

**RESOLUTION 2015-16**  
**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**  
**APPROVAL FOR FY2016 APPROPRIATION OF FUNDS IN SUPPORT OF UPDATES FOR**  
**RMP CONFORMANCE MODULES 2, 3, AND 7**  
**AND NJ SUPREME COURT DECISION REGARDING**  
**COUNCIL ON AFFORDABLE HOUSING THIRD ROUND RULES**

**WHEREAS**, the Legislature created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council) to advance a new regional approach to land use planning and to prepare a Regional Master Plan (RMP) pursuant to Sections 11 and 12 of the Highlands Act, to protect and enhance the significant values of the Highlands resources throughout the entire Highlands Region; and

**WHEREAS**, the Highlands Council adopted Resolution 2008-27 approving the RMP on July 17, 2008 and, pursuant to the Highlands Act requirement for gubernatorial review, the RMP thereafter became effective on September 8, 2008; and

**WHEREAS**, the Highlands Act creates a bifurcated system for municipal conformance with the RMP – mandatory Plan Conformance for any portion of a municipality located wholly or partially in the Preservation Area and voluntary Plan Conformance for the municipalities with lands wholly in the Planning Area or for any portion of a municipality lying within the Planning Area; and

**WHEREAS**, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance where municipalities, located wholly or partially in the Preservation Area, must revise and conform their local master plan and development regulations, as they relate to development and use of land in the Preservation Area, with the goals, requirements and provisions of the RMP within 15 months of adoption thereof, or December 8, 2009; and

**WHEREAS**, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may voluntarily revise and conform their local master plans and development regulations, as they relate to the development and use of land in the Planning Area, with the goals, requirements and provisions of the RMP at any time; and

**WHEREAS**, the Highlands Council approval of Resolution 2008-27 adopting the RMP included the adoption of the Highlands Plan Conformance Guidelines that outlines the procedures, implementation schedule, planning assistance, and benefits available for the submission of a Petition for Plan Conformance; and

**WHEREAS**, the Plan Conformance Guidelines provides a process for Plan Conformance requiring the submission of plans and regulations with tasks to be completed in accordance with an Implementation Plan and Schedule as a condition of Plan Conformance; and

**WHEREAS**, Section 18 of the Highlands Act obligates the Highlands Council to establish a grant funding program to reimburse municipalities for reasonable expenses associated with Plan Conformance; and

**WHEREAS**, on December 18, 2008, the Highlands Council approved Resolution 2008-73 to provide grant funding for the Highlands municipalities to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the RMP and authorized the Executive Director to develop and implement a process for the solicitation

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and distribution of the Plan Conformance Grants in a total amount not to exceed \$7.5 million and up to \$100,000 allocation for each individual municipality for Plan Conformance; and

**WHEREAS**, as directed, the Executive Director developed the Plan Conformance Grant Program, a program that splits Plan Conformance into the following seven steps or modules for administering the authorized grant funding for the following Modules: (1) and (2) Highlands municipal build-out analysis and report; (3) Housing Element and Fair Share Plan; (4) Highlands environmental resource inventory; (5) master plan Highlands element; (6) Highlands Area land use ordinance; and (7) municipal Petition for Plan Conformance including an Implementation Plan and Schedule component; and

**WHEREAS**, the RMP specifically requires “that conforming municipalities update and adopt a housing element, fair share plan, and implementing ordinance(s) to reflect current conditions and resource protection requirements of the RMP” (Policy 6O8); and

**WHEREAS**, in furtherance of this policy the Highlands Council is providing a Plan Conformance Grant Program to provide updates to the Module 2 Municipal Build-Out Analysis and Report, the Module 3 Housing Element and Fair Share Plan, and the Module 7 Highlands Implementation Plan and Schedule component to assist in meeting the requirements of the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and the NJ Supreme Court’s March 10, 2015 decision, In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing; and

**WHEREAS**, to address the RMP requirements, a Housing Element and Fair Share Plan must be developed in compliance with all applicable RMP requirements, including the Land Use Capability Zone Map, water availability, wastewater utility capacity, water supply utility capacity, and resource protection provisions; and

**WHEREAS**, the Housing Element and Fair Share Plan documents must be provided to the Highlands Council for review as a condition of the Plan Conformance petition to ensure consistency with the RMP; and

**WHEREAS**, the Highlands Council will provide funding in an amount not to exceed \$25,000, to municipalities that have an approved petition for Plan Conformance, to assist in updating their Module 2 Municipal Build-Out Analysis Report, the Module 3 Housing Element and Fair Share Plan, and the Module 7 Highlands Implementation Plan and Schedule component; and

**WHEREAS**, the following municipalities are in need of additional grant funding in order to address the Highlands Act requirements for Plan Conformance funding in light of the requirements of the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing

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**Bergen County**

Mahwah Township  
Oakland Borough

**Hunterdon County**

Alexandria Township  
Bethlehem Township  
Bloomsbury Borough  
Califon Borough  
Clinton Town  
Clinton Township  
Glen Gardner Borough  
Hampton Borough  
High Bridge Borough  
Holland Township  
Lebanon Borough  
Lebanon Township  
Tewksbury Township

**Morris County**

Boonton Township  
Chester Township  
Denville Township  
Jefferson Township  
Kinnelon Borough  
Montville Township  
Mount Arlington Borough  
Mount Olive Township  
Randolph Township  
Rockaway Township  
Roxbury Township  
Washington Township  
Wharton Borough

**Passaic County**

Bloomington Borough  
Ringwood Borough  
West Milford Township

**Somerset County**

Bedminster Township

**Sussex County**

Byram Township  
Green Township  
Hardyston Township  
Hopatcong Borough  
Ogdensburg Borough  
Sparta Township  
Vernon Township

**Warren County**

Allamuchy Township  
Alpha Township  
Franklin Township  
Hackettstown Town  
Harmony Township  
Lopatcong Township  
Oxford Township  
Phillipsburg Town  
Pohatcong Township  
Washington Township

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**Highlands Municipal Plan Conformance Grant Program Updates (not-to-exceed amounts)**

**Update to Module 2: Municipal Build-Out Analysis and Report**

49 Municipalities, \$10,000 each    Subtotal \$490,000

**Update to Module 3: Housing Elements and Fair Share Plan**

49 Municipalities, \$12,500 each    Subtotal \$612,500

**Update to Module 7: Highlands Implementation Plan and Schedule**

49 Municipalities, \$2,500 each    Subtotal \$122,500

**Highlands Municipal Plan Conformance Grant Updates Program    Total \$1,225,000**

and;

**WHEREAS**, the Highlands Council staff recommends that the Highlands Council authorize the execution of Amended Plan Conformance Grant Agreements with each of the aforementioned municipalities for the funding allotted to the above-referenced tasks in the amounts so designated, not to exceed in the aggregate, \$1,225,000 and contingent on funding availability on a reimbursement basis; and

**WHEREAS**, the above-referenced \$1,225,000 allocation is included in the FY 2016 Highlands Protection Fund Planning Grants Budget; 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.

**NOW, THEREFORE, BE IT RESOLVED** that the Highlands Council hereby authorizes the Executive Director to execute Amended Plan Conformance Grant Agreements with the aforementioned municipalities not to exceed amounts as set forth above; and

**BE IT FURTHER RESOLVED**, that the Highlands Council hereby approves the above-referenced municipal funding in the Highlands Protection Fund for Fiscal Year 2016 in order to provide grant funding for those aforementioned municipalities to cover the reasonable expenses associated with the updates to Modules 2, 3, and 7 to conform them to the RMP, in light of the requirements of the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, not to exceed \$25,000 per municipality and \$1,225,000 in the aggregate; and

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**BE IT FURTHER RESOLVED**, that funding under this grant program shall not be utilized for the preparation and submission of any declaratory judgement action, litigation costs, or other legal fees; and

**BE IT FURTHER RESOLVED**, that the Executive Director is authorized to amend the Plan Conformance Grant Agreements consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Implementation Plan and Schedule on behalf of the Council; and

**BE IT FURTHER RESOLVED**, the Executive Director is authorized, consistent with direction from the Council, to oversee and monitor the above-referenced municipalities' compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

**CERTIFICATION**

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 16<sup>th</sup> day of July, 2015.

  
 Jim Rilee, Chairman



**Vote on 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 Richko			✓			
Councilmember Sebetich			✓			
Councilmember Tfank			✓			
Councilmember Visioli	✓		✓			
Councilmember Vohden				✓		
Councilmember Walton				✓		
Chairman Rilee			✓			