

§ 101-43. Applications for development.

The provisions of this section shall apply to any application for development (see § 101-13, above) under the jurisdiction of the Planning Board or Zoning Board of Adjustment.

A. Notice and reporting 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.

(1) Notice of application to Highlands Council. The applicant for any application for development shall provide notice to the Highlands Council at least 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 acres or more, or a cumulative increase in impervious coverage of one 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.

(2) Scenic resource notice requirements. Where a project site falls within a Highlands scenic resource area designated by the Highlands Council, that crosses municipal or county boundary lines, public notice requirements shall, in addition to the applicable notice requirements of the MLUL, incorporate any supplemental notice provisions as set forth in the adopted Scenic Resource Management Plan.

(3) 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 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.

B. Board decisions subject to Highlands Council call-up. All Board decisions pertaining to applications for development involving the ultimate disturbance of two acres or more of land or a cumulative increase impervious surface by one 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 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.

- C. Conditions of approval. The following conditions of approval shall, in addition to any applicable conditions previously set forth under this chapter, be attached to any application for development approved pursuant to the MLUL, and the provisions of § 101-42, above.
- (1) No land disturbance. No land disturbance approved in connection with an application for development involving the ultimate disturbance of two acres or more of land or a cumulative increase in impervious surface by one acre or more shall occur until and unless, either:
 - (a) The Highlands Council call-up period has expired without issuance of a notice seeking review of the application by the Highlands Council; or
 - (b) 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.
 - (2) Amendments. In the event that Highlands Council review of an approved application for development pursuant to § 101-43B above 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.
 - (3) Conservation restrictions. The applicant shall commit to and, as a condition of approval, perfect a conservation restriction on the undisturbed portions of Highlands Resources, Highlands Resource Areas, and Special Protection Areas located on the subject property, if and as required pursuant to the provisions of § 101-35.

- (4) Musconetcong National Scenic and Recreational River. Any applications requiring federal permits, receiving federal funding or involving other federal actions and that may affect resource values of the Musconetcong National Scenic and Recreational River shall be conditioned upon National Park Service review of the disturbance pursuant to Section 10(a) of the National Wild and Scenic Rivers Act.
- (5) 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.
- (6) 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.
- (7) 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.