

**ASSEMBLY, No. 2672**

**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Assemblyman JAY WEBBER**

**District 26 (Morris and Passaic)**

**SYNOPSIS**

Exempts expansion or reconstruction, within 125% of existing footprint, of municipal and county buildings and certain emergency services buildings from “Highlands Water Protection and Planning Act.”

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning certain development in the Highlands Region,  
2 and amending P.L.2004, c.120.

3

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

6

7 1. Section 30 of P.L.2004, c.120 (C.13:20-28) is amended to  
8 read:

9 30. a. The following are exempt from the provisions of **[this**  
10 **act]** P.L.2004, c.120 (C.13:20-1 et al.), the regional master plan,  
11 any rules or regulations adopted by the Department of  
12 Environmental Protection pursuant to **[this act]** P.L.2004, c.120  
13 (C.13:20-1 et al.), or any amendments to a master plan,  
14 development regulations, or other regulations adopted by a local  
15 government unit to specifically conform them with the regional  
16 master plan:

17 (1) the construction of a single family dwelling, for an  
18 individual's own use or the use of an immediate family member, on  
19 a lot owned by the individual on the date of enactment of **[this act]**  
20 P.L.2004, c.120 (C.13:20-1 et al.) or on a lot for which the  
21 individual has on or before May 17, 2004 entered into a binding  
22 contract of sale to purchase that lot;

23 (2) the construction of a single family dwelling on a lot in  
24 existence on the date of enactment of **[this act]** P.L.2004, c.120  
25 (C.13:20-1 et al.) , provided that the construction does not result in  
26 the ultimate disturbance of one acre or more of land or a cumulative  
27 increase in impervious surface by one-quarter acre or more;

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

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

32 (i) preliminary or final site plan approval;

33 (ii) final municipal building or construction permit;

34 (iii) minor subdivision approval where no subsequent site plan  
35 approval is required;

36 (iv) final subdivision approval where no subsequent site plan  
37 approval is required; or

38 (v) preliminary subdivision approval where no subsequent site  
39 plan approval is required; and

40 (b) at least one of the following permits from the Department of  
41 Environmental Protection, if applicable to the proposed major  
42 Highlands development:

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

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

**Matter underlined thus is new matter.**

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

4 (iii) a certification or other approval or authorization issued  
5 pursuant to the "The Realty Improvement Sewerage and Facilities  
6 Act (1954)," P.L.1954, c.199 (C.58:11-23 et seq.); or

7 (iv) a treatment works approval pursuant to the "Water Pollution  
8 Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.); or

9 (c) one of the following permits from the Department of  
10 Environmental Protection, if applicable to the proposed major  
11 Highlands development, and if the proposed major Highlands  
12 development does not require one of the permits listed in  
13 subparagraphs (i) through (iv) of subparagraph (b) of this  
14 paragraph:

15 (i) a permit or other approval or authorization issued pursuant  
16 to the "Freshwater Wetlands Protection Act," P.L.1987, c.156  
17 (C.13:9B-1 et seq.); or

18 (ii) a permit or other approval or authorization issued pursuant  
19 to the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-  
20 50 et seq.).

21 The exemption provided in this paragraph shall apply only to the  
22 land area and the scope of the major Highlands development  
23 addressed by the qualifying approvals pursuant to subparagraphs (a)  
24 and (b), or (c) if applicable, of this paragraph, shall expire if any of  
25 those qualifying approvals expire, and shall expire if construction  
26 beyond site preparation does not commence within three years after  
27 the date of enactment of **[this act]** P.L.2004, c.120 (C.13:20-  
28 1 et al.) ;

29 (4) the reconstruction of any building or structure for any  
30 reason within 125 **[%]** percent of the footprint of the lawfully  
31 existing impervious surfaces on the site, provided that the  
32 reconstruction does not increase the lawfully existing impervious  
33 surface by one-quarter acre or more. This exemption shall not  
34 apply to the reconstruction of any agricultural or horticultural  
35 building or structure for a non-agricultural or non-horticultural use;

36 (5) any improvement to a single family dwelling in existence on  
37 the date of enactment of **[this act]** P.L.2004, c.120 (C.13:20-  
38 1 et al.) , including but not limited to an addition, garage, shed,  
39 driveway, porch, deck, patio, swimming pool, or septic system;

40 (6) any improvement, for non-residential purposes, to a place of  
41 worship owned by a nonprofit entity, society or association, or  
42 association organized primarily for religious purposes, or a public  
43 or private school, or a hospital, in existence on the date of  
44 enactment of **[this act]** P.L.2004, c.120 (C.13:20-1 et al.) ,  
45 including but not limited to new structures, an addition to an  
46 existing building or structure, a site improvement, or a sanitary  
47 facility;

1 (7) an activity conducted in accordance with an approved  
2 woodland management plan pursuant to section 3 of P.L.1964, c.48  
3 (C.54:4-23.3) or a forest stewardship plan approved pursuant to  
4 section 3 of P.L.2009, c.256 (C.13:1L-31), or the normal harvesting  
5 of forest products in accordance with a forest management plan or  
6 forest stewardship plan approved by the State Forester;

7 (8) the construction or extension of trails with non-impervious  
8 surfaces on publicly owned lands or on privately owned lands  
9 where a conservation or recreational use easement has been  
10 established;

11 (9) the routine maintenance and operations, rehabilitation,  
12 preservation, reconstruction, or repair of transportation or  
13 infrastructure systems by a State entity or local government unit,  
14 provided that the activity is consistent with the goals and purposes  
15 of **【this act】** P.L.2004, c.120 (C.13:20-1 et al.) and does not result  
16 in the construction of any new through-capacity travel lanes;

17 (10) the construction of transportation safety projects and  
18 bicycle and pedestrian facilities by a State entity or local  
19 government unit, provided that the activity does not result in the  
20 construction of any new through-capacity travel lanes;

21 (11) the routine maintenance and operations, rehabilitation,  
22 preservation, reconstruction, repair, or upgrade of public utility  
23 lines, rights of way, or systems, by a public utility, provided that the  
24 activity is consistent with the goals and purposes of **【this act】**  
25 P.L.2004, c.120 (C.13:20-1 et al.) ;

26 (12) the reactivation of rail lines and rail beds existing on the  
27 date of enactment of **【this act】** P.L.2004, c.120 (C.13:20-1 et al.) ;

28 (13) the construction of a public infrastructure project approved  
29 by public referendum prior to January 1, 2005 or a capital project  
30 approved by public referendum prior to January 1, 2005;

31 (14) the mining, quarrying, or production of ready mix  
32 concrete, bituminous concrete, or Class B recycling materials  
33 occurring or which are permitted to occur on any mine, mine site, or  
34 construction materials facility existing on June 7, 2004;

35 (15) the remediation of any contaminated site pursuant to  
36 P.L.1993, c.139 (C.58:10B-1 et seq.);

37 (16) any lands of a federal military installation existing on the  
38 date of enactment of **【this act】** P.L.2004, c.120 (C.13:20-1 et al.)  
39 that lie within the Highlands Region; **【and】**

40 (17) a major Highlands development located within an area  
41 designated as Planning Area 1 (Metropolitan), or Planning Area 2  
42 (Suburban), as designated pursuant to P.L.1985, c.398 (C.52:18A-  
43 196 et seq.) as of March 29, 2004, that on or before March 29, 2004  
44 has been the subject of a settlement agreement and stipulation of  
45 dismissal filed in the Superior Court, or a builder's remedy issued  
46 by the Superior Court, to satisfy the constitutional requirement to  
47 provide for the fulfillment of the fair share obligation of the

1 municipality in which the development is located. The exemption  
2 provided pursuant to this paragraph shall expire if construction  
3 beyond site preparation does not commence within three years after  
4 receiving all final approvals required pursuant to the "Municipal  
5 Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) ; and

6 (18) the expansion or reconstruction within 125 percent of the  
7 footprint of the lawfully existing impervious surfaces on the site,  
8 provided that the expansion or reconstruction does not increase the  
9 lawfully existing impervious surface on the site by one-quarter acre  
10 or more, of (a) a building owned by a municipality or county and  
11 used for the purposes of municipal or county government, (b) a  
12 court house, or (c) a building used for the purposes of a volunteer  
13 fire department, incorporated volunteer fire company, or volunteer  
14 first aid, emergency, rescue, or ambulance squad .

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

19 c. Nothing in **【this act】** P.L.2004, c.120 (C.13:20-1 et al.) shall  
20 be construed to alter the funding allocation formulas established  
21 pursuant to the "Garden State Preservation Trust Act," P.L.1999,  
22 c.152 (C.13:8C-1 et seq.).

23 d. Nothing in **【this act】** P.L.2004, c.120 (C.13:20-1 et al.) shall  
24 be construed to repeal, reduce, or otherwise modify the obligation  
25 of counties, municipalities, and other municipal and public agencies  
26 of the State to pay property taxes on lands used for the purpose and  
27 for the protection of a public water supply, without regard to any  
28 buildings or other improvements thereon, pursuant to R.S.54:4-3.3.  
29 (cf: P.L.2009, c.256, s.11)

30  
31 2. This act shall take effect immediately.  
32  
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#### 34 STATEMENT

35  
36 This bill would exempt the expansion or reconstruction, under  
37 certain circumstances, of municipal and county buildings and  
38 buildings used by certain emergency service organizations from the  
39 "Highlands Water Protection and Planning Act."

40 Specifically, the bill amends the "Highlands Water Protection  
41 and Planning Act" to add a new exemption for the expansion or  
42 reconstruction within 125 percent of the footprint of the lawfully  
43 existing impervious surfaces on the site, provided that the  
44 expansion or reconstruction does not increase the lawfully existing  
45 impervious surface on the site by one-quarter acre or more, of: a  
46 building owned by a municipality or county and used for the  
47 purposes of municipal or county government; a court house; or a  
48 building used for the purposes of a volunteer fire department,

1 incorporated volunteer fire company, or volunteer first aid,  
2 emergency, rescue, or ambulance squad. This expansion or  
3 reconstruction would be exempt from the provisions of the  
4 “Highlands Water Protection and Planning Act,” the regional  
5 master plan adopted pursuant thereto, any rules or regulations  
6 adopted by the Department of Environmental Protection pursuant  
7 thereto, or any amendments to a master plan, development  
8 regulations, or other regulations adopted by a local government unit  
9 to specifically conform them with the Highlands regional master  
10 plan.

11 The exemption in this bill is mirrored on an existing exemption  
12 in the act that allows the reconstruction of any building or structure  
13 for any reason within 125 percent of the footprint of the lawfully  
14 existing impervious surfaces on the site, provided that the  
15 reconstruction or expansion does not increase the lawfully existing  
16 impervious surface on the site by one-quarter acre or more. This  
17 bill would specifically exempt the limited expansion or  
18 reconstruction of buildings owned by a municipality or county  
19 (such as a municipal or county office building or a building housing  
20 a police department or fire department), court houses, and buildings  
21 used by volunteer fire departments, incorporated volunteer fire  
22 companies, or volunteer first aid, emergency, rescue, or ambulance  
23 squads.