

RESOLUTION 2024-14
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AMENDED JOINT PETITION FOR PLAN CONFORMANCE
FOR HIGHLANDS CENTER AMENDMENT
LOPATCONG TOWNSHIP AND POHATCONG TOWNSHIP, 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, 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 Regional Master Plan at any time; and

WHEREAS, the Highlands Act provides that approval of a Petition for Plan Conformance entitles the conforming municipality or county to specific benefits including: planning grants, technical assistance, state aid, priority for projects, tax stabilization funds, a strong presumption of validity and extraordinary deference in the event of legal challenge, and legal representation; and

WHEREAS, on July 18, 2019, the Highlands Council approved Resolution 2019-13 adopting “RMP Addendum 2019-2 Plan Conformance Procedures” setting forth the standards and process for Highlands Center designation; and

WHEREAS, the Township of Lopatcong is located within the Highlands Region, and contains approximately 3,672 acres in the Planning Area and 1,049 acres are in the Preservation Area; and

WHEREAS, by Resolution 2012-3, dated January 19, 2012, the Highlands Council approved the Township of Lopatcong’s Amended Petition for Plan Conformance with conditions as set forth in the Amended Final Consistency Review and Recommendations Report and the revised Highlands Implementation Plan and Schedule; and

WHEREAS, the Township of Pohatcong is located in the Highlands Region and contains approximately 7,571 acres in the Preservation Area and 1,208 acres in the Planning Area; and

WHEREAS, by Resolution 2011-23, on August 3, 2011, the Highlands Council approved the Township of Pohatcong’s Petition for Plan Conformance with conditions as set forth in the Final Consistency Review and Recommendations Report and the Highlands Implementation Plan and Schedule; and

WHEREAS, on May 30, 2023, the Warren County Townships of Lopatcong and Pohatcong jointly petitioned (“the Petition”) the Highlands Council for approval of amendments to their previously approved (2011-12) Highlands Center designations.

WHEREAS, on February 12, 2024, the Executive Director completed the Draft Consistency Review and Recommendations Report, and posted a Public Notice, the Draft Consistency Review and Recommendations Report, and the complete Petition package on the Highlands Council website for a public review and comment period, with written comments due on or before March 13, 2024; and

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WHEREAS, three comments were received during the public comment period: 1) the first commenter opposes the creation of town centers in small towns; 2) the second commenter supports the use of Pohatcong's Block 38 Lot 1 for 100% affordable housing but argues that parcels in Lopatcong should be considered separately from this development; and 3) the third commenter expresses concerns about adding more warehouses to the area; and

WHEREAS, Friday, April 12, 2024, the Executive Director posted the Final Consistency Review and Recommendations Report on the Highlands Council website; 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.

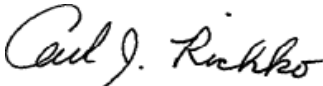
NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby approves Lopatcong and Pohatcong Townships' Amended Petition for Plan Conformance to include Block 102 Lots 4, 5, 6, 7, 8, 8.01, 10, and 11 (Lopatcong) and Block 38 Lot 1 (Pohatcong) in a Highlands Center with the conditions referenced in the Final Consistency Review and Recommendations Report, dated March 28, 2024, and adopt the Final Consistency Review and Recommendations Report; and

BE IT FURTHER RESOLVED that Lopatcong and Pohatcong Townships are hereby entitled to the statutory benefits associated with Plan Conformance as detailed in the Highlands Act, the Regional Master Plan and the Plan Conformance Guidelines, so long as Lopatcong and Pohatcong Townships remain in conformance with the RMP and with regard to provision of grant funding, to the extent such funds are made available by the State; and

BE IT FURTHER RESOLVED that the Executive Director is authorized, consistent with direction from the Highlands Council, to oversee and monitor Lopatcong Township and Pohatcong Township's 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 18th day of April 2024.



Carl J. Richko, Chairman

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Vote on the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			√			
Councilmember Bush			√			
Councilmember Dougherty			√			
Councilmember Dressler	√		√			
Councilmember Francis			√			
Councilmember James		√	√			
Councilmember Sebetich						√
Councilmember Van Abs			√			
Councilmember Visioli			√			
Councilmember Vohden			√			
Chairman Richko			√			