# Borough of Hopatcong

**Highlands Exemption Determination Application**

**111 River Styx Road**
**Hopatcong, NJ 07843**
**973-770-1200**

The purpose of this application is to determine whether or not a proposed project is exempt from the provisions of the Highlands Water Protection and Planning Act (see note below).

**Instructions for Completing Form**

1. Complete page 1.
2. Review the seven exemptions eligible for municipal determinations (see pages 2-3) to determine which may be applicable to the proposed project. Applicants need only qualify for one of the exemptions, although more than one may apply. Below each exemption is a list of documentation that is required to determine whether the exemption applies.
3. Initial as indicated by the applicable exemption.
4. Sign the application form.
5. Submit completed application along with all supporting documentation to the municipal office at the address above.

**Important Note**

This application will be evaluated by the municipality to determine whether a proposed activity, improvement or development project involving lands within the Highlands Region is exempt from the provisions of the Highlands Water Protection and Planning Act (N.J.S.A. 13:20-1 et seq., "Highlands Act"). Any proposal that is exempt from the Highlands Act is also exempt from the Highlands Water Protection and Planning Act Rules ("Highlands Rules," N.J.A.C. 7:38-1 et seq.) and any Highlands Area land use ordinance adopted by the municipality pursuant to approval of its Petition for Plan Conformance by the Highlands Water Protection and Planning Council ("Highlands Council"). The municipality has been authorized and certified by the Highlands Council to issue Highlands Exemption Determinations, pursuant to a July 19, 2012 Memorandum of Understanding (MOU) between the Highlands Council and the New Jersey Department of Environmental Protection (NJDEP). The local ordinance effectuating this delegation of authority is Ordinance #18-2015, "Borough of Hopatcong Highlands Area Exemption Ordinance," adopted May 20, 2015.

Please note that all references to professional preparers indicated in this application shall be construed to include any and all qualified individuals licensed, certified, or otherwise eligible and authorized to complete such work, in accordance with the applicable laws and legal requirements of the State of New Jersey including but not limited to the MLUL (N.J.S.A. 40:55D-1 et seq) and Title 13 of the New Jersey Administrative Code, Law and Public Safety.

Please note that this application only addresses whether or not your project is exempt from Highlands regulations (as listed above). Certification that a project is exempt from the Highlands Act does not relieve one from other regulatory requirements that may apply, including the need to apply for any other permits, whether under municipal, state or other jurisdictional authority. Please also note that in accordance with the MOU, Ordinance #18-2015 requires that the municipal Exemption Designee retain Highlands Council certification to exercise the authority to issue Municipal Exemption Determinations. In the event of personnel changes or other extenuating circumstances that leave the municipality without the services of a certified municipal Exemption Designee, applicants seeking a Highlands Act Exemption Determination may apply to the NJDEP for projects located in the Preservation Area or to the Highlands Council for projects located in the Planning Area.

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**Highlands Exemption Determination Application**
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Receipt Stamp - Municipal Use Only

| | | | |
|---|---|---|---|
| Date: | | Application #: | |
| Applicant Name: | | | |

## Property Information

| | | | |
|---|---|---|---|
| Street Address: | | | |
| Block(s) & Lot(s): | | | |
| Date Lot Created: | ☐ Prior to August 10, 2004 | If after August 10, 2004: | |
| Located in: | ☐ Planning Area | ☐ Preservation Area | ☐ Planning and Preservation Area |
| Existing Uses: | | | |

## Property Owner Information

| | | |
|---|---|---|
| ☐ Same as Applicant | Owner Name: | |
| Owner Address: | | |

## Applicant Information

| | | | | | |
|---|---|---|---|---|---|
| Applicant Address: | | | | | |
| Phone #: | | Fax #: | | email: | |

## Engineer, Attorney or Other Principal Contact Information

| | | | | | |
|---|---|---|---|---|---|
| Name: | | | | | |
| Address: | | | | | |
| Phone #: | | Fax #: | | email: | |

## Project Information

| | |
|---|---|
| Brief Project Description (Attach Additional as Necessary): | |

Exemption 1: *For 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 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.*

☐ I hereby certify that the single-family dwelling proposed for construction on the subject lot is intended for my own use or the use of the following immediate family member (as defined by Ordinance #18-2015).

Applicant Initial: _____ Name of Family Member: _____

Relationship of Family Member: _____

Lot Legally Owned by the Applicant on August 10, 2004:

☐ 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 as of August 10, 2004 and indicating the street address and the lot and block as designated by the municipal tax mapping, the municipality, and county in which the lot is located.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004.

Applicant Initial: _____

Lot Under Contract of Sale to Applicant as of May 17, 2004:

☐ 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.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of the date of the executed contract of sale.

Applicant Initial: _____

Exemption 2: *For the construction of a single-family dwelling on a lot that lawfully existed as of August 10, 2004, provided that construction does not result in the ultimate disturbance of 1 or more acres of land or a cumulative increase in impervious surface by 1/4 acre or more.*

☐ A copy of the recorded deed or plat showing that the lot was created on or before August 10, 2004.

☐ A property survey certified by a licensed New Jersey professional indicating the property boundary lines and overall lot size, showing what structures currently exist on the lot, if any.

☐ A parcel plan certified by a qualified licensed New Jersey professional showing all existing and proposed development, including all structures, grading, clearing, impervious surface and disturbance, areas of existing disturbance to be restored (if any), and including calculations demonstrating that impervious surfaces and areas of disturbance are within the 1/4 acre and 1 acre limit as prescribed.

☐ A metes and bounds description by a qualified licensed New Jersey professional showing the area of the lot to be disturbed, limited to less than one acre.

☐ I hereby affirm that the metes and bounds of the subject property have not been altered from those lawfully existing as of August 10, 2004.

Applicant Initial: _____

Exemption 4: *For 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 1/4 acre or more.*
**The date of lawfully existing impervious surface is August 10, 2004 in the Preservation Area.*

☐ A parcel plan certified by a qualified licensed New Jersey professional showing all existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site as of August 10, 2004 for the Preservation Area; and all proposed development, including all structures, impervious surfaces, grading, clearing limits, and limits of disturbance. Also include calculated values for existing and proposed impervious surfaces for the project/activity.

☐ A copy of any official documentation indicating the original date of construction of the existing buildings and/or structures or otherwise establishing the lawfulness of their existence, inclusive of existing impervious surfaces.

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|---|---|
| Exemption 5: *For any improvement to a single family dwelling in existence as of August 10, 2004, including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool, or septic system. (Such improvements include only those that maintain the use as a single family dwelling; the exemption does not apply to or permit the creation of multiple dwelling units.)* | |
| ☐ | A copy of any official documentation proving the single family dwelling was in existence on August 10, 2004. |
| ☐ | A description of the proposed improvements. |
| ☐ | I hereby affirm that the subject property was in existence as of August 10, 2004 and that all proposed improvements are intended and will continue to be used for single family dwelling purposes.<br>Applicant Initial: |
| Exemption 6: *For 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.* | |
| ☐ | 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 plan certified by a qualified licensed New Jersey professional showing all existing property improvements, including all structures, grading, clearing, impervious surface and limits of disturbance, existing on the site on August 10, 2004; and all proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading. |
| Exemption 7: *For any activity conducted by a landowner in accordance with an approved woodland management plan issued pursuant to Section 3 of 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.* | |
| ☐ | A brief description of the total area of woodlands that is the subject of the approved woodland management plan and indication of the length of time that the area has been in woodland management (may be submitted in this form). |
| ☐ | A brief description of the activities for which the exemption is claimed (may be submitted in this form). |
| For a private landowner with an approved woodlot management plan: | |
| ☐ | 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. |
| ☐ | A copy of the approved woodland management plan. |
| For a forest management plan approved by the State Forester: | |
| ☐ | A copy of the forest management plan approved by the State Forester. |
| Exemption 8: *For 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 the appropriate qualified licensed New Jersey professional 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. |
| ☐ | For privately owned property, a copy of a deed for the property, including the language establishing the conservation or recreational use easement on the property. |

I, the undersigned, hereby certify that the information given herein is correct to the best of my knowledge.

Applicant Signature: Date:

I, the undersigned, hereby grant permission for the submission of this application for the property reference herein.

Owner Signature: Date:

| *Municipal Use Only*<br>*Exemption Review Worksheet* | |
|---|---|
| Information Submitted: | |
| Project Summary: | |
| Exemption Review: | |
| Comments: | |
| As the Certified Municipal Exemption Designee, I hereby certify the following finding for this application | |
| Date: | Signature: |