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Memorandum

To: West Milford Planning Board

From: Chuck McGroarty, PP, AICP

Date: August 26, 2009

Re: Highlands: Model Highlands Element for Municipal Master Plans

The following information offers an outline for the discussion regarding the *Highlands Element – Draft Master Plan Supplement* which comprises Module 5 of the 2009 Highlands Plan Conformance process. The bold text is excerpted from the 12-page instruction manual for Module 5 issued by the Highlands Council.

1. What is the Highlands Master Plan Element?

The Highlands Act requires that municipalities seeking Plan Conformance adopt (among other things) revisions to municipal master plans that will bring them into alignment with the Highlands Regional Master Plan (RMP). Such proposed revisions must be submitted *in draft form* to the Highlands Council along with any petition for Plan Conformance.

Module 5 addresses this requirement for Basic Plan Conformance. It relies upon the Model Municipal Master Plan “Highlands Element” provided by the Highlands Council, to assist municipalities in addressing the mandatory master plan requirements necessary to achieve Basic Plan Conformance. The Highlands Element provides the rationale and the framework for land use planning and regulation in accordance with the RMP. It is intended to be used as a supplement to existing municipal master plans for application to land use and a development in that portion of the municipality for which Plan Conformance is sought.

2. Why conduct a public “meeting”?

A public meeting – but not an official Master Plan public hearing – is one of the requirements for compliance with this Module.

It should be noted that this public meeting requirement is not intended to constitute the formal public hearing process required for adoption of an amended municipal master plan. That process will not begin until after the municipality has received approval of its petition or Plan Conformance from the Highlands Council, which will include approval of the proposed Highlands Element master plan amendment.

Provide minimum 10-day notice for and hold at least one public meeting of the Planning Board (or combined Planning/Zoning Board, as applicable), to present, discuss, and accept public comment on the draft municipal Highlands Element (or fully revised draft municipal master plan). The document should be made available for public review at least 10 days prior to the meeting and written comments should be invited along with verbal comments and discussion during the public meeting.

3. Is the Planning Board expected to adopt this Element as part of the Township's Master Plan at this time?

No. The present document is intended to serve as a draft that will be refined and subsequently adopted after the "basic" plan conformance process is complete.

Pre-Adoption of Highlands Element NOT Required and NOT Recommended. As stated in Module 5 Instructions, the Highlands Element should not be adopted by the Planning Board prior to its submission to the Highlands Council for either, completion of Grant Module 5, or for a petition for Plan Conformance.

4. Is there a deadline to review this draft Master Plan Element?

Yes. As indicated below the submission deadline is Tuesday, September 1st. We have been advised by Highlands Council staff to submit the draft Master Plan Element in accordance with this deadline. Once the meeting is held a final draft can be prepared and submitted to the Highlands Council.

Municipalities will be expected to complete Plan Conformance Module 5 Tasks by September 1, 2009.

5. To what extent can we make changes to this draft Master Plan Element?

You will note that the draft Element contains text that has been deleted (strikethrough) and new language (underlined). The Planning Board and the public can certainly expand upon such changes, however; all modifications must be consistent with the Highlands Act and the Highlands Regional Master Plan. Please also note that certain sections require

additional information that will be supplied subject to verification during the public meeting process.

Please be advised that revisions that change the intent or meaning of the model Highlands Element will only be accepted by the Highlands Council if they are found consistent with and/or deemed to otherwise further the intents and purposes of the Highlands Act and the Highlands RMP. Planning professionals should ensure that Planning Board members and municipal officials are made aware of this requirement and that it is clearly stated during the public meeting(s) held to discuss and consider the draft municipal Highlands Element. After completion of any document edits made pursuant to this Task, adjust numbering, Table of Contents, Acronyms list, and Exhibits list, as necessary for final submission.

c: Mayor Bettina Bieri
Tonya Cubby, Planning Board Secretary
Dorrie Fox, Land Use Administrator
Tom Germinario, Esq.
Paul Ferriero, P.E.