

**RESOLUTION 2022-12**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**AMENDED PETITION FOR PLAN CONFORMANCE**  
**FOR DESIGNATION OF THE CLINTON TOWNSHIP HIGHLANDS CENTERS**  
**CLINTON TOWNSHIP, HUNTERDON 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**, Clinton Township is located within the Highlands Region, and contains approximately 21,054 acres in the Planning Area and 639 acres in the Preservation Area; and

**WHEREAS**, on June 18, 2015, after due consideration and opportunity for public comment, the Highlands Council approved Clinton Township's Petition for Plan Conformance with the conditions as set forth in Resolution 2015-13, the Final Consistency Review and Recommendations Report dated June 10, 2015, and the Highlands Implementation Plan and Schedule; and

**WHEREAS**, in the process of completing its Petition for Plan Conformance, Clinton Township determined, and the Highlands Council concurred, that Highlands Center designation should be studied for the municipality; and

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**WHEREAS**, Clinton Township thus completed a feasibility study for designation of a Highlands Center(s) within the municipality, which culminated in production of a report entitled “Petition for Plan Conformance: Annandale Highlands Center Designation,” dated August 23, 2019; and

**WHEREAS**, the resultant analysis of that study proposed designation of two Highlands Centers within Clinton Township, each intended to advance the goals and intents of both the Clinton Township Master Plan and the RMP; and

**WHEREAS**, the Highlands Council reviewed the Petition and found the Petition to be insufficient for review due to pending water supply and infrastructure issues; and

**WHEREAS**, Clinton Township submitted additional information in September of 2021 and on September 14, 2021, requested that the Highlands Council review the petition again in light of the additional information provided and amend the previously approved Petition for Plan Conformance to include the Highlands Centers; and

**WHEREAS**, Highlands Council staff have reviewed the Highlands Center Designation Feasibility Report and found it to be consistent with the RMP; and

**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, with the revised Petition materials, on the Highlands Council website for public review and comment on April 5, 2022; and

**WHEREAS**, one comment seeking clarification regarding center mappings and water supplies was received during the public comment period, which closed on May 5, 2022; 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 Clinton Township’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 2022, and authorizes additional funding in the amount of \$80,000 (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

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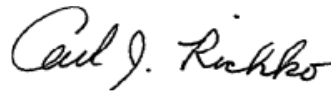
Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Report and Schedule on behalf of the Council; and

**BE IT FURTHER RESOLVED** that Clinton Township 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 Clinton Township 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 Clinton Township’s compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16<sup>th</sup> day of June 2022.



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 Carl J. Richko, Chairman

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