

RESOLUTION 2010-84

RESOLUTION OF THE ALPHA BOROUGH COUNCIL

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 Borough of Alpha ("Alpha") is located in the Highlands Region with lands lying within the Planning Area, as defined by Section 7 of 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, since Plan Conformance by the municipality is strictly voluntary for lands in the Planning Area and Alpha 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, Alpha 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 Alpha; and Alpha may choose not to obtain conformance with the Regional Master Plan for the lands lying within the Planning Area; and

WHEREAS, should Alpha choose to conform its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, with the provisions of the Regional Master Plan and Plan Conformance Guidelines, Alpha will be required under the Highlands Act to enact an ordinance setting forth such intention; and

WHEREAS, upon application of Alpha, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to Alpha 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 Plan; and

WHEREAS, the Highlands Council shall provide grant funds for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and shall also provide grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council; and

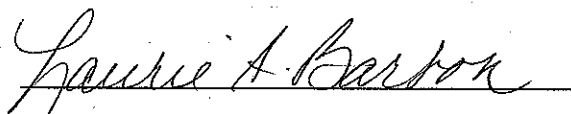
WHEREAS, should Alpha formally withdraw from the Plan Conformance process, grant funding awarded to Alpha up to the date of withdrawal that has been appropriately utilized in accordance with the Plan Conformance Grant Program and applicable grant agreement shall not be reimbursable to the Highlands Council;

NOW, THEREFORE BE IT RESOLVED, that the Alpha Borough Council hereby submits this resolution of intention to revise its master plan and development regulations for Plan Conformance to the Highlands Council for the entire municipality, which lies solely within the Planning Area in accordance with the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines.

BE IT FURTHER RESOLVED, that Alpha's stated intention to revise its master plan and development regulations for Plan Conformance is conditioned on the satisfactory and mutually agreed upon resolution of policy, regulatory, procedural, and mapping issues identified in previous Plan Conformance modules and discussions with Highlands Council Staff.

CERTIFICATION

*I, Laurie A. Barton, Clerk of the Borough of Alpha, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council at a meeting of said Common Council on **September 28, 2010** and that said Resolution was adopted by not less than the legal vote needed of the members of the Council.*



Laurie A. Barton, Borough Clerk