

RESOLUTION 2020-03
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AMENDED PETITION FOR PLAN CONFORMANCE
CHESTER BOROUGH, MORRIS 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, N.J.S.A. § 13:20-14 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 Regional Master Plan (RMP) within 15 months of adoption thereof, or December 8, 2009; and

WHEREAS, N.J.S.A. § 13:20-15 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 Act provides that an approval of a Petition for Plan Conformance entitles the conforming municipality with 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, N.J.S.A. § 13:20-18 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

WHEREAS, under Resolution 2008-73, the Highlands Council authorized the Executive Director to develop and implement a process for the solicitation and distribution of the Plan Conformance Grants in a total amount not to exceed \$7.5 million and up to a \$100,000 allocation for each individual municipality to address the immediate mandatory components of Plan Conformance; and

WHEREAS, Chester Borough is located entirely within the Planning Area; and

WHEREAS, on July 21, 2016, after due consideration and opportunity for public comment, the Highlands Council approved Chester Borough's Petition for Plan Conformance with conditions as set forth in Resolution 2016-6, as well as the Final Consistency Review and Recommendations Report dated August 29, 2016 and the Highlands Implementation Plan and Schedule; and

WHEREAS, in the process of completing its Petition for Plan Conformance, the Borough of Chester determined, and the Highlands Council concurred, that Highlands Center designation should be studied for the municipality; and

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WHEREAS, the resultant analysis proposed designation of a Highlands Center within Chester Borough, which is intended to advance the goals and intent of both the Chester Borough Master Plan and the RMP; and

WHEREAS, Chester Borough adopted Resolution #2019-102 on August 12, 2019 to request the Highlands Council to amend the Borough's Petition for Plan Conformance to include a designated Highlands Center within the Borough; and

WHEREAS, Chester Borough submitted a Highlands Center Designation Feasibility Report to the Highlands Council on October 3, 2019 with a request that the Highlands Council amend the previously approved Petition for Plan Conformance to include the Highlands Center; and

WHEREAS, Highlands Council staff have reviewed the Highlands Center Designation Feasibility Report and found it to be consistent with the RMP; and

WHEREAS, in consideration of the proposed Amended Petition, and a revised Final Consistency Review and Recommendations Report and Highlands Implementation Plan and Schedule which addresses funding needs relating to the Amended Petition, a Public Notice was posted, with the revised Petition materials, on the Highlands Council website for public review and comment on November 15, 2019; and

WHEREAS, no comments were received during the public comment period, which closed on December 16, 2019; 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 grants Chester Borough's Amended Petition for Plan Conformance, and adopts the Revised Consistency Review and Recommendations Report and Revised Highlands Implementation Plan for Fiscal Year 2020 and authorizes additional funding in the amount of \$107,500 (subject to funding availability) as set forth in the Highlands Implementation Plan; and

BE IT FURTHER RESOLVED that the Executive Director is authorized to make any amendments and publicly release the Revised Final Consistency Review and Recommendations Report, Revised Highlands Implementation Plan, and amend the Plan Conformance Grant Agreement consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Report and Schedule on behalf of the Council; and

BE IT FURTHER RESOLVED, that the Chester Borough is hereby entitled to the statutory benefits associated with Plan Conformance as detailed in the Highlands Act, the Regional Master Plan and the Plan

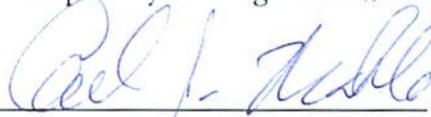
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Conformance Guidelines, so long as the Chester Borough remains in conformance with the RMP and to the extent such funds are made available by the State; and

BE IT FURTHER RESOLVED, the Executive Director is authorized, consistent with *direction* from the Council, to oversee and monitor Chester Borough'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 16th day of January 2020.



 Carl Richko, Chairman



Vote on the Approval of This Resolution

	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Carluccio				✓		
Councilmember Dougherty			✓			
Councilmember Dressler			✓			
Councilmember Francis		✓	✓			
Councilmember Holtaway			✓			
Councilmember James	✓		✓			
Councilmember Sebetich						✓
Councilmember Visioli			✓			
Councilmember Vohden				✓		
Councilmember Walton				✓		
Chair Richko			✓			