

**INDEPENDENCE TOWNSHIP, WARREN COUNTY, NJ
SUBMISSION OF PETITION FOR PLAN CONFORMANCE
TO THE HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
FOR LAND IN THE PRESERVATION AREA ONLY**

WHEREAS, the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 *et seq.* (hereafter the “Highlands Act”), 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 created a coordinated land use planning system creating and requiring the Highlands Water Protection and Planning Council (hereafter the “Highlands Council”) to prepare and adopt a Regional Master Plan for the Highlands Region, which Regional Master Plan became effective September 8, 2008; and

WHEREAS, the Highlands Act dictates that within 9 to 15 months after the effective date of the Regional Master Plan, December 8, 2009, each municipality located wholly or partially in the Preservation Area was to submit revisions to the municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, as may be necessary to conform them with the requirements of the Regional Master Plan (hereafter “Plan Conformance”); and

WHEREAS, The Independence Township is located in the Highlands Region with lands lying within the Preservation Area, as defined by the Highlands Act; and

WHEREAS, the Highlands Council, in accordance with its directives under the Highlands Act, prepared and distributed to municipalities located within the Highlands Region, certain Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance; and

WHEREAS, the Highlands Council’s Plan Conformance Guidelines required that a Petition for Plan Conformance was to be filed with the Highlands Council no later than December 8, 2009, in accordance with the Highlands Act, which was to include 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, the Township Committee of the Township of Independence (hereafter the “Township Committee”) is adamantly opposed to Highlands regional planning on the basis that mandatory land use and development controls imposed by the Highlands Act and the Highlands Regional Master Plan usurp local land use decision-making and unreasonably confiscate landowner rights in an unfair and inequitable way; and

WHEREAS, The Township Committee to date, has refused to recognize the Highlands Act in public protest of the unfair manner in which the Act negatively impacts the property values of those properties located within the Highlands Region in general, and those properties located within the Preservation Area in particular, with which Township Committee continues to publicly oppose; and

WHEREAS, the State has provided a funding mechanism to underwrite municipal participation in the Highlands Plan Conformance process in the form of local planning grants to pay for the municipal costs of mandatory Highlands Regional Master Plan Conformance in the Preservation Areas, as well as discretionary Plan Conformance in the Planning Area, thereby sparing local taxpayers the expense for complying with this State-mandated regional planning process; and

WHEREAS, the Township Committee has requested access to such state grant funding, multiple times, and such funding has not been provided to Independence Township based upon the position of the Highlands Council that Independence Township is not eligible for such funding for so long as it is not compliance with all laws, rules and regulations, as set forth in the correspondence to The Honorable Robert M. Giordano, Mayor of Independence Township from Thomas A. Borden, Deputy Executive Director and Chief Counsel to the Highlands Council dated December 24, 2009, namely the failure of the Township Committee to submit a Petition for Plan Conformance or otherwise adopt a resolution evidencing an intent to comply with the Highlands Act as it applies only to the Preservation Area on or before the required dated of December 8, 2009; and

WHEREAS, since that date, a number of meetings and discussions have taken place between representatives of Independence Township and the Highlands Council staff, none of which have resulted in a resolution of the State grant funding issue in favor of Independence Township; and

WHEREAS, the Township Committee has considered legal options, including the taxpayer cost of pursuing litigation; and

WHEREAS, while the Township Committee continues to disagree with the position of the Highlands Council regarding its eligibility for funding, and continues to publically opposed the Highlands Act, it recognizes that the State has not and will not provide Independence Township with the state grant funding it requires to comply with the dictates of the law which will cause the local tax payers to bear the burden of such expenses; and

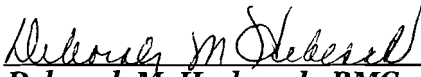
WHEREAS, the Township Committee wishes to continue its very public opposition to the Highlands Act, and its fundamental objection to the manner in which that State has imposed its authority on the citizenry of Independence Township and seize control of local land use planning and decision-making process, the Township Committee nevertheless recognizes that in this situation, participation in the Highlands Regional Master Plan planning process appears to be the only means by which the Township may salvage any future economic development opportunities to benefit the citizens of the community.

NOW, THEREFORE BE IT RESOLVED, that the Independence Township Committee hereby adopts this resolution evidencing its agreement and intent to Petition the Highlands Council for Plan Conformance for that portion of Independence Township lying only within the Preservation Area in accordance with the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance

Guidelines, and will utilize State grant funding for Preservation Area conformance, as well as the evaluation of economic development opportunities that may exist in the Planning Area portion of Independence Township.

ATTEST:

**TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF INDEPENDENCE**



Deborah M. Hrebenak, RMC
Clerk/Administrator



Robert M. Giordano, Mayor

Certification

I, Deborah M. Hrebenak, Municipal Clerk/Administrator of the Township of Independence, do hereby certify that the foregoing Resolution is a true and exact copy adopted by the Township Committee of the Township of Independence on August 10, 2010.

