RESOLUTION 2012-23
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING ZONE
FEASIBILITY GRANT TO THE TOWNSHIP OF POHATCONG, 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, the Highlands Council staff has reviewed the grant application submitted by
Pohatcong Township and recommends approval by the Highlands Council of a TDR Receiving
Zone Feasibility Grant for Pohatcong Township; 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 by the Highlands Council that the Executive
Director, or his designee, is hereby authorized to enter into a grant agreement with Township of
Pohatcong 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 his authority under the Highlands Council Bylaws.
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CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular
meeting held on the 20th day of September, 2012.

Jim Rilee, Chairman

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