RESOLUTION 2025-23
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR THE TOWNSHIP OF MENDHAM, 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, Section 15 of the Highlands Act provides for voluntary Plan Conformance whereby any municipality or county located wholly or partially in the Planning Area may voluntarily revise and conform its 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 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, Section 18 of the Highlands Act obligates the Highlands Council to establish a grant funding program to reimburse municipalities and counties 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 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, The Township of Mendham is located in Morris County and the full extent of its 11,527 acres lies in the Highlands Planning Area; and

WHEREAS, on November 26, 2024, the Township of Mendham submitted a Petition for Plan Conformance including a resolution for all lands lying in the Planning Area; and

WHEREAS, on March 26, 2025, the Highlands Council staff posted a Public Notice, the Draft Consistency Review and Recommendations Report, and the complete Petition documents on the Highlands Council website for a public review and comment period with written comments due on or before April 26, 2025, and two comments were received; and

WHEREAS, Mendham Township's Petition for Plan Conformance was presented at the June 19, 2025 council meeting and after councilmember discussion was subsequently tabled; and

WHEREAS, revisions were made to the staff Consistency Review and Recommendations Report; and

WHEREAS, on July 31, 2025, the Highlands Council staff posted a Public Notice, a revised Consistency Review and Recommendations Report, and the complete Petition documents on the Highlands Council website for a public review and comment period with written comments due on or before August 31, 2025, and six comments were received; and

WHEREAS, the Petition includes the following reimbursement-based grant funding in order to address the Highlands Act requirements for Plan Conformance. Any funding that has not received

an approved scope of work by June 1, 2026 will be returned to the Highlands Council grant budget. The municipality may then seek a reauthorization of funds in the subsequent fiscal year.

Purpose	**Amount**
Master Plan Highlands Element and Re-examination Report Adoption and Environmental Resource Inventory	$15,000.00
Highlands Conformance Ordinance Adoption	$ 5,000.00
Adoption of Affordable Housing Ordinances	$ 5,000.00
Agricultural Retention and Farmland Preservation Plan Adoption and Right to Farm Ordinance	$25,00.000
Total	**$ 50,000.00**

WHEREAS, the Highlands Council accepts the staff recommendation as stated in the Final Consistency Review and Recommendations Report; and

WHEREAS, according to the Highlands Act and the Plan Conformance Guidelines, the Township of Mendham's compliance with an approved Final Consistency Review and Recommendations Report, the Highlands Plan Conformance Procedures, and the Highlands Act shall maintain the Township of Mendham's status as conforming to the Regional Master Plan and all statutory benefits associated with Plan Conformance; 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 the Township of Mendham's Petition for Plan Conformance with conditions, as set forth in the Final Consistency Review and Recommendations Report; and

BE IT FURTHER RESOLVED, that the Highlands Council staff recommends that the Highlands Council authorizes the execution of a Plan Conformance Grant Agreement with the Township of Mendham, for the funding allotted to the above-referenced tasks in the amounts designated, not to exceed in the aggregate, $50,000; and

BE IT FURTHER RESOLVED, that the Executive Director or designee is authorized to make any amendments and publicly release the Final Consistency Review and Recommendations Report, Highlands Implementation Plan and Schedule, and amend the Plan Conformance Grant Agreement consistent with direction from the Highlands Council and the Department of the Treasury, 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 Township of Mendham is hereby entitled to the statutory benefits associated with Plan Conformance as detailed in the Highlands Act, the Regional Master Plan, and the Plan Conformance Procedures in Addendum 2019-2, so long as the Township of Mendham

remains in conformance with the Regional Master Plan and to the extent such funds are made available by the State; and

BE IT FURTHER RESOLVED, the Executive Director or designee is authorized, consistent with direction from the Council, to oversee and monitor the Township of Mendham'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 October 2025.

Carl J. Richko

Carl J. Richko, Chairman

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 Kibler			√		√						
Councilmember Van Abs					√						
Councilmember Visioli											√
Chairman Richko					√						