



RESOLUTION 2008-121

BOROUGH OF CHESTER, MORRIS COUNTY

NOTICE OF INTENT TO STUDY PETITIONING THE HIGHLANDS COUNCIL FOR PLAN CONFORMANCE

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 key 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 (RMP) for the Highlands Region and requiring that within nine to 15 months after September 8, 2008, each county and municipality located wholly or partially in the Preservation Area must submit a Petition for Plan Conformance to the Highlands Council for that portion of its jurisdiction lying within the Preservation Area; and

WHEREAS, The Borough of Chester lies within the Highlands Region as defined by the Highlands Act; and

WHEREAS, The Borough of Chester Borough is located in the Planning Area created under the Highlands Act, but no part of this municipality is located in the Preservation Area, and therefore conformance with the RMP by Chester Borough is discretionary; and

WHEREAS, the thoughtful exercise of discretion in reaching a decision about submitting a petition seeking voluntary compliance with the RMP requires an analysis of known positive and negative criteria that should be based upon a professional study using reliable, accepted methodology; and

WHEREAS, the Governor has ordered Council on Affordable Housing (COAH), The NJDEP, NJDCA, and the Highlands Council to work in cooperation to review COAH's third round growth projections and develop adjusted growth projections within the Highlands Region, consistent with the RMP, to be utilized by municipalities that conform to the RMP; and

WHEREAS, this work of the referenced State agencies, in process at this time, will result in adjustments that are currently unknown, but are expected to be produced within a reasonable time; and

WHEREAS, the Highlands Act specifies that conformance with the Regional Master Plan (Plan Conformance) requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements and provisions of the Regional Master Plan; and

WHEREAS, the character and probable impacts of such revisions can only be developed through careful study by qualified professionals, a scope of work that is beyond the budgeted resources of Chester Borough; and

WHEREAS, grant funding is currently available through the Highlands Council for RMP plan conformance studies, including a review of the Council on Affordable Housing third round growth projections, upon which the affordable housing obligation of Chester Borough is based; and

WHEREAS, the Highlands Council's Plan Conformance Guidelines provide that for jurisdictions with any lands in the Planning Area, a Notice of Intent to conform to the Regional Master Plan may be submitted at any time; and

WHEREAS, the Borough of Chester believes that it may be in the best interest of the Borough of Chester to study submitting a petition to the Highlands Council seeking voluntary RMP conformance.

**NOW, THEREFORE BE IT RESOLVED,** that the Mayor and Council of the Borough of Chester, being located entirely within the Planning Area, hereby provides the Highlands Council with this Notice of Intent to study petitioning the Highlands Council for Plan Conformance

**BE IT FURTHER RESOLVED,** in accordance with the Highlands Council's Plan Conformance Guidelines, neither this Notice, nor a Notice of Intent to submit a Conformance Petition is binding with respect to lands within the Planning Area.

**BE IT FURTHER RESOLVED,** that the Mayor and Council of the Borough of Chester expect that the Highlands Council will provide grant funding for a study of the impacts of RMP Conformance upon Chester Borough, beginning with a preliminary assessment RMP, and that further action by the Borough on that study is contingent upon this funding; and

**BE IT FURTHER RESOLVED,** that in accordance with this Resolution, the Chester Borough Council may suspend or discontinue study of the RMP Conformance process if and when the Mayor and Council determine that Highlands RMP Conformance is not desirable or consistent with the Borough's Master Plan, land use goals and objectives, or development objectives for the Borough of Chester, or for any other reason, or for no reason; and

**BE IT FURTHER RESOLVED,** this Resolution is notice to the Highlands Council that the Mayor and Council of the Borough of Chester has set June 15, 2009 or 120 days after COAH develops its adjusted growth projections within the Highlands Region, with a specific component number assigned to Chester Borough, whichever is later, as the target date for a decision on whether the Borough will submit a Petition for Plan Conformance.

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**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Mayor and Council of the Borough of Chester, New Jersey, at a meeting held on November 3, 2008.

*Valerie A. Egan*  
Valerie A. Egan, Municipal Clerk

*Dennis Verbaro*  
Dennis Verbaro, Mayor

Name	Aye	Nay	Absent	Abstain
Davis Z	X			
Finney M	X			
Iversen	X			
Marshuetz			X	
Robshaw	X			
Schloesser			X	