

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT OLIVE TO MODIFY THE TOWNSHIP'S RESOLUTION ENTITLED "RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT OLIVE RE: NOTICE OF INTENT TO PETITION THE HIGHLANDS COUNCIL FOR PLAN CONFORMANCE" TO DELETE ALL REFERENCES TO PLANNING AREA IN ORDER TO RESCIND THE NOTICE OF INTENT TO CONFORM FOR THE PLANNING AREA**

**WHEREAS**, the Highlands Council advised the Township of Mount Olive about one year ago that it could adopt a Resolution of a Notice of Intent, which would be non-binding, to include lands within the Township designated as being within the Planning Area along with the lands within the Township designated as the Preservation Area for the purpose of conformance with the Highlands Regional Master Plan;

**WHEREAS**, the Township has approximately 20,000 acres, 21% of which is in the Planning Area and 79% is in the Preservation Area; and

**WHEREAS**, the Township undertook consideration of the proposal made by the Highlands Council, entertained a presentation by Eileen Swan, Executive Director, and subsequently, on December 23, 2008, adopted a Resolution to establish a Notice of Intent to petition the Highlands Council for Plan Conformance;

**WHEREAS**, the motivation for the Township in adopting the Notice of Intent was to fully explore the possibility of Plan Conformance for the Planning Area which is not mandated by the Highlands Water Protection and Planning Act with a particular interest as to how Plan Conformance under the Highlands would beneficially effect the Township in terms of the burden placed upon the Township because of the Township's COAH obligation; and

**WHEREAS**, the Township adopted the aforesaid resolution and proceeded to have its Planner, Chuck McGroarty, PP, AICP, fully explore with the Highlands Council the effect of the Township's Plan Conformance in terms of its COAH obligations; and

**WHEREAS**, the Township Planner has spent the last nine (9) months carefully studying the situation; making a series of inquiries of the Highlands Council; and attempting to assess the effect upon the Township's COAH obligation if conformance is sought and obtained; and

**WHEREAS**, although the Planner advises, by way of a memo dated August 10, 2009, that he received cooperation from the Highlands Council, the fact of the matter is, in light of the fact that much of the Township's COAH obligation is based upon subdivisions and site plans which had previously been granted by the Township Planning Board **prior** to the Highlands legislation and hence, Plan Conformance in terms of the Township's COAH obligation would not significantly change the Township's COAH obligation; and

**WHEREAS**, the Township Council has continued to consider the beneficial and negative effects of Plan Conformance and has arrived at a decision that it would not be in the Township's best interest at this time for it to opt-in or petition the Highlands Council for Plan Conformance for the Planning Area; and

**WHEREAS**, the resolution previously adopted on December 23, 2008 was a Resolution of a Notice of Intent adopted with the understanding and intention that the Township could rescind that resolution and could make a decision not to petition for Plan Conformance with regard to the Planning Area; and

**WHEREAS**, the Township Council has decided after considerable deliberation that it is not in the Township's best interest to seek Plan Conformance from the Highlands Council for the Planning Area; and

**WHEREAS**, the Planning Board, during the last year, has been studying and reviewing various drafts of the proposed Township Housing Element and Fair Share Plan (HE/FSP), as well as a Spending Plan for the funds in the Township's Affordable Housing Trust Fund, all of which the governing body has been kept informally advised of by the Director of Planning; and

**WHEREAS**, it is anticipated that the Planning Board will adopt the HE/FSP and the Spending Plan on September 17, 2009 and request the Township Council to adopt a resolution authorizing submission of the HE/FSP to COAH for Substantive Certification and adoption of the COAH Spending Plan; and

**WHEREAS**, the Township Council has scheduled the HE/FSP and the COAH Spending Plan for consideration and possible adoption at its September 29, 2009 meeting.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Mount Olive, County of Morris, State of New Jersey, that it does hereby rescind those sections of the resolution adopted on December 23, 2008 pertaining to the Planning Area and, in particular, the Notice of Intent regarding Plan Conformance for the lands lying within the Planning Area. .

**BE IT FURTHER RESOLVED** that this resolution shall become effective upon the Township Council's adoption of a resolution endorsing the HE/FSP and authorizing submission of same to COAH for Substantive Certification and adoption of the Fair Share Housing Plan.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be forwarded to the Highlands Council , COAH and the Morris County Planning Board.

TOWNSHIP OF MOUNT OLIVE

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STEVE RATTNER  
Mount Olive Township Council President

I hereby certify the above to be a true copy of a resolution passed by the Mount Olive Township Council at a duly convened meeting held on \_\_\_\_\_, 2009.

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LISA M. LASHWAY  
Mount Olive Township Municipal Clerk