

BLG THE BUZAK LAW GROUP, LLC
Attorneys at Law

EDWARD J. BUZAK
(MEMBER OF N.J. & D.C. BAR)
TIENA M. COFONI
JOHN P. MILLER
KELI L. GALLO
(MEMBER OF N.J. & N.Y. BAR)

RECEIVED
MAR 09 2010
By 30003
MONTVILLE OFFICE PARK
150 RIVER ROAD SUITE N-4
MONTVILLE, NEW JERSEY 07045
(973) 335-0600
FAX: (973) 335-1145
E-MAIL: BLG@BUZAKLAWGROUP.COM

March 5, 2010

Via E-Mail and Regular Mail

Eileen Swan, Executive Director
HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
100 North Road (Route 513)
Chester, New Jersey 07930-2322

**Re: Petition for Plan Conformance
2009 Plan Conformance Grant: Module 7
Kinnelon Borough - Grant No. 09-033-011-1415**

Dear Ms. Swan:

This office is the municipal counsel for the Borough of Kinnelon. We are in receipt of your January 29, 2010 letter to Mayor Glenn L. Sisco (copy attached) in which you request additional submission materials in order to deem the Borough's Petition for Plan Conformance administratively complete. This letter is to respond to your request.

Module 4

It is our understanding that in order to satisfy Module 4 requirements, a municipality is permitted to revise its existing E.R.I. in accordance with the Highlands Regional Master Plan.

At one of the Highlands Council's informational sessions, Adrian Humbert suggested to you that the Borough might desire to edit extensive portions of its existing E.R.I. and update its own maps in electronic format. You told Adrian that this would be fine and the Borough's actions on this Module would qualify for grant funding. The Borough subsequently revised its E.R.I. accordingly and included that draft E.R.I. in its Petition for Plan Conformance. To require the Borough to now go back and implement tracking changes seems unnecessary and is, respectfully, not the best use of the Borough's resources. Therefore, we request that the Highlands Council deem the Borough's Module 4 submission satisfactory to achieve plan conformance.

March 5, 2010
Page Two

Modules 5 and 6

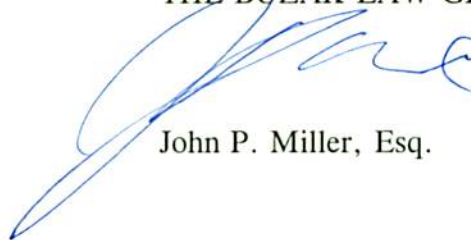
Geoff Price of Ferreiro Engineering shall forward to your attention a copy of the maps and exhibits requested in these Modules prior to the March 16, 2010 deadline.

Finally, a list of the Borough of Kinnelon's planning and regulatory documents with adoption dates is enclosed for your review.

Should you have any questions regarding this letter, please feel free to call me.

Very truly yours,

THE BUZAK LAW GROUP, LLC

A handwritten signature in blue ink, appearing to read 'John P. Miller', is written over the typed name.

John P. Miller, Esq.

JPM:slm
Enclosures

cc: Mayor Glenn L. Sisco (via e-mail, w/enclosures)
Elizabeth M. Sebrowski, Borough Clerk (via e-mail, w/enclosures)
Jennifer Highers, Planning Secretary (via e-mail, w/enclosures)
William Powell, Planning Board Chairman (via e-mail, w/enclosures)
Paul P. Darmofalski, P.E. (via e-mail, w/enclosures)
Geoff Price, Ferreiro Engineering (via e-mail, w/enclosures)
Adrian Humbert, AICP/P.P. (via e-mail, w/enclosures)
Stuart Koenig, Esq. (via e-mail, w/enclosures)
Bernard Bacchetta, Esq. (via e-mail, w/enclosures)



CHRIS CHRISTIE
Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.highlands.state.nj.us

RECEIVED
Highlands Council
New Jersey

FEB 1 - 2010

JACK J. SCHRIER
Acting Chairman

THE BUZAK LAW GROUP, LLC

ELISEN SWAN
Executive Director

January 29, 2010

The Honorable Glenn Sisco
Kinnelon Borough
130 Kinnelon Road
Kinnelon, New Jersey 07405

Subject: Petition for Plan Conformance
2009 Plan Conformance Grant: Module 7
Kinnelon Borough - Grant #09-033-011-1415

Dear Mayor Sisco:

Thank you on behalf of the Highlands Water Protection and Planning Council (Highlands Council), for your municipality's submission of a Petition for Plan Conformance. In accordance with Highlands Council Plan Conformance guidelines, we have reviewed your municipality's Petition for purposes of completeness. Please be advised that as of the date of this letter, additional submission materials are needed and the Petition has thus been deemed Administratively Incomplete.

Substantive review of the Petition cannot begin until all required items have been provided to the Highlands Council. It is important that missing items be provided in a timely fashion, particularly in the case of any Petition involving Preservation Area lands. We seek to expedite the process for all petitioners and will update the status of your Petition as any item is received. A detailed list of all components missing from your Petition is provided in the enclosure to this letter. Each item should be submitted in accordance with the procedures established under Module 7 of the Plan Conformance Grant Program, "Municipal Petitions for Plan Conformance."

For Preservation Area components, all items must be submitted to the Highlands Council within 45 calendar days of the date of this letter. For Planning Area components, we request that you submit all outstanding items as soon as possible.

We would be pleased to assist your municipality, including any staff and professionals working on the Petition, to address the outstanding items and encourage you to contact our offices as needed. A Highlands Council Staff Liaison has been assigned to each municipality to coordinate interactions with municipal staff and consultants on any issues regarding Petitions for Plan Conformance. The Staff Liaison for your municipality is James Humphries, Regional Planner, who may be reached by telephone at (908) 879-6737 ext. 112 or via e-mail at james.humphries@highlands.state.nj.us. Should any Liaison assignment or contact information change, we will notify you without delay. If you have questions specifically regarding the Module 7 Petition for Plan Conformance package, you may also contact Erika Webb Cramer, Regional Planner by telephone at (908) 879-6737 ext. 104 or via e-mail at erika.webb@highlands.state.nj.us.

Please note that this letter has been copied to all individuals on the also enclosed Plan Conformance Service List, which was developed based on the most current municipal information available to the Highlands

Council. The list should contain the names and contact information for the specific individuals designated by the municipality to receive copies of all direct communications from the Highlands Council regarding Plan Conformance. Please review the Plan Conformance Service List for inclusion of all appropriate individuals and accuracy of contact information. To the extent feasible, we would prefer to send copies of the original paper communication to Service List representatives by e-mail. Please be aware that the Service List will become a public document, however, and should not contain personal e-mails that individuals may wish to keep private. Should modifications to the Service List be necessary, please forward the requested changes by e-mail to your Highlands Council Staff Liaison. Please be advised that the Service List should be limited to municipal officials, staff representatives, and/or municipal professionals responsible for guiding or assisting in the Plan Conformance process. All other interested parties will have access to municipal Plan Conformance reports, status, and Petition materials via postings and tracking sheets to be incorporated into the Highlands Council website. The Service List is a subset of the complete municipal contact list maintained by the Highlands Council, which will be updated by the municipality on-line, as discussed in the Module 7 instructions for Municipal Petitions for Plan Conformance (see Part C, on page 6). Separate instructions have been provided to your Clerk for this update process in time to meet the February 15 and March 15, 2010 deadlines.

Lastly, please be advised that to the extent that you have not already done so, invoices for work completed to date on all portions of the Petition package that have been submitted to the Highlands Council, may be submitted for payment, provided that:

7. The municipality has provided the Highlands Council with an adopted resolution or ordinance petitioning the Highlands Council for Plan Conformance; and
8. The resolution or ordinance submittal has not itself been deemed incomplete, as evidenced by its inclusion on the enclosed list of items needed for Administrative Completeness.

If you have questions or concerns regarding grants or invoices, please contact Herbert August, Manager of Grants Administration by telephone at (908) 879-6737 ext. 105, or via email at herbert.august@highlands.state.nj.us. Should you or other elected or appointed officials have any other questions, I will continue to be available to you for all Highlands matters and can be reached at (908) 879-6737 ext. 101, or via e-mail at eileen.swan@highlands.state.nj.us.

We recognize the significant level of effort required to develop a complete Petition for Plan Conformance and appreciate what has been accomplished thus far. We look forward to receipt of all outstanding materials and to working with you to keep this process moving forward. Thank you for your continued cooperation.

Yours sincerely,



Eileen Swan
Executive Director

enclosures

New Jersey Highlands Council Administrative Completeness Review
Municipal Petition for Plan Conformance

Municipality: Kinnelon Borough

Date: January 29, 2010

SUBMISSION ITEMS NEEDED FOR COMPLETENESS

1. 2009 Plan Conformance Grant Program Documents
 - a. Module 4 - Environmental Resource Inventory
 - i. Proposed edits should be indicated using MSWord Track Changes. The version submitted appears to be a "clean" copy.
 - b. Module 5 – Highlands Master Plan Element
 - i. Maps/Exhibits – All Missing.
 - ii. Color copies of any non-Highlands maps created in color, if applicable.
 - c. Module 6 – Highlands Area Land Use Ordinance
 - i. Maps/Exhibits – All Missing.
 - ii. Color copies of any non-Highlands maps created in color, if applicable.
2. List of Current Municipal Planning and Regulatory Documents
 - a. Dates of most recent adoption of all planning/regulatory document(s) are missing.

Advisory: The listing(s) above is/are intended to be all encompassing for purposes of Administrative Completeness. However, a finding of Administrative Completeness shall in no event preclude the Highlands Council from requesting such additional information as may prove necessary during the process of its review of a Petition for Plan Conformance, to clarify, complete, correct or modify a Petition in the interest of ultimately achieving Plan Conformance.

Submission Format: All information should be provided in both electronic (MSWord, Adobe Acrobat, GIS Shape Files) *and* paper form in accordance with the Municipal Petitions Instructions Document (see Plan Conformance Grant Program Module 7).

Glehn, Sisco, Mayor
Kinnelon Borough
130 Kinnelon Road
Kinnelon, NJ 07405

Elizabeth Sebrowski, Clerk
Kinnelon Borough
130 Kinnelon Road
Kinnelon, NJ 07405

Adrian Humbert, Planner
Kinnelon Borough
Adrian Humbert Associates
8 Rickland Drive
Randolph, NJ 07869

Stuart Koenig, Planning Board Attorney
Kinnelon Borough
, NJ

Jennifer Highers, Planning Secretary
Kinnelon Borough
130 Kinnelon Road
Kinnelon, NJ 07405

William Powell, Planning Board Chair
Kinnelon Borough
130 Kinnelon Road
Kinnelon, NJ 07405

Bernard Bacchetta, Board of Adjustment
Attorney
Kinnelon Borough
130 Kinnelon Road
Kinnelon, NJ 07405

Edward Buzak, Attorney
Kinnelon Borough
Edward J. Buzak
150 River Road Suite N4
Montville, NJ 07045

Paul Darmofalski, Engineer
Kinnelon Borough
Paul Darmofalski
36 Newark Pompton Turnpike
Riverdale, NJ 07457