

# Township of Mendham

INCORPORATED MARCH 29, 1749

P.O. BOX 520  
BROOKSIDE, NEW JERSEY 07926  
(973) 543-4555 / FAX (973) 543-6630

December 17, 2008

Eileen Swan, Executive Director  
State of New Jersey  
Highlands Water Protection and Planning Council  
100 North road  
Chester, New Jersey 07930-2322



Re: Mendham Township  
Resolution 2008-192  
NOTICE OF INTENT TO PETITION THE HIGHLANDS COUNCIL FOR  
PLAN CONFORMANCE

- ✓ Resolution 2008-193  
SEEKING AN EXTENSION OF THE DEADLINE TO PETITION FOR  
SUBSTANTIVE CERTIFICATION PURSUANT TO EXECUTIVE ORDER 114  
AND THE MEMORANDUM OF UNDERSTANDING BETWEEN THE  
HIGHLOANDS COUNCIL AND THE COUNCIL ON AFFORDABLE  
HOUSING

Dear Ms. Eileen:

Enclosed please find certified copies of the above referenced resolutions adopted by the Township Committee at its meeting of December 16, 2008.

If you have any questions, please contact me at (973) 543-4555. Thank you.

Yours truly,

Ann L. Carlson, RMC  
Township Clerk

alc

cc: Stephen Mountain, Township Administrator

RESOLUTION 2008-193

SEEKING AN EXTENSION OF THE DEADLINE TO PETITION  
FOR SUBSTANTIVE CERTIFICATION PURSUANT TO  
EXECUTIVE ORDER 114 AND THE MEMORANDUM OF  
UNDERSTANDING BETWEEN THE HIGHLANDS COUNCIL  
AND THE COUNCIL ON AFFORDABLE HOUSING

**WHEREAS**, on September 5, 2008, Governor Corzine signed Executive Order 114 which requires the Council on Affordable Housing (COAH) and the New Jersey Highlands Council (Highlands) to enter into a Memorandum of Understanding (MOU) designed to coordinate the regulations of both agencies by maximizing affordable housing opportunities while preserving critical environmental resources; and

**WHEREAS**, COAH and the Highlands have prepared such an MOU, which was adopted by COAH on October 29, 2008 and by the Highlands Council on October 30, 2008; and

**WHEREAS**, conformance with the Highlands 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**, COAH regulations establish a December 31, 2008 deadline for municipalities currently under the jurisdiction of COAH to submit third round petitions for substantive certification of a municipal housing element and fair share plan; and

**WHEREAS**, the MOU establishes a procedure that municipalities under the jurisdiction of both COAH and the New Jersey Highlands Water Protection and Planning Act may follow to seek an extension to the December 31, 2008 deadline set by COAH for the submission of third round petitions for substantive certification of a municipal housing element and fair share plan; and

**WHEREAS**, the MOU provides for an extension of the December 31, 2008 deadline to December 8, 2009 for any Highlands municipality under COAH's jurisdiction that, before December 31, 2008: 1) submits a duly adopted Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines; and 2) submits a duly adopted resolution notifying COAH of its intent to petition COAH no later than December 8, 2009; and

**WHEREAS**, on December 16, 2008 the Township Committee of the Township of Mendham adopted a resolution notifying the Highlands that The Township of Mendham has set December 8, 2009, as the target date for submission of a Petition for Plan Conformance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township of Mendham hereby agrees that its deadline for the submission of a Housing Element and Fair Share Plan pursuant to N.J.A.C. 5:96-16 is extended from December 31, 2008 to December 8, 2009; and

**BE IT FURTHER RESOLVED** that the Township Committee of the Township of Mendham hereby directs the Township Clerk to immediately transmit a signed and sealed copy of this resolution to COAH; and

**BE IT FURTHER RESOLVED** that Township Committee of the Township of Mendham hereby directs the Township Clerk to immediately transmit a signed and sealed copy of the December 16, 2008, duly adopted Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines to COAH; and

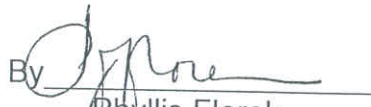
**BE IT FURTHER RESOLVED** that the Township of Mendham intends to submit a petition for substantive certification of a third round Housing Element and Fair Share Plan to COAH not later than December 8, 2009.

Adopted: December 16, 2008

ATTEST:

TOWNSHIP OF MENDHAM,  
COUNTY OF MORRIS

  
\_\_\_\_\_  
Ann L. Carlson, RMC  
Township Clerk

By   
\_\_\_\_\_  
Phyllis Florek  
Mayor

CERTIFICATION

I, Ann L. Carlson, Township Clerk of the Township of Mendham, in the County of Morris, New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted at a meeting of the Township Committee held on December 16, 2008.

  
\_\_\_\_\_  
Ann L. Carlson, RMC  
Township Clerk