

**RESOLUTION #2016-4.12  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

**AUTHORIZING THE BOROUGH OF BLOOMINGDALE TO WITHDRAW ITS  
SUBMISSION FOR PLAN CONFORMANCE TO THE HIGHLANDS  
WATER PROTECTION AND PLANNING COUNCIL FOR LAND  
LOCATED IN THE PLANNING AREA**

**WHEREAS**, the Highlands Water Protection and Planning Act (hereinafter known as "Highlands") states that if a portion of the municipality located 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; and

**WHEREAS**, the Borough of Bloomingdale, in 2009, adopted a Resolution authorizing the submission for preplan conformance to the Highlands Council; and

**WHEREAS**, although the Borough of Bloomingdale recognizes that Resolution #2009-12.1, which the Borough of Bloomingdale submitted a petition for plan conformance to the Highlands Council with regard to the Planning Area of the municipality, such action was not in the form requested by the Highlands Council nor is an effective policy decision beyond December 31, 2009; and

**WHEREAS**, the governing body has reviewed this action and finds that the petition with respect to the Planning Area of the Borough of Bloomingdale is one that is not necessarily consistent with the goals and objectives of the Borough of Bloomingdale in view of the fact the municipality already has extensive areas of land already located within the Highlands Preservation Area, extensive land already owned by the State of New Jersey for preservation purposes, and the Planning Area in itself provides for protection of the watershed and the governing body and the Borough of Bloomingdale has not taken any affirmative action in the past seven years in order to conform with the Highlands Act with respect to its Planning Area.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Bloomingdale, County of Passaic and State of New Jersey as follows:

1. Bloomingdale Borough Resolution #2009-12.1, which authorized the plan conformance process with regard to the Planning Area is not legally recognized as a binding determination or policy decision of the Borough of Bloomingdale.
2. Notwithstanding Resolution #2009-12.1, the Borough of Bloomingdale has not taken any steps to comply with plan conformance with respect to the Planning Area of the Highlands Act.

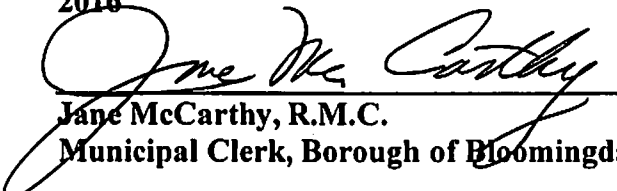
3. The Borough of Bloomingdale has a significant amount of open space, preserved land, lands located in the Highlands Preservation Area, which is the most restrictive form of watershed protection and accordingly, the Borough hereby clarifies its previous action in 2009 as it is not a legally recognized or binding resolution. For the further purpose of clarification, the Borough of Bloomingdale hereby withdraws any act or constructive actions relating to "opting-in" or plan conformance in connection with lands designated to be in a less restrictive area of the Highlands which is known as the "Highlands Planning Area."

**BE IT FURTHER RESOLVED**, that the Mayor and Council of the Borough of Bloomingdale also recognize that at any time subsequent to this action, the law provides that the Borough may visit this issue and evaluate the existing land uses and environmental conditions of the Borough and reconsider plan conformance with respect to the Planning Area of the Highlands located in the Borough of Bloomindale.

**Record of Council Vote on Passage**

COUNCILMAN	AYE	NAY	Abstain	Absent	COUNCILMAN	AYE	NAY	Abstain	Absent
Sondermeyer		X			Dellaripa	X			
D'Amato	X				Costas	X			
Hudson	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on Tuesday, April 19, 2016

  
 Jane McCarthy, R.M.C.  
 Municipal Clerk, Borough of Bloomingdale