

Washington Township Highlands Information Questionnaire and Certification

Please complete the following questionnaire in order to assist and expedite the review of your application. Please note, that the Applicant(s) or the Applicant's professional completing this form will be required to certify to the truth of these responses.

Applicant: _____

Location of Property: Block _____ Lot _____

Street Address _____

Type of Application:

☐ Minor Subdivision	☐ Sketch Plat
☐ Lot Line Adjustment	☐ Preliminary Major Subdivision
☐ Time Extension	☐ Final Major Subdivision
☐ Minor Site Plan	☐ Preliminary Major Site Plan
☐ Conditional Use/Change of Use	☐ Final Major Site Plan
☐ Resolution Amendment	☐ Variance
☐ Concept Plan	
☐ Other (explain) _____	

1. Is the proposed project located within the Preservation Area as defined by the Highlands Water Protection and Preservation Act ("HWPPA")?
☐ Yes (Proceed to Question 2)
☐ No (Proceed to Certification)
2. Is the proposed project Major Highlands Development ("MHD") as defined in the HWPPA?
☐ Yes (Explain below and then proceed to Question 3)
☐ No (Explain below and then proceed to Certification)

Please explain the basis for your answer.

3. Does the proposed project fall within one of the listed exemptions from the

HWPPA?

- ☐ Yes (Proceed to Question 4)
☐ No (Proceed to Certification)

4. If the proposed project is exempt from the HWPPA, which of the following exemptions apply?

(a) ☐ 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 August 10, 2004 or on a lot for which an individual has, on or before May 17, 2004, entered into a binding contract of sale to purchase that lot

(b) ☐ Construction of a single-family dwelling on a lot in existence on 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

(c) ☐ Construction of a MHD that received on or before March 29, 2004

(1) one of the approvals pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.:

- ☐ preliminary or final site plan approval,
☐ final municipal building or construction permit,
☐ minor subdivision approval where no subsequent site plan approval is required,
☐ final subdivision approval where no subsequent site plan approval is required, or
☐ preliminary subdivision approval where no subsequent site plan approval is required; and

(2) At least one of the following permits from the New Jersey Department of Environmental Protection ("NJDEP"), if applicable to the proposed MHD:

- ☐ a permit or certification pursuant to the Water Supply Management Act, N.J.S.A. 58:1A-1 et seq.,
☐ a water extension permit or other approval or authorization pursuant to the Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq.,
☐ a certification or other approval or authorization issued pursuant to the Realty Improvement Sewerage and Facilities Act, N.J.S.A. 58:11-23 et seq., or
☐ a treatment works approval pursuant to the Water Pollution Contract Act, N.J.S.A. 58:10A-1 et seq.; or

(3) If none of the NJDEP permits above are required for the proposed MHD, one of the following NJDEP permits, if applicable to the proposed

MHD, shall be required:

___ a permit or other approval or authorization issued pursuant to the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq., or

___ a permit or other approval or authorization issued pursuant to the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.

(4) The exemption provided in this paragraph (c) shall apply only to the land area and the scope of the MHD addressed by the qualifying approvals pursuant to subparagraphs (1), (2), or (3) if applicable, of this paragraph (c), shall expire if any of those qualifying approvals expire, and shall expire if construction beyond site preparation does not commence within three years after August 10, 2004.

(d) ___ Reconstruction of any building or structure for any reason within 125 percent of the footprint of the lawfully existing impervious surfaces on the site, provided that 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.

(e) ___ Any improvement to a single-family dwelling in existence on August 10, 2004, including, but not limited to, an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system.

(f) ___ Any improvement, for non-residential purposes, to a place of worship owned by a non-profit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on 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.

(g) ___ An activity conducted in accordance with an approved woodland management plan pursuant to the Farmland Assessment Act, N.J.S.A. 54:4-23.3, or the normal harvesting of forest products in accordance with a forest management plan approved by the State Forester.

(h) ___ 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.

(i) ___ The routine maintenance and operations, rehabilitation, preservation, reconstruction, or repair of transportation or infrastructure systems by a State entity or local government unit, provided that the activity is consistent with the

goals and purposes of the HWPPA, and does not result in the construction of any new through-capacity travel lanes.

(j) ____ The construction of transportation safety projects and bicycle and pedestrian facilities by a State entity or local government unit, provided that the activity does not result in the construction of any new through-capacity travel lanes.

(k) ____ The routine maintenance and operations, rehabilitation, preservation, reconstruction, repair, or upgrade of public utility lines, rights-of-way, or systems, by a public utility, provided that the activity is consistent with the goals and purposes of the HWPPA.

(l) ____ The reactivation of rail lines and rail beds existing on August 10, 2004.

(m) ____ The construction of a public infrastructure project approved by public referendum prior to January 1, 2005 or a capital project approved by referendum prior to January 1, 2005.

(n) ____ Mining, quarrying, or production of ready mix concrete, bituminous concrete, or Class B recycling materials occurring or which are permitted to occur on any mine, mine site, or construction materials facility existing on June 7, 2004.

(o) ____ The remediation of any contaminated site pursuant to N.J.S.A. 58:10B-1 et seq.

(p) ____ Any lands of a federal military installation existing on August 10, 2004 that lie within the Highlands Region; and

(q) ____ A MHD located within an area designated as Planning Area 1 (Metropolitan), or Planning Area 2 (Suburban) as designated pursuant to the State Planning Act, N.J.S.A. 52:18A-196 et seq., as of March 29, 2004, that on or before March 29, 2004 has been the subject of a settlement agreement and stipulation of dismissal filed in the Superior Court, or a builder's remedy issued by the Superior Court, to satisfy the constitutional requirement to provide for the fulfillment of the fair share obligation of the municipality in which the development is located. The exemption provided pursuant to this paragraph (q) shall expire if construction beyond site preparation does not commence within three years after receiving all final approvals required pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

If it is determined, in the appropriate circumstances, that the proposed project is not located within the preservation area as delineated by the HWPPA or the proposed project does not fall within the definition of MHD, or the proposed project is MHD but falls within one of the exemptions, then the application will be heard by the Planning Board in the usual course.

If it cannot readily be determined that the project does not meet the threshold of MHD, or it cannot readily be determined that the project falls within one of the exemptions, then the Board will hear the application, but as a condition of any approval will require that the Applicant seek and obtain an Highlands Applicability Water Quality Management Plan Consistency Determination (“HAD”) that verifies the project is not MHD, or is MHD but exempt.

If it is determined that the proposed project is MHD and does not fall within one of the exemptions, then the Board will not hear the application and require instead that the Applicant first obtain an HAD. If the HAD is returned indicating that the project is exempt, then the application will proceed before the Planning Board in the usual course. If the HAD is returned indicating that the project is not exempt, then the Applicant shall obtain a Highlands Preservation Area Approval (“HPAA”) prior to the application being deemed complete. As is the case with all completeness checklist items, the Board has the ability to grant waivers.

If the Applicant acknowledges up front that the project is MHD and not exempt, then the Applicant shall obtain a HPAA prior to the application being deemed complete. As is the case with all completeness checklist items, the Board has the ability to grant waivers.

I acknowledge that the information provided above is being used to assist in the reviewing of this application. Further, I acknowledge that the response by the Planning Board to the information contained in this questionnaire does not represent a formal determination by the Township Planning Board or its professionals on the issues raised. All conclusions reached by the Planning Board regarding the applicability of the HWPPA to the proposed development application, are solely for the purpose of determining how to proceed with review of the application before the Planning Board. It remains the Applicant’s responsibility to comply with the HWPPA.

I hereby certify that the information provided above is true to the best of my knowledge and belief. I understand that if any of the foregoing statements are willfully false, I am subject to punishment.

[signature of Applicant or Applicant’s Professional]

Date