

**RESOLUTION**  
**TOWNSHIP OF MAHWAH**  
P.O. BOX 733  
Mahwah, NJ 07430

Resolution #140-09A

Date: December 3, 2009

Name	Motion	Second	Yes	No	Abstain	Absent
Alderisio			X			
DiGiulio	X		X			
Hermansen		X	X			
Kidd			X			
Larson			X			
Roth			X			
DaPuzzo			X			

**CERTIFIED TRUE COPY**  
*Katherine A. Colletta*  
**TOWNSHIP CLERK**  
**DATE: 12/4/09**

**THE TOWNSHIP OF MAHWAH**  
**INTENTION TO REVISE MASTER PLAN AND DEVELOPMENT REGULATIONS FOR PLAN**  
**CONFORMANCE FOR LAND IN THE PLANNING AREA**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., finds and declares 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 Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region; and

**WHEREAS**, Section 13:20-15.a, of the Highlands Act states that for any municipality located wholly in the Planning Area or for the portion of a municipality lying within the Planning Area, the municipality may, by ordinance, petition the Highlands Council of its intention to revise its Master Plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the Regional Master Plan (Plan Conformance), and:

**WHEREAS**, the Township of Mahwah is located in the Highlands Region with lands lying within the Planning 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 which includes a comprehensive package of planning and implementation documents that meet the requirements of the Highlands Act, the Regional Master Plan and the Highlands Plan Conformance Guidelines; and

**WHEREAS**, Plan Conformance by the Municipality is strictly voluntary for lands in the Planning Area and the Township of Mahwah may at any time voluntarily revise its Master Plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them to the Regional Master Plan; and

**WHEREAS**, at any time during the Plan Conformance process, the Township of Mahwah may withdraw from the Plan Conformance process and any approvals, rejections or conditions of revised Municipal Master Plan or development regulations recommended by the Highlands Council during the Plan Conformance process, will not be binding on the Township of Mahwah and the Township of Mahwah may choose not to obtain conformance with the Regional Master Plan for the lands lying within the Planning Area; and

**WHEREAS**, at any time during the Plan Conformance process, the Township of Mahwah may withdraw from the Plan Conformance process and any approvals, rejections or conditions of revised municipal Master Plan or development regulations recommended by the Highlands Council during the Plan Conformance process, will not be binding on the Township of Mahwah; and the Township of Mahwah may choose not to obtain conformance with the Regional Master Plan for the lands lying within the Planning Area; and

**WHEREAS**, should the Township of Mahwah make the determination that the Township of Mahwah shall petition the Highlands Council of its intention to revise its Master Plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the Regional Master Plan and Plan Conformance Guidelines, the Township of Mahwah shall enact an ordinance setting forth such intention, as required by the Highlands Act; and

**WHEREAS**, upon application of the Township of Mahwah, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to the Township of Mahwah for the reasonable costs associated with the revision of the Master Plan, development regulations or other regulations, as applicable to the development and use of land in the Planning area, which are designed to bring those plans and regulations into conformance with the Regional Master and the Highlands Council shall provide grant funds for all mandatory aspects of Plan Conformance Grant Program and applicable grant agreement shall not be reimbursable to the Highlands Council;

**NOW, THEREFORE BE IT RESOLVED**, that the Governing Body of the Township of Mahwah hereby submits this Resolution of intention to revise its Master Plan and development regulations for Plan Conformance to the Highlands Council for that portion of our jurisdiction lying within the Planning Area in accordance with the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines.

I hereby certify that this resolution consisting of three page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, 3rd day of December, 2009.



Kathrine G. Coletta  
Municipal Clerk



---

John DaPuzzo  
Council President