HIGHLANDS COUNCIL MEETING

April 16, 2009

Eileen Swan
Executive Director
Plan Conformance Update

- 73 municipalities have filed a Notice of Intent
- 71 municipalities have applied for an Initial Assessment Grant
- 67 municipalities have applied for a 2009 Plan Conformance Grant
- 59 municipalities have submitted Module 1 results
Highlands Redevelopment Areas
Highlands Redevelopment Area Designation

- The Highlands Act allows three types of waivers from the NJDEP Preservation Area rules:
  - for public health and safety
  - for redevelopment areas identified by the Highlands Council
  - to avoid a taking of property without just compensation
Designation Procedures
Adopted October 30, 2008

- Highlands Council designation of a Highlands Redevelopment Area is a prerequisite for NJDEP approval of Highlands Preservation Area Approval with Redevelopment Waiver (N.J.A.C. 7:38-6)
- Limited to previously developed lands (minimum of 70% existing impervious surface) or brownfields
- Limited to Preservation Area, at this time
- Implements Policy 6J1 of the Highlands Regional Master Plan
- Can be all or a portion of a parcel or parcels
Site Qualifications

- Limited to those development activities that cannot be achieved through the use of a Highlands Act exemption
- If applying based on impervious surface, apply directly to Highlands Council
- If applying for brownfield, NJDEP must first certify the site as an eligible brownfield
Administrative Process

- **Inquiry meeting** – optional, informal, informational without any commitments

- **Pre-application meeting** – mandatory. Municipality will be advised. Application in writing with information. Results not binding. Summary released with staff recommendation on formal application.

- Petition submitted with complete information

- Staff draft recommendation to Council for internal review, then posted on Web site with at least 10 business days for public comment

- Final staff recommendation to Council for consideration; applicant publishes public notice at least 10 business days before Council meeting.
Decision Criteria

- Does the site qualify based on impervious surface or certified brownfields?
- Will the Highlands Redevelopment Area avoid disturbance of Highlands resources, or minimize disturbance where waiver is sought?
- Is the Highlands Redevelopment Area consistent with RMP policies regarding such designations?
- Does sufficient water supply and wastewater capacity exist for the site?
- Is the site compatible with municipal zoning?
- Are there unique or mitigating criteria based on the RMP policies?
Oak Ridge Road Associates LLC

- Block 15901 Lot 1: West Milford
- Pre-application meeting held January 7, 2009, with initial meetings held previously
- Mayor advised of project
- Single parcel, with Highlands Redevelopment Area covering a portion of the parcel
- Existing commercial facility
Highlands Redevelopment Area

Overview

- Area features existing buildings (one main building), paved and gravel parking areas, and lawn area with ornamental trees
- Approximate 20,000-sq ft parking lot proposed in lawn area to accommodate commercial tenants
- Impervious surface requirement (70%):
  - Existing Impervious Surface = 94,933 sq ft
  - Allowable Redevelopment Area = 135,618 sq ft
  - Proposed Redevelopment Area = 135,208 sq ft
The site is within the Preservation Area in the Existing Community Zone

Note: shown as two parcels, which have been merged since parcels were mapped
Site Description

Existing Development

Proposed Parking Area

Note: Resource to south is not actually on the property, but trees do overhang the lot line
Site
Description

Existing Development

Proposed Parking Area

Note: Resource to south is not actually on the property, but trees do overhang the lot line
Site Description

Existing Development

Proposed Parking Area

West Milford BI 15901 L1- Ground Water Recharge Area
Site Description

Existing Development

Proposed Parking Area

Note: Wetlands to north are across the road from the property, with buffer extending into the property.
Draft Staff Recommendations

- Draft recommendation to approve proposed Highlands Redevelopment Area designation with conditions:
  - Disturbance of Highlands Open Waters buffer limited to minimum required for new parking lot
  - Remainder of property outside Highlands Redevelopment Area be deed restricted
  - Stormwater regulations be followed during HPAA with redevelopment waiver permitting process
- It is anticipated that under the NJDEP waiver, the applicant shall supply a stormwater management plan that incorporates low impact development techniques
Highlands TDR Program Update
Highlands TDR Program

- The Highlands Development Credit Bank Board has held three meetings
- Adopted Bank bylaws
- Created two committees – Policy Committee and Finance Committee
- Next step is to formalize the process for allocation of Highlands Development Credits (HDCs) and issuance of HDC Certificates
Steps to Receiving HDC Certificate

**Highlands Council**

**Step 1:** Review HDC Tool on Highlands Council Website (www.highlands.state.nj.us)

**Step 2:** Submit HDC Allocation Determination Application to Highlands Council

**Step 3:** Receive and Review HDC Allocation Determination Letter from Highlands Council

Property owner may retain HDC Allocation and proceed no further (Allocation valid for 3 years)

**HDC Bank**

**Step 4:** Submit HDC Certificate Application and Draft Conservation Restriction to HDC Bank for Review

**Step 5:** Record Conservation Restriction with County Clerk and Receive HDC Certificate
TDR Program Conservation Restriction

- Purpose of conservation restriction is to record the relinquishment of the right to develop the property.
- Restricts future development of property in perpetuity for present owners and future owners.
- If existing farm parcel, would permit future agricultural development consistent with Highlands Act and RMP.
- Allows other non-development uses of property where such uses are permitted by Highlands Act and RMP.
- Where exemption for construction of single-family home retained, the location of future home identified on an attached parcel map.
TDR Program – Next Steps for Highlands Council

- Post Draft Conservation Restriction on the website for public comment
- Refine and finalize the Conservation Restriction
- Complete HDC Tool on Highlands Council Website
- Complete HDC Allocation Determination Application and Council approval process