

**Highlands Preservation Area Approval Application Checklist Items for
HPAA with Redevelopment Waiver**

Sand Shore Road (Hackettstown Congregation of Jehovah’s Witness), Block 4500 Lot 3, Mount Olive

See Highlands Council Review at: <http://www.highlands.state.nj.us/njhighlands/projectreview/>

****For advisory purposes only – please be advised that this checklist provides information to both the applicant and NJDEP from the analysis prepared by the Highlands Council. NJDEP may require additional information be required as part of the review of the HPAA application. ****

June 2011

HPAA Checklist Item <i>(All of the information required in N.J.A.C. 7:38-9.5)</i> Items deemed unnecessary highlighted	Submittal Status/ Highlands Council Analysis	Comments and Action Items For Items in green the applicant (Hackettstown Congregation of Jehovah’s Witness), needs to supply
1. A completed copy of this checklist	Applicant will submit	Applicant to provide
2. A LURP-2 application form, completed in accordance with the directions on the form;	Applicant will submit	Applicant to provide
3. The appropriate fee, indicated in the Highlands Preservation Area Approval fee table, which can be found at www.state.nj.us/dep/highlands	Applicant will submit	Applicant to provide. The base fee for the review of a HPAA with a completed HRAD shall be \$2,500 plus \$50.00 per acre, or any fraction thereof of Highlands resource areas to be affected (Highlands Council contends that its Consistency Determination and Recommendation Report serve as functional equivalent for HRAD.) For all projects requiring review of stormwater calculations: \$2,000
4. Proof that the public notice requirements below have been met. (Note: To prove that an item has been sent to a person, submit either the white postal receipt you receive when you send the item by certified mail, or the green certified mail return receipt card.) Entire application must be sent to municipal clerk and Highlands Council . Notice letters to environmental commission, municipal planning board and construction official, county planning board, county	Applicant will submit	Applicant to provide notice.

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environmental commission, all landowners within 200 feet of boundary of site		
5. The approximate boundaries the project or activities clearly delineated on a USGS quadrangle Map	Applicant will submit	Applicant to provide
6. Two copies of a recent county road map or local street map, with the site clearly marked	Applicant will submit	Applicant to provide.
7. Two sets of original color photographs, mounted on 8½ by 11 inch paper, sufficient to show the conditions on the site, and immediately surrounding areas, as well as the area of disturbance for the proposed activities. A minimum of ten photographs is required	Applicant will submit. Note: The project site can be readily viewed and analyzed using the Highlands Council interactive mapping with <i>3-D Birds Eye View</i> at http://maps.njhighlands.us/hgis/	Applicant to provide
8. A copy of a Municipal tax map(s) delineation the project or activity site by lot(s) and block(s)	Applicant will submit	Applicant to provide
9. A copy of the Highlands Applicability Determination issued by the Department, or, in the case where an applicant does not have an applicability determination because he or she stipulated under N.J.A.C. 7:38-2.4(a) that the proposed activity is subject to the Highlands Act, the information required at N.J.A.C. 7:38-9.2(b)3 and 4, and 9.2(c)	N/A - Applicant stipulates that Highlands Act is applicable. Highlands CD and Recommendation report the functional equivalent of HRAD – meeting requirements at N.J.A.C. 7:38-9.2(b)3 and 4, and 9.2(c)	
10. If the proposed project or activity requires new or modified water supply allocation permits please visit the Highlands website for the checklists to apply for these permits	N/A	
11. Information and/or certifications regarding the presence or absence of rare, threatened or endangered species habitat, ecological communities, historic or archaeological resources, or other features on the site relevant to determining compliance with the requirements of this chapter. This information shall include but not be limited to a letter from the Natural Heritage Program indicating the presence or absence of any rare, threatened or endangered species or	See Highlands Council project review at: http://www.highlands.state.nj.us/njhighlands/projectreview/ The Highlands Council GIS data (same as Natural Heritage Data) indicate that portions of Block 8300 Lots, 5, 5.01, and 6 are mapped as Critical Habitat. However, review of aerial photography indicates that Lots 5 and 6 have been completely cleared and a building has been constructed on each lot – no natural habitat remains. With respect to Lot 5.01 (the lot	

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ecological communities listed in the Natural Heritage Database on or near the site	where the new construction is proposed), the northern and southern borders are mapped as Critical Habitat for bobolink (<i>Dolichonyx oryzivorus</i>), a New Jersey threatened species of Special Concern. Some development activities may encroach upon the mapped area to the north. Suitable habitat for bobolink in New Jersey is grasslands, which occur mostly in the form of hay fields, pastures, and fallow cropland. Block 8300 Lot 5.01 is disturbed with considerable compacted dirt surface; it appears that while portions of the lot are mapped as Critical Habitat for bobolink, it is highly unlikely that these areas are functioning as bobolink habitat.	
12. When an applicant intends to rebut the presumption of rare, threatened or endangered species habitat on the applicant's site as set forth at N.J.A.C. 7:38-5.1(a), all habitat evaluation information pursuant to N.J.A.C. 7:38-5.1(b)	N/A	
13. Any other information not listed herein, that the applicant or the Department deems necessary to demonstrate compliance with this rule or the Federal rules governing the Department's assumption of the Federal 404 program. In addition, the Department may require any information necessary to clarify whether an application meets State and/or Federal standards	The Highlands Council GIS data indicate that no Highlands Open Waters exist on the tract. An area along the northern boundary of Block 8300 Lot 5.01 (the lot where the new construction is proposed) is within a Highlands Open Waters buffer, for a wetland located across the street (Stephens Park Road) from Lot 5.01. This Highlands Open Waters buffer would be encroached upon by the proposed construction. This buffer is currently disturbed (open field with considerable compacted dirt surface.)	

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<p>14. The following information on the location of special Highlands resources on the site:</p> <p>A. A Highlands Area Resource Determination (HRAD) if one has been issued for the site; or</p> <p>B. If no Highlands LOI has been issued, and the site is larger than one acre, the application must include all of the information required for an application for a line verification HRAD. A formal delineation report is not required. However, the application must include the data sheets and supporting information used to record the information on soils and vegetation which formed the basis for the boundary determination;</p> <p>C. If the applicant has a currently valid approved Freshwater Wetlands letter of interpretation (LOI), issued by the Department for the site under N.J.A.C. 7:7A-3, this may be submitted instead of an HRAD so long as the applicant also provides information regarding any additional HRAs not previously identified in the LOI;</p> <p>D. If no Freshwater wetlands LOI or HRAD has been issued and the site does not contain Highlands open waters, no delineation or other information is required;</p> <p>E. If no Freshwater or HRAD has been issued, and the site is one acre or smaller, no delineation or other information is required, except if indicated otherwise in this checklist</p>	<p>Highlands CD and Recommendation report the functional equivalent of HRAD – meeting requirements at N.J.A.C. 7:38-9.2(b)3 and 4, and 9.2(c)</p>	

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<p>15. Six copies of a detailed project description including:</p> <p>A. The purpose and intended use of the proposed project;</p> <p>B. A description of the regulated activities necessary to complete and operate or occupy the proposed project;</p> <p>C. A description of any structures to be erected, and how they will be used;</p> <p>D. A schedule for the progress and completion of the proposed project;</p> <p>E. The total area of Highlands open waters and Highlands open water buffers proposed to be disturbed (if any);</p> <p>F. The total area of upland forest area on the site and the total area of upland forest area that will be disturbed</p> <p>G. The amount of pre-development impervious coverage on the site and the total aggregate impervious coverage on the site following completion of the proposed project;</p> <p>H. A description of slopes between 10% and 20% and 20% or greater that are present on the site</p> <p>I. An evaluation of whether and how rare, threatened or endangered animals or plant species or ecological communities will be affected by the proposed activities;</p> <p>J. An architectural or Phase I archaeological survey for the applicants proposing work that will impact historic structures or archaeological resources</p> <p>K. A Phase II archaeological survey for applicants that discover archaeological features resources as a result of the Phase I archaeological survey</p> <p>L. The names, addresses and professional qualifications of those used to prepare the detailed project description</p> <p>M. If any or all of the proposed project or activity is in a flood hazard area</p> <p>N. Source of floodplain data</p>	<p>The Highlands Council CD and Recommendation Report fulfill this requirement. See Highlands Council project review at: http://www.highlands.state.nj.us/njhighlands/projectreview/</p> <p>The Highlands Council has provided copies to NJDEP.</p> <p>A. See Recommendation Report – Section 1. Project Description</p> <p>B. See Recommendation Report – Section 4. Findings and Recommendations – Resource Assessment</p> <p>C. See Recommendation Report – Section 1. Project Description</p> <p>D. N/A – schedule to be determined</p> <p>E. See Recommendation Report – Section 4. Findings and Recommendations – Resource Assessment and Consistency Determination – Comments for Part 1 Subpart B – Highlands Open Waters and Riparian Areas</p> <p>F. See Consistency Determination – Comments for Part 1 Subpart A – Forest Resources</p> <p>G. See Recommendation Report – Section 4. Findings and Recommendations – Impervious Surface Requirement</p> <p>H. See Consistency Determination – Comments for Part 1 Subpart C – Steep Slopes</p> <p>I. See Consistency Determination – Comments for Part 1 Subpart D – Critical Habitat</p> <p>J. See Consistency Determination – Comments for Part 4 Historic, Cultural, Archaeological, and Scenic Resources</p> <p>K. See Consistency Determination – Comments for Part 4 Historic, Cultural, Archaeological, and Scenic Resources</p> <p>L. See site plan</p> <p>M. No floodplain</p> <p>N. Highlands GIS data</p>	<p>.</p>

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<p>16. Six folded copies of a site plan or subdivision map, signed and sealed by a NJ licensed professional surveyor and, where appropriate, a NJ licensed professional engineer, showing the entire site and indicating the following:</p> <p>A. All existing structures on the site and on all immediately adjacent lots;</p> <p>B. All proposed structures, disturbances, and activities;</p> <p>C. Distances and dimensions of areas, structures and lots, including the boundaries of freshwater wetlands, state open waters, flood hazard areas, uplands, roads, and utility lines;</p> <p>D. A complete delineation of the boundaries of all Highlands open waters, transition areas, forest and slopes 10% to 20% and slopes greater than 20%, HRAD issued by the Department that shows the Highlands open water boundary, forest boundary slopes 10% to 20% and slopes greater than 20% may be submitted to satisfy this requirement. Include a copy of a map or plan, which depicts the approved lines;</p> <p>E. A calculation of total existing and proposed percent impervious surface for the entire site</p> <p>F. The area which will be used for the proposed activity or discharge;</p> <p>G. The location of the site in relation to development in the region;</p> <p>H. The scale of the plan and a north arrow;</p> <p>I. Soil erosion/sediment control details;</p> <p>J. The name of all persons who prepared the plan and the date of preparation;</p> <p>K. The name of the applicant, and municipal lot(s) and block number(s) of the project site;</p> <p>L. For projects in a flood hazard area plans must also:</p> <p>1. Reference 1929 NGVD;</p>	<p>Applicant will submit</p>	<p>Applicant to provide</p>

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2. Provide all cross sections, profiles and all relevant details referenced in the engineering report.		
17. A mitigation proposal for all disturbances to Highlands open waters shall be submitted.	The Highlands Council GIS data indicate that no Highlands Open Waters exist on the tract. An area along the northern boundary of Block 8300 Lot 5.01 (the lot where the new construction is proposed) is within a Highlands Open Waters buffer, for a wetland located across the street (Stephens Park Road) from Lot 5.01. This Highlands Open Waters buffer that would be encroached upon is currently disturbed (open field with considerable compacted dirt surface.) Thus, the Highlands Council staff maintains that no mitigation is required.	
18. If the site is located in an area designated a Wild and Scenic River, or under study for such designation, this approval will not be granted until a letter is received from the National Park Service	N/A	
19. Stormwater management calculations in accordance with the Stormwater Management rules must be provided for all major developments	Applicant did supply stormwater management plan as part of petition to Highlands Council – NJDEP to determine suitability of those material for their review. **Note – there should be a coordinated review of the stormwater plan between the Highlands Council and the NJDEP to ensure that the conditions of the Highlands Council's recommendation are met. Related to stormwater is the condition that the applicant shall supply a stormwater management plan that incorporates low impact development techniques and a construction implementation plan that minimizes disturbance during and after construction.	Applicant will provide
20. A copy of all past Department approvals for activities on the site;	Applicant will provide LOI and any other Department approvals	Applicant will provide LOI and any other Department approvals

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21. The names and addresses of all consultants, engineers, and other persons providing technical assistance in preparing the application;	Applicant will submit	Applicant to include copies in NJDEP submittal package.
Remainder of the checklist is to be used for any project that proposes activities regulated pursuant to the Flood Hazard Area Control Act rules at N.J.A.C. 7:13., and thus, NA	N/A	

7:38-9.6 ADDITIONAL APPLICATION REQUIREMENTS FOR A HIGHLANDS PRESERVATION AREA APPROVAL WITH WAIVER

An administratively complete application for an HPAA with waiver shall contain:

1. All of the information required in N.J.A.C. 7:38-9.5:

Response: See checklist above

2. An analysis describing all alternatives to the proposed project which would reduce each impact of the project as listed in N.J.A.C. 7:38-6.2(a) and the reasons the applicant did not adopt that alternative

Response: The Hackettstown Congregation of Jehovah's Witness proposes to construct a 4,296 sq ft one-story building (for use as the Congregation's Kingdom Hall), associated parking area, drainage, and a new individual subsurface disposal system. According to correspondence in the project file, the Congregation became interested in the property in 2003 and went into negotiations to purchase the property from Pierson Realty, LLC. Since the zoning did not allow religious institutions, the Congregation required a "D" Variance from the Township of Mount Olive. Concept plans were developed for the congregation building, associated parking, and septic system. The concept plan and various applications were submitted to Mount Olive Township on October 9, 2003 and received approval on December 1, 2003. The Congregation had drilled a well on the property in June 2003, purchased the property, and the deed was filed on February 27, 2004, prior to adoption of the Highlands Act. *Over time, to reduce environmental impacts, the Congregation decided to scale back the building to half the size, which reduced the parking and impervious surface.*

3. A description of the source of water or waste water disposal that would be used by development if the waiver is granted

Response: Water usage would be 456 gallons per day for the religious facility and the proposed redevelopment would be served by the existing on-site well and a proposed on-site septic system.

4. A request for a specific waiver in accordance with N.J.A.C. 7:38-6.4(a)
Response: Consistent with N.J.A.C. 7:38-6.4(a), is seeking a waiver from the Department under N.J.A.C. 7:38-6.4(a)2 regarding Highlands Open Water buffers and septic density for redevelopment in a previously developed area in the Preservation Area identified by the Highlands Council pursuant to N.J.S.A. 13:20-9b or N.J.S.A 13:20-11

5. A detailed explanation why the proposed activity meets the criteria for a waiver in N.J.A.C. 7:38-6.4(a);
Response: The Highlands Council has issued a Highlands Redevelopment Area Designation pursuant to N.J.S.A. 13:20-9b and N.J.S.A 13:20-11

6. A detailed description of the specific HPAA requirement for which a waiver is sought, and a comparison of the HPAA standard with the level of compliance the proposed development provides (for example, “N.J.A.C. 7:38-3.5 limits a development to a maximum of three percent impervious coverage whereas the proposed project requires a total of four percent”);
Response: Two HPAA standards:
 1. N.J.A.C. 7:38-3.4 states that on a lot that does not contain forest, the applicant proposes no more than one individual subsurface disposal system or equivalent disposal unit for each 25 acres of the lot, whereas the lot for the proposed project is less than 25 acres
 2. N.J.A.C. 7:38-3.6 states that there shall be a 300-foot buffer adjacent to Highlands open waters in which no disturbance is permitted, except as provided in this chapter. The Highlands Council GIS data indicate that an area along the northern boundary of Block 8300 Lot 5.01 (the lot where the new construction is proposed) is within a Highlands Open Waters buffer, for a wetland located across the street (Stephens Park Road) from Lot 5.01. This Highlands Open Waters buffer that would be encroached upon is currently disturbed (open field with considerable compacted dirt surface.)

7. An explanation how the proposed activity satisfies each of the remaining HPAA standards at N.J.A.C. 7:38-3
Response: The Highlands Council approval of this Highlands Redevelopment Area demonstrates that the proposed activity satisfies each of the remaining HPAA standards at N.J.A.C. 7:38-3. The Highlands Council approval process includes: 1) A pre-application and application to the Highlands Council; 2) A Draft Consistency Determination, a Draft Staff Recommendation Report, and Mapping of Highlands resources; 3) A Public Notice, public comment period, and a Comments Summary and Response document ; 4) A Public meeting held by the Highlands Council with additional opportunity for public comment and a vote by Council on a Resolution. Given this extensive process, the NJDEP should be able to rely upon the analysis and conclusions of the Highlands Council in considering an HPAA application for a redevelopment area waiver in accordance with NJDEP’s Preservation Area rules at N.J.A.C. 7:38-1.1

8. A detailed explanation why the proposed activity satisfies the standards at N.J.A.C. 7:38-6.2(a);
Response: That explanation can be found in the Highlands Council Recommendation Report (table on page 4).

9. Documents showing the conclusion of an applicant’s legal challenges, if any, to the Department’s decision on the application for an HPAA under the rules as strictly applied,
Response: N/A

****Note – there should be a coordinated review of the HPAA with redevelopment waiver application between the Highlands Council and the NJDEP to ensure that the conditions of the Highlands Council’s recommendation are met as follows:**

- 1.. The encroachment into a Highlands Open Waters buffer shall be entirely within a previous disturbed area, which would not result in a net impact to the functional value of the buffer (in conformance with Policy 1D4) and therefore qualifies for a waiver;
2. The Township of Mount Olive commits to ensuring that the proposed use of Lot 5.01 provide mitigation equal to 125% of the proposed consumptive water uses through on-site recharge or water conservation practices within the same site or HUC14 subwatershed to the maximum extent feasible, with a waiver allowed for any remaining portion. There shall be a coordinated review between the staff of the Highlands Council and the NJDEP to ensure that this condition is met;
3. The remainder of Lot 5.01 outside of the proposed development area shall be protected through a conservation restriction, specifically authorizing ecological restoration and maintenance, with recognition of any existing utility structures such as storm sewers that may periodically need maintenance or replacement.
4. The stormwater regulations must be followed in the project design upon HPAA with redevelopment permitting, as part of the NJDEP permitting process. There shall be a coordinated review between the staff of the Highlands Council and the NJDEP such that under the NJDEP waiver, the applicant shall supply a stormwater management plan that incorporates low impact development techniques and a construction implementation plan that minimizes disturbance during and after construction