

## SAMPLE RESOLUTION

REEXAMINATION OF THE [NAME OF TOWN] MASTER PLAN PURSUANT TO N.J.S.A. 40:55D-89 SPECIFICALLY WITH RESPECT TO THE PROVISIONS OF THE NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING ACT (N.J.S.A. 13:20-1 ET SEQ.) AND MUNICIPAL CONFORMANCE WITH THE HIGHLANDS REGIONAL MASTER PLAN, PREPARED AND PROVIDED FOR ADOPTION PURSUANT TO N.J.S.A. 40:55D-28, TO AMEND THE MASTER PLAN OF THE [NAME OF TOWN] TO INCLUDE THE SUPPLEMENT TITLED, “[NAME OF TOWN] HIGHLANDS [PRESERVATION/PLANNING AREA] MASTER PLAN ELEMENT”

**WHEREAS**, the Planning Board of [name of Town], [name of county] County, State of New Jersey (“Planning Board”), was established pursuant to all requirements and provisions of the New Jersey Municipal Land Use Law (MLUL) (N.J.S.A. 40:55D-1 et seq.); and

**WHEREAS**, the Planning Board adopted the current [name of Town] Master Plan pursuant to Article 3 of the MLUL (N.J.S.A. 40:55D-28) on [date of most recent master plan]; and

**WHEREAS**, N.J.S.A. 40:55D-89 provides that each municipality within the State of New Jersey periodically re-examine its Master Plan policies and assumptions, zoning restrictions, and site plan and subdivision regulations, and prepare and adopt by resolution a report on the findings of such reexamination; and

**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 Regional Master Plan (RMP) was adopted by the Highlands Council 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**, the Highlands Act creates a bifurcated system for municipal conformance with the 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**, on [date of public meeting] the Governing Body of [name of town] did hold a public meeting at which it [discussed/held a public hearing on] conformance with the Regional Master Plan and did adopt [Resolution/Ordinance] No. [XX-X] petitioning the Highlands Council for approval of its Petition for Plan Conformance, prepared with respect to [that portion of the municipality located within the [Preservation Area/the whole of the municipality, which lies [fully within/within both] the Preservation / [and] Planning Area]; and

**WHEREAS**, on [date of approval of Plan Conformance], during a duly-noticed public hearing and following receipt of public comment and public deliberation, the Highlands Council did approve the [Town/Township/Borough]'s Petition for Plan Conformance and did formalize such approval through the adoption of Highlands Council Resolution No. [XX-X]; and

**WHEREAS**, Highlands Council Resolution No. [XX-X] requires the [Town/Township/Borough], after public notice, holding of public hearings, and in full accordance with all provisions of the MLUL, to adopt a revised master plan and land use ordinance to bring them into conformance with the Regional Master Plan; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, and in accordance with all associated requirements of the MLUL, the Planning Board held a public hearing on the Reexamination of the [Name of Town] Master Plan and the proposed Highlands [Planning/Preservation Area] Master Plan Element pursuant to N.J.S.A. 40:55D-10(a), on [date of public hearing]; and

**WHEREAS**, the Planning Board has determined after reexamination of the master plan, receipt of public comment, and public deliberation regarding same, that the [name of town] Master Plan must be amended to incorporate the goals, requirements and provisions of the Regional Master Plan; and

**WHEREAS**, the Planning Board has determined that the adoption and implementation of the Highlands Element of the Master Plan is in the public interest and protects public health and safety and promotes the general welfare.

**NOW, THEREFORE BE IT RESOLVED**, that the Planning Board hereby makes and adopts the findings of fact and all recommendations as set forth in the "20xx [Name of Town] Master Plan Reexamination Report," dated \_\_\_\_\_, 20xx, prepared by \_\_\_\_\_, P.P., a reexamination of the [Name of Town] Master Plan and development regulations conducted specifically to address the task of achieving conformance with the provisions of the New Jersey Highlands Water Protection and Planning Act (N.J.S.A. 13:20-1 et seq.) and the Highlands Regional Master Plan.

**BE IT FURTHER RESOLVED**, that the [name of town] Planning Board hereby adopts the [name of town] Highlands [Preservation/Planning Area] Master Plan Element, dated [date], and prepared by \_\_\_\_\_, P.P.

**[NAME OF MUNICIPALITY]**  
**20XX MASTER PLAN REEXAMINATION REPORT**

**Introduction**

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The New Jersey Municipal Land Use Law (MLUL) (N.J.S.A. 40:55D-1 et seq.) provides that each municipality within the State of New Jersey periodically reexamine its Master Plan policies and assumptions, and its zoning restrictions and site plan and subdivision regulations, and prepare and adopt by resolution, a report on the findings of such reexamination. The Reexamination Report must include the following components (N.J.S.A. 40:55D-89):

1. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
2. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
3. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
4. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
5. The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

The current [name of municipality] Master Plan was adopted by the Planning Board pursuant to Article 3 of the MLUL (N.J.S.A. 40:55D-28) on [date of most recent master plan]. The Board subsequently adopted amendments to the Master Plan in [Month] of [year] [add additional dates, as applicable], affecting the following Master Plan Elements, respectively: XXX.

Since the time of adoption of the last amendment to the Master Plan, the assumptions, policies, and objectives upon which the Master Plan is based have changed by virtue of: a) the enactment of the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.) by the State Legislature on August 10, 2004; b) the adoption of the Highlands Regional Master Plan by the Highlands Water Protection and Planning Council (“Highlands Council”) on July 17, 2008, which became effective on September 8, 2008; [c] the requirement of the Highlands Act that municipal Master Plans and regulatory provisions be brought into alignment with the Highlands Regional Master Plan for lands located within the Highlands Preservation Area;] [d] the authorization within the Highlands Act for voluntary municipal Master Plan and regulatory conformance with the Highlands Regional Master Plan with respect to lands located within the Highlands Planning Area;] and e) the affirmative decision of the [name of town] Governing Body to conform to the Highlands Regional Master Plan for municipal lands located in [both] the [Preservation Area/[and]Planning Area], as set forth by [Resolution/Ordinance] #XX adopted on DATE.

Accordingly, the Planning Board has reexamined the [Town/Township/Borough] Master Plan and development regulations to determine the specific changes necessary to achieve consistency with the Highlands Regional Master Plan and thereby, to incorporate the specific changes in State policies, goals, and objectives as set forth by the Highlands Act. It is the intent of this Report to identify the specific revisions needed to bring the [Town/Township/Borough] Master Plan and development regulations into conformance with the Highlands Regional Master Plan.

### **1. Major Land Development Problems & Objectives**

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The major problems and objectives relating to land development in the [Town/Township/Borough] at the time of the adoption of the last reexamination report which have changed, specifically as a result of the passage of the Highlands Act, the adoption of the Regional Master Plan, and/or the decision of the Governing Body to conform its planning documents to the Regional Master Plan, include the following:

- a.
- b.
- c.

### **2. Extent of Reduction/Increase in Problems & Objectives**

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The extent to which each of the problems and objectives listed in item 1 above, have been reduced or have increased subsequent to the date of the last reexamination report, specifically as a result of passage of the Highlands Act, the adoption of the Regional Master Plan, and/or the decision of the Governing Body to conform its planning documents to the Regional Master Plan, is indicated below, in the same order provided at 1, above:

- a.
- b.
- c.

### **3. Significant Changes in Assumptions, Policies, Objectives**

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Since the [adoption/amendment/reexamination] of the [Town/Township/Borough] Master Plan on [date], the passage of the Highlands Act, adoption of the Regional Master Plan by the Highlands Council, and the adoption by the Governing Body of its resolution to conform the municipal planning documents to the Regional Master Plan, have significantly altered and increased the objectives that must be addressed in the [Town/Township/Borough] Master Plan, including but not limited to incorporating a variety of Highlands Resource protections, providing an emphasis on infrastructure and environmental carrying capacities, and initiating a substantial modification to the methodology to be used in determining permitted densities of development within the municipality.

### **4. Specific Recommended Changes to the Master Plan**

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The Planning Board recommends that the [Name of Town] Master Plan be amended to incorporate the provisions of the Regional Master Plan as outlined in the approval by the Highlands Council of the [Town/Township/Borough]'s Petition for Plan Conformance (copy attached herewith).

## **5. Specific Recommended Changes to Development Regulations**

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The Planning Board recommends that the specific changes, as detailed in the document titled “Ordinance for Highlands Council Plan Conformance” approved by the Highlands Council as part of the [Town/Township/Borough]’s Petition for Plan Conformance (copy attached herewith) be adopted by the Governing Body to implement the objectives, policies and standards as outlined in the Highlands [Preservation/Planning Area] Element of the Master Plan.

## **6. Changes Recommended for Incorporation of Redevelopment Plans**

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At this time the Planning Board makes no findings or recommendations regarding the incorporation of redevelopment plans pursuant to the Local Redevelopment and Housing Law, P.L. 11992, c.79 (C.40A:12A-1 et al.).