

R/WC

R-09-258

RESOLUTION
TOWNSHIP OF DENVILLE

RECEIVED
DEC 14 2009
28772

SUBMISSION OF PETITION FOR PLAN CONFORMANCE
TO THE HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
FOR LAND IN THE PRESERVATION AREA AND IN THE PLANNING AREA

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources; and

WHEREAS, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region; and

WHEREAS, the Highlands Act requires that within nine to 15 months after the effective date of the Regional Master Plan, or September 8, 2008, each municipality located wholly or partially in the Preservation Area shall submit revisions to the municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, as may be necessary to conform them with the goals, requirements and provisions of the Regional Master Plan (Plan Conformance); and

WHEREAS, Section 13:20-15.a, of the Highlands Act states that for the portion of a municipality lying within the Planning Area, the municipality may, by ordinance, petition the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the Regional Master Plan, and:

WHEREAS, the Township of Denville is located in the Highlands Region with lands lying within the both the Preservation Area and Planning Area, as defined by section 7 of the Highlands Act; and

WHEREAS, the Highlands Council prepared and distributed to the Highlands municipalities Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance; and

WHEREAS, the Highlands Council's Plan Conformance Guidelines require that a Petition for Plan Conformance be filed with the Highlands Council no later than December 8, 2009 for Preservation Area lands, which includes a comprehensive package of draft planning and implementation documents that meet the requirements of the Highlands Act, the Regional Master Plan and the Highlands Plan Conformance Guidelines; and

WHEREAS, in accordance with the Highlands Act and Plan Conformance Guidelines, the Highlands Council shall consider a Petition for Plan Conformance, and accept, reject or accept with conditions, a Petition for Plan Conformance, as it deems appropriate, to conform them to the Regional Master Plan; and

WHEREAS, since Plan Conformance by the municipality is strictly voluntary for lands in the Planning Area, the Township of Denville may at any time voluntarily revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the Regional Master Plan; and

WHEREAS, at any time during the Plan Conformance process, the Township of Denville may choose not to obtain conformance with the Regional Master Plan for the lands lying within the Planning Area, and any approvals, rejections or approvals with conditions of the revised municipal master plan and development regulations recommended by the Highlands Council during the Plan Conformance process will not be binding on the Township of Denville as they relate to the development and use of land in the Planning Area; and

WHEREAS, should the Township of Denville choose to conform its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, with the Regional Master Plan and Plan Conformance Guidelines, in accordance with a decision of the Highlands Council, the Township of Denville is required under the Highlands Act to enact an ordinance setting forth such intention; and

WHEREAS, upon application of the Township of Denville into the Plan Conformance Grant Program, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to the Township of Denville for the reasonable costs associated with the revisions of the master plan, development regulations or other regulations, as applicable to the development and use of land in the Preservation Area and the Planning Area, which are designed to bring those plans and regulations into conformance with the Regional Master Plan; and

WHEREAS, the Highlands Council shall make grant funds available for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and shall also make available grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council; and

WHEREAS, should the Township of Denville formally withdraw from the Plan Conformance process with regard to the Planning Area, grant funding awarded to the Township of Denville up to the date of withdrawal that has been appropriately utilized in accordance with the Plan Conformance Grant Program and applicable grant agreement shall not be reimbursable to the Highlands Council.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Denville hereby submits this Petition for Plan Conformance to the Highlands Council, as it relates to the development and use of land for the entire municipality, in accordance with the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines; and

BE IT FURTHER RESOLVED, should the Township of Denville choose to conform its master plan, development regulations, and other regulations, as they relate to the development and use of land in the Planning Area, with the Highlands Regional Master Plan in accordance with the Highlands Council's decision regarding a Petition for Plan Conformance, the Township of Denville shall enact an ordinance setting forth such intention, as required by the Highlands Act.

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

I, DONNA I. COSTELLO, MUNICIPAL CLERK
OF THE TOWNSHIP OF DENVILLE, DO HEREBY
CERTIFY THE ABOVE TO BE A TRUE AND EXACT
COPY OF A RESOLUTION ADOPTED BY THE
MUNICIPAL COUNCIL AT THEIR 11/24/09 MEETING.

11-25-09

CERTIFICATION DATED:


DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK