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
Bloomingdale 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-
referred 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 16th day of July, 2015.

[Signature]
Jim Rilee, Chairman

Vote on the Approval of
This Resolution

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