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## **Highlands Municipalities Enjoying Benefits of Localized Exemption Decisions**

*Program moves most common Highlands Act exemption  
determinations to local level*

CHESTER, N.J. — Since introducing its Municipal Exemption Determination program in March 2013, the Highlands Council has certified 12 municipalities to issue determinations regarding some of the most common Highlands Act exemptions. This means municipal officials in these towns can review these exemptions at the local level, without the need to involve New Jersey Department of Environmental Protection (NJDEP) or the Highlands Council. Covered exemptions include projects such as construction of single family homes on certain lots, improvements to single-family homes, and improvements or reconstruction of non-residential structures.

“Frequently, people have the misconception that they can’t build a deck, a shed, or an addition to their home if they are located within the Highlands Region,” says Highlands Council Chairman Jim Rilee. “That’s simply not the case. There are exemptions written into the Act that provide for these types of situations. Previously, municipalities and property owners had to coordinate with the NJDEP or the Highlands Council to verify exemptions. This program eliminates that need and trains local officials to issue determinations for these specified exemptions.”

The program is the result of a Memorandum of Understanding (MOU) between the Highlands Council and the NJDEP, signed in 2012, outlining a plan for authorizing municipalities with approved Plan Conformance Petitions to issue seven of the 17 exemptions in the Highlands Act (see

list below). Typically, NJDEP administers applications for exemption determinations in the Preservation Area, while the Highlands Council oversees applications in the Planning Area.

To date, nearly 70 exemption decisions have been made at the local level in the 12 certified municipalities. Rilee says feedback from those towns has been very positive, indicating implementation has been easy and residents appreciate the faster, more efficient review of their projects. Mike Kelly, Township Engineer from Mahwah is enthusiastic about the program and says it is running well.

“Being able to issue these exemptions locally has been extremely helpful to our residents,” said Kelly. “The training program prepared us well and the Highlands Council staff has been available to us throughout the process. Overall it’s been a smooth transition.”

Training sessions are scheduled periodically and are available upon request. Municipalities with approved Plan Conformance Petitions are eligible to attend. Once training is complete, municipalities must then adopt the Highlands Area Exemption Ordinance and receive certification from the Highlands Council before beginning to issue exemption determinations. Certified municipalities as of September 2014 are: In Bergen County, Mahwah Township; In Hunterdon County, Califon Borough, High Bridge Borough, Lebanon Township; In Morris County, Chester Township, Montville Township, Mount Olive Township; In Passaic County, Ringwood Borough, West Milford Township; In Sussex County, Byram Township, Vernon Township; and in Warren County, Allamuchy Township. Several other municipalities are on-track for certification in the near future. More information is available via the Highlands Council website (link below).

#### **Exemptions eligible for municipal determinations**

- Exemption 1. The construction of a single family dwelling for owner’s own use
- Exemption 2. The construction of a single family dwelling with conditions
- Exemption 4. The reconstruction of any building or structure with conditions
- Exemption 5. Improvements to an existing single family dwelling
- Exemption 6. Any non-residential improvement to a place of worship, public or private school, or hospital
- Exemption 7. Any activity conducted in accordance with an approved woodland management plan
- Exemption 8. The construction or extension of trails with non-impervious surfaces on publicly or privately owned lands

*Note: The above details are summaries of the seven exemptions eligible for municipal determinations. The complete language of each exemption can be found in the Highlands Act. The Municipal Exemption Determination Certification program does not change the language of the Highlands Act and only involves the governmental level at which exemption decisions are made.*

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**Additional Information: Highlands Area Municipal Exemption Determination Certification Program**  
<http://www.nj.gov/njhighlands/planconformance/#15>