

**JOHNSON, MURPHY, HUBNER, McKEON,  
WUBBENHORST, BUCCO & APPELT, P.C.**  
COUNSELLORS AT LAW

RIVERDALE SOUTH  
51 ROUTE 23 SOUTH  
P.O. BOX 70  
RIVERDALE, NEW JERSEY 07457  
TEL: (973) 835-0100  
FAX: (973) 835-1732  
www.johnsonmurphyllaw.com

roostdyk@johnsonmurphyllaw.com

Writer's Voice Mail Ext. 226

23 West Street  
Warwick, New York 10990  
(845) 987-1577

179 Cahill Cross Road  
West Milford, New Jersey 07480  
(973) 728-0100

MARTIN F. MURPHY<sup>□</sup>  
MICHAEL E. HUBNER  
JAMES L. McKEON, III<sup>□</sup>  
ANDREW M. WUBBENHORST  
HOWARD F. APPELT, II  
ROBERT H. OOSTDYK, JR.  
GREGG S. MALOVANY  
GARY J. CHESTER<sup>□</sup>  
ANTHONY M. BUCCO

WILLIAM F. JOHNSON, JR. (Ret.)

WILLIAM F. JOHNSON (1911-1991)  
JAMES L. McKEON, JR. (1922-1981)

Of Counsel:  
KARIN H. SWANSON<sup>▽</sup>  
DIANA WALSH  
SERENE M. HENNION  
ROBERT S. MEYER

ZLATA DIKAYA<sup>△</sup>  
JAMES T. BRYCE  
CHRISTOPHER I. WOODS<sup>□</sup>

<sup>▽</sup>N.J. & N.Y. Bar

<sup>▽</sup>N.J. & Ill. Bar

<sup>△</sup>N.Y. Bar Only

December 16, 2008

**VIA CERTIFIED MAIL R.R.R.  
AND REGULAR MAIL**

Eileen Swan, Executive Director  
State of New Jersey  
Highlands Water Protection and Planning Council  
100 North Road (Route 513)  
Chester, New Jersey 07930-2322

Lucy Vandenberg, Executive Director  
State of New Jersey  
Council on Affordable Housing  
101 South Broad Street  
P.O. Box 813  
Trenton, New Jersey 08625-0813

Re: Borough of Mountain Lakes

Dear Ms. Swan and Ms. Vandenberg:

This office serves as municipal attorney to the Borough of Mountain Lakes. Please be advised that pursuant to the Memorandum of Understanding between the Highlands Council and COAH, the Borough of Mountain Lakes seeks an extension of the deadline for filing its Housing Element and Fair Share Plan and Petition for Substantive Certification. In conformance with the Memorandum of Understanding, the Borough of Mountain Lakes adopted Resolution 144-08, "Resolution Seeking an Extension of the Deadline to Petition for Substantive Certification Pursuant to Executive Order 114 and the Memorandum of Understanding Between the Highlands Council and the Council on Affordable Housing," as well as Resolution 145-08, "Notice of Intent to Petition the Highlands Council for Plan Conformance." A certified copy of these Resolutions are included herewith. The Resolutions were adopted on December 8, 2008.

Please advise the undersigned if anything further is required on behalf of the Borough of Mountain Lakes. If you have any questions or concerns with regard to this matter, please contact me.

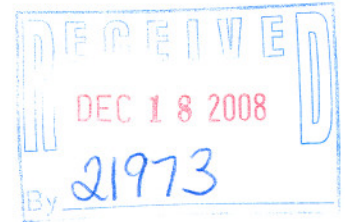
Very truly yours,

JOHNSON, MURPHY, HUBNER, McKEON,  
WUBBENHORST, BUCCO & APPELT, P.C.

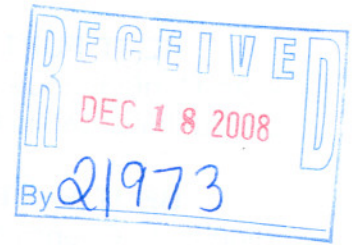
*Robert H. Oostdyk, Jr.*  
Robert H. Oostdyk, Jr.

Enclosure

cc: Joseph Tempesta, Jr., Borough Manager



**BOROUGH OF MOUNTAIN LAKES  
COUNTY OF MORRIS**



**RESOLUTION 145-08**

**NOTICE OF INTENT TO PETITION THE HIGHLANDS COUNCIL FOR  
PLAN CONFORMANCE (NON-BINDING)**

**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 key 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 requiring that within nine to fifteen months after September 8, 2008, each county and municipality located wholly or partially in the Preservation Area must submit a Petition for Plan Conformance to the Highlands Council for that portion of its jurisdiction lying within the Preservation Area; and

**WHEREAS**, the Highlands Act specifies that conformance with the Regional Master Plan (Plan Conformance) requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements, and provisions of the Regional Master Plan; and

**WHEREAS**, the Highlands Council's Plan Conformance Guidelines require that for jurisdictions with any lands in the Preservation Area, a Notice of Intent to conform to the Regional Master Plan must be submitted to the Highlands Council as soon as practicable, but not later than February 1, 2009 and that for any lands in the Planning Area, a Notice of Intent may be submitted at any time; and

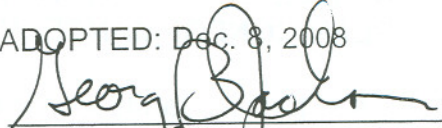
**WHEREAS**, the Borough of Mountain Lakes lies within the planning area of the Highlands Region as defined by the Highlands Act.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey, that the Borough of Mountain Lakes hereby provides the Highlands Council with this non-binding Notice of Intent to include all lands lying within the Borough of Mountain Lakes in the petition to the Highlands Council for Plan Conformance.


**BE IT FURTHER RESOLVED** that in accordance with the Highlands Council's Plan Conformance Guidelines, this Notice of Intent is not binding as no portion of the Borough lies within the preservation area.

**BE IT FURTHER RESOLVED** that this Notice of Intent provides notice to the Highlands Council that the Borough of Mountain Lakes has set December 8, 2009 as the target date for submission of a Petition for Plan Conformance.

Council Member	By:	2 <sup>nd</sup> :	Yes	No	Abstain	Absent
McWilliams			X			
Emr			X			
Shaw	X			X		
Gormally		X				
Happer			X			
Wilson			X			
Jackson			X			

ADOPTED: Dec. 8, 2008  
  
 George Jackson, Mayor

ATTEST:   
 Christina Whitaker, Clerk

I hereby certify that this is a true copy of a Resolution adopted by the Mountain Lakes Borough Council at a regular meeting held on 12/8/08  
  
 Christina Whitaker, RMC

DEC 16 2008