

RESOLUTION 09- 143

**TOWNSHIP OF ROCKAWAY'S INTENTION TO REVISE
MASTER PLAN AND DEVELOPMENT REGULATIONS FOR PLAN
CONFORMANCE FOR LAND 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, Section 13:20-15.a, of the Highlands Act states that for any municipality located wholly in the Planning Area or 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 ("Plan Conformance"); and

WHEREAS, the Township of Rockaway ("Rockaway") is located in the Highlands Region with lands lying within the 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 which includes a comprehensive package of planning and implementation documents that meet the requirements of the Highlands Act, the Regional Master Plan and the Highlands Plan Conformance Guidelines; and

WHEREAS, Plan Conformance by the municipality is strictly voluntary for lands in the Planning Area and Rockaway 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 to the Regional Master Plan; and

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

WHEREAS, should Rockaway make the determination that Rockaway shall 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 Plan Conformance Guidelines, Rockaway shall enact an ordinance setting forth such intention, as required by the Highlands Act; and

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

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

WHEREAS, should Rockaway formally withdraw from the Plan Conformance process, grant funding awarded to Rockaway 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 Governing Body of the Township of Rockaway hereby submits this resolution of intention to revise its master plan and development regulations for Plan Conformance to the Highlands Council for that portion of our jurisdiction lying within the Planning Area in accordance with the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines.

This Resolution shall take effect immediately.

C E R T I F I C A T I O N

I, Mary C. Cilurso, RMC/CMC, Township Clerk of the Township of Rockaway hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council of the Township of Rockaway at a duly convened meeting held on November 4, 2009.



Mary C. Cilurso, RMC/CMC, Township Clerk