

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

**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 Mengucci	_____	_____	✓	_____	_____	_____
Councilmember Richko	_____	_____	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tbank	_____	_____	✓	_____	_____	_____
Councilmember Visioli	✓	_____	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	_____	✓	✓	_____	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____