

RESOLUTION 2012-3
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AMENDED PETITION FOR PLAN CONFORMANCE
LOPATCONG TOWNSHIP, WARREN COUNTY

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, the Highlands Act authorizes the Highlands Council to enter into any and all agreements or contracts, execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

WHEREAS, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance where municipalities, located wholly or partially in the Preservation Area, must revise and conform their local master plan and development regulations, as they relate to development and use of land in the Preservation Area, with the goals, requirements and provisions of the Regional Master Plan within 15 months 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 voluntarily revise and conform their local master plans and development regulations, as they relate to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan at any time; and

WHEREAS, the Highlands Act provides that an approval of a Petition for Plan Conformance entitles the conforming municipality with specific benefits including: planning grants, technical assistance, state aid, priority for projects, tax stabilization funds, a strong presumption of validity and extraordinary deference in the event of legal challenge, and legal representation; and

WHEREAS, Section 18 of the Highlands Act obligates the Highlands Council to establish a grant funding program to reimburse municipalities for reasonable expenses associated with Plan Conformance; and

WHEREAS, on December 18, 2008, the Highlands Council approved Resolution 2008-73 to provide grant funding for the Highlands municipalities to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the Regional Master Plan; and

WHEREAS, under Resolution 2008-73, the Highlands Council authorized the Executive Director to develop and implement a process for the solicitation and distribution of the Plan Conformance Grants in a total amount not to exceed \$7.5 million and up to a \$100,000 allocation for each individual municipality to address the immediate mandatory components of Plan Conformance; and

WHEREAS, in the Township of Lopatcong, 1,049 acres are in the Preservation Area and 3,672 acres are in the Planning Area; and

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WHEREAS, on December 7, 2009, Lopatcong Township submitted a Petition for Plan Conformance including one resolution for all lands lying in the Preservation Area and all lands lying in the Planning Area; and

WHEREAS, on February 17, 2011, the Executive Director completed the Final Draft Consistency Review and Recommendations Report, and posted a Public Notice, the Final Draft Consistency Review and Recommendations Report, and the complete Petition package on the Highlands Council website for a public review and comment period, with written comments due on or before March 4, 2011; and

WHEREAS, on March 15, 2011, the Executive Director posted the Final Consistency Review and Recommendations Report and Highlands Implementation Plan and Schedule on the Highlands Council website, which addressed issues raised during the public comment period; and

WHEREAS, on March 17, 2011, the Highlands Council held a public hearing on Lopatcong Township's Petition for Plan Conformance and provided an opportunity for public comment; and

WHEREAS, on March 17, 2011, after due consideration the Highlands Council approved Lopatcong Township's Petition for Plan Conformance with conditions as set forth in Resolution 2011-11, the Final Consistency Review and Recommendations Report and the Highlands Implementation Plan and Schedule; and

WHEREAS, the Highlands Council approval of Resolution 2011-11 authorized the Executive Director to amend the Lopatcong Township's Plan Conformance Grant Agreement consistent with direction from the Highlands Council; and

WHEREAS, by Resolution R11-97, dated December 7, 2011, the Township of Lopatcong petitioned the Highlands Council for consideration of an amendment to the approved Petition for Plan Conformance, to designate a Highlands Center for a portion of the Township; and

WHEREAS, Lopatcong Township prepared a report, "Highlands Industrial Center Designation Study" dated December 14, 2011, which provides a detailed analysis of the Township's amendment request; and

WHEREAS, on December 19, 2011, the Executive Director completed an amended Final Draft Consistency Review and Recommendations Report in consideration of the proposed Amended Petition, and a revised Highlands Implementation Plan & Schedule which addresses funding needs relating to the Amended Petition, and posted a Public Notice and the complete Petition package on the Highlands Council website for a public review and comment period, with written comments due on or before January 6, 2012; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy

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of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby approves the Township of Lopatcong's Amended Petition for Plan Conformance with conditions as set forth in the Amended Final Consistency Review and Recommendations Report and the revised Highlands Implementation Plan and Schedule; and

BE IT FURTHER RESOLVED that the Highlands Council hereby approves the Township of Lopatcong's Amended Highlands Implementation Plan and Schedule including the reallocation of the existing Plan Conformance Grant and the allocation of additional grant funding to pay for the reasonable expenses incurred to complete the Plan Conformance conditions; and

BE IT FURTHER RESOLVED that the Executive Director is authorized to make any amendments and publicly release the Amended Final Consistency Review and Recommendations Report, Amended Highlands Implementation Plan and Schedule, and amend the Plan Conformance Grant Agreement consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Report and Schedule on behalf of the Council; and


BE IT FURTHER RESOLVED, that the Township of Lopatcong is hereby entitled to the statutory benefits associated with Plan Conformance as detailed in the Highlands Act, the Regional Master Plan and the Plan Conformance Guidelines, so long as the Township of Lopatcong remains in conformance with the Regional Master Plan and to the extent such funds are made available by the State; and

BE IT FURTHER RESOLVED, the Executive Director is authorized, consistent with direction from the Council, to oversee and monitor the Township of Lopatcong's compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

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CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 19th day of January, 2012.



Jim Rilee, Chairman

**Vote on the Approval of
This Resolution**

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			✓			
Councilmember Carluccio				✓		
Councilmember Dougherty			✓			
Councilmember Dressler			✓			
Councilmember Francis			✓			
Councilmember Holtaway			✓			
Councilmember James			✓			
Councilmember Mengucci					✓	
Councilmember Richko			✓			
Councilmember Sebetich			✓			
Councilmember Tfank			✓			
Councilmember Visioli		✓	✓			
Councilmember Vohden			✓			
Councilmember Walton	✓		✓			
Chairman Rilee			✓			