

**ASSEMBLY, No. 135**

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**STATE OF NEW JERSEY**

**214th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

**Assemblywoman ALISON LITTELL MCHOSE**

**District 24 (Sussex, Hunterdon and Morris)**

**Assemblyman UPENDRA J. CHIVUKULA**

**District 17 (Middlesex and Somerset)**

**Co-Sponsored by:**

**Assemblymen DeCroce, Biondi and Chiusano**

**SYNOPSIS**

Exempts construction, expansion or renovation of buildings or other structures for police departments, fire departments, and volunteer first aid, emergency, ambulance or rescue squads from "Highlands Water Protection and Planning Act."

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the Highlands Region, and amending P.L.2004,  
2 c. (pending before the Governor as Senate Bill No. 1 (1R)).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. Section 30 of P.L.2004, c. (C. ) (pending before the  
8 Governor as Senate Bill No. 1 (1R)) is amended to read as follows:

9 30. a. The following are exempt from the provisions of this act,  
10 the regional master plan, any rules or regulations adopted by the  
11 Department of Environmental Protection pursuant to this act, or any  
12 amendments to a master plan, development regulations, or other  
13 regulations adopted by a local government unit to specifically  
14 conform them with the regional master plan:

15 (1) the construction of a single family dwelling, for an  
16 individual's own use or the use of an immediate family member, on  
17 a lot owned by the individual on the date of enactment of this act or  
18 on a lot for which the individual has on or before May 17, 2004  
19 entered into a binding contract of sale to purchase that lot;

20 (2) the construction of a single family dwelling on a lot in  
21 existence on the date of enactment of this act, provided that the  
22 construction does not result in the ultimate disturbance of one acre  
23 or more of land or a cumulative increase in impervious surface by  
24 one-quarter acre or more;

25 (3) a major Highlands development that received on or before  
26 March 29, 2004:

27 (a) one of the following approvals pursuant to the "Municipal  
28 Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.):

29 (i) preliminary or final site plan approval;

30 (ii) final municipal building or construction permit;

31 (iii) minor subdivision approval where no subsequent site plan  
32 approval is required;

33 (iv) final subdivision approval where no subsequent site plan  
34 approval is required; or

35 (v) preliminary subdivision approval where no subsequent site  
36 plan approval is required; and

37 (b) at least one of the following permits from the Department of  
38 Environmental Protection, if applicable to the proposed major  
39 Highlands development:

40 (i) a permit or certification pursuant to the "Water Supply  
41 Management Act," P.L.1981, c.262 (C.58:1A-1 et seq.);

42 (ii) a water extension permit or other approval or authorization  
43 pursuant to the "Safe Drinking Water Act," P.L.1977, c.224  
44 (C.58:12A-1 et seq.);

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 (iii) a certification or other approval or authorization issued  
2 pursuant to the "The Realty Improvement Sewerage and Facilities  
3 Act (1954)," P.L.1954, c.199 (C.58:11-23 et seq.); or  
4 (iv) a treatment works approval pursuant to the "Water Pollution  
5 Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.); or  
6 (c) one of the following permits from the Department of  
7 Environmental Protection, if applicable to the proposed major  
8 Highlands development, and if the proposed major Highlands  
9 development does not require one of the permits listed in  
10 subsubparagraphs (i) through (iv) of subparagraph (b) of this  
11 paragraph:  
12 (i) a permit or other approval or authorization issued pursuant to  
13 the "Freshwater Wetlands Protection Act," P.L.1987, c.156  
14 (C.13:9B-1 et seq.); or  
15 (ii) a permit or other approval or authorization issued pursuant to  
16 the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-  
17 50 et seq.).  
18 The exemption provided in this paragraph shall apply only to the  
19 land area and the scope of the major Highlands development  
20 addressed by the qualifying approvals pursuant to subparagraphs (a)  
21 and (b), or (c) if applicable, of this paragraph, shall expire if any of  
22 those qualifying approvals expire, and shall expire if construction  
23 beyond site preparation does not commence within three years after  
24 the date of enactment of this act;  
25 (4) the reconstruction of any building or structure for any reason  
26 within 125% of the footprint of the lawfully existing impervious  
27 surfaces on the site, provided that the reconstruction does not  
28 increase the lawfully existing impervious surface by one-quarter  
29 acre or more. This exemption shall not apply to the reconstruction  
30 of any agricultural or horticultural building or structure for a non-  
31 agricultural or non-horticultural use;  
32 (5) any improvement to a single family dwelling in existence on  
33 the date of enactment of this act, including but not limited to an  
34 addition, garage, shed, driveway, porch, deck, patio, swimming  
35 pool, or septic system;  
36 (6) any improvement, for non-residential purposes, to a place of  
37 worship owned by a nonprofit entity, society or association, or  
38 association organized primarily for religious purposes, or a public  
39 or private school, or a hospital, in existence on the date of  
40 enactment of this act, including but not limited to new structures, an  
41 addition to an existing building or structure, a site improvement, or  
42 a sanitary facility;  
43 (7) an activity conducted in accordance with an approved  
44 woodland management plan pursuant to section 3 of P.L.1964, c.48  
45 (C.54:4-23.3) or the normal harvesting of forest products in  
46 accordance with a forest management plan approved by the State  
47 Forester;

- 1 (8) the construction or extension of trails with non-impervious  
2 surfaces on publicly owned lands or on privately owned lands  
3 where a conservation or recreational use easement has been  
4 established;
- 5 (9) the routine maintenance and operations, rehabilitation,  
6 preservation, reconstruction, or repair of transportation or  
7 infrastructure systems by a State entity or local government unit,  
8 provided that the activity is consistent with the goals and purposes  
9 of this act and does not result in the construction of any new  
10 through-capacity travel lanes;
- 11 (10) the construction of transportation safety projects and bicycle  
12 and pedestrian facilities by a State entity or local government unit,  
13 provided that the activity does not result in the construction of any  
14 new through-capacity travel lanes;
- 15 (11) the routine maintenance and operations, rehabilitation,  
16 preservation, reconstruction, repair, or upgrade of public utility  
17 lines, rights of way, or systems, by a public utility, provided that the  
18 activity is consistent with the goals and purposes of this act;
- 19 (12) the reactivation of rail lines and rail beds existing on the  
20 date of enactment of this act;
- 21 (13) the construction of a public infrastructure project approved  
22 by public referendum prior to January 1, 2005 or a capital project  
23 approved by public referendum prior to January 1, 2005;
- 24 (14) the mining, quarrying, or production of ready mix concrete,  
25 bituminous concrete, or Class B recycling materials occurring or  
26 which are permitted to occur on any mine, mine site, or construction  
27 materials facility existing on June 7, 2004;
- 28 (15) the remediation of any contaminated site pursuant to  
29 P.L.1993, c.139 (C.58:10B-1 et seq.);
- 30 (16) any lands of a federal military installation existing on the  
31 date of enactment of this act that lie within the Highlands Region;  
32 **[and]**
- 33 (17) a major Highlands development located within an area  
34 designated as Planning Area 1 (Metropolitan), or Planning Area 2  
35 (Suburban), as designated pursuant to P.L.1985, c.398 (C.52:18A-  
36 196 et seq.) as of March 29, 2004, that on or before March 29, 2004  
37 has been the subject of a settlement agreement and stipulation of  
38 dismissal filed in the Superior Court, or a builder's remedy issued  
39 by the Superior Court, to satisfy the constitutional requirement to  
40 provide for the fulfillment of the fair share obligation of the  
41 municipality in which the development is located. The exemption  
42 provided pursuant to this paragraph shall expire if construction  
43 beyond site preparation does not commence within three years after  
44 receiving all final approvals required pursuant to the "Municipal  
45 Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.); and
- 46 (18) the construction, expansion or renovation of any building or  
47 other structure for the purposes of a police department, fire  
48 department, or duly incorporated volunteer first aid, emergency,

1 ambulance or rescue squad.

2 b. The exemptions provided in subsection a. of this section shall  
3 not be construed to alter or obviate the requirements of any other  
4 applicable State or local laws, rules, regulations, development  
5 regulations, or ordinances.

6 c. Nothing in this act shall be construed to alter the funding  
7 allocation formulas established pursuant to the "Garden State  
8 Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.).

9 d. Nothing in this act shall be construed to repeal, reduce, or  
10 otherwise modify the obligation of counties, municipalities, and  
11 other municipal and public agencies of the State to pay property  
12 taxes on lands used for the purpose and for the protection of a  
13 public water supply, without regard to any buildings or other  
14 improvements thereon, pursuant to R.S.54:4-3.3.

15 (cf: P.L.2004, c. , s.30)

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17 2. This act shall take effect immediately.

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#### STATEMENT

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22 This bill would amend the "Highlands Water Protection and  
23 Planning Act" (pending before the Governor as Senate Bill No. 1  
24 (1R) of 2004) to provide an exemption from that act for the  
25 construction, expansion or renovation of any building or other  
26 structure for the purposes of a police department, fire department,  
27 or duly incorporated volunteer first aid, emergency, ambulance or  
28 rescue squad.