

RESOLUTION 2011-24

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING ZONE FEASIBILITY GRANT TO THE TOWN OF HACKETTSTOWN, WARREN 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, the Highlands Act authorizes the Highlands Council to enter into any and all agreements or contracts, execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

WHEREAS, Section 18 of the Highlands Act authorizes the Highlands Council to make available grants and other financial and technical assistance to municipalities and counties for implementation of a transfer of development rights (TDR) program; and

WHEREAS, on March 22, 2007, the Highlands Council by Resolution 2007-9 authorized the TDR Committee to develop and implement a process for the solicitation and distribution of grants and other support to municipalities within the seven Highlands counties in furtherance of the development of the Highlands TDR Program, in an annual amount not to exceed \$1,000,000; and

WHEREAS, Section 13 of the Highlands Act specifies that the establishment of TDR receiving zones by municipalities is entirely voluntary and, in addition, specifically Section 13.e requires that the Highlands Council “[i]n consultation with municipal, county, and State entities” must “assist municipalities or counties in analyzing voluntary receiving zone capacity;” and

WHEREAS, the Highlands Council developed a TDR Receiving Zone Feasibility Grant program in which municipalities were encouraged to examine the feasibility of establishing voluntary TDR receiving zones; and

WHEREAS, on June 16, 2011, the Highlands Council held a public hearing to review the Petition for Plan Conformance submitted by the Town of Hackettstown and several Members of the Highlands Council raised questions whether it was feasible to establish voluntary TDR receiving zones; and

WHEREAS, in response to the issues discussed at the public hearing on June 16, 2011, the Town of Hackettstown agreed to examine the feasibility of establishing voluntary receiving zones for commercial/retail development in the proposed Highlands Center; and

WHEREAS, the Highlands Council staff recommends the approval by the Highlands Council of a TDR Receiving Zone Feasibility Grant for the Town of Hackettstown; 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.

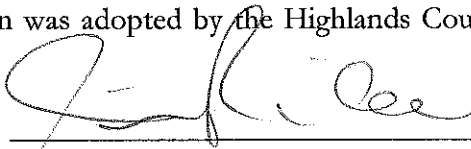
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NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director, or her designee, is hereby authorized to enter into a grant agreement with Town of Hackettstown for a TDR Receiving Zone Feasibility Grant to examine the feasibility for establishing voluntary receiving zones for commercial/retail development in the proposed Highlands Center in the amount of \$25,000, provided that the Executive Director may authorize additional amounts under this contract pursuant to her authority under the Highlands Council Bylaws.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 3rd day of August, 2011.


Jim Rilee, Chairman

| Vote of the Approval of This Resolution | Motion | Second | Yes | No | Abstain | Absent |
|--|--------|--------|-----|----|---------|--------|
| Councilmember Alstede | | | | ✓ | | |
| Councilmember Carluccio | | ✓ | ✓ | | | |
| Councilmember Dougherty | | | ✓ | | | |
| Councilmember Dressler | | | ✓ | | | |
| Councilmember Francis | ✓ | | ✓ | | | |
| Councilmember Holtaway | | | ✓ | | | |
| Councilmember James | | | ✓ | | | |
| Councilmember Mengucci | | | | | | ✓ |
| Councilmember Richko | | | ✓ | | | |
| Councilmember Schrier | | | | | | ✓ |
| Councilmember Visioli | | | ✓ | | | |
| Councilmember Walton | | | | ✓ | | |
| Chairman Rilee | | | ✓ | | | |