program will establish a process that is clear, transparent and understandable to, applicants, the Council, state agencies and the public. The program has three principal components:</p> <ul style="list-style-type: none"> • Administrative Review procedures to ensure that applications are processed and tracked and that the review process is efficient and transparent • Technical Review procedures to ensure that there is an accurate and consistent technical review • Council Review procedures leading to a comprehensive Council determination
<p>Administrative Procedures</p>	<p>Program Description</p> <ul style="list-style-type: none"> • The Highlands Council will establish standard operating procedures regarding all

	<p>project applications received. The Council will implement its filing system by project category (e.g., WQMP, Redevelopment, etc.), county and municipality. Following are the general elements that will comprise the administrative procedures process: a system regarding the logging, tracking and filing of all applications</p> <ul style="list-style-type: none"> • a process of notifying the public regarding all pending reviews • procedures regarding pre-application meetings • a process for determining if an application is administratively complete • appropriate permit fee schedules • review timeframes/schedules • procedures for public access to, and review of, applications • procedures for determining whether a public hearing or staff administrative hearing is required • procedures for conducting public hearings or staff administrative hearings • procedures for establishing a service list for each application
<p><i>Technical Review Procedures</i></p>	<p>Program Description</p> <p>The Highlands Council will establish detailed technical review procedures for all project categories. Following are the general elements that will comprise the technical review procedures:</p> <ul style="list-style-type: none"> • all applications must be submitted with sufficient information to allow a complete project review, including a GIS or AutoCAD site layout. Submittal of written and graphical information in electronic format will be encouraged. • all project reviews will utilize the standard RMP resource GIS layers • all project reviews will utilize the standardized project review checklist; the checklist for a particular project category will be tailored as necessary to accommodate specific requirements (e.g., the 70% impervious surface determination for proposed redevelopment areas) • all WQMP reviews will be based upon information provided by the NJDEP or applicant on behalf of NJDEP, in addition to the Council’s RMP resource GIS layers • based upon the GIS-layer review and the completion of the project review checklist, staff reviews will be summarized in a draft staff recommendation report • applicants will be provided with the draft staff recommendation report and given an opportunity to provide comments
<p><i>Council Review Determinations</i></p>	<p>Highlands Council staff will present a final staff report with recommendations to the Highlands Council to approve, deny, or approve with conditions. Approval of a proposed project is dependant on the demonstration that it is substantially consistent with the goals, requirements, and provisions of the Highlands Act and the RMP. Any The Highlands Council shall provide an opportunity for public comment and then approve, approve with conditions, or deny the application. Where a project is approved with conditions, the conditions shall be specified. Where a project is denied, the specific justification for denial shall be specified. The Highlands Council’s final determination shall include written findings of fact and conclusions based thereon.</p>