

ORDINANCE 2011-10  
BOROUGH OF ALPHA  
ORDINANCE TO PETITION THE HIGHLANDS COUNCIL FOR PLAN  
CONFORMANCE FOR THE PLANNING AREA

### Section 1 Purpose

The Borough of Alpha is located fully within that portion of the New Jersey Highlands Region defined by the Highlands Act, as the "Planning Area" (see definitions, below). This Ordinance is enacted pursuant to Section 15.a. of the Highlands Water Protection and Planning Act (Highlands Act, N.J.S.A. 13:20-1 et seq.), which provides that a municipality may choose to conform its master plan, development regulations, and other regulations to the provisions of the Highlands Regional Master Plan, with respect to lands located within the Planning Area, and by Ordinance, petition the New Jersey Highlands Water Protection and Planning Council (Highlands Council) for Plan Conformance approval of such planning and regulatory documents.

By adoption of this Ordinance, the Governing Body of the Borough of Alpha establishes that the municipality shall conform its master plan, development regulations, and all other regulations applicable to the use and development of land within the Planning Area of the municipality, to achieve consistency with the goals, requirements, and provisions of the Highlands Regional Master Plan. Said conformance shall be in accordance with the provisions of Highlands Council approval of the municipality's Petition for Plan Conformance, which was previously submitted to the Highlands Council by Resolution adopted by the Governing Body on September 28, 2010, and which the Highlands Council approved with certain conditions by Highlands Council Resolution No. 2011-26, adopted on August 3, 2011. Further, this Ordinance specifically reserves the rights of the municipality as specified by the Highlands Act, with respect to the voluntary nature of Plan Conformance for the Planning Area.

### Section 2 Basis and Background

The Highlands Act finds and declares that protection of the Highlands Region 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. The Highlands Act creates a coordinated land use planning system requiring the Highlands Council to prepare and adopt a Regional Master Plan that serves to protect, restore and enhance the significant resources the Highlands Region. The Highlands Act sets forth a bifurcated system for municipal conformance with the goals, requirements and provisions of the Regional Master Plan. Pursuant to Section 14.a. of the Highlands Act, a municipality located wholly or partially in the Preservation Area was required to submit by December 8, 2009 a revised municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, to conform them with the Regional Master Plan.

Pursuant to Section 15.a. of the Highlands Act, for a municipality located wholly in the Planning Area or for any portion of a municipality lying within the Planning Area, the municipality may submit at any time a revised master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, that conforms with the

Regional Master Plan. Plan Conformance by a municipality is strictly voluntary for lands in the Planning Area.

Consequently, the Borough of Alpha, having lands in the Planning Area of the Highlands Region, did submit as part of a Petition for Plan Conformance to the Highlands Council on September 29, 2010, proposed revisions to the master plan, development regulations and other regulations that relate to the development and use of land in the Planning Area. On August 3, 2011 the Highlands Council adopted Resolution No. 2011-26 approving the Borough of Alpha's Petition for Plan Conformance. The approval was conditioned upon the Borough of Alpha's adoption of an ordinance pursuant to Section 15a of the Highlands Act, formally petitioning the Highlands Council for Plan Conformance for lands within the Planning Area.

### Section 3 Applicability

This Ordinance applies to the development and use of land located in the Planning Area of the Borough of Alpha, as defined by Section 7 of the Highlands Act.

### Section 4 Definitions

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Highlands Council – means the New Jersey Highlands Water Protection and Planning Council.

Highlands Act – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 et seq.

Highlands Region means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

Planning Area - means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

Plan Conformance – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.

Preservation Area – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

Regional Master Plan– means the Highlands regional master plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

### Section 5 Petition for Plan Conformance

The Borough of Alpha hereby formalizes its Petition for Plan Conformance to the Highlands Council, declaring it fully effective for lands in the Planning Area of the municipality, said Petition having been approved by the Highlands Council subject to the conditions as set forth in Highlands Council Resolution No. 2011-26, adopted on August 3, 2011.

## Section 6 Reserved Right of Withdrawal for Planning Area

At any time, the Borough of Alpha may withdraw its Petition for Plan Conformance for the Planning Area. In such event, any approvals, rejections or conditions of the revised municipal master plan, development regulations or other regulations that pertain to the Planning Area, as set forth by the Highlands Council in approving Resolution No. 2011-26, will not be binding upon the Borough of Alpha. Any such withdrawal, should it occur, shall require repeal of this Ordinance, and shall be followed by formal notification to the Highlands Council, sent within ten (10) days of adoption by certified mail and including a certified copy of such repealing ordinance.

## Section 6 Planning Grants and Technical Assistance

Upon application of the Borough of Alpha, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to the Borough of Alpha for the reasonable costs associated with the revision of the master plan, development regulations or other regulations, which revisions are designed to bring those plans and regulations into conformance with the Regional Master Plan. The Highlands Council shall provide grant funds for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and may also provide grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council. As Plan Conformance for lands in the Planning Area is strictly voluntary, the Borough of Alpha retains the right to withdraw the Petition relating to lands lying in the Planning Area from the Plan Conformance process at any time.

## Section 7 Effective Date

This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**NOTICE IS HEREBY GIVEN**, that the above entitled ordinance was approved on first reading at a meeting of the Governing Body of the Borough of Alpha held on 10-11-2011 at the Alpha Borough Municipal Building on East Blvd., and that public hearing concerning same will be held at a regular meeting of the Mayor and Council on 10-25-2011 at 7:00 p.m. at the Alpha Borough Municipal Building at which time all persons both for and against shall be given the opportunity to be heard concerning the same.

## **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 an Ordinance adopted by the Common Council at a meeting of said Common Council on 10/25/2011 and that said Ordinance was adopted by not less than the legal vote needed of the members of the Council.

*Laurie A. Barton, RMC*

*Witness my hand and seal of the Borough of Alpha  
this 25<sup>th</sup> day of October, 2011.*