

**RESOLUTION 2009-44**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**DESIGNATION OF HIGHLANDS REDEVELOPMENT AREA**  
**OAK RIDGE ROAD ASSOCIATES L.L.C.**

**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, Oak Ridge Road Associates L.L.C., West Milford Township, Block 15901 Lot 1, submitted a Petition for Highlands Redevelopment Area Determination on December 16, 2008; and

**WHEREAS**, on February 6, 2009, the Highlands Council staff, following the Procedures, determined that the application was administratively complete and sufficient for the staff to commence a technical review; and

**WHEREAS**, the Highlands Council released the Highlands Council Staff Draft Recommendation Report Proposed Highlands Redevelopment Area Designation Block 15901 Lot 1, West Milford, dated April 17, 2009 (Draft Recommendation Report) for public comment; and

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**WHEREAS**, the Highlands Council held a public comment period concerning the proposed Highlands Redevelopment Area Designation commencing April 17, 2009 and ending May 8, 2009; and

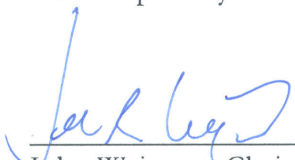
**WHEREAS**, the Highlands Council staff duly considered the Draft Recommendation Report and all public comments; and

**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 Proposed Highlands Redevelopment Area Designation Block 15902 Lot 1, West Milford, dated May 15, 2009 (Final Recommendation Report);

**NOW, THEREFORE, BE IT RESOLVED**, the Highlands Council hereby approves of the Oak Ridge Road Associates L.L.C.'s 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 25<sup>th</sup> day of June, 2009.

  
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John Weingart, Chairman

**Vote on the Approval of  
this Resolution**

	<b><u>Motion</u></b>	<b><u>Second</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Abstain</u></b>	<b><u>Absent</u></b>
Councilmember Alstede			✓			
Councilmember Calabrese						✓
Councilmember Carluccio				✓		
Councilmember Cogger			✓			
Councilmember Kovach			✓			
Councilmember Letts			✓			
Councilmember Pasquarelli				✓		
Councilmember Peterson			✓			
Councilmember Schrier			✓			
Councilmember Vetrano	✓		✓			
Councilmember Way			✓			
Councilmember Whitenack		✓	✓			
Councilmember Weingart			✓			