



# THE TOWNSHIP OF BOONTON

MORRIS COUNTY NEW JERSEY

Incorporated 1868



November 30, 2009

Eileen Swan, Executive Director  
Highlands Water Protection & Planning  
100 North Road  
Chester, NJ 07930-2322

Dear Ms Swan:

Enclosed please find a certified copy of Township Resolution 09-168 which was approved by the Boonton Township Committee at their meeting on November 23, 2009. Resolution 09-168 authorizes the Petition for Plan Conformance to the Highlands Council for that portion of the Township lying within the Preservation Area.

Sincerely,

  
Barbara Shepard  
Administrator/Municipal Clerk

Cc: William C. Denzler, PP, AICP  
John Jansen, Esq.

**TOWNSHIP OF BOONTON  
SUBMISSION OF PETITION FOR PLAN CONFORMANCE  
TO THE HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
FOR LAND IN THE PRESERVATION AREA**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., contends that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources; and

**WHEREAS**, the State further contends that the Act and the regulations promulgated thereunder are based on the best available "science," which contention is questioned by many; and

**WHEREAS**, the Township of Boonton is of the opinion that the protection of drinking water supplies and other natural resources is a laudable goal that should be the equal responsibility of all residents of the State and not just those who reside in the Highlands region; and

**WHEREAS**, the Township of Boonton fears that the primary "science" involved in the drafting of the Act and its regulations was "political science;" and

**WHEREAS**, the Highlands Act requires that within nine to 15 months after the effective date of the Regional Master Plan, September 8, 2008, each municipality located wholly or partially in the Preservation Area shall (emphasis added) submit revisions to the municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, as may be necessary to conform them with the goals, requirements and provisions of the Regional Master Plan (Plan Conformance); and

**WHEREAS**, the Act further provides that if a municipality fails to do so, the Council shall assume all local enforcement authority provided pursuant to the "Municipal Land Use Law;" and

**WHEREAS**, the Township of Boonton is located in the Highlands Region with lands lying within the Preservation Area, as defined by the Highlands Act; and

**WHEREAS**, the Highlands Council prepared and distributed to the Highlands municipalities Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance; and

**WHEREAS**, the Highlands Council's Plan Conformance Guidelines require that a Petition for Plan Conformance be filed with the Highlands Council no later than December 8, 2009, which includes a comprehensive package of draft planning and implementation documents that meet the requirements of the Highlands Act, the Regional Master Plan and the Highlands Plan Conformance Guidelines; and

**WHEREAS**, this Committee recognizes that the disruption of municipal land use plans and goals and the loss of future ratables will likely continue to have a negative financial impact on the Township and its residents; and

**WHEREAS**, this Township Committee wishes to go on record as vehemently objecting to the manner in which the value of land owned by its citizens has been wrongfully taken from them; and



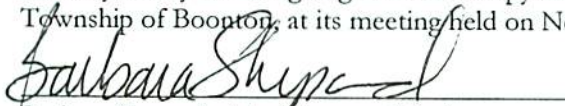
WHEREAS, the Township of Boonton believes that the approach that it has always used to preserve open space and farmland (i.e., negotiate in good faith and pay fair market value) is the reasoned and appropriate approach; and

WHEREAS, the Township of Boonton has always been blessed with dedicated land use board members who have volunteered their time and expertise to develop a master plan and related planning documents that have allowed the Township to properly exercise land use regulatory power within its borders and to develop in a manner that provides an enhanced quality of life for its residents; and

WHEREAS, the Township of Boonton recognizes that it has no choice but to proceed with Plan Conformance with respect to lands located in the Preservation Area or face the sanction provided in the Act.

**NOW, THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Boonton, County of Morris, with reluctance and proceeding "under protest," hereby submits this Petition for Plan Conformance to the Highlands Council for that portion of our jurisdiction lying within the Preservation Area in accordance with the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines

I hereby certify the foregoing to be true copy of a resolution adopted by the Township Committee of the Township of Boonton, at its meeting held on November 23, 2009.



Barbara Shepard, Administrator/Clerk  
Township of Boonton