

RESOLUTION 2023-08
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AMENDED PETITION FOR THE BOROUGH OF ALPHA'S
PLAN CONFORMANCE FOR HIGHLANDS CENTER DESIGNATION
BOROUGH OF ALPHA, 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, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance whereby municipalities or counties, 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 (RMP) within 15 months of adoption thereof, or December 8, 2009; and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance whereby any municipality or county located wholly or partially in the Planning Area may voluntarily revise and conform its 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 RMP at any time; and

WHEREAS, the Highlands Act provides that approval of a Petition for Plan Conformance entitles the conforming municipality or county to 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 and counties 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 RMP; and

WHEREAS, Alpha Borough is located entirely within the Highlands Region, and contains approximately 1,098 acres, all of which are in the Planning Area; and

WHEREAS, on August 3, 2011, after due consideration and opportunity for public comment, the Highlands Council approved Alpha Borough's Petition for Plan Conformance and request for a Highlands Center Designation, with the conditions as set forth in Resolution 2011-26, the Final Consistency Review and Recommendations Report dated July 27, 2011, and the Highlands Implementation Plan and Schedule; and

WHEREAS, in early 2021, Alpha Borough conducted a Feasibility Study to consider whether an adjustment of Center Boundaries of the existing center designation would be feasible. Upon conclusion of the Feasibility Study and its finding that an expanded Center could be supported by available infrastructure, Alpha Borough developed a Highlands Center Designation Plan, detailing the proposed expansion;

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WHEREAS, in consideration of the proposed Amended Petition, and a revised Final Consistency Review and Recommendations Report and Highlands Implementation Plan and Schedule which addresses funding needs relating to the Amended Petition, a Public Notice was posted for a period of 30 days, with the revised Petition materials, on the Highlands Council website for public review and comment on January 12, 2023; and

WHEREAS, twenty-two (22) comments were received during the public comment period, which closed on February 11, 2023; 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 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 Alpha Borough's Amended Petition for Plan Conformance with conditions, and adopts the Revised Consistency Review and Recommendations Report and Revised Highlands Implementation Plan for Fiscal Year 2023, and authorizes additional funding in the amount of \$150,000 (subject to funding availability) as set forth in the Highlands Implementation Plan; and

BE IT FURTHER RESOLVED that the Executive Director is authorized to make any amendments and publicly release the Revised Final Consistency Review and Recommendations Report, Revised Highlands Implementation Plan, 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

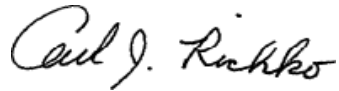
BE IT FURTHER RESOLVED that Alpha Borough is hereby entitled to the statutory benefits associated with Plan Conformance as detailed in the Highlands Act, the Regional Master Plan and the Plan Conformance Guidelines, so long as Alpha Borough remains in conformance with the RMP and with regard to provision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

BE IT FURTHER RESOLVED that the Executive Director is authorized, consistent with direction from the Highlands Council, to oversee and monitor Alpha Borough'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 20th day of April 2023.



Carl J. Richko, Chairman

Vote on the Approval of The Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede		√	√			
Councilmember Dougherty			√			
Councilmember Dressler			√			
Councilmember Francis			√			
Councilmember Holtaway						√
Councilmember James	√		√			
Councilmember Sebetich			√			
Councilmember Van Abs			√			
Councilmember Visioli			√			
Councilmember Vohden			√			
Chairman Richko			√			