

**ALEXANDRIA TOWNSHIP COMMITTEE MEETING  
MINUTES  
June 11, 2014**

This meeting was advertised in the Hunterdon County Democrat, and notice posted in the Alexandria Township Municipal Offices and the Alexandria Township Website, ([www.alexandria-nj.us](http://www.alexandria-nj.us)) as required by the Open Public Meetings Act. Meeting Called to order at 7:39 PM.

**ROLL CALL:** Committeeman Swift, Committeeman Schick, Mayor Abraham and Attorney Dragan were present.

**FLAG SALUTE:**

- Comm. Swift thanked everyone for their well wishes.

**Motion to Approve Open Public Meeting Resolution for EXECUTIVE SESSION:**  
Comm. Schick made a motion, seconded by Comm. Swift to move to Executive Session.  
**Roll Call: Comm. Schick, yes; Comm. Swift, yes; and Mayor Abraham, yes.**

**Open Public Meetings Act RESOLUTION- Executive Session**

**WHEREAS, N.J.S.A. 2:4-12,** Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS,** this public body is of the opinion that such circumstances presently exist:

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Alexandria, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
  - \_\_\_ A confidential or excluded matter under Federal or State Law or Court Rule.
  - \_\_\_ A matter involving information that may impair the Township's rights to receive funds from the United States Government.
  - \_\_\_ A matter constituting an unwarranted invasion of an individual's privacy rights.
  - \_\_\_ Collective Bargaining Agreement or negotiation of the Agreement.
  - X  Matters involving the purchase, lease or acquisition of real property with public funds which it could adversely affect the public interest if discussion were disclosed.  
(681 Rte. 513)
  - \_\_\_ Tactics and techniques to protect the safety and property of the public, including investigations of violations or potential violations of the law.
  - X  Pending or anticipated litigation or contract negotiations in which the public body is or may become a party.  
(Township Owned Property Sales)

(Township Municipal Building)  
(Construction Department)

\_\_\_ Matters falling within the attorney-client privilege.

\_\_\_ Personnel matters involving a specific employee or officer of the Township.  
(Comm. Schick)

\_\_\_ Deliberations of the Township occurring after a public hearing that may result in  
the imposition of a specific penalty or suspension or loss of a license or permit.

3. It is anticipated at this time that the above matter will be made public: at the conclusion of the litigation and at such time as attorney client confidentiality is no longer needed to protect confidentiality and litigation strategy.
4. The executive session minutes will be placed on file in the township clerk’s office, and will be available to the public as provided for by New Jersey law.
5. This Resolution shall take effect immediately .

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Comm. Schick made a motion, seconded by Comm. Swift to return to Public Session.

**Roll Call: Comm. Schick, yes; Comm. Swift, yes; and Mayor Abraham, yes.**

**EXECUTIVE SESSION:**

The following matters were discussed in Executive Session:

- Land Preservation/681 Route 513:  
Mayor Abraham will forward a letter to the owners with a new offer to include language pertaining to a referendum question.
- Contract Negotiations/Township Municipal Building:  
Committee reviewed questions and concerns that were generated from the June 4, 2014 pre-bid meeting.
- Contract Negotiations/Township Owned Properties:  
Two neighboring property owners for property on Goritz road have questioned the tax assessment for the property. Tax Assessor, Eloise Hagaman can’t change the assessment until next year. If neither adjoining property owner bids on the property then they can bid on the property next year after Ms. Hagaman re-visits the site and determines if an adjustment is warranted.
- Personnel/ Comm. Schick:  
Letter of reprimand was given.
- Contract Negotiations/Building Department:  
Township will move forward with Frenchtown Boro pertaining to a shared service agreement with the Alexandria Township Building Department.

**APPROVAL OF BILL LIST:**

Comm. Schick made a motion, seconded by Comm. Swift to approve the payment of the bills as listed. **Roll Call: Comm. Schick, yes; Comm. Swift, yes; and Mayor Abraham, yes.**

<b>Current Fund</b>	<b>\$ 77,560.66</b>
<b>Other Trust Fund:</b>	
1.) Reserves	343.52
2.) Grants	4,234.14
<b>General Capital Fund</b>	
Ordinances	15,256.86
COAH	3,757.53
Farm Preservation	6,041.58
Dog Fund	309.00
Developers Escrow	
1.) Bank of America	
2.) Fulton Bank	
3.) Hopewell Valley	1,703.50
<b>TOTAL:</b>	<b>\$ 109,206.79</b>
<b>Other disbursements</b>	

**Alexandria Schools  
Delaware Valley HS**

**County Taxes**

**Total payments presented to the Township Committee   \$109,206.79**

**APPROVAL OF MINUTES:**

- Township Committee Meeting May 14, 2014
- Township Executive Session May 14, 2014
- Township Committee Meeting May 22, 2014

Comm. Schick made a motion, seconded by Mayor Abraham to approve the above Township Committee Meeting and Executive Session minutes. **ROLL CALL: Comm. Schick, yes, Comm. Swift, abstained; and Mayor Abraham, yes.**

**OLD BUSINESS:**

- Ordinance 2014-006-2<sup>nd</sup> **Reading** for Engineering Services Related to Planned Environmental Clean-up of Land Currently Owned By Alexandria Township, B-7, L-56 & B-7, L-23:

Mayor Abraham noted that this Ordinance is for environmental clean-up totaling approximately \$100,000.00. Approximately \$70,000 is projected for the Pepe Property. The State is offering reimbursement for the Pepe Property if determined that portions of the clean-up meet the requirements. Approximately \$30,000.00 is projected for the DPW site. Comm. Schick made a motion, seconded by Comm. Swift to open public hearing for Ordinance 2014-006. **Roll Call: Comm. Swift, yes; Comm. Schick, yes; Mayor Abraham, yes. Public Comment:** There was no public comment. Comm. Schick made a motion, seconded by Comm. Swift to close public hearing. **Roll Call: Comm. Swift, yes; Comm. Schick, yes; Mayor Abraham, yes.** Comm. Swift made a motion, seconded by Comm. Schick to adopt Ordinance 2014-006. **Roll Call: Comm. Swift, yes; Comm. Schick, yes; Mayor Abraham, yes.**

**TOWNSHIP OF ALEXANDRIA  
HUNTERDON COUNTY, NEW JERSEY  
CAPITAL ORDINANCE NUMBER 2014-06**

**CAPITAL ORDINANCE PROVIDING FOR  
ENGINEERING SERVICES RELATED TO THE  
PLANNED ENVIRONMENTAL CLEANUP OF LAND  
CURRENTLY OWNED, BY AND IN THE TOWNSHIP  
OF ALEXANDRIA, IN THE COUNTY OF  
HUNTERDON, STATE OF NEW JERSEY; AND  
APPROPRIATING \$100,000 FROM THE CAPITAL  
IMPROVEMENT FUND TO PAY FOR THE COST  
THEREOF**

**WHEREAS**, the Township of Alexandria, in the County of Hunterdon, State of New Jersey (the "Township"), wishes to engage the services of an engineer related to the planned environmental cleanup by the Township of land owned by the Township and located at 255 Hickory Corner Road (Block 7, Lot 56 on the Official Alexandria Township Tax Map) (the "Engineering Services for Planned Capital Project") and 257 Hickory Corner Road (Block 7, Lot 23 on the Official Alexandria Township Tax Map) (the "Engineering Services for Planned Capital Project"); and

**WHEREAS**, the costs of said Engineering Services for Planned Capital Project is estimated to be \$100,000; and

**WHEREAS**, the Township Committee desires to authorize an appropriation from the Capital Improvement Fund in the amount of \$100,000 to engage such Engineering Services for Planned Capital Project.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ALEXANDRIA, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY** (not less than a majority of all the members thereof affirmatively concurring) **AS FOLLOWS**

**SECTION 1.** The capital purpose described in Section 2 of this capital ordinance is hereby authorized as a capital purpose to be undertaken by the Township. There is hereby appropriated the amount of \$100,000 from the Capital Improvement Fund for said purpose stated in Section 2 hereof.

**SECTION 2.** The purpose hereby authorized is the hereinabove-defined Engineering Services for Planned Capital Project.

**SECTION 3.** The Mayor, Chief Financial Officer and any other official/officer of the Township are each hereby authorized and directed to execute, deliver and perform any agreement necessary to undertake such purpose set forth herein and to effectuate any transaction contemplated hereby.

**SECTION 4.** The capital budget of the Township is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital

programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the office of the Clerk and is available for public inspection.

**SECTION 5.** Capitalized terms used herein and not otherwise defined, shall have the meanings ascribed to such terms in the preamble to this capital ordinance.

**SECTION 6.** This ordinance shall take effect in accordance with applicable law.

- Ordinance 2014-007-*2<sup>nd</sup> Reading* for Appropriating \$375,000 from Capital Surplus for Improvements to Various Roads in the Township: Comm. Schick wanted the roads that are to be oil and chipped in 2014 to be reflected in the minutes. The roads proposed are as follows:

- 1.) Balmoral Dr. 24,750 sq. yds.
  - 2.) Woodline Way 2,350 sq. yds.
  - 3.) Belmont Ct. 7,950 sq. yds.
  - 4.) Rick Rd. section 5, 6600 sq. yds.
  - 5.) Goritz Rd. (asphalt on top) 4,200 sq. yds.
  - 6.) Goritz Rd. (asphalt on bottom) 6,775 sq. yds.
  - 7.) Ellis Rd. 900 sq. yds.
  - 8.) Sweet Hollow Rd. from Rt. 614 to Goritz Rd. 2,700 sq. yds.
- Total sq. yds. 56,225 sq. yds.

Comm. Schick also noted that he would like a diagram showing the work that DPW Foreman, Glenn Griffith will be doing on Rick Road. Comm. Schick made a motion, seconded by Comm. Swift to open public hearing for Ordinance 2014-007. **Roll Call: Comm. Swift, yes; Comm. Schick, yes; Mayor Abraham, yes. Public Comment:** There was no public comment. Comm. Schick made a motion, seconded by Comm. Swift to close public hearing. **Roll Call: Comm. Swift, yes; Comm. Schick, yes; Mayor Abraham, yes.** Comm. Schick made a motion, seconded by Comm. Swift to adopt Ordinance 2014-007. **Roll Call: Comm. Swift, yes; Comm. Schick, yes; Mayor Abraham, yes.**

**TOWNSHIP OF ALEXANDRIA  
COUNTY OF HUNTERDON  
ORDINANCE NO. 2014- 7**

**AN ORDINANCE APPROPRIATING \$375,000 FROM THE CAPITAL SURPLUS FOR IMPROVEMENTS TO VARIOUS ROADS IN THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY**

**BE IT ORDAINED**, by the Township Committee of the Township of Alexandria, in the County of Hunterdon, State of New Jersey, as follows:

**SECTION ONE:** The sum of \$375,000 is hereby appropriated from the Capital Surplus Fund in the General Capital Account for various improvements to roads in the Township.

**SECTION TWO:** The period of usefulness of the upgrades and improvements, as defined by N.J.S.A. 40A:2-22, is at least 5 years.

**SECTION THREE:** The gross debt of the Township of Alexandria, as defined by N.J.S.A. 40A:2-43 will not be increased by this ordinance.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon its publication, following final adoption, as provided by law.

ATTEST:

THE TOWNSHIP OF ALEXANDRIA

\_\_\_\_\_  
Michele Bobrowski, RMC, Twp. Clerk

By: \_\_\_\_\_  
Paul Abraham, Mayor

**NEW BUSINESS:**

- Resolution 2014-040 Renewal of Plenary Retail Consumption License for the Little York, LLC:

**RESOLUTION# 2014-040 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY FOR RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE FOR THE LITTLE YORK , LLC.**

**BE IT RESOLVED** that Plenary Retail Consumption License No. 1001-33-001-005 be issued to **The Little York** , 569 Spring Mills Road, Little York, New Jersey for a fee of \$2,000.00 and to become effective 12:00 a.m. July 1, 2014 and to expire midnight, June 30, 2015.

**SPECIAL CONDITIONS**

1. No sales on weekdays between the hours 2:00 a.m. and 7:00 a.m.
2. No sales on Sunday between the hours 2:00 a.m. and noon.
3. Open Christmas Eve until 5:00 a.m. December 25<sup>th</sup>
4. Open New Year's Eve until 5:00 a.m. January 1, 2015

License is subject to the proper execution of renewal application forms.

**NOW, THEREFORE BE IT RESOLVED** that Michele Bobrowski, Township Clerk is hereby authorized to issue, sign, seal and deliver said license to the licensee prior to midnight June 30, 2014.

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Paul Abraham, Mayor

**Attest:** June 11, 2014

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Michele Bobrowski, RMC, Township Clerk

- Resolution 2014-041 Renewal of Plenary Retail Consumption License for The Grill at the Pittstown Inn:

**RESOLUTION # 2014-041 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY FOR RENEWAL OF THE PLENARY RETAIL CONSUMPTION LICENSE FOR THE GRILL AT THE PITTSTOWN INN.**

**BE IT RESOLVED** that Plenary Retail Consumption License No. 1001-33-002-0010 be issued to GSW Hospitality, LLC t/a The Grill at the Pittstown Inn, 350 Pittstown Road, Pittstown, New Jersey for a fee of \$2,000.00 and to become effective 12:00 a.m. July 1, 2014 and to expire midnight, June 30, 2015.

**SPECIAL CONDITIONS**

1. No sales on weekdays between the hours 2:00 a.m. and 7:00 a.m.
2. No sales on Sunday between the hours 2:00 a.m. and 10:30 a.m.
3. Open Christmas Eve until 5:00 a.m. December 25<sup>th</sup>

4. Open New Year's Eve until 5:00 a.m. January 1, 2015

License is subject to the proper execution of renewal application forms.

**NOW, THEREFORE BE IT RESOLVED** that Michele Bobrowski, Township Clerk is hereby authorized to issue, sign, seal and deliver said license to the licensee prior to midnight June 30, 2014.

\_\_\_\_\_  
Paul Abraham, Mayor

**Attest:** June 11, 2014

\_\_\_\_\_  
Michele Bobrowski, RMC, Township Clerk

- Resolution 2014-042 Renewal of Plenary Retail Distribution License for The Wine Hut:

**RESOLUTION# 2014-042 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY FOR THE RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE FOR KKJ, INC, t/a THE WINE HUT**

**BE IT RESOLVED** that Plenary Retail Distribution License No. 1001-44-003-004 be issued to KKJ, Inc. 741 Frenchtown Road, Milford, New Jersey for a fee of \$2,000.00 and to become effective 12:00 A.M., July 1, 2014 and to expire midnight, June 30, 2015. License is subject to the proper execution of renewal application forms.

**NOW, THEREFORE BE IT RESOLVED** that Michele Bobrowski, Township Clerk is hereby authorized to issue, sign, seal and deliver said license to the licensee prior to midnight June 30, 2014.

\_\_\_\_\_  
Paul Abraham, Mayor

**Attest:** June 11, 2014

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Michele Bobrowski, RMC, Township Clerk

Comm. Schick made a motion, seconded by Comm. Swift to approve Resolutions 2014-040, 2014-041, and 2014-042. **ROLL CALL: Comm. Swift, yes; Comm. Schick, yes; Mayor Abraham, yes.**

- Resolution 2014-046 Supporting Fire Sprinklers in New Homes:  
Comm. Swift noted that he supports the saving of a life. Comm. Swift made a motion, seconded by Comm. Schick to approve Resolution 2014-046. **ROLL CALL: Comm. Swift, yes; Comm. Schick, yes; Mayor Abraham, yes.**

**RESOLUTION 2014-046 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY SUPPORTING THE INTERNATIONAL RESIDENTIAL CODE REQUIREMENT FOR HOUSE SPRINKLERS IN ONE AND TWO FAMILY DWELLINGS AND TOWNHOUSES**

**WHEREAS**, New Jersey Building Officials Association and New Jersey Fire Protection Association are organizations dedicated to public safety, and

**WHEREAS**, New Jersey Building Officials Association and New Jersey Fire Protection Association consider it unacceptable that in the 21<sup>st</sup> century, more than 3,000 people in the United States are killed in fires each year, with an overwhelming number of these deaths occurring in homes, and

**WHEREAS**, New Jersey Building Officials Association and New Jersey Fire Protection Association desire to have a positive and consequential impact on reducing the nation's losses due to fire, and

**WHEREAS**, New Jersey Building Officials Association and New Jersey Fire Protection Association recognize that fire sprinklers represent a proven, reliable, efficient and effective method of protecting life and property in both commercial and residential occupancies,

**NOW, THEREFORE, BE IT RESOLVED THAT** the Alexandria Township Committee supports the adoption of the 2015 International Residential Code New Jersey Edition requirements for fire sprinkler systems in all new residential structures.

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Paul Abraham, Mayor

**Attest:** June 11, 2014

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Michele Bobrowski, RMC, Township Clerk

- 2014 Franklin Fire District Agreement-An agreement was submitted by the Fire District:

Mayor Abraham directed the Township Clerk, Michele Bobrowski to invite a representative of the Franklin Fire District to a Township Committee meeting to discuss their proposed agreement that they are requesting to be signed.

- Resolution 2014-047 Awarding Solid Waste Contract to Premier Disposal:

Mayor Abraham noted that this is a new solid waste contract with significant cost savings to the Township. Comm. Schick made a motion, seconded by Comm. Swift to approve Resolution 2014-047. **ROLL CALL: Comm. Swift, yes; Comm. Schick, yes; Mayor Abraham, yes.**

**RESOLUTION 2014-047 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE OF NEW JERSEY AWARDING A 2-YEAR CONTRACT FOR SOLID WASTE SERVICES TO PREMIER DISPOSAL, INC.**

WHEREAS, the Township of Alexandria authorized the solicitation of sealed bids seeking a private industry hauler for the removal, hauling and disposal of bulky waste and certain recyclable items from the Alexandria Twp. Department of Public Works Garage, located at 255 Hickory Corner Road, Milford, NJ for a two year term; and

WHEREAS, the bids were duly advertised and on May 14, 2014, the date set for bid opening, the Township Clerk received one (1) bid for the above services which was submitted by Premier Disposal Inc., for the price of \$53,760.00 for a two year term (ie. 24 months), for the regular pick-up and disposal of Type #13 bulky waste and single stream recyclables and the price of \$200 per pull for both light and heavy metal recyclables; and

WHEREAS, the Township Attorney reviewed the bid submitted by Premier Disposal Inc. and determined that the bidder has met all the conditions required by the bid instructions and that it appears to be the lowest responsive and responsible bidder.

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ALEXANDRIA FOLLOWS:

1. The Township Committee hereby awards the above-described contract to the bidder Premier Disposal, Inc. for hauling and disposal services of type 13 bulky waste and recyclable items from the Alexandria Township Department of Public Works Garage, located at 255 Hickory Corner Road, Milford, NJ 08848 for a two (2) year term, for the bid price of \$53,760.00 for both municipal type #13 bulky waste and single stream recyclables, and at the rate of \$200 per pull for both light and heavy metal recyclables, on an as-needed basis, in accordance with the Township's specifications and the Bidder's proposal, and all the terms and conditions set forth therein

2. The Township Committee's award of the above is conditioned on the Bidder submitting all necessary post-bid documentation upon receipt of notification of the award, as well as the Bidder entering into a contract with the Township and complying with all conditions set forth and in accordance with the bid package.

I hereby certify that this resolution was adopted by the Township Committee of Alexandria Township at a public meeting held on June 11, 2014 pursuant to the approval made by the Committee on that date, by a vote of 3 for and 0 against.

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Paul Abraham, Mayor

**Attest:** June 11, 2014

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Michele Bobrowski, RMC, Township Clerk

- Ordinance 2014-008-*1<sup>st</sup> Reading* for Amending the Alexandria Township Land Use Ordinance to Update Public Notice and Submission Requirements and Incorporate Highlands Council Call-Up Provisions for Applications for Development in the Highlands Preservation Area:

Comm. Swift made a motion, seconded by Comm. Schick to approve Ordinance 2014-008 on first reading. Township Atty. Dragan noted that the Ordinance has a section in it that says it will become effective upon publication and filing with the Hunterdon County Planning Board. Mayor Abraham noted that the Alexandria Township Planning Board has approved the language of this Ordinance. **ROLL CALL: Comm. Swift, yes; Comm. Schick, yes; Mayor Abraham, yes. Public Hearing will be held on July 9, 2014, the next Township Committee.**

**TOWNSHIP OF ALEXANDRIA  
HUNTERDON COUNTY, NEW JERSEY**

**Ordinance No. 2014-08**

AN ORDINANCE AMENDING THE ALEXANDRIA TOWNSHIP LAND USE  
ORDINANCE TO UPDATE PUBLIC NOTICE AND SUBMISSION  
REQUIREMENTS AND INCORPORATE HIGHLANDS COUNCIL CALL-UP  
PROVISIONS FOR APPLICATIONS FOR DEVELOPMENT IN THE  
HIGHLANDS PRESERVATION AREA

WHEREAS, the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.) was enacted by the State Legislature on August 10, 2004 for the purpose of protecting, enhancing, and restoring the natural resources of the New Jersey Highlands Region, in particular the water resources, which provide drinking water to over 5 million New Jersey residents; and

WHEREAS, the Highlands Act created the Highlands Water Protection and Planning Council (the “Highlands Council”) and charged it with crafting a comprehensive master plan for the New Jersey Highlands Region; and

WHEREAS, the Highlands Regional Master Plan was adopted by the Highlands Council through the adoption of Resolution 2008-27 on July 17, 2008, and became effective on September 8, 2008 as the product of a long-term, participatory, and region-wide planning effort; and

WHEREAS, Resolution 2008-27 included the adoption of Highlands Regional Master Plan as well as the adoption of various technical reports and guidelines that accompanied the Plan including the 2008 Plan Conformance Guidelines; and

WHEREAS, the Plan Conformance Guidelines provide an overview of the Highlands Act’s bifurcated system for municipal conformance with the Highlands Regional Master Plan – mandatory Plan Conformance for any portion (or if applicable, the whole) of a municipality located within the Preservation Area and voluntary Plan Conformance for any portion (or if applicable, the whole) of a municipality lying within the Planning Area; and

WHEREAS, Section 14 of the Highlands Act expressly requires that municipalities must revise and conform their local master plan and development regulations for that portion of their lands within the Preservation Area, as related to development and use of said lands, with the goals, requirements and provisions of the Regional Master Plan within 15 months of the effective date of adoption thereof, or December 8, 2009; and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may at any time voluntarily revise and conform its local master plan and development regulations,

as related to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan; and

WHEREAS, the Plan Conformance Guidelines detail the requirements for Plan Conformance including amendments to the Environmental Resource Inventory, Master Plan, and Land Use Ordinance, which together are intended to achieve conformance with the Regional Master Plan and provide immediate protections to vital Highlands Resources; and

WHEREAS, the Plan Conformance Guidelines require conforming municipalities to adopt Initial Revisions as a first step of Plan Conformance; the initial revisions are revisions of the existing master plan and development regulations which are deemed necessary by the Highlands Council for prompt enactment by a petitioning local government in order to ensure the protection and enhancement of the resources of the Highlands Region; and

WHEREAS, the Plan Conformance Guidelines include the adoption of a Development Application Checklist Ordinance as an Initial Revision in order to ensure that any Application for Development not be deemed complete until such time as certain documents have been submitted by the Applicant and to ensure that Applications for Development are consistent or revised to be consistent with the Regional Master Plan; and

WHEREAS, the Township of Alexandria is located in the Highlands Region with lands lying within both the Preservation Area and the Planning Area, as defined by section 7 of the Highlands Act; and

WHEREAS, the Governing Body of the Township of Alexandria, on behalf of the municipality, petitioned the Highlands Council for Plan Conformance with respect to Township lands located within the Preservation Area portion of the Highlands Region; and

WHEREAS, the Petition filed with the Highlands Council proposed amendments to the municipal planning program, including amendments based on Highlands Council models, to the Environmental Resource Inventory, Master Plan, and Land Use Ordinance, which were intended to achieve conformance with the Regional Master Plan; and

WHEREAS, due to the extremely limited development potential of the Preservation Area in the Township of Alexandria (resulting from both the application of NJDEP Preservation Area Rules to the particular characteristics of Preservation Area lands in the Township and the existence of extensive areas of already preserved lands), the Governing Body and the Highlands Council together have determined that the adoption of the complete Master Plan Highlands Element and Highlands Preservation Area Land Use Ordinance based on Highlands Council models, is not necessary to implement Plan Conformance standards in the Township; and

WHEREAS, the Governing Body and the Highlands Council together have determined that the adoption of revised submission requirements pertinent to Applications for Development provides a more efficacious means to ensure that development within the

municipality achieves compliance with the standards and protections required under the Highland Regional Master Plan; and

WHEREAS, an immediate level of protection to the resources located within the Highlands Region by adoption of revised submission requirements pertinent to Applications for Development therein is required by the Plan Conformance Guidelines; and

WHEREAS, the Highland Council deems the immediate protections ascribed by this Ordinance to lands in the Preservation Area of the municipality, eligible for application of the provisions of the Highlands Act at N.J.S.A. 13:20-22 and N.J.S.A. 13:20-24 regarding legal representation to municipalities filing for Plan Conformance and regarding the strong presumption of validity and extraordinary deference afforded to such ordinances;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Alexandria that the Land Use Ordinance of the Township of Alexandria be and is hereby amended to incorporate the following provisions:

### **SECTION 1. APPLICABILITY**

This Ordinance shall apply to any Application for Development involving lands located within (or partially within) the Township Highlands Preservation Area (as illustrated in Exhibit 1, “Township of Alexandria Highlands Preservation Area”) that seeks approval of a site plan, subdivision, or change in use, where approval of such Application would: a) result in the ultimate disturbance of one (1) acre or more of land; b) produce a cumulative impervious surface area of one-quarter ( $\frac{1}{4}$ ) acre, or more; c) in the case of residential development, create three or more dwelling units; or d) introduce or expand on any of the following land uses/facilities:

- A. Landfills;
- B. Permanent storage or disposal of hazardous wastes, industrial or municipal sludge or radioactive materials, including solid waste landfills;
- C. Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous materials, and radioactive materials;
- D. Industrial treatment facility lagoons; or
- E. Any Major or Minor Potential Contaminant Source (as identified in Appendix A and Appendix B of this Ordinance, respectively) on lands located within 200 feet of the wellhead of any public community well or public non-community well, as these are defined at Section 6 below.

For purposes of this Ordinance, the phrases “Application for Development,” “Highlands Area,” “residential development,” “ultimate disturbance,” and “cumulative impervious surface area” shall be defined as provided at Section 6 below.

### **SECTION 2. ADMINISTRATIVE COMPLETENESS**

A. **CONSISTENCY DETERMINATIONS REQUIRED.** No Application for Development included in Section 1 above, shall be deemed complete or considered for review by the applicable Land Use Board until and unless the Applicant has obtained and provided a copy of:

1. A Consistency Determination from the Highlands Council indicating that the application is consistent with the Highlands Regional Master Plan; or
2. A Consistency Determination from the Highlands Council indicating that the application is not consistent with the Highlands Regional Master Plan, accompanied by a certification, as detailed in Section 2.B below.

B. **FINDINGS OF INCONSISTENCY.** Where a Highlands Council Consistency Determination indicates that an Application for Development is inconsistent with the Highlands Regional Master Plan, no such application shall be deemed complete or considered for review by the applicable Land Use Board, until or unless the Applicant has obtained from the professional(s) responsible for preparation of the Applicant's plans, a certification indicating that to the best of the knowledge and abilities of such professional(s), the application has, since review by the Highlands Council, been revised to achieve consistency with the Highlands Regional Master Plan, and specifically describing the revisions made to achieve such consistency.

C. **CHECKLIST WAIVER.** The Township may issue a waiver from the provisions of this Section where it can be established by the Applicant and can be verified by the designated representative(s) of the Township that:

1. The activity, improvement or development proposed by the subject Application for Development has not yet been formally determined to be exempt from the Highlands Act (see Section 5.B, below), but eligibility for an exemption has been sufficiently established by the Applicant; or
2. The activity, improvement or development proposed in the Application for Development will neither encroach upon a Highlands Resource or Highlands Resource Area, nor be of detrimental impact to any Highlands resource or Highlands Resource Area as these are identified and delineated in the Highlands Regional Master Plan. The Applicant's professional(s) responsible for preparation of the Applicant's plan shall establish compliance of the above through a formal certification specifically addressing the Highlands Resources and Resource Areas and related policies and objectives as identified in Chapter 4 of the Highlands Regional Master Plan.

D. **HIGHLANDS COUNCIL CALL-UP.** All municipal waivers or findings of application completeness issued pursuant to this Section shall be issued in writing, inclusive of a statement indicating the rationale for the determination. All such determinations shall be subject to Highlands Council call-up review, and shall include conditions requiring same consistent with this paragraph. The municipality shall within five (5) calendar days of

issuance of all such determinations, provide a copy of the decision to the Applicant and to the Highlands Council. The Highlands Council call-up review period shall expire 15 calendar days following its receipt of same. Upon determining to exercise this authority for call-up review, the Highlands Council shall transmit notice to the Applicant and the municipality. Absent any such notification from the Highlands Council within that timeframe, the application shall be considered complete, with the date of the waiver or finding of application completeness to be as of the date of first issuance by the municipality.

### **SECTION 3. NOTICE REQUIREMENTS**

The provisions of this section shall apply in addition to all requirements concerning public notice for Applications for Development as provided under the MLUL and required pursuant to the underlying municipal land use ordinances.

A. NOTICE TO HIGHLANDS COUNCIL OF APPLICATION. The applicant for any Application for Development shall provide notice to the Highlands Council at least ten (10) days prior to the date on which the application is scheduled for consideration by the local Board. A copy of the complete application shall accompany such notice regarding any Application for Development involving the potential disturbance of two (2) acres, or more, or a cumulative increase in impervious coverage of one (1) acre, or more. The applicant shall provide copies of any subsequent revisions to such applications to the Highlands Council at the same time these are provided to the reviewing Board. If such plans or plats have been prepared in digital form, they shall be provided to the Highlands Council in a digital format that meets Highlands Council standards for such submissions.

B. NOTICE OF DECISION REQUIRED. The reviewing Board shall provide a certified copy of the fully-executed resolution memorializing its final decision regarding any Application for Development to the Highlands Council within ten (10) days of its adoption. This provision shall apply in all cases, whether the Board approves the Application for Development, denies it, or approves it with conditions.

### **SECTION 4. HIGHLANDS COUNCIL CALL-UP PROVISIONS**

All Board decisions pertaining to Applications for Development involving the ultimate disturbance of two (2) acres or more of land or a cumulative increase in impervious surface by one (1) acre or more, are subject to call-up and subsequent review by the Highlands Council in accordance with procedural requirements and timeframes established pursuant to the Highlands Act. The Highlands Council may, on notice to the applicant within 15 calendar days of receipt of the memorializing resolution of the reviewing Board, review and require a public hearing on the application. In that case, subsequent to the hearing the Highlands Council may approve the Application for Development, deny it, or issue an approval with conditions.

The following conditions of approval shall be attached to any Application for Development approved pursuant to the MLUL which involves lands within or partially within the Highlands Preservation Area.

A. NO LAND DISTURBANCE. No land disturbance approved in connection with an Application for Development involving the ultimate disturbance of two (2) acres or more of land or a cumulative increase in impervious surface by one (1) acre or more, shall occur until and unless, either:

1. The Highlands Council call-up period has expired without issuance of a notice seeking review of the application by the Highlands Council; or
2. The Highlands Council has issued notice, and has reviewed the approval pursuant to N.J.S.A. 13:20-17(a)1 and has determined not to deny or modify the approval.

B. AMENDMENTS. In the event that Highlands Council review of an approved Application for Development pursuant to this Section results in a finding that the plans must be modified, the applicant shall amend the application accordingly and submit the amended application to the reviewing Board for approval. Such submissions shall include the written findings and notice of decision of the Highlands Council and any subsequent approval by the Land Use Board shall incorporate any conditions imposed by the Highlands Council.

C. APPROVALS CONDITIONED ON STATE APPROVALS. All approvals shall be subject to the approval of any and all State agencies or other authorities having jurisdiction over any aspect or aspects of the approved Application for Development.

D. AS-BUILT SURVEYS REQUIRED. Prior to issuance of any final Certificate of Occupancy or Approval, or to the release of any performance bonding held in relation to the approved Application for Development, the applicant shall provide an “as-built” survey depicting the final site conditions.

E. SUBMISSION OF FINAL PLANS/PLATS TO HIGHLANDS COUNCIL. The applicant shall provide a copy of any final site plan or subdivision plat to the Highlands Council. If such plans or plats have been prepared in digital form, they shall be provided to the Highlands Council in a digital format that meets Highlands Council standards for such submissions in lieu of copies printed on paper.

## **SECTION 5. EXCLUSIONS AND EXEMPTIONS**

A. EXCLUSIONS. The following specific improvements and related applications shall be excluded from the provisions of this Ordinance:

1. The reconstruction, within the same footprint, of any building or other structure lawfully existing as of the effective date of this Ordinance, in the event of its destruction or partial destruction by fire, storm, natural disaster, or any other unintended circumstance.
2. Any improvement or alteration to a building or other structure lawfully existing as of the effective date of this Ordinance, where such improvement or alteration is necessary for compliance with the provisions of the Americans with Disabilities Act, or to otherwise provide accessibility to the disabled.

3. Any Agricultural or Horticultural Use or Development that would not result in either:
  - a. An increase, since the date of enactment of the Highlands Act (August 10, 2004), either individually or cumulatively, of new agricultural impervious cover of greater than three percent (3%) to the total land area of a Farm Management Unit. Solar panels shall not be included in any calculation of agricultural impervious cover (all terms as defined in Section 6, below); or
  - b. Construction of three (3) or more residential dwelling units (including accessory dwelling units) served by individual on-site septic system(s).

B. EXEMPTIONS. Any activity, improvement or development project listed and demonstrated to constitute a Highlands Act exemption shall be exempt from the provisions of this Ordinance. Formal demonstration of a Highlands Act exemption for an Application for Development involving lands located (or partially located) in the Preservation Area shall consist of one of the following:

1. *State Agency Determination.* State Agency Determinations shall consist of a Highlands Applicability Determination (HAD) issued by the NJDEP indicating that the proposal qualifies as a Highlands Act Exemption.
2. *Municipal Determination.* Pursuant to Township Ordinance #2014-09, entitled “Township of Alexandria Highlands Area Exemption Ordinance,” effective as of \_\_\_\_\_ for any application under this Ordinance involving Highlands Act Exemptions #4, #6, #7, or #8, the applicant may request and shall be deemed to have satisfied the evidentiary requirement by obtaining a Municipal Exemption Determination issued by the Municipal Exemption Designee, provided such Determination indicates that the proposal qualifies as a Highlands Act Exemption. The applicant may rely upon the findings of a Municipal Exemption Determination to the same extent and with the same protections as would apply in the case of a HAD issued by the NJDEP.

## **SECTION 6. DEFINITIONS**

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

**Agricultural or Horticultural Development** – means construction for the purposes of supporting common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of

techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

**Agricultural or Horticultural Use** – means the use of land for common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

**Agricultural Impervious Cover** – means agricultural or horticultural buildings, structures or facilities with or without flooring, residential buildings and paved areas, but not meaning temporary coverings.

**Applicant** – means a developer submitting an Application for Development.

**Application for Development** – means the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permits pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).

**Disturbance** – means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

**Disturbance, Ultimate** – means the total existing or proposed area of disturbance of a lot, parcel, or other legally designated (or otherwise legally recognized) tract or subdivision of land, for the purpose of, and in connection with, any human activity, property improvement, or development, including the surface area of all buildings and structures, all impervious surfaces, and all associated land disturbances such as excavated, filled, and graded areas, and all lawn and landscape areas. Ultimate disturbance shall not include areas of prior land disturbance which at the time of evaluation: a) contain no known man-made structures (whether above or below the surface of the ground) other than such features as old stone rows or farm field fencing; and b) consist of exposed rock outcroppings, or areas which, through exposure to natural processes (such as weathering, erosion, siltation, deposition, fire, flood, growth of trees or other vegetation) are no longer impervious or visually obvious, or ecologically restored areas which will henceforth be preserved as natural areas under conservation restrictions.

**Farm Management Unit** – means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

**Highlands Council** – means the New Jersey Highlands Water Protection and Planning Council.

**Highlands Act** – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 *et seq.*

**Highlands Applicability Determination (HAD)** – means the determination made by the NJDEP of whether a project proposed for the Preservation Area is a major Highlands development, whether any such major Highlands development is exempt from the

Highlands Act, and whether the project is consistent with the applicable Areawide Water Quality Management Plan.

**Highlands Area** – means that portion of the municipality for which the land use planning and regulation are in conformance with, or are intended or proposed to be in conformance with, the Highlands Regional Master Plan, specifically in the context of this Ordinance, the Township of Alexandria Highlands Preservation Area.

**Highlands Region** – means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

**Impervious Surface** – means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, including, but not limited to, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

**Impervious Surfaces, Cumulative** – means the total area of all existing or proposed impervious surfaces situated or proposed to be situated within the boundary lines of a lot, parcel, or other legally recognized subdivision of land, expressed either as a measure of land area such as acreage, or square feet, or as a percentage of the total lot or parcel area.

**Major Potential Contaminant Sources (PCS)** – means land uses and activities determined by the Highlands Council to pose a major risk of ground water contamination (see Appendix A).

**Minor Potential Contaminant Sources (PCS)** – means land uses and activities determined by the Highlands Council to pose a minor risk of ground water contamination (see Appendix B).

**Municipal Land Use Law (MLUL)** – means the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

**NJDEP** – New Jersey Department of Environmental Protection

**NJDEP Preservation Area Rules** – means the regulations established by the NJDEP to implement requirements of the Highlands Act, titled “Highlands Water Protection and Planning Act Rules,” and codified at N.J.A.C. 7:38-1 et seq.

**Planning Area** – means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

**Plan Conformance** – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.

**Preservation Area** – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

**Public Community Well** – means a well that provides water to a public water system serving at least 15 service connections used by year-round residents or regularly serving at least 25 year-round residents.

**Public Non-Community Well** – means a well that is not a public community well and that provides water to a public water system regularly serving at least 25 individuals for at least 60 days in any given calendar year.

**Regional Master Plan (RMP)** – means the Highlands Regional Master Plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

**Solar Panel** – means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array. (As defined by the Highlands Act, N.J.S.A. 13:20-1 et seq, as amended.)

**Structure** – means a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

**SECTION 7**

If any portion, paragraph, clause, sentence or phrase of this Ordinance is determined to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

**SECTION 8**

All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency only.

**SECTION 9**

This Ordinance shall take effect after final passage and publication in the manner prescribed by law.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon its publication, following final adoption, as provided by law.

ATTEST:

THE TOWNSHIP OF ALEXANDRIA

\_\_\_\_\_

By: \_\_\_\_\_

Michele Bobrowski, RMC, Twp. Clerk

Paul Abraham, Mayor

## **POTENTIAL CONTAMINANT SOURCES**

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Land uses and activities determined by the Highlands Council (based on New Jersey Safe Drinking Water Act regulations at N.J.A.C. 7:10 and NJDEP regulations) to be Major Potential Contaminant Sources include those listed below.

1. Underground fuel and chemical storage and oil tanks regulated by NJDEP under provisions of the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A-21 et seq).
2. Above-ground storage facility for a hazardous substance or waste with a cumulative capacity greater than 2,000 gallons.
3. Automotive service center (repair & maintenance).
4. Dry cleaning processing facility.
5. Road salt storage facility.
6. Cemetery.
7. Highway maintenance yard.
8. Truck, bus, locomotive maintenance yard.
9. Site for storage and maintenance of heavy construction equipment and materials.
10. Site for storage and maintenance of equipment and materials for landscaping, excluding household storage and maintenance of such equipment.
11. Livestock operation containing 300 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] as defined by the NJ Department of Agriculture in its Criteria and Standards for Animal Waste Management, at NJAC 2:91.
12. Quarrying and/or mining facility.
13. Asphalt and/or concrete manufacturing facility.
14. Junkyard/auto recycling and scrap metal facility.
15. Residential or agricultural motor fuel in NJDEP exempted underground storage tanks (i.e., under 1,000 gallons).

## MINOR POTENTIAL CONTAMINANT SOURCES

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Land uses and activities determined by the Highlands Council (based on New Jersey Safe Drinking Water Act regulations at N.J.A.C. 7:10 and NJDEP regulations) to be Minor Potential Contaminant Sources include the following:

1. Underground storage of hazardous substance or waste of less than 50 gallons.
2. Underground heating oil storage tank with a capacity of less than 2,000 gallons.
3. Sewage treatment facility regulated by a NJPDES permit granted under NJAC 7:14A.
4. Industrial waste line.
5. Septic system disposal field.
6. Facility requiring a ground water discharge permit issued by the NJDEP pursuant to N.J.A.C 7:14A et seq.
7. Stormwater retention-recharge basin on an industrial property receiving runoff from surfaces other than roof areas.
8. Dry well on an industrial property receiving runoff from surfaces other than roof areas.
9. Waste oil collection, storage and recycling facility.
10. Agricultural chemical bulk storage and mixing or loading facility including crop dusting facilities.
11. Above-ground storage of hazardous substance or waste in quantities of less than 2,000 gallons.
12. Livestock operation containing 8 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] or those receiving 142 or more tons of animal waste per year as defined by the NJ Department of Agriculture pursuant to its Criteria and Standards for Animal Waste Management, at NJAC 2:91.

- Ordinance 2014-009-*1<sup>st</sup> Reading* for Supplementing the Land Use Ordinance of Alexandria Township Setting Forth Procedural and Substantive Requirements by which Alexandria Township Can Issue Highlands Act Exemption Determinations:

Comm. Swift made a motion, seconded by Comm. Schick to approve Ordinance 2014-009 on first reading. Township Atty. Dragan noted that the Ordinance has a section in it that says it will become effective upon publication and filing with the Hunterdon County Planning Board. **ROLL CALL: Comm. Swift, yes; Comm. Schick, yes; Mayor Abraham, yes. Public Hearing will be held on July 9, 2014, the next Township Committee.**

**TOWNSHIP OF ALEXANDRIA  
HUNTERDON COUNTY, NEW JERSEY**

**Ordinance No. 2014-09**

**AN ORDINANCE SUPPLEMENTING THE LAND USE ORDINANCE  
OF ALEXANDRIA TOWNSHIP SETTING FORTH PROCEDURAL  
AND SUBSTANTIVE REQUIREMENTS BY WHICH ALEXANDRIA  
TOWNSHIP CAN ISSUE HIGHLANDS ACT EXEMPTION  
DETERMINATIONS**

This document is based on a model Highlands Area Exemption Ordinance prepared and provided to Highlands municipalities by the New Jersey Highlands Water Protection and Planning Council.

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## **TITLE, PURPOSE, SCOPE**

### **TITLE**

This Ordinance shall be known and cited as the “Alexandria Township Highlands Area Exemption Ordinance.”

### **PURPOSE**

The purpose of this Ordinance is to set forth the procedural and substantive requirements by which the municipality will issue Highlands Act Exemption Determinations. Such determinations pertain only to Highlands Act Exemptions 1, 2, 4, 5, 6, 7, and 8. Highlands Act Exemption Determinations indicate whether proposed activities, improvements or development projects affecting lands located within the Alexandria Township Highlands Preservation 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 Alexandria Township’s master plan, development regulations, or other regulations adopted pursuant to the approval of Alexandria Township’s Petition for Plan Conformance by the Highlands Council.

### **SCOPE/APPLICABILITY**

The provisions of this Ordinance pertain to activities, improvements and development projects involving lands located within the Alexandria Township Highlands Preservation Area. The Highlands Area comprises that portion of the municipality for which the applicable provisions of the Alexandria Township Master Plan, land use ordinances and other pertinent regulations have been deemed by the Highlands Council to be in conformance with the Highlands Regional Master Plan (RMP) (see § 3.1.1). The provisions of this Ordinance shall not be construed to alleviate any person or entity from

the provisions and requirements of any other applicable ordinances, rules, or regulations of the municipality, or from any other applicable law, regulation, or requirement of any county, state, or federal authority having jurisdiction. Nor shall the provisions of this Ordinance deprive any person or entity from seeking a Highlands exemption determination from the NJDEP or the Highlands Council.

**STATUTORY AUTHORITY**

This Ordinance is adopted under the authority of the Highlands Act and the New Jersey Municipal Land Use Law (“MLUL”, N.J.S.A. 40:55D-1 et seq.). In the Highlands Act, the Legislature identified numerous categories of activities that are exempt from the Act, the RMP, the Preservation Area Rules, and any amendments to a master plan, development regulations, or other regulations adopted by a local government to conform them with the RMP. See N.J.S.A. 13:20-28. The Legislature granted the Highlands Council the authority to administer the plan conformance process and to approve, reject, or approve with conditions municipal plan conformance petitions. See N.J.S.A. 13:20-14, -15. The Legislature, through the MLUL, granted authority to New Jersey municipalities to govern land use and development within their borders and, through the Highlands Act, established requirements for Highlands municipalities to conform their land use and development regulations with the RMP. 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.

**SEVERABILITY**

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall in no way affect the validity of the ordinance as a whole, or of any other portion thereof.

**EFFECTIVE DATE**

This Ordinance shall take effect after final passage and publication in the manner required by law.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon its publication, following final adoption, as provided by law.

ATTEST:

THE TOWNSHIP OF ALEXANDRIA

\_\_\_\_\_

By: \_\_\_\_\_

Michele Bobrowski, RMC, Twp. Clerk

Paul Abraham, Mayor

## DEFINITIONS

### WORD USAGE

Terms used in the body of this Ordinance which are defined by the Highlands Act (N.J.S.A. 13:20-3) are intended to have the same definitions as provided in the Highlands Act. Unless expressly stated to the contrary or alternately defined herein, terms which are defined by the MLUL are intended to have the same meaning as set forth in the MLUL. For purposes of this Ordinance, the terms “shall” and “must” are indicative of a mandatory action or requirement while the word “may” is permissive.

### DEFINITIONS

For purposes of this Ordinance the following definitions shall apply:

**Agricultural or Horticultural Development** – Construction for the purposes of supporting common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing. (N.J.S.A. 13:20-3.)

**Agricultural or Horticultural Use** – The use of land for common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing. (N.J.S.A. 13:20-3.)

**Agricultural Impervious Cover** – Agricultural or horticultural buildings, structures or facilities with or without flooring, residential buildings and paved areas, but not meaning temporary coverings. (N.J.S.A. 13:20-3.)

**Applicant** – Any entity applying to the Board of Health, Planning Board, Zoning Board of Adjustment, Zoning Officer, Construction Official or other applicable authority of the municipality for permission or approval to engage in an activity that is regulated by the provisions of this Ordinance.

**Application for Development** – The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).

**Building Permit** – Used interchangeably with the term “Construction Permit;” see definition below.

**Construction Permit** – A permit issued pursuant to the New Jersey Uniform Construction Code, Chapter 23 of Title 5 of the New Jersey Administrative Code (N.J.A.C. 5:23-1 et seq.), providing authorization to begin work subject to the conditions and requirements established under the provisions therein.

**Development** – The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or

other structure, or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the MLUL. (N.J.S.A. 13:20-3; N.J.S.A. 40:55D-4.)

**Disturbance** – The placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation. (N.J.S.A. 13:20-3.)

**Disturbance, Ultimate** – The total existing or proposed area of disturbance of a lot, parcel, or other legally designated (or otherwise legally recognized) tract or subdivision of land, for the purpose of, and in connection with, any human activity, property improvement, or development, including the surface area of all buildings and structures, all impervious surfaces, and all associated land disturbances such as excavated, filled, and graded areas, and all lawn and landscape areas. Ultimate disturbance shall not include areas of prior land disturbance which at the time of evaluation: a) contain no known man-made structures (whether above or below the surface of the ground) other than such features as old stone rows or farm field fencing; and b) consist of exposed rock outcroppings, or areas which, through exposure to natural processes (such as weathering, erosion, siltation, deposition, fire, flood, growth of trees or other vegetation) are no longer impervious or visually obvious, or ecologically restored areas which will henceforth be preserved as natural areas under conservation restrictions.

**Environmental Land Use or Water Permit** – A permit, approval, or other authorization issued by the Department of Environmental Protection pursuant to the "Freshwater Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et seq.), the "Water Supply Management Act," P.L.1981, c.262 (C.58:1A-1 et seq.), the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), "The Realty Improvement Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23 et seq.), the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.), the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), or the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.). (N.J.S.A. 13:20-3.)

**Farm Management Unit** – A parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise. (N.J.S.A. 13:20-3.)

**Forest Management Plan** – A written guidance document describing the forest resources present on a property, the landowner's management goals and objectives, and the recommended practices or activities to be carried out over time on the land. This tool is used to evaluate a forest land's current state and provide a management process which, over time, meets the landowner's objectives, while maintaining health and vigor of the resource. Forest Management Plans are typically written for a ten year period. (RMP, Glossary.)

**Farmsite** – A Farm Management Unit as defined above.

**Highlands Applicability Determination** – A determination made by the NJDEP (pursuant to N.J.A.C. 7:38-2.4) indicating whether a project proposed for the Preservation Area is a major Highlands development, whether any such major Highlands development is exempt from the Highlands Act, and whether the project is consistent with the applicable Areawide Water Quality Management Plan

**Highlands Area** – That portion of the municipality for which the land use planning and regulation are in conformance with, or are intended or proposed to be in conformance with, the Highlands RMP.

**Highlands Preservation Area Approval (HPAA)** – An approval issued by the NJDEP pursuant to 7:38-6 pertinent to a regulated activity in the Highlands Preservation Area, and including an HPAA that contains a waiver pursuant to N.J.S.A. 13:20-33b.

**Immediate Family Member** – A spouse, child, parent, sibling, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half brother, or half sister, whether the individual is related by blood, marriage, or adoption. (N.J.S.A. 13:20-3.)

**Impervious Surface** – Any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, including, but not limited to, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements. (N.J.S.A. 13:20-3.)

**Impervious Surfaces, Cumulative** – The total area of all existing or proposed impervious surfaces situated or proposed to be situated within the boundary lines of a lot, parcel, or other legally recognized subdivision of land, expressed either as a measure of land area such as acreage, or square feet, or as a percentage of the total lot or parcel area.

**Major Highlands Development** – Except as otherwise provided pursuant to subsection a. of section 30 of the Highlands Act (“Exemptions”): (1) any non-residential development in the Preservation Area; (2) any residential development in the Preservation Area that requires an environmental land use or water permit [from the NJDEP, *see definition above*], or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more; (3) any activity undertaken or engaged in the Preservation Area that is not a development but results in the ultimate disturbance of one-quarter acre or more of forested area or that results in a cumulative increase in impervious surface by one-quarter acre or more on a lot; or (4) any capital or other project of a state entity or local government unit in the Preservation Area that requires an environmental land use or water permit [from the NJDEP, *see definition above*], or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more. Major Highlands Development shall not include any agricultural or horticultural development or agricultural or horticultural use. Solar panels shall not be included in any calculation of impervious surface. (As defined by the Highlands Act, N.J.S.A. 13:20-1 et seq., as amended.)

**Master Plan** – For purposes of this Ordinance, all references to the “Alexandria Township Master Plan,” “master plan,” or “Master Plan,” refer to the municipal master plan, as defined in the MLUL (N.J.S.A. 40:55D-5), as adopted by the Alexandria Township Planning Board.

**Master Plan, Highlands Regional (RMP)** – For purposes of this Ordinance, all references to the Highlands Regional Master Plan (RMP), shall be by use of the words “Highlands Regional Master Plan,” “Highlands RMP,” “Regional Master Plan,” or “RMP.”

**Municipal Land Use Law (MLUL)** – The New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

**NJDEP** – New Jersey Department of Environmental Protection

**NJDEP Preservation Area Rules** – The regulations established by the NJDEP to implement requirements of the Highlands Act, titled “Highlands Water Protection and Planning Act Rules,” and codified at N.J.A.C. 7:38-1 et seq.

**Planning Area** – Lands within the Highlands Region that are not located in that portion designated by the Highlands Act as the “Preservation Area” (see metes and bounds description at N.J.S.A. 13:20-7b). For purposes of this Ordinance, this terminology shall also be used to refer to Planning Area lands located solely within the Alexandria Township.

**Preservation Area** – Lands within the Highlands Region that are located in that portion designated by the Highlands Act as the “Preservation Area” (see metes and bounds description at N.J.S.A. 13:20-7b). For purposes of this Ordinance, this terminology shall also be used to refer to Preservation Area lands located solely within Alexandria Township.

**Solar Panel** – An elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array. (N.J.S.A. 13:20-3.)

**Structure** – A combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

## **GEOGRAPHIC AREA OF APPLICABILITY**

### **HIGHLANDS PLANNING AREA AND PRESERVATION AREA**

The Highlands Act establishes the Preservation Area and Planning Area of the Highlands Region. It describes the varied attributes of each and sets forth the major land use planning goals that pertain to the lands located within each. The Act defines the geographic extent of the Highlands Region to include the aggregated land area making up its constituent municipalities (N.J.S.A. 13:20-7a). It provides a physical delineation of the Preservation Area by use of a specific metes and bounds description (N.J.S.A. 13:20-7b), designating all remaining lands within the Highlands Region as the Planning Area.

### **Highlands Area**

The Alexandria Township Master Plan incorporates the Highlands Preservation Area, inclusive of the goals applicable to it, as an integral component of the planning and land use policies of the municipality. For purposes of this Ordinance, this Area is designated as the Alexandria Township Highlands Area. A map of the Alexandria Township Highlands Area appears in Exhibit 1.

### **Applicability Specified**

This Ordinance applies specifically and solely to lands designated as the Alexandria Township Highlands Area, as delineated in Exhibit 1, and is limited to Highlands Preservation Area lands.

## **HIGHLANDS ACT EXEMPTION DETERMINATIONS**

### **HIGHLANDS ACT EXEMPTIONS**

Section 30 of the Highlands Act identifies as exempt, specific activities, improvements and development projects affecting lands within the Highlands Region. Such activities, improvements and projects may be proposed as a component of any type of land use application submitted to the municipality for approval, including but not limited to zoning permit applications, building permit applications, and Applications for Development (as defined at § 2.2). Any such qualifying activity, improvement or development project is exempt, with regard specifically to that activity, improvement or development project, from the requirements of the Highlands Act, the Highlands RMP, the NJDEP Preservation Area Rules, and any amendments to Alexandria Township's master plan, development regulations, or other regulations adopted pursuant to the approval of Alexandria Township's Petition for Plan Conformance by the Highlands Council. Such an exemption specifically applies to any Highlands Area land use ordinance adopted by Alexandria Township pursuant to the Highlands Council's approval of Alexandria Township's Petition for Plan Conformance.

Where any application submitted to the municipality for approval proposes to rely upon a Highlands Act Exemption, the applicant must, as a condition of application completeness, and prior to review or approval of the application by the applicable municipal authority, provide sufficient evidence that the proposed activity, improvement, or development project in fact qualifies as a Highlands Act Exemption. Such evidence shall consist of either a State Agency Exemption Determination or a Municipal Exemption Determination (see § 4.1.1 or § 4.1.2 below) indicating that the proposed activity, improvement, or development project qualifies for a Highlands Act Exemption.

### **State Agency Exemption Determination**

State Agency Exemption Determinations shall consist of either, a Highlands Applicability Determination issued by the NJDEP for a Preservation Area proposal, or a Highlands Exemption Determination issued by the Highlands Council for a Planning Area proposal. State Agency Determinations may be requested with regard to any Highlands Act Exemption, however for applications involving any exemption not identified at § 4.2 below, a State Agency Exemption Determination is required. Any applicant seeking a formal exemption determination for a capital or other project of any State entity or local government unit, or for any other publicly-owned or controlled land or facility, also must request a State Agency Exemption Determination.

### **Municipal Exemption Determination**

For an application involving any of the specific exemptions listed in Section 4.2 below, the applicant may request a Municipal Exemption Determination. The applicant may rely upon the findings of a Municipal Exemption Determination to the same extent as would apply to an exemption determination issued by the Highlands Council or the NJDEP.

## HIGHLANDS ACT EXEMPTIONS ELIGIBLE FOR MUNICIPAL DETERMINATION

Effective as of the date on which the municipality receives written authorization from the Highlands Council to proceed, an applicant may seek a Municipal Exemption Determination for the Highlands Act Exemptions listed hereunder.

- a. *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.
- b. *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.
  - i. A Municipal Exemption Determination indicating that an applicant qualifies under Highlands Act Exemption 2 shall require approval and filing of a Deed Notice along with a site plan delineating the total exempt area and the extent of the disturbance recognized in the Municipal Exemption Determination (see 4.4 below). Municipal Exemption Determinations in such instances shall not take effect until the applicant has provided proof of filing of the approved Deed Notice.
- c. *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.
  - i. For purposes of this Ordinance, this exemption shall not be construed to permit multiple 125% footprint expansions, but rather, to permit one or more reconstruction activities cumulatively resulting in a maximum 125% increase in the footprint of the impervious surfaces lawfully existing on the site, provided they do not cumulatively exceed the one-quarter acre limitation. Any determination of whether the expansion of impervious cover meets the statutory criteria for the exemption must account for the preexisting impervious cover, and for the Preservation Area, such expansion must be contiguous to the location of the existing impervious cover. See In re August 16, 2007 Determination of NJDEP ex rel. Christ Church, 414 N.J. Super. 592 (App. Div. 2010), certif. denied, 205 N.J. 16 (2010).
  - ii. For Preservation Area determinations, the applicable date of lawful existence shall be August 10, 2004, the date of enactment of the Highlands Act. For Planning Area determinations, the date of lawful existence shall coincide with the effective date of the municipally-adopted Highlands Area Checklist Ordinance or Highlands Area Land Use Ordinance, whichever is earlier.
- d. *Exemption 5.* Any improvement to a single family dwelling in existence on the date of enactment of the Highlands Act (August 10, 2004), including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool or septic system.
- e. *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.

- f. *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.
- g. *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.

### **EXEMPTION DESIGNEE(S)**

Municipal Exemption Determinations regarding Highlands Act Exemptions shall be issued by the Alexandria Township Planner, Engineer, and/or Zoning Officer. The Exemption Designee shall be authorized to issue Municipal Exemption Determinations on behalf of the municipality, and shall only begin to do so, after satisfactory completion of a Highlands Council training class for which the individual has received formal certification from the Highlands Council.

### **Updates to Training Certification**

In the event of programmatic changes, updated information, or modifications to procedures, updated training certification may be required of Exemption Designees in order to maintain qualifications for providing Municipal Exemption Determinations. The Highlands Council will provide training modules on an as-needed basis, to provide base training to new employees, and/or to further the expertise of already-certified individuals. Exemption Designees and the municipalities they serve will be advised of any need for upgraded training, which will be provided and funded by the Highlands Council.

### **Interim Determinations**

For the duration of any period during which the municipality is without a qualified Exemption Designee(s) due to changes in personnel or other extenuating circumstances, applicants seeking Highlands Act Exemption Determinations shall be referred to the NJDEP or the Highlands Council, for a State Agency Determination pursuant to § 4.1.1, above.

## **APPLICATION PROCEDURES**

### **Municipal Exemption Applications**

Requests for Municipal Exemption Determination shall be submitted on forms provided by the Alexandria Township Planning/Zoning Board Secretary or Zoning Official and shall be accompanied by sufficient information and documentary evidence to demonstrate whether the proposed activity, improvement or development project qualifies for the applicable exemption. Required submission materials applicable to each exemption, appear at § 4.7, below.

### **Completeness Determination**

The Exemption Designee (Planner, Engineer, and/or Zoning Officer) shall review the application and all accompanying materials to determine whether sufficient information has been submitted to make a determination on the application. In the event of a finding that the application is incomplete,

the Exemption Designee shall, within fifteen (15) calendar days of receipt, issue such findings in writing to the applicant, indicating what information is required to properly consider the application.

#### **Time for Determination**

The Exemption Designee shall issue Municipal Exemption Determinations within thirty (30) calendar days of receipt of a complete application. The Exemption Designee may consult with the Executive Director (or applicable designee) of the Highlands Council as needed in making any exemption determination, however. In such circumstance, the Exemption Designee shall seek such assistance within the 30-period and shall issue the determination within at least ten (10) calendar days of receiving the requested guidance. In no case shall failure to meet this date constitute approval of the exemption.

#### **Determinations**

All Municipal Exemption Determinations shall be provided in writing, shall certify to the applicability or inapplicability of the exemption, and shall include a statement of the rationale for the decision. Any Municipal Exemption Determination certifying to the applicability of Highlands Act Exemptions #2 shall be contingent upon submission of proof of filing of the required Deed Notice, as set forth at § 4.4.5, below.

#### **Notice of Determination Required**

The Exemption Designee shall provide copies of all Municipal Exemption Determinations including a copy of the full application, to the Highlands Council and for decisions regarding lands in the Highlands Preservation Area, to the NJDEP, in either case, within ten (10) business days of issuance.

#### **Deed Notice for Exemption #2**

Any Municipal Exemption Determination that certifies to the applicability of Highlands Act Exemption #2 (§ 4.2 above), shall be issued conditionally, pending fulfillment of the requirement that a deed notice be recorded in the office of the County Clerk or Register, as applicable, indicating the extent of the exemption that has been consumed. The deed notice shall incorporate each of the components listed below and the applicant shall provide a copy of the filed Deed Notice to the Highlands Council within five (5) business days of filing.

- A. Clear identification of the name(s) and address(es) of the owner(s) in fee of the property;
- B. Designated tax block and lot number(s), street address(es), municipality and county of location of the property;
- C. Reference to the Municipal Exemption Determination (by date, numbering if applicable) issued and under which the deed notice is being filed;
- D. Description of the approved area of ultimate disturbance and the impervious surface area, with verification that these remain below the statutory limits;
- E. For properties of one acre or more in area, metes and bounds delineation indicating the portion of the property for which the ultimate disturbance has been authorized;
- F. Agreement to abide by the ultimate disturbance and impervious surface limits imposed, any furtherance thereof rendering the Municipal Exemption Determination null and void; and
- G. Notice that the owner(s) and subsequent owner(s) and lessees shall cause all leases, grants, and other written transfers of interest in the property to contain provisions expressly requiring all holders thereof to take the property subject to the limitations therein set forth.

## **APPEAL OF MUNICIPAL EXEMPTION DETERMINATION**

A Municipal Exemption Determination may be appealed by any affected person/entity by filing a notice of appeal within twenty (20) calendar days of issuance or receipt of said determination, whichever is later, specifying the grounds therefor. Appeals must be filed with the NJDEP in the case of any Preservation Area Exemption. All appeals shall be copied to the Exemption Designee, who shall immediately transmit to the NJDEP, copies of the notice of appeal, the Municipal Exemption Determination Application, and all supplemental materials constituting the record that the Exemption Designee relied upon in issuing the Municipal Exemption Determination. Where the Municipal Exemption Determination deems an activity, improvement or development project exempt, the filing of an appeal to the NJDEP or the Highlands Council shall stay all proceedings in furtherance of its approval by the municipality.

## **EFFECT OF CERTIFIED EXEMPTION**

Issuance of a Municipal Exemption Determination that certifies to the applicability of a Highlands Act exemption shall recognize the applicant's exemption from the provisions of the RMP, NJDEP Preservation Area Rules, and any municipal ordinances and requirements adopted under the authority of the Highlands Act to achieve Highlands Plan Conformance. The exemption is restricted solely to the extent of the specified activity, improvement, or development project as described in the language of the Highlands Act exemption, or to any lesser activity, improvement, or development project as proposed and certified through a Municipal Exemption Determination Application. Any activity, improvement, or development project, or any part thereof, that is not specifically listed as an exemption or exceeds the limits of an exemption, remains subject to all of the above regulatory programs to the full extent of the respective applicability of each. Issuance of a Highlands Exemption Determination shall not relieve the applicant from securing all other required federal, state, or local approvals.

## **APPLICATION FEES (OPTIONAL)**

A non-refundable application fee of \$300.00 shall be submitted with an application for Alexandria Township to review and process the requested Municipal Exemption Determination.

## **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. All references to professional preparers indicated herein 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. 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..

### *A. Exemption 1.*

1. 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;
2. 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
3. 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.

B. *Exemption 2.*

1. 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;
2. A property survey certified by a licensed New Jersey Professional Land Surveyor indicating the property boundary lines and overall lot size, and showing what structures currently exist on the lot, if any;
3. 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
4. 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.

C. *Exemption 4.*

1. 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;; and
  - b) All proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading; and
2. A copy of any official documentation of the original date of construction of the building or otherwise establishing the lawfulness of existing impervious surfaces.

D. *Exemption 5.*

1. A copy of any official documentation proving the single family dwelling was in existence on August 10, 2004;

2. A description of the proposed improvement; and
3. A certification from the applicant that the property and all improvements will continue to be used for single family dwelling purposes.

E. *Exemption 6.*

1. 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;
2. 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;
3. 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.

F. *Exemption 7.*

1. 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.
2. 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.

G. *Exemption 8.*

1. 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;
2. A written description of the non-impervious materials to be used; and
3. For privately owned property, a copy of a deed for the property and the conservation or recreational use easement on the property.

- Resolution 2014-048 2014 Clean Communities:  
Comm. Swift made a motion, seconded by Comm. Schick to approve Resolution 2014-048. **ROLL CALL: Comm. Swift, yes; Comm. Schick, yes; Mayor Abraham, yes.**

RESOLUTION 2014- 048 PROVIDING FOR THE INSERTION OF ANY SPECIAL  
ITEM OF REVENUE IN THE 2014 BUDGET AND OFFSETTING  
APPROPRIATIONS FOR A CLEAN COMMUNITIES GRANT.

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Alexandria has received funds from the State of New Jersey in the amount of \$15,337.83 from the State of New Jersey, Environmental Protection Agency (received 5-29-2014) for the Clean Communities Program and the Township wishes to amend the 2014 budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Alexandria, in the County of Hunterdon, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$15,337.83 which is now available as a revenue from the State of New Jersey, Environmental Protection, Clean Communities Grant fy2014 pursuant to the provisions of statute, and

BE IT FURTHER RESOLVED that a like sum of \$15,337.83 be and the same is hereby appropriated under the caption of Clean Communities Grant 2014; and

BE IT FURTHER RESOLVED that the above is the result of having received the funding after the adoption of the 2014 budget; and

BE IT FURTHER RESOLVED that the Township Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

Township of Alexandria  
By:  
Paul Abraham, Mayor

Certified to be a true copy of a Resolution adopted on June 11, 2014.

By: \_\_\_\_\_  
Michele Bobrowski, Township Clerk

- Resolution 2014-049 Jacobson Farm Cost Share:  
Comm. Schick made a motion, seconded by Comm. Swift to approve Resolution 2014-049. Comm. Schick made a motion, seconded by Comm. Swift to authorize Township Attorney, Sharon Dragan to get appraisals for this farm. **ROLL CALL: Comm. Swift, yes; Comm. Schick, yes; Mayor Abraham, yes.**

***RESOLUTION 2014-049 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON , STATE OF NEW JERSEY PRELIMINARILY APPROVING COST SHARE FOR JACOBSON FARM, BLOCK 15 , LOT 1***

**WHEREAS**, there are certain properties within the Township of Alexandria for which the owners of have filed applications to place their properties within the farmland preservation program; and

**WHEREAS**, the NJ State Agriculture Development Committee (“SADC”) informed Alexandria Township that it has received a complete farmland preservation application from John and Miriam Jacobson (“Owners”) for the preservation of Block 15, p/o Lot 1 , located within the Township of Alexandria which property is contained within Alexandria Township’s Municipal Planning Incentive Grant list of farms ; and

**WHEREAS**, the application states that Block 15, Lot 1 consists of approximately 31.75+/- gross acres (as determined by the SADC staff) which are proposed to be preserved subject to a 2.4+/- acre non-severable exception area, leaving a net preserved area of approximately 29.35+/- acres; and

**WHEREAS**, the Township Committee of the Township of Alexandria desires to adopt this Resolution to approve of said preservation and to agree to cost share with the SADC and the County HCADB for the purchase of a farmland preservation easement on an approximately

29.35+/- ac. portion of Block 15, Lot 1; and

***NOW, THEREFORE, BE IT RESOLVED*** that the Township Committee of the Township of Alexandria, County of Hunterdon, State of New Jersey, as follows:

1. The Township of Alexandria approves of the application for a farmland preservation easement on an approximately 29.35+/- ac. portion of Block 15, Lot 1 as proposed by the Owners, within the Township of Alexandria, and further agrees to cost share with the County of Hunterdon and the New Jersey SADC for the purchase of same, subject to the Owners entering into a contract with the County of Hunterdon for the sale of the development easement, and both the County's and the SADC's approval of the cost-share for same, at a purchase price to be determined after a certified market value is established by appropriate appraisals.

2. A copy of this Resolution shall be forwarded to the Hunterdon County Agriculture Development Board for its information and records.

***BE IT FURTHER RESOLVED***, that this Resolution shall take effect immediately.

Township of Alexandria  
By:  
Paul Abraham, Mayor

Certified to be a true copy of a Resolution adopted on \_\_\_\_\_.

By: \_\_\_\_\_  
Michele Bobrowski, Township Clerk

#### **COMMITTEE REPORTS:**

- ENVIRONMENTAL COMMISSION REPORT: None
- FARMLAND/OPEN SPACE: Only application outstanding is the Jacobson farm. Going to look at additional farms for preservation.
- PARK & RECREATION REPORT: Mayor Abraham noted that he and Comm. Schick attended the Park/Rec meeting last night and the Park/Rec Commission was unanimous in supporting the location of the municipal building at the park.
- ROAD CHAIRMAN'S REPORT: Comm. Swift read report that was prepared by DPW Foreman, Glen Griffith:
  - 1.) Prepared tax trailer for auction: removed electric line, telephone, water and waste line;
  - 2.) Repaired small sections of Belgium block throughout the Township;
  - 3.) Replace one inlet on Creek Road below Cedar Bridge. Inlet was moved back two feet for better placement;
  - 4.) One Piece of 15" R.C.P. was replaced to accommodate new placement of inlet and finished with asphalt;
  - 5.) Repaired wash out on Schoolhouse Road new L.D.W. with rip-rap;
  - 6.) Spot grading on White Hall Road near Hahola barn;
  - 7.) Sign maintenance-replaced fading signs throughout Township;
  - 8.) Installed a new time clock for warning lights on Route 513 by middle school;
  - 9.) On going road side mowing;
  - 10.) Corrected citations that were given by PEOSH;

- 11.) On going park maintenance;
- 12.) Worked on detention basin at 18 Stonewick Drive;
- 13.) Equipment maintenance

**MUNICIPAL BUILDING UPDATE:** Pre-bid meeting was June 4<sup>th</sup>. Seven possible bidders were in attendance.

**ENGINEER'S REPORT:**

Mayor Abraham read the following report that was prepared by Township Engineer, Ralph Runge:

- 1.) **MUNICIPAL BUILDING SITE PLAN:** A pre-bid meeting was held on June 4, 2014 and was attended by several prospective bidders. Several questions were posed by the bidders and 8 responses are being prepared for review/approval by the Committee;
- 2.) **GARAGE SITE REMEDIATION/LSRP:** Recent and historic sampling data are being analyzed as part of the preparation of a draft Remedial Action Report. Results of the analysis will help determine the future approach to the continuing site monitoring.

**TOWNSHIP PLANNER REPORT:** Mayor Abraham noted that he received an email from Township Planner, David Banish last night regarding the latest COAH report.

**COMMENTS FROM THE FLOOR:**

- Resident, Bill Fritsche asked the Committee when the pot hole on Airport Road will be fixed. Comm. Swift noted that he did discuss the hole with the DPW and the DPW did look at the hole;
- Resident asked if the ordinance pertaining to Highlands Preservation has any impact pertaining to COAH. Mayor Abraham discussed how current residents that live in the highlands area must go to the State for prior approval before home repairs can be done, the ordinances read tonight will allow the Township to approve the work instead of the State. These ordinance have nothing to do with COAH;
- Resident, Judy Tucker asked about the time frame of the municipal building construction. Mayor Abraham noted that the bids will be opened on July 9<sup>th</sup> at 10 AM. The Township will allow the contractor 150 days to complete construction once contract is awarded. Contractor will be awarded \$250.00 a day up to 30 days if the work is complete prior to the 150 days. There will be a penalty of \$250.00 a day after the 150 days;
- Resident, Stu Hutchinson asked for an update on 681 Route 513. Mayor Abraham noted that the town is negotiating an offer.

**CORRESPONDENCE/ANNOUCEMENTS:**

- Girl Scout Cadette Troop 80353 will be hosting "Alexandria Gets Active" on Saturday, June 14th at the Alexandria Township Park, 242 Little York-Mt. Pleasant Road, Milford, NJ 08848 by having a 5K Run. Complimentary post-race snacks and commemorative T-shirt for all pre-registered participants. \$10.00 a

person if registered by June 1st, \$15.00 day of the race. To register for the 5K please email the names of interested participants to [girlscouttroop80353@gmail.com](mailto:girlscouttroop80353@gmail.com). Learn about local Get Active opportunities all morning long at tables that will be set up from 8:30 AM-Noon!

8:30 AM Check-in/Registration

9:00 AM Warm-up for the race

9:30 AM Runners begin

9:40 AM Walkers begin

10:30 AM Get Active Presentations

12:15 Free Zumba workshop w/ Jeanie Franzo

- The Hunterdon County Chamber of Commerce is proud to host the 1st Annual Hunterdon County Community Day on Saturday, June 21st at the South County Park in Ringoes (County Fairgrounds 1207 Route 179) from 12 Noon through the evening hours. There will be a drive in movie at night featuring the Wizard of Oz, Reptile shows, pony rides and Petting zoo, outdoor games and activities, dunk tank, kid's rock wall, food, vendors and more. For more information you can visit [www.hunterdon-chamber.org](http://www.hunterdon-chamber.org) or call 908-782-7115. Admission is free.
- Just a reminder to residents that Alexandria Township will be hosting a Town Wide Shred Day on Saturday, June 21st from 9 AM to 12 PM or when the truck fills up. Dumpster passes are not required to bring documents in for shredding. Shred days will be at the DPW garage located at 255 Hickory Corner Road, Milford, NJ 08848. Residents can bring papers (staples, paper clips, binding clips are okay), manila folders, hanging folders in neutral colors, old check books, old credit cards, windowed envelopes, notebooks and binders. The shredding trucks can't accept newspapers, magazines, plastic sheet protectors, plastic, cardboard or carbon paper. The trucks have open windows on them so residents can see their documents being shredded for peace of mind. Should you have any additional questions, please contact the Township Clerk at (908) 996-7071 ext. 10.

#### **MOTION TO ADJOURN**

Comm. Schick made a motion, seconded by Comm. Swift to adjourn. **ROLL CALL: Comm. Schick, yes; Comm. Swift, yes; and Mayor Abraham, yes.**

**Meeting Adjourned at 8:56 PM.**

**Respectfully Submitted:  
Michele Bobrowski, RMC, CMR  
Township Clerk**

I hereby certify that I have reviewed these Minutes of the Township Committee Meeting of June 11th, 2014, and certify that said Minutes were approved unanimously by the Township on the 9<sup>th</sup> day of July 2014.

\_\_\_\_\_  
Paul Abraham, Mayor

Dated: \_\_\_\_\_