



# Mount Olive Township

Planning • Zoning • Code Enforcement

204 Flanders Drakestown Rd.

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## HIGHLANDS PRESERVATION AREA MUNICIPAL EXEMPTION DETERMINATION APPLICATION

The purpose of this Application is to determine whether proposed activities, improvements or development projects affecting lands located within the Township Highlands Area are exempt from the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.), and are therefore exempt from the Highlands Water Protection and Planning Council’s (“Highlands Council”) Regional Master Plan, the New Jersey Department of Environmental Protection’s (NJDEP) Highlands Water Protection and Planning Act Rules (“Preservation Area Rules,” N.J.A.C. 7:38-1 et seq.), and from any amendments to the Township’s master plan, development regulations, or other regulations adopted pursuant to the approval of the Township’s Petition for Plan Conformance by the Highlands Council.

In a July 19, 2012 Memorandum of Understanding (MOU) between the Highlands Council and the NJDEP, the Council and the NJDEP recognized the circumstances in which it would be appropriate for conforming, Highlands Council-certified municipalities to make determinations regarding specified Highlands Act exemptions.

### **Submission Requirements:**

All applications shall be accompanied by the Municipal Exemption Determination Application Form, the applicable fees, and the information listed below, as applicable to the particular exemption or exemption(s) being sought by the applicant. Where the Exemption Designee finds that any submission item is not necessary to address the evidentiary requirements that must be satisfied for issuance of an Exemption Determination, either because alternate items have been provided by the applicant, or the relevant information is readily available through records, maps, or any other documents on file in the offices of the municipality, the Exemption Designee may waive the applicant’s obligation to submit such information..

***Exemption 1: The construction of a single family dwelling, for an individual’s own use or the use of an immediate family member, on a lot owned by the individual on the date of enactment of the Highlands Act (August 10, 2004) or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.***

- A copy of a deed, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was legally owned by the applicant on or before August 10, 2004 and indicating the lot and block as designated by the municipal tax mapping, the municipality and county in which the lot is located, and the street address;
- If the applicant did not own the lot, a copy of the binding contract of sale executed by the seller and the applicant on or before May 17, 2004 for the lot on which the house is to be constructed; and
- A certification by the applicant stating that the single family dwelling proposed for construction on the lot specified and described therein by tax lot and block, municipality and county of location, and street address, is intended for the applicant’s own use or the use of an immediate family member as identified therein by name and relationship to the applicant.

***Exemption 2: The construction of a single family dwelling on a lot in existence on the date of enactment of the Highlands Act (August 10, 2004), provided that the construction does not result in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more.***

- A copy of the recorded deed or plat showing that the lot was created on or before August 10, 2004 or proof of subdivision approval on or before August 10, 2004;
- A parcel plan certified by a licensed New Jersey Professional Engineer showing all existing and proposed development, including all structures, grading, clearing, impervious surface and disturbance, and including the calculations supporting the claim that impervious surfaces and areas of disturbance are within the limits necessary for Exemption 2; and
- A metes and bounds description of the area of the lot to be disturbed, limited to less than one acre and a draft conservation restriction or deed notice (pursuant to § 4.4.5, above) to cover the balance of the lot.

***Exemption 3: Not applicable***

***Exemption 4: The reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more. This exemption shall not apply to the reconstruction of any agricultural or horticultural building or structure for a non-agricultural or non-horticultural use.***

- A parcel plan certified by a licensed New Jersey Professional Engineer depicting:
  - a. All existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, lawfully existing on the site as of August 10, 2004 for Preservation Area projects and as of the effective date of the municipal Highlands Area Checklist Ordinance or Highlands Area Land Use Ordinance, whichever is earlier; and
- All proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading; and
- A copy of any official documentation of the original date of construction of the building or otherwise establishing the lawfulness of existing impervious surfaces.

***Exemption 5: Not applicable***

***Exemption 6: Any improvement, for non-residential purposes, to a place of worship owned by a nonprofit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on the date of enactment of the Highlands Act (August 10, 2004), including but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility.***

- A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004;
- For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non-profit status;
- A site plan certified by a licensed New Jersey Professional Engineer depicting:
  - a. All existing property improvements including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site on August 10, 2004; and
  - b. All proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.

**Exemption 7.** *An activity conducted in accordance with an approved woodland management plan pursuant to section 3 of the “Farmland Assessment Act,” P.L.1964, c.48 (C.54:4-23.3) or a forest stewardship plan approved pursuant to section 3 of P.L.2009, c. 256 (the “State Park and Forestry Resources Act,” C.13:1L-31), or the normal harvesting of forest products in accordance with a forest management plan or forest stewardship plan approved by the State Forester.*

- For a private landowner with an approved woodland management plan or forest stewardship plan:
  - a. A copy of the applicant’s tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq., if applicable;
  - b. A brief description of the total area of woodlands that is the subject of the approved woodland management plan or forest stewardship plan;
  - c. A brief description of the length of time that the area to be managed has been in use for woodland management or forest stewardship plan; and
  - d. A copy of the approved woodland management plan or forest stewardship plan.
- For the normal harvesting of forest products in accordance with a forest management plan or forest stewardship plan approved by the State Forester:
  - a. A brief description of the total area where the normal harvesting of forest products occurs;
  - b. A brief description of the length of time that the area to be managed has been in use for normal harvesting of forest products; and
  - c. A copy of a forest management plan or forest stewardship plan approved by the State Forester.

**Exemption 8.** *The construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.*

- A site plan certified by a licensed New Jersey Professional Engineer showing the proposed trail construction with details including the location, and width of existing and proposed trails and those off-site trails to which they connect, if any;
- A written description of the non-impervious materials to be used; and
- For privately owned property, a copy of a deed for the property and the conservation or recreational use easement on the property.

**Exemption 9 through 17:** *Not applicable*

**Failure to submit a complete application will hold up processing. The Exemption Designee is available to answer your questions regarding this application. Please print clearly in ink or type.**

**APPLICATION FEE OF TWENTY FIVE DOLLARS (\$25.00) AND MINIMUM ESCROW DEPOSIT OF SEVEN HUNDRED FIFTY DOLLARS (\$750) FOR EXEMPTION DETERMINATION PURSUANT TO CHAPTER 400 ARTICLE X HIGHLANDS COMPLIANCE REQUIREMENTS.**

