

TOWNSHIP OF GREENWICH

2009-88

**PETITION FOR PLAN CONFORMANCE
TO THE HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
FOR LAND IN THE PRESERVATION AREA AND 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 requires the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region including both the Preservation Area and Planning Area as defined in the Highlands Act; and

WHEREAS, the Highlands Act requires that within nine to 15 months after the effective date of the Regional Master Plan, or September 8, 2008, each municipality located wholly or partially in the Preservation Area shall submit revisions to the municipal master plan and development 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; and

WHEREAS, Section 13:20-15.a, of the Highlands Act states that for the portion of a municipality lying within the Planning Area, the municipality may petition the Highlands Council of its interest to conform its master plan and development regulations, as applicable to the development and use of land in the Planning Area, to the goals, requirements and provisions of the Regional Master Plan, and;

WHEREAS, the Township of Greenwich (the "Township") is located in the Highlands Region with lands lying within the both the Preservation Area and 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 filing a petition to the Highlands Council for Basic Plan Conformance for the Preservation Area and the Planning Area; and

WHEREAS, the Highlands Council requires that a Petition for Plan Conformance be filed with the Highlands Council no later than December 8, 2009 for Preservation Area lands; and

WHEREAS, the Highlands Council has not prepared and released Plan Conformance Guidelines outlining all requirements for achieving full conformance with the Highlands Master Plan; and

WHEREAS, the Township has reviewed and provided preliminary comments on a Highlands Master Plan Element for review and consideration by the Highlands Council; and

WHEREAS, the Township has reviewed and provided preliminary comments on a Highlands Land Use Ordinance for review and consideration by the Highlands Council; and

WHEREAS, the Highlands Council may accept, reject or accept with conditions a Petition for Plan Conformance; and

WHEREAS, since Plan Conformance by the municipality is strictly voluntary for lands in the Planning Area, the Township may at any time voluntarily revise its master plan and development regulations, as

applicable to the development and use of land in the Planning Area, to conform them with the Regional Master Plan; and

WHEREAS, at any time during the Plan Conformance process, the Township may choose to withdraw its petition for plan conformance and any approvals, rejections or approvals with conditions of the revised municipal master plan and development regulations recommended by the Highlands Council during the Plan Conformance process will not be binding on the Township; and

WHEREAS, the Township has previously participated in the Plan Conformance Grant Program and the Highlands Council will continue to make grant funding and other financial and technical assistance available to the Township for the reasonable costs associated with the continued review of conformance requirements and any necessary revisions of the master plan and development regulations, as applicable to the development and use of land in the Preservation Area and the Planning Area, which are designed to bring those plans and regulations into conformance with the Regional Master Plan; and

WHEREAS, should the Township formally withdraw from the Plan Conformance process grant funding awarded to the Township shall not be reimbursable to the Highlands Council.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Greenwich hereby submits this Petition for Plan Conformance to the Highlands Council, as it relates to the development and use of land for the entire municipality; and

BE IT FURTHER RESOLVED that any approvals, rejections or approvals with conditions of the revised municipal master plan and development regulations that may be recommended by the Highlands Council during the Plan Conformance process will not be binding on the Township of Greenwich until and unless such time as any required Ordinance, revisions to its master plan and/or development regulations are formally adopted by the township governing body.

Attest: Kimberly Viscomi
Kimberly Viscomi, Clerk

Elaine Emiliani
Elaine Emiliani, Mayor

CERTIFICATION

I, Kimberly Viscomi, Clerk of the Township of Greenwich, in the County of Warren, and the State of Ne Jersey do hereby certify that the foregoing resolution is a true and correct copy adopted by the Township Committee at a special meeting held on November 30, 2009.

Kimberly Viscomi
Kimberly Viscomi, RMC
Township Clerk/Administrator