

R:2010-154

**A RESOLUTION OF THE PHILLIPSBURG TOWN COUNCIL
EXPRESSING THEIR 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 Highland 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 laying 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 Town of Phillipsburg ("Phillipsburg") 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 Phillipsburg 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, Phillipsburg may withdraw from the Plan Conformance process and any approvals, rejections or conditions of revised municipal master plan or development regulations recommended by the Highland Council during the Plan Conformance process, will not be binding on Phillipsburg; and Phillipsburg may choose not to obtain conformance with the Regional Master Plan for the lands lying within the Planning Area, and

WHEREAS, should Phillipsburg 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, Phillipsburg will be required under the Highlands Act to enact an ordinance setting forth such intention, and

WHEREAS, upon application of Phillipsburg, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to Phillipsburg 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 Phillipsburg formally withdraw from the Plan Conformance process, grant funding awarded to Phillipsburg 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 Phillipsburg Town 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 Phillipsburg'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, Michele D. Broubalow, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their September 21, 2010 meeting.


MICHELE D. BROUBALOW, RMC