

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
REGULAR MEETING
MARCH 15, 2006**

Mayor O'Neil called the meeting to order at 7:28 P.M.

Mrs. Flannery made the following statement: As per requirements of P.L. 1975, Chapter 231, notice is hereby given that this is a Regular Meeting of the Borough of Highlands Mayor and Council and all requirements have been met. Notice has transmitted to the Courier, the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

Present: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

Absent: None

Also Present: Nina Light Flannery, Borough Clerk
David Gilson, Borough Administrator
Dominick Manco, Esq., Borough Attorney
Stephen Pfeffer, Chief Financial Officer

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Executive Session Resolution:

Mrs. Flannery read the following Resolution for approval:

Mayor O'Neil offered the following Resolution and moved its adoption:

**RESOLUTION
EXECUTIVE SESSION**

BE IT RESOLVED that the following portion of this meeting dealing with the following generally described matters shall not be open to the public:

**Communication Equipment Contract
Personnel: Code Enforcement, Zoning, DPW, Court**

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when the need for privacy no longer exists; and

BE IT FURTHER RESOLVED that no portion of this meeting shall be electronically recorded unless otherwise stated; and

BE IT FURTHER RESOLVED that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Act:

7. Related to tactics and techniques utilized in protecting the safety and property of the public disclosure may adversely affect the public interest.
9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.
10. Falls within the attorney-client privilege and confidentiality is required.
11. Deals with personnel matters of public employees and employee has not requested that the matter be made public.

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Seconded by Mrs. Little and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O’Neil
NAYES: None
ABSENT: None
ABSTAIN: None

The Governing Body then entered into Executive Session.

Mayor O’Neil called the Regular Meeting back to order at 8:44 P.M.

Mayor O’Neil asked all to stand for the Pledge of Allegiance.

ROLL CALL:

Present: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O’Neil

Absent: None

Also Present: Nina Light Flannery, Borough Clerk
David Gilson, Borough Administrator
Stephen Pfeffer, Chief Financial Officer
Dominick Manco, Esq., Borough Attorney

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“180” Monmouth County Women’s Center & Highlands Police Department:

Chief Blewett – in our Strategic Plan we identified Domestic Violence as one of our problems. We are partnering with “180” Monmouth County Women’s Center to create a Domestic Violence Response Team.

Susan Levine, Coordinator with “180” – this is a private not for profit organization which for the past thirty years has been dedicated to providing counseling, protection, education, shelter, prevention and support for residents of Monmouth County who are affected by domestic violence and sexual assault. My role is to supervise and train the wonderful volunteers who are members of the Domestic Violence Response Team, which she further explained. The conversations between the advocate and the victims, as well as their identity are confidential. She then discussed domestic violence and its effects. Twenty Eight Monmouth County Municipalities on thirteen teams currently participate in the State Mandated Program. Applications for the Domestic Violence Response Team are available in Police Headquarters and interviews will begin shortly. Certification Training which is required will be taking place May 30th through June 28th.

Mayor O’Neil asked if there were any questions from the public.

Tara Ryan – wanted to know the general requirements for people to take the training.

Ms. Levine – there is no fee to the applicants or the municipality and you can be 18-years old and up. You do not need to have any experience or knowledge of domestic violence.

=====
Tomaino & Tomaino – Architects for Community Center Project:

Joe Tomaino – we are here this evening to just brief you on the progress of the work. The Borough has received a CDBG grant from the County to upgrade the community center. Those drawings have been prepared and are completed now but the architectural and the mechanical drawings, structure drawings were sent over this week to the Borough Attorney for his review of the legal aspects of the contract. The trigger point for going to bid is having the CDBG review and approve and we were told that it takes about two to three weeks. Once that’s completed then we advertise and we have targeted April 1st as an

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advertisement date. Then we would allow for a three week period to receive bids and award on or about May 1st. We anticipate about a five month construction period, so hopefully the work would be done about Thanksgiving time. This project is upgrading all the heating and cooling systems in the building, new siding, new windows and upgrading the building. He then handed out an overview of the project to the Mayor and Council and briefly reviewed it with the Governing Body.

Mr. Hill stated that he has been in direct communications with both the Architect and Engineer and they have been very responsive. He is looking at both school facilities as a potential use for the summer program.

Mrs. Little – there are issues with regard to crossing guards and transportations with the locations of either of the schools.

Mr. Pfeffer – someone from the borough asked about expanded bid services and addition in food service design and he wanted to know if he should amend the professional services contract for that proposal that came in at \$11,562.00.

Mr. Urbanski – that was the kitchen that was left out of the initial work.

The Governing Body had no objections for moving forward with an amended services resolution.

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Review & Possible Introduction of Amendment to Land Use Ordinance:

Mrs. Flannery stated that there was a change on the proposed new zoning map which is located in the back of the proposed land use amendment ordinance.

Mayor O’Neil asked if there were any questions from the public.

Mr. Eaton – we don’t have anything new to say, we did send you a letter. We hope that you divide the ordinance.

Martin Truscott, P.P. of T & M Associates – in November of 2004 the Planning Board adopted a Master Plan and made a series of recommendations and the Council requested that T & M prepare an ordinance implementing those recommendations. He then described the zoning amendments. He also stated that there were codification items that needed to be addressed and are incorporated into this amendment and the fees schedule was also amended.

Mrs. Little questioned Mr. Truscott with regard to the motivation for the three areas of zoning changes.

Mr. Truscott – in the MXD Zone, there was a feeling that there was an opportunity there to preserve the ferry terminal site and provide some mixed use development that might be more appropriate for the borough. In the Highway Oriented Zone, that was really to have the zoning ordinance address the commercial uses on the highway because the zoning ordinance only really addresses commercial uses downtown.

Mrs. Little – was there a specific application before the Planning Board with regard to any one of the specific zoning areas.

Mr. Truscott – no, it was done in a very comprehensive manner. The public was notified and there were many meetings. There were notices put in local businesses and posted on the board and published in newspapers.

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Mayor O'Neil – it was a long and exhaustive two year process and he believes that the Planning Board did a good job with the Master Plan. The town met is burden of public notice.

Mayor O'Neil offered the following Ordinance be introduced and that a public hearing be scheduled for April 5, 2006 at 8:00 P.M. at the Borough of Highlands, 171 Bay Avenue, Highlands, NJ and authorized its publication according to law:

**ORDINANCE
O-06 -03**

**AN ORDINANCE OF THE BOROUGH OF
HIGHLANDS, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY AMENDING
CHAPTER 21 (ZONING AND LAND USE
REGULATIONS) OF THE BOROUGH OF
HIGHLANDS CODE TO IMPLEMENT THE
RECOMMENDATIONS OF THE 2004 MASTER
PLAN**

WHEREAS the Highlands Borough Planning Board adopted the Highlands Borough Master Plan by resolution on November 10, 2004; and,

WHEREAS, the Master Plan contained a series of recommendations concerning revisions to Chapter 21 Zoning and Land Use Regulations and the Highlands Borough Zoning Map;

WHEREAS, the Governing Body of the Borough of Highlands, Monmouth County, New Jersey desires to implement said Planning Board recommendations;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Highlands that Chapter 21 (Zoning and Land Use Regulations) of "The Revised General Ordinances of the Highlands of Highlands, 1975" is amended and supplemented as follows:

SECTION 1

Chapter 21 (Zoning and Land Use Regulations) is hereby amended and supplemented to delete the current Table of Contents in its entirety and insert the following in its place and stead:

"Chapter 21
**ZONING AND LAND USE REGULATIONS
BOROUGH OF HIGHLANDS
MONMOUTH COUNTY, NEW JERSEY**

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ARTICLE II DEFINITIONS

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- 21-9 Adoption of rules and regulations
- 21-10 Meetings of the Planning Board and Board of Adjustment
- 21-11 Hearings; filing of ordinances
- 21-12 Scope of authority
- 21-13 Interruption of running of period of approval
- 21-14 Conditional approvals
- 21-15 Separation of Applications
- 21-16 Application fees

PART 2 ESTABLISHMENT OF BOARDS

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- 21-18 Alternate members
- 21-19 Terms
- 21-20 Vacancies, removal
- 21-21 Conflicts of interest
- 21-22 Lack of quorum
- 21-23 Voting
- 21-24 Organization
- 21-25 Planning Board Attorney
- 21-26 Experts and staff
- 21-27 Powers
- 21-28 Referral powers
- 21-29 Time limits
- 21-30 Simultaneous review
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- 21-35 Alternate members
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- 21-42 Board of Adjustment Attorney
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- 21-46 Appeals and applications to the Board of Adjustment
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21-61 Agreement

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ARTICLE IX Reserved

ARTICLE X Off-tract Improvements

21-63 Off-tract improvements

ARTICLE XI Design Standards

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21-65 Design Specifications

ARTICLE XII Exceptions

21-66 Granting of Exceptions

ARTICLE XIII Penalties

21-67 Penalty for selling prior to final approval

21-68 Civil remedies

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21-72 Applicability

21-73 Effect on existing development

21-74 Prohibited Uses

21-75 Right of way dedications

21-76 Subdivisions of land

21-77 Principal buildings and structures

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21-79 Yards

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21-81 Outdoor storage

21-82 Residential Uses and Districts

21-83 Business Uses and Districts

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ARTICLE XV Residential Zone Districts

21-85 R-1 District- Single family Residence

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21-87 PB Professional Business District

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ARTICLE XVII Business and Waterfront Zone Districts

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21-92 B-3 Resort Business

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21-94 WT-C Waterfront Transitional – Commercial
21-94.01 WT-C/T Waterfront Transitional- Commercial/Townhouse
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21-134 Municipal Right to a Greater Set-Aside"

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SECTION 2

Section 21- 8. (Definitions) is hereby amended and supplemented to add and modify the following definitions (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

“ASSISTED LIVING means a facility which is licensed and meets the provisions in the publication entitled "Standards for Licensure of Assisted Living Residences and Comprehensive Personal Care Homes" by the NJ Department of Health and Senior Services and provides apartment style housing and congregate dining with supportive services to adult persons unrelated to the proprietor. In determining maximum building density for zoning compliance, assisted living facilities shall be governed by a floor area ratio (FAR) and not dwelling unit density.”

“BUILDING HEIGHT – The vertical distance as measured from the grade plane to the average height of the highest roof surface. In the case of sloped roofs, the average height is the midpoint between the **lowest roof eave of the top floor** and the roof ridge. In the case of a building that has multiple roof levels, the highest roof levels must be used to determine the building height. Chimney, elevator equipment and mechanical utility equipment and any associated screening or enclosures may exceed the permitted ‘building height’ by up to ten (10) feet, or up to ten percent (10%) above the permitted building height, whichever is less. (**Please refer to illustration, Appendix B.**)”

“COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED – Any community residential facility licensed pursuant to P.L. 1977, c. 448 (C. 30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than 15 developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the “Health Care Facilities Planning Act” (P.L. 1971, c. 136 (C.26:2H-1 et seq.). In the case of such a community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services. As used in this chapter, ‘developmentally disabled person’ means a person who is developmentally disabled as defined in section 2 of P.L. 1977, c.448 (C. 30:11B-2), and ‘mentally ill person’ means a person who is afflicted with a mental illness as defined in R.S. 30:4-23, but shall not include a person who has been committed after having been found not guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge.”

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“COMMUNITY SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE- Any shelter approved for a purchase of a service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to P.L.1979, c. 337 (C. 30:14-1 et seq.), providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than 15 persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance to protect their physical and psychological welfare.”

“COMMUNITY RESIDENCES FOR PERSONS WITH HEAD INJURIES- Any community residential facility licensed pursuant to P.L. 1977, c. 448 (c. 30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to more than 15 persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such residences shall not be considered a health care facility within the meaning of the “Health Care Facilities Planning Act” (P.L. 1971, c. 136; C.26:2H-1 et seq.).”

“PERSON WITH HEAD INJURY - A person who has sustained an injury, illness or traumatic changes to the skull, the brain contents or its coverings which results in a temporary or permanent physiobiological decrease of mental, cognitive, behavioral, social or physical functioning which causes partial or total disability.”

“COMMUNITY RESIDENCE FOR THE TERMINALLY ILL – Any community residential facility operated as a hospice program providing food, shelter, personal guidance and health care services, under the supervision as required, to not more than 15 terminally ill persons.”

“CONTINUING CARE RETIREMENT COMMUNITY (CCRC) An age-restricted development regulated in accordance with the rules of the New Jersey Department of Community Affairs pursuant to N.J.A.C. 5:19-1.1 et seq. that provides a continuum of accommodations and care, from independent living to long-term bed care, and enters into contracts to provide lifelong care in exchange for the payment of monthly fees and an entrance fee in excess of one year of monthly fees. This type of development is also referred to as a "life-care center.”

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“FAMILY DAY CARE HOME – a private residence of a family day care provider, which is registered as a family day care home pursuant to the “Family Day care Provider Registration Act PL 1987 c. 27 (C. 30:5B-16 et seq.)”

“LONG-TERM CARE FACILITY An institution or a distinct part of an institution that is licensed or approved by the New Jersey Department of Health pursuant to N.J.A.C. 8:33-1 et seq. to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the owner or operator or its members by marriage, blood or adoption. These facilities are also referred to as nursing homes, extended care centers and skilled nursing facilities.”

“RESIDENTIAL HEALTH CARE FACILITY (RHCF) Residences licensed by the New Jersey Department of Health pursuant to N.J.A.C. 5:70-1 et seq. usually occupied by the frail elderly that provide rooms, meals, personal care and supervised health care to four or more persons who are unrelated to the owner or administrator. Residents of RHCF's do not require skilled nursing care. “

“Sign, roof- A sign that is mounted on the roof of a building [or that projects from the roof edge or the top of a roof embankment wall (parapet)], **the height of which does not exceed the top ridge line.**”

SECTION 3

Section 21-11 (Hearings; filing of ordinances) is hereby amended and supplemented to add modify paragraph c. as follows (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

“c. Upon the written request of an applicant, the Tax Assessor or his designee shall within seven days, make and certify a list from said tax duplicates of names and addressee of owners to whom the applicant is required to give notice pursuant to Section 1b. of this section. The applicant shall be entitled to rely upon the information contained in such list, **provided the date of the list is no greater than ninety (90) days prior to the date of the public hearing,** and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding. A sum not to exceed twenty-five cents (\$0.25) per name, or ten dollars (\$10.00), whichever is greater, may be charged for such list.

SECTION 4

Section 21-57. (Review Procedures) Subsection D. 1. shall be modified as follows (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

“ 1. If the Board finds that the application is in substantial compliance with the provisions of this chapter, it shall schedule a hearing on the application following the procedure in 21-[10]**11** “

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SECTION 5

Section 21-57. (Review Procedures) Subsection D. 1. shall be modified to revise the reference to paragraph D.4 to D-5.

SECTION 6

Section 21-57. (Review Procedures) Subsection E. First Paragraph shall be modified to revise the reference "Section 21-56.D" ("...within the period prescribed in 21-56.D and may be...") to 21-57. D.

SECTION 7

Section 21-57 (Review Procedures) E.1 shall be modified to revise the reference "Section 21-10" ("...following the procedure in 21-1-." to 21-11.

SECTION 8

Section 21-57. (Review Procedures) E.2.a. shall be modified to revise the reference "Subsection C-3a" (...and all other rights conferred upon the developer pursuant to Subsection C-3a...) to paragraph D.4.a.

SECTION 9

Section 21-75 (Review Procedures) E. shall be amended and supplemented to insert the following new paragraph:
"E. 3. Reserved."

SECTION 10

Section 21-75 Review Procedures) E.6. shall be modified to revise the reference "Subsection E-5" (...within the time or extended time required by Subsection E-5") to Paragraph E-4.

SECTION 11

Section 21-58.F.4 is hereby amended and supplemented to modify this subsection as follows (Additions indicated in boldface **thus**; deletions indicated in brackets [thus])

:

"4. The foregoing provisions shall in no way be construed as exempting the applicant from filing the require fees or the required application forms as provided in [Article] **this Chapter.**"

SECTION 12

Section 21-78 (Accessory structures). A.7. (B). is hereby amended and supplemented to modify paragraph (b) as follows (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

"(b) No roof mounted antenna of any kind shall be located on any part of the roof facing the front yard of the dwelling or apartment building or exceed the height provisions of **paragraph 4 above** [Section 21-6.11 of the Highlands Borough Land Development Ordinance]."

SECTION 13

Section 21-59. (On-tract and on-site improvements) is hereby amended and supplemented to delete subsection A.1 (Streets and pavements) in its entirety and insert the following in its place and stead:

"1. Streets and pavements.

a. Non-residential development. The developer shall design and construct streets and pavements meeting the minimum specifications as set forth in this chapter or such other specifications as may be required by the Borough or Board Engineer, as applicable, where circumstances so require.

b. Streets and parking lots in all residential developments shall be designed and constructed in accordance with Subchapter 4 (Streets and Parking) of N.J.S.A. 5:21 (Residential Site Improvement Standards), as amended."

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SECTION 14

Section 21-59. (On-tract and on-site improvements) is hereby amended and supplemented to delete subsection A.2 (Curbs and sidewalks) in its entirety and insert the following in its place and stead:

“2. Curbs and sidewalks.

Non-residential development. The developer shall construct curbs and sidewalks on both sides of all-existing streets, avenues, highways and public lanes and as required within the project site.

Residential development. Curbs and sidewalks in all residential developments shall be designed and constructed in accordance with Subchapter 4 (Streets and Parking) of N.J.S.A. 5:21 (Residential Site Improvement Standards), as amended.”

SECTION 15

Section 21-59. (On-tract and on-site improvements) is hereby amended and supplemented to delete subsection A.3. (Storm drains and culverts) in its entirety and insert the following in its place and stead:

“3. Stormwater Management.

a. Non-residential development. All streets shall be provided with sufficient catch basins, storms sewers, culverts, water detention basins and other appurtenances for the proper drainage of the area, with respect to existing and future conditions. All such facilities shall be constructed in accordance with this chapter or such other accepted engineering design practices as may be required by the Borough or Board Engineer, as applicable, where special circumstances so require.

b. Residential development and all developments regulated by the Municipal Stormwater Regulations (N.J.A.C. 7:8). Stormwater management facilities in all residential developments shall be designed and constructed in accordance with Subchapter 7 (Stormwater Management) of N.J.S.A. 5:21 (Residential Site Improvement Standards), as amended.”

SECTION 16

Section 21-59. (On-tract and on-site improvements) is hereby amended and supplemented to delete subsection A.9 (Sanitary sewers) in its entirety and insert the following in its place and stead:

“9. Sanitary sewers.

a. Non-residential development.

Where a public sanitary sewer system is reasonably accessible and capacity available, each lot within a subdivision area shall be provided with sewage disposal facilities by the required extension of sewer mains and connections thereon, the costs thereof to be borne by the developer. All such installation of sewer mains and connections shall be constructed in accordance with the applicable specifications and requirements of the Borough.

b. Where a public sanitary sewer system is not reasonably accessible, the subdivider may be required to install sewer lines and a sanitary sewer disposal plant at its own cost and expense and in accordance with applicable specifications and requirements of the Borough, and all such installations shall be subject to the approval of the Board of Health, the State Department of Environmental Protection and the Borough Engineer.

c. Residential development. Each lot within a subdivision or dwelling unit shall be provided with sewage disposal facilities by the required extension of sewer mains and connections thereon, the cost to be borne by the developer. All such installation of sewer mains and connections shall be constructed in the case of non-residential development in accordance with the applicable specifications of the Borough. In the case of residential development, all sanitary sewer construction shall be designed and constructed in accordance with Subchapter 6 (Sanitary Sewers) of N.J.S.A. 5:21 (Residential Site Improvement Standards), as amended.”

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SECTION 17

Section 21-59. (On-tract and on-site improvements) is hereby amended and supplemented to delete subsection A.10. (Water supply) in its entirety and insert the following in its place and stead:

“10. Water supply.

- a. Non-residential development. All developments shall be provided with water supplied by the public water supply. All facilities for said system shall be installed pursuant to and in accordance with the requirements of the appropriate water supply authority.
- b. Residential development. Water supply facilities in all residential developments shall be designed and constructed in accordance with Subchapter 7 (Water Supply) of N.J.S.A. 5:21 (Residential Site Improvement Standards), as amended.”

SECTION 18

Section 21-59. (On-tract and on-site improvements) is hereby amended and supplemented to insert the following paragraph as the first paragraph of subsection V. (Stormwater drainage):

“V. Stormwater drainage

Stormwater management facilities in all residential developments and all developments required by the Municipal Stormwater Regulations (N.J.A.C. 7:8) shall be designed and constructed in accordance with Subchapter 7 (Stormwater Management) of N.J.S.A. 5:21 (Residential Site Improvement Standards), as amended.”

SECTION 19

Section 21-65. (Design Standards) Paragraph N. is hereby amended and supplemented to delete subsection 4.a. and insert the following (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

“All parking areas shall be paved, or constructed in accordance with CAFRA regulations with gravel or porous pavers, **subject to the review and approval of the Borough or Board Engineer**; shall be suitably drained and maintained in good condition; and all spaces and directional instructions shall be clearly marked and maintained so as to be clearly visible. **Parking spaces shall be delineated by a treated wood guide rail. Such wood rail shall be constructed of treated timbers, a minimum of a 30 inches above grade and consist of vertical and horizontal members. The provision of improvements to delineate the parking spaces shall be at the discretion of the Planning Board, upon the advice of the Board Engineer. In cases when a stone parking area is permitted, a suitable paved area and driveway apron, in the opinion of the Borough or Board Engineer, shall be provided to retain stone within the parking area.**”

SECTION 20

Section 21-65.N. is hereby amended and supplemented to add new subsection 4. h.

“4. h. Parking Structures.

The location of any parking structures, if allowed, shall not be within four hundred (400) feet of the waterfront, as defined by the bulkhead or mean high water line. The architectural design of the façade of a parking structure, if permitted, shall incorporate features to add visual interest and improve the overall appearance of the structure as viewed from the street. Such features may include articulated parapet walls, ornamental projections, varied planter widths and similar items. The structure should be compatible with the building(s) served and be compatible in appearance, size, and bulk with the surrounding structures. “

SECTION 21

Section 21-69 (Zoning Districts) shall be amended and supplemented to delete the section in its entity and insert the following in its place and stead:

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“For the purposes of this chapter, the Borough of Highlands is hereby divided into the nineteen (19) zone districts known as:

R-1.01 Single Family Residential
R1.02 Single Family Residential
R1.03 Single Family Residential
R-2.01 Single Family Residential
R-2.02 Single Family Residential
R-2.03 Single Family Residential
MF Multifamily Residential
PB Professional Business
MH Mobile Home
B-1 Neighborhood Business District
B-2 Central Business District
B Business District
WT-R Waterfront Transition-Residential
WT-C Waterfront Transition- Commercial
WT-C/T Waterfront Transition-Commercial/Townhouse
WC-1 Waterfront Commercial
WC-2 Waterfront Commercial
MXD Mixed Use District
HO Highway Oriented District”

SECTION 22

Section 21-70 (Zoning Map and Schedule) is hereby amended to delete paragraph A. in its entirety and insert the following in its place and stead:

“A. The boundaries of the zone district are hereby established as shown on the map entitled February 2006, which map accompanies and is hereby declared to be part of this chapter.”

SECTION 23

Section 21-82 (Residential Uses and Districts) is hereby amended and supplemented to add subsection 4 as follows:

“4. Family day care homes, as defined in 40:55D-66.5b., shall be permitted in all residential districts in accordance with the provisions of 40:55D –66.5.

5. Community residences

Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries shall be a permitted use in all residential districts, and the requirements therefore shall be the same as for single family dwelling units located within such districts.”

SECTION 24

Section 21-85 (R-1 District – Single Family Residence) is hereby amended and supplemented to delete the section in its entirety and insert the following in its place and stead:

“A. R-1.01 Single Family Residential

The following regulations shall apply in the R- 1.01 district:

1. Permitted Principal Uses

- a. Single Family detached dwellings, occupied by one family
- b. Public uses operated by Borough
- c. Public utility rights-of-way

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- d. Religious Institutions
 - e. Public & Private Schools
2. Permitted Accessory Uses
- a. Private detached garage
 - b. Utility buildings incidental to residential use
 - c. Swimming pools
 - d. Tennis courts
 - e. Other accessory uses and structures incidental to the permitted principal uses.
3. Conditional Uses
- a. Home occupations
 - b. Bed and Breakfasts
 - c. Satellite dish antennas
4. Bulk and Area Requirements, as shown in Schedule I.

B. R-1.02 Single Family Residential

The following regulations shall apply in the R- 1.02 district:

1. Permitted Principal Uses
- a. Single Family detached dwellings, occupied by one family
 - b. Public uses operated by Borough
 - c. Public utility rights-of-way
 - d. Religious Institutions
 - e. Public & Private Schools
2. Permitted Accessory Uses
- a. Private detached garage
 - b. Utility buildings incidental to residential use
 - c. Swimming pools
 - d. Tennis courts
 - e. Other accessory uses and structures incidental to the permitted principal uses.
3. Conditional Uses
- a. Home occupations
 - b. Bed and Breakfasts
 - c. Satellite dish antennas
4. Bulk and Area Requirements, as shown in Schedule I.

C. R-1.03 Single Family Residential

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The following regulations shall apply in the R- 1.03 district:

1. Permitted Principal Uses

- a. Single Family detached dwellings, occupied by one family
- b. Public uses operated by Borough
- c. Public utility rights-of-way
- d. Religious Institutions
- e. Public & Private Schools

2. Permitted Accessory Uses

- a. Private detached garage
- b. Utility buildings incidental to residential use
- c. Swimming pools
- d. Tennis courts
- e. Other accessory uses and structures incidental to the permitted principal uses.

3. Conditional Uses

- a. Home occupations
- b. Bed and Breakfasts
- c. Satellite dish antennas

4. Bulk and Area Requirements, as shown in Schedule I.”

SECTION 25

Section 21-86 (R-2 District - Single-Family and Two family Residence) is hereby amended and supplemented to delete the section in its entirety and insert the following in its place and stead:

“21-86 R-2 - Single Family Residence.

The following regulations shall apply in all R-2 districts:

A. R-2.01 Single Family Residential

The following regulations shall apply in the R- 2.01 district:

1. Permitted Principal Uses

- a. Single-Family Detached Dwellings, occupied by one family
- b. Existing bungalow colonies
- c. Public Uses Operated by Borough
- d. Public Utility Rights-of-Way
- e. Religious Institutions
- f. Public & Private Schools

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2. Permitted Accessory Uses

- a. Private Detached Garage
- b. Utility buildings incidental to residential use
- c. Swimming pools
- d. Tennis courts
- e. Other accessory uses and structures incidental to the permitted principal uses.

3. Conditional Uses

- a. Home occupations
- b. Satellite dish antennas

4. Bulk and Area Requirements

- a. Single family dwellings shall meet the requirements shown in schedule I.
- b. Existing bungalow colonies shall meet the following requirements:

(1) Density shall not exceed the number of units existing at the time of the adoption of this ordinance, as shown on existing Borough Tax Maps and/or other tax records.

(2) Any application for expansion of an individual dwelling unit, either vertically or horizontally, shall require an application for a site plan for the entire property and shall meet the following standards:

(a) Every unit shall have associated with it a minimum yard requirement around the perimeter of the unit and attached accessory structures of three (3) feet. Structures shall be located no closer together than the sum of the yard requirements, that is, six (6) feet. Detached accessory structures are prohibited in the minimum required yard area.

(b) Each unit shall have associated with it a minimum of one parking space, located on-site, either adjacent to the individual unit or in a common parking area.

(c) Total building coverage shall not exceed 35% of the total lot area and total lot coverage shall not exceed 75%.

(d) Building height shall not exceed 20 feet.

(3) Bungalow colonies shall not be subject to the provisions of Section 21-98F below.

B. R-2.02 Single Family Residential

The following regulations shall apply in the R- 2.02 district:

1. Permitted Principal Uses

- a. Single-Family Detached Dwellings, occupied by one family.
- b. Existing bungalow colonies.
- c. Public Uses Operated by Borough
- d. Public Utility Rights-of-Way
- e. Religious Institutions
- f. Public & Private Schools

2. Permitted Accessory Uses

- a. Private Detached Garage
- b. Utility buildings incidental to residential use

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- c. Swimming pools
- d. Tennis courts
- e. Other accessory uses and structures incidental to the permitted principal uses.

3. Conditional Uses

- a. Home occupations
- b. Satellite dish antennas

4. Bulk and Area Requirements

- a. Single family dwellings shall meet the requirements shown in Schedule I.
- b. Existing bungalow colonies shall meet the requirements of Section 21-86.A.4.b.
- c. All other uses shall meet the bulk and area requirements of the R-2.02 Zone.

C. R-2.03 Single Family Residential

The following regulations shall apply in the R- 2.03 district:

1. Permitted Principal Uses

- a. Single-Family Detached Dwellings, occupied by one family
- b. Existing bungalow colonies
- c. Public Uses Operated by Borough
- d. Public Utility Rights-of-Way
- e. Religious Institutions
- f. Public & Private Schools

2. Permitted Accessory Uses

- a. Private Detached Garage
- b. Utility buildings incidental to residential use
- c. Swimming pools
- d. Tennis courts
- e. Other accessory uses and structures incidental to the permitted principal uses.

3. Conditional Uses

- a. Home occupations
- b. Satellite dish antennas

4. Bulk and Area Requirements

- a. Single family dwellings shall meet the requirements shown in Schedule I.
- b. Existing bungalow colonies shall meet the requirements of Section 21-86.A.4.b.
- c. All other uses shall meet the bulk and area requirements of the R-2.03 Zone.

SECTION 26

Section 21-87 (R-B Residential /Professional Business District) is hereby amended and supplemented to change the title of the zone district to “Professional Business” district.

SECTION 27

Section 21-88 (MF Multi-Family Residence) subsection 4. is hereby amended and supplemented as follows (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

“3. Conditional Uses

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- a. Satellite dish antennas
- b. **Senior Care living facilities**

4. Area and Bulk Requirements

[a. Single and two-family dwellings shall meet the requirements of the R-2 03 district.]

[b] **a.** Multi-family developments shall meet the tract requirements of Schedule I. In addition, they shall meet the following requirements:

1. Density shall not exceed 14 units per acre.
2. Each building shall have associated with it a 25 foot front yard, 12. 5-foot side yards and a 25-foot rear yard. Buildings shall be located not closer together than the sum of the appropriate yard requirements
3. No single building shall exceed [160] **80** feet in length, nor [14] **7** [apartment] **dwelling** units or [8] **4** townhouses.

b. Design Guidelines

Townhouse developments in proximity to waterfront areas shall address the following community objectives for such residential developments:

1. **The placement and location of townhouse structures shall maximize the views of the waterfront from the public realm.**
2. **Notwithstanding the height limitation in Schedule I, the height of the townhouse structures shall be compatible with surrounding properties.**
3. **The exterior architectural design of the townhouse development should be compatible with surrounding properties.**
4. **The design of townhouse developments is encouraged to resemble a manor home or single family structure.”**

SECTION 28

§21-91 (B-2 Central Business District) is hereby amended and supplemented to delete the section in its entirety and insert the following in its place and stead (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

“ 21-91. B-2 - Central Business District

The following regulations shall apply in all B-2 districts:

1. Permitted Principal Uses.

- a. Retail, business and personal service establishments which are of both a local and a regional service nature, including, but not limited to:

- (1) Uses allowed in the B- I district.
- (2) Indoor recreational facilities.
- (3) Religious institutions.
- (4) Hotels, motels, inns, bed and breakfasts.
- (5) Public utilities.

- b. Public Uses Operated by the Borough, In the overlay area only:

- (1) [Lumber yards] **Reserved**
- (2) [Landscaping sales and service] **Reserved**

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(3) Contractor's office,

(4) [Outdoor storage of supplies and equipment in conjunction with any of the allowed uses in the overlay area, in accordance with the provisions of Section 21-81B above.] **Reserved**

2. Permitted Accessory Uses.

Residential use in commercial buildings provided that such use shall not be established on the first floor, that off-street parking be provided the access to which shall not be from Bay Avenue, and that the requirements of subsection 4 b are met.

3. Conditional Uses

Wireless communication facilities

4. Area and Bulk Requirements as shown in Schedule I and below

a. Side yards. No side yard is required adjacent to other properties in the business zone, however, if any is to be provided, it shall be at least five feet. Any side yard which serves as a boundary between that lot and any residence zone shall be at least five feet and shall contain buffering in accordance with the requirements of section

b. For any building containing residential uses, outdoor living space shall be provide, at the rate of 100 square feet per unit, plus 50 square feet per bedroom. This space may be provided either at ground level or directly adjacent to the unit in the form of decks and/or roof top terraces. The area provided shall private, for the exclusive use of the residential tenant and shall be sufficiently screened or otherwise designed to insure that privacy and exclusive use.”

SECTION 29

Section 21-92 (B-3 Central Business District) is hereby amended and supplemented to delete the section in its entirety and insert the following in its place and stead (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

“21-92. B –[3 Resort]Business

The following regulations apply to all B[-3] Business districts.

1. Permitted Principal Uses.

[Hotels, motels, inns,] Bed and breakfasts

Restaurants

Commercial recreation, indoor or outdoor

Bars and taverns

Retail sales and service establishments

2. Permitted Accessory Uses

Related tourist, resort and recreation facilities and activities, associated with a nonresidential principal use.

3. Conditional Uses

Wireless communication facilities

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4. Area and Bulk Requirements, as shown on Schedule 1.”

SECTION 30

Chapter 21 is hereby amended and supplemented to add new section 21-92.01 Highway Oriented Business as follows:

“21-92.01

Highway Oriented Business

The following regulations apply to the Highway Oriented Business zone district:

1. Permitted principal uses.
 - a. All uses permitted in the B-1 Zone
2. Permitted Accessory Uses
 - a. All uses permitted in the B-1 Zone
3. Conditional uses
Wireless communication facilities.
4. Area and Bulk Requirements, as shown in Schedule I.”

SECTION 31

Chapter 21 is hereby amended and supplemented to add new section 21-94.01 WT-C/T Waterfront Transitional-Commercial/Townhouse Zone District as follows:

“21-94.01

Waterfront Transitional-Commercial Townhouse

The following regulations apply to the Waterfront Transitional-Commercial/Townhouse:

1. Permitted principal uses
 - a. All uses permitted in the WT-C zone district.
 - b. Townhouses, at the same density as the R-2.03 zone district and provided that each townhouse structure shall not contain more than three (3) attached units.
2. Permitted Accessory Uses
 - a. All uses permitted in the WT-C zone district.
3. Conditional Uses
 - a. All uses permitted in the WT-C zone district.
4. Area and Bulk Requirements, as shown on Schedule I.”

SECTION 32

Chapter 21 is hereby amended and supplemented to add new section 21-96.01 Mixed Use District as follows:

“21-96.01

Mixed-Use Zone District (MXD)

A. Purpose

The purpose of the Mixed-Use Zone District (MXD) is to encourage the development of livable neighborhoods which contain townhouse residential dwelling units, professional work space, non-residential uses which are supported by a multi-modal transportation node. The MXD zone district encourages uses that are compatible with and will benefit from the weekday New York City ferry service; the Sandy Hook Bay Marina and open space areas from the County Park. The MXD zone district also should incorporate a unifying seaside architectural theme that will provide attractiveness and consistency to the area.

It is the Borough’s intention, in the creation of this zone district, to provide for comprehensive mixed-use development rather than lot-by-lot development to encourage innovative and desirable design and layout of residential and non-residential

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structures. A mixed-use development shall consist of both residential and non-residential uses.

B. Permitted Principal Uses

1. Residential:
 - a. Townhouses
 - b. Multifamily dwellings in accordance with the MF Multi-family Residence Zone District standards, Section 21-88.
2. Commercial uses in conjunction with a planned mixed-use development:
 - a. Marinas, excluding retail sales
 - b. Ferry services
 - c. Professional offices
 - d. Restaurants, including full service and outdoor dining facility

C. Permitted Accessory Uses

1. Boardwalks
2. Charter and excursion boats, off-shore areas
3. Community center, devoted exclusively to the residents of the mixed-use development.
4. Home professional offices
5. Off and on-site Parking
6. Pools, tennis courts, exercise rooms and recreation facilities for use of residents and guests
7. Public & private boatslip/dock for personal watercraft and as accessory to residential and commercial uses
8. Retail services, specific to marina related services
9. Uses accessory or incidental to the principal use

D. Bulk and Area Requirements

1. Minimum Tract size: Six (6) acres
2. Setback from tract boundaries and all other right-of-way lines: Twenty (20) feet
3. Maximum Density: Fourteen (14) dwelling units per acre
4. Minimum tract width: One hundred twenty-five (125) feet
5. Minimum tract depth: One hundred (100) feet
6. Maximum building coverage for the entire tract: Thirty-five (35) percent
7. Maximum floor area ratio for the entire tract: 0.45.
8. Maximum impervious coverage for the entire tract: Eighty (80) percent
9. Maximum units per structure: Four (4) dwelling units
10. Maximum building length: One hundred (100) feet

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11. Maximum height: Two and one-half (2.5) habitable stories over the garage at grade level; thirty-five (35) feet.
12. A structure shall not have more than two (2) connected townhouse units on one (1) façade without providing a variation in setback of at least four (4) feet.
13. The spacing of residential buildings shall adhere to the following minimums:
 - a. End wall to end wall = Twenty-four (24) feet
 - b. End wall to window wall = Thirty (30) feet
 - c. Windowed wall to windowed wall:
 - i. Front to front: Seventy-five (75) feet
 - ii. Rear to rear: Fifty (50) feet
 - iii. End to end: Thirty (30) feet
 - d. Any building face to residential access street curb and municipal right-of-way: 20 feet.
 - e. Any building face to common parking area: 12 feet.
14. Minimum separation of non-residential structures from all other principal structures: 30 feet.

E. Townhouse Guidelines

For purposes of this section, Townhouses shall be defined as follows:

An attached one-family dwelling in a row of at least three (3) such units, where each dwelling unit is compatibility designed in relation to all other units, each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

The following requirements shall apply to Townhouse residential dwelling units:

1. Entrances to townhouses should enhance the pedestrian scale character of the area by strengthening a unit's connection with public streets and internal roadways and by masking the appearance of garage doors.
2. Townhouses fronting on residential streets should have their main pedestrian entrances on the street side.
3. Townhouses adjacent to public roads and trails should have their main front doors visible and accessible from that road or trail, using stairs and new grading, if required, to do so. Direct access for each unit should also be provided to the internal pedestrian and view corridors.
4. The main entrances should emulate the front entrance of single-family homes.
5. Incorporate an architectural theme pursuant to Section G. Architectural Design Guidelines, with the appropriate variations in design to provide attractiveness to the development design.

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6. Employ features such as front stairs, stoops, gateways, porches, and weather protection to enhance the residential quality of unit and building entries, the visibility of such entries, a comfortable architectural rhythm along the street, and a human scale.
7. Incorporate human-scale elements (windows, doors, roof elements, trellises, etc.) into the building façade visible from the street.
8. Where townhouses are designed with the end wall adjacent to the public street, the pedestrian entry for the end unit should be designed to also face the street.
9. Discourage situations where the main entrances to units are adjacent to, or on the same façade as garage doors. Garages and off-street parking shall be accessed from the rear of the building, which shall be accessible from a road employing end-unit driveways. Each townhouse unit shall provide at least one (1) parking space in a garage for its exclusive use.
10. Chimneys, dormers, gables, and similar elements may project into the slope of the roof provided they do not exceed one half of the roof line. They should also result in an improved design.
11. All dwelling units shall be connected to approved functioning water and sanitary systems prior to the issuance of a certificate of occupancy.
12. All parking facilities shall be on the same site as the building and located within one hundred fifty (150) feet of the nearest entrance of the building they are intended to serve.
 - a. Parking spaces shall be provided in areas designed specifically for parking and there shall be no parallel or diagonal parking.
 - b. Townhouses shall comply with the minimum parking standards of the NJRSIS (Subchapter 4).
13. No outside area or equipment shall be provided for the hanging of laundry or the outside airing of laundry in any manner. Sufficient area and equipment shall be made available within each building for the laundering and artificial drying of the laundry of the occupants of each building.
14. Dwelling units shall not erect individual external television antennae/satellite dishes.
15. No townhouse dwelling unit shall be less than twenty-four (24) feet wide.
16. Adequate trash and garbage pick-up stations shall be provided within a totally enclosed container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses by a fence, wall, planting or combination of the three (3).
17. Ingress/egress stairs/steps shall not encroach into the municipal right of way.
18. Each townhouse development may have one (1) sign along each public street, which the tract in question abuts, provided there exists at least two hundred fifty (250) feet of unbroken frontage. Such signs shall not exceed six (6) feet in height, shall be set back from the street rights-of-way, property lines, and driveways at least ten (10) feet and shall not exceed an area of fifteen (15) square feet and shall be used to display the development's name.
19. Setback from waterfront shall be pursuant to New Jersey Department of Environmental Protection requirements and regulations.

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20. All structures in the Flood Hazard areas, especially the Velocity Zone as defined by the Federal Emergency Management Agency (FEMA), shall comply with FEMA Coastal Construction principles and practices.

F. Multi-Family Residential Guidelines

1. Multi-family residential units shall comply with the requirements of Chapter 21 Section 88, MF Multi-family Residence.

G. Common Facilities

1. All areas put into common ownership for common use by all residents shall be owned by a non-profit homeowners association in accordance with the requirements of the Department of Community Affairs.
2. Townhouse and multi-family residential areas may elect to provide outdoor recreation facilities such as a swimming pool, regulation-size tennis court and other such facilities. Other recreation facilities may include but are not limited to walkways, picnic area and nature trails available to all townhouse residents and their guests.
3. An irrigation system shall be provided where grassed recreation areas occur.
4. Accessory buildings for the outdoor recreation facilities and for maintenance purposes shall be provided and shall be sufficient to store recreational and maintenance equipment and supplies.
5. Public access to the waterfront shall be provided and shall facilitate wheelchair access.

H. Architectural Design Guidelines

The purpose of these design guidelines is to specify the architectural theme to be invoked in the Mixed-Use District in Highlands Borough. These design guidelines are directed towards the development of new townhouse and multi-family residential dwelling units and non-residential structures that employ the "Shingle Style" simplicity, colors and volume.

The residential and non-residential structures in the Mixed Use Zone District (MXD) may include several features of Shingle Style architecture, which includes the following elements:

- Shingles should form a continuous covering, stretched smooth over rooflines and around corners in a kind of contoured envelope on a two to three story structure. The shingles may be wavy or patterned.
- Exterior building materials shall be appropriate to the Shingle Style. Use of wood is encouraged with attention given to color, texture, details and bond pattern. Other exterior materials, including cedar shake, hardie board and other composite materials that mimic "cedar shingles," are permitted provided that they are appropriate to the style of the structure. Use of diagonal and vertical wood patterns, wood paneling, naturally painted wood, and similar materials and techniques incompatible with the significant structures in the district is discouraged.
- Exterior surfaces covered in shingles should draw upon natural seaside colors, such as Indian reds, olive green and deep yellows. The Shingle style is monotone and unornamented and is generally stained in a single color to create uniformity.

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- Heavy stone foundation spreads low against the ground and masonry is often dark and roughhewn.
- Roofs contain an irregular roofline, cross gables or gambrel roofs. Eaves are found on several levels and are close to the walls so as not to distract from the homogeneous and monochromatic shingle covering. Embellishments may include tall turrets.
- Rounded contours sheltered by a broad and overhanging roof. The sweep of the roof may continue to the first floor level providing cover for wide sweeping porches, or is steeply pitched and multi-planed.
- Entries are defined by heavy (often low) arches; columns are short and stubby.
- Windows may include Palladian windows, casement and sash windows which are generally small, may have many lights, and often are grouped into twos or threes and a distinct curving 'eyebrow' dormer.

SECTION 33

Section 21-97 (Conditional Uses) A. is hereby amended and supplemented to insert the following:

"5. Reserved."

SECTION 34

Section 21-97. (Conditional Uses) G.6 and H.4 shall be modified to revise the reference "Section 6.11" to "Section 21-78.A.4."

SECTION 35

Section 21-97 (Conditional Uses) is hereby amended and supplemented to add new subsection "I. Senior Care Living Facilities" as follows:

"Senior care living may include assisted living facilities, residential health care facilities; and, continuing care retirement communities, may be permitted as a conditional use in the MF zoning district provided that the lot, use and structure adhere to the minimum standard of the MF zone and the following:

- (1) Minimum lot area shall be sixty thousand (60,000) square feet.
- (2) Compliance with the bulk, yard and building requirements of the MF Multi-family Residence Zone.
- (3) A Certificate from the New Jersey Department of Health and Senior Services shall be demonstrated.
- (4) A buffer area of at least fifteen feet in width shall be provided to adjacent residential uses, consisting of massed evergreen and deciduous plantings."

Insert Schedule I after section 21-97

SECTION 36

Section 21-98 (Non-Conforming Uses, Structures and Lots) is hereby amended and supplemented to add new Paragraph B as follows:

" B. Reserved."

SECTION 37

Section 21-98 (Non-Conforming Uses, Structures and Lots) is hereby amended and supplemented to delete the reference "Section 21-80.B" ("...smallest front yard allowed under Section 21-80.B.") in subsection 21-98.F.1.g. and insert "Section 21-79.B" in its stead.

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SECTION 38

Section 21-99 (Enforcement) is hereby amended and supplemented to delete paragraph E. and insert new paragraphs E and F in its place:

“E. Pre-Framing Survey. For each new building, it shall be a condition of the Zoning Permit that an as-built survey shall be submitted to the Construction Official upon construction of the footing for the building. The survey shall include a certification from a licensed New Jersey surveyor that the location and the first floor elevation comply with the development approvals. Construction on the structure shall be suspended until the Construction Official determines that the location and first floor elevation comply with the development approvals. This determination shall be made within three working days of the submission. The Construction Official may require, at his discretion that this requirement be satisfied for structures other than new principal buildings where there is uncertainty as to compliance with the development approvals.

F. When a subdivision or site plan, as required by this chapter has been duly reviewed and approved by the Board the erection or alteration of the building shall not be deemed to be completed until all the requirements of the approved subdivision or site plan are met. Where weather conditions or other forces beyond the control of the applicant unduly delay the reasonable occupancy of a building under this subsection, a temporary certificate of occupancy may be issued in accordance with section 21-100.”

SECTION 39

Section 21-102 (General Standards) is hereby amended and supplemented to modify subsection B. 7. as follows (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

“Signs placed upon or across public property such as [sidewalks,] hydrants, lampposts, trees, telephone or light poles, or fences, or attached to signs, buildings or other property owned by others. “

SECTION 40

Section 102 (General Standards) Subsection C.4 is hereby amended and supplemented to as follows: additions are shown as thus; deletions are shown as thus

“4. Sign design should follow the guidelines established in the ‘Central Business District, Design Manual’ developed by the Neighborhood Preservation Program and adopted by the Planning Board. (Please refer to Appendix A.) However, any conflicts between the requirements of this Chapter and the Design Manual shall be resolved in favor the Chapter 21.”

SECTION 41

Section 103 (Specific standards by zone district) subsection B (Business district) is hereby amended and supplemented to modify the title of the subsection, as follows:

“B. Business Districts, except the Highway Oriented Business district.”

SECTION 42

Section 21-103 (Specific standards by zone district) is hereby amended and supplemented to add the following new paragraph D. Highway Oriented Business district:

“D. Highway Oriented Business district

Signs in the Highway Oriented Business district shall comply with all applicable provisions of Part 5 (Sign Regulations). Standards for signs in the Highway Oriented Business district shall be as follows:

1. Wall mounted signs in accordance with subsection 21-103. B.
2. Free-standing signs for single tenant buildings as follows:

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- (a) Size: 24 square feet maximum
- (b) Height: 10' maximum
- (c) Quantity: 1 maximum
- (d) Setback: 5' minimum

3. Free-standing signs for multiple tenant buildings as follows:

- (a) Size: 48 square feet maximum
- (b) Height: 12' maximum
- (c) Quantity: 1 maximum
- (d) Setback: 10' minimum

SECTION 43

Part 6 (Fee Schedule) is hereby amended and supplemented to delete the part in its entirety and insert the following in its place and stead:

**“PART 6
FEE SCHEDULE
Article XXIII
Fees**

The following Schedule of Fees is established for the various applications for development and other matters, which are the subject of this Chapter. These fees shall be non-refundable and are for the purpose of offsetting Borough administrative, clerical and meeting costs. Applications requiring a combination of approvals, such as subdivision, site plan and/or variances shall require a fee equal to the sum of the individual fees for each element of the application. Escrow deposits for professional consultants, such as legal, planning, engineering, or other professional fees, costs and expenses, shall also be required in accordance with Section 108.

All fees and escrow deposits required in Section 21-107 and 21-108 shall be paid prior to the certification of a complete application.

Schedule of Fees

A. Variances

- 1. For proceedings governed by N.J.S.A. 40:55D70a. \$125.00
- 2. For proceedings governed by N.J.S.A. 40:55D70b. \$125.00
- 3. For proceedings governed by N.J.S.A. 40:55D70c.
 - For residential \$125.00
 - For non-residential \$250.00
- 4. For proceedings governed by N.J.S.A. 40:55D70d.
 - For residential \$150.00
 - For non-residential \$500.00
- 5. For proceedings governed by N.J.S.A. 40:55D34 \$ 75.00
- 6. For proceedings governed by N.J.S.A. 40:55D36
 - For residential \$ 75.00
 - For non-residential \$200.00

In order to qualify for the lower fees established for residential applications, an application must be exclusively residential in character, and can only be for a single use

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4. Non-residential (new)	\$100.00
5. Non-residential renovations	\$ 25.00
I. Certificate of Continuing Occupancy	\$35.00
J. Smoke detector permit, per N.J.A.C. 5:18	\$20.00
K. Fence permit	\$15.00
L. Miscellaneous	
1. Copies of minutes	At per page fee established by ordinance
2. Copy of verbatim transcript	At expense of requesting party
3. Copy of decision applicant	No charge to
4. List of property owners within 200 feet	\$10.00 or \$0.25 per name, whichever is greater
5. Court reporter	At expense of requesting party
7. Certificate of Subdivision, Per N.J.S.A. 40:55D-56	\$ 10.00

21-108. Escrow accounts and technical review fees

A. Escrow Accounts

1. In addition to the above general non-refundable fees for each application filed, the applicant shall reimburse the Borough for all professional or technical review fees deemed necessary or desirable by the Board, and shall establish an escrow fund with the Borough Treasurer to pay such fees or charges. The escrow fund shall be utilized to reimburse the Borough for all costs, which are reasonable and related to the review of such application.
2. As part of the application submission, the applicant shall be required to make a deposit to the escrow account in an amount provided for in B. below. If the amount posted is not sufficient to cover the Borough's professional charges associated with the application, the Board shall request additional funds.
3. After approval of an application and prior to the start of construction, the applicant shall be required to deposit with the Borough Clerk engineering inspection escrow fees to provide for anticipated inspection and any additional professional review services in accordance with C. below.
4. Additional escrow funds, equal to 25% of the applicable escrow fee, will be required upon submission of a revised plan for review by Board professionals.
5. Additional escrow funds shall be required when the balance of any escrow account reaches twenty percent (20%) of the initial deposit. The Borough shall notify the applicant who shall be requested to deposit up to thirty-five percent (35%) of the original escrow account. No further consideration, review, processing or inspection shall take place until the additional escrow has been paid.
6. For escrow deposits over \$5,000.00 the procedures under N.J.S.A. 40:55D-53.1 shall prevail.
7. At the applicant's written request and at his cost, an account of the expenses or fees paid by him for professional services shall be provided. Borough professional shall submit vouchers for all services to be assessed against an escrow account, which vouchers shall state the hours spent, the hourly rate and the expenses incurred.
8. Any unexpended monies remaining after the completion of the project and maintenance period shall be returned to the applicant.

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B. Escrow deposits for professional and technical review

The initial deposit of escrow funds for technical and professional review of an application shall be in an amount equal to double the application fee, but not less than \$750.00

C. Escrow deposit for inspection

Prior to the start of construction, the applicant shall post engineering inspection fees determined in accordance with the provisions of N.J.S.A. 40:55D-53h and 53.4. Inspection fees shall be five percent (5%) of the cost of improvements, with a minimum of \$500.00.”

SECTION 44

Section 21-113 (Definitions) is hereby amended and supplemented as follows (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

“Local Administrator – The **Borough Administrator** [Board Engineer] or such other Borough official designated by the Mayor.”

SECTION 45

Section 21-120 (Development permit) is hereby amended and supplemented to modify the section in accordance with the following (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

“21-120 Development permit

A development permit shall be required in conformance with the provisions of this section and other applicable municipal ordinances. Development permits for all construction shall require review and approval by the [Planning Board after a public hearing] **Borough Administrator or his designee. Applications for a development permit addressing compliance with Part 7 of this chapter shall be subsequent to any required subdivision, site plan or variance approvals granted by the Planning Board or Zoning Board of Adjustment.** Application for a development permit shall be made to the local administrator[, construction official, engineer or planner] on forms furnished by him and shall include, but not be limited to, the following:

- A. Five copies of plans, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures; fill, storage of materials; drainage facilities; and the location of the foregoing, including:
1. The existing and proposed contours at a contour interval of one (1) feet and/or sufficient spot elevations to determine adequately the elevation of the land.
 2. The proposed elevations of the lands involved at the corners of the foundation of any structure or structures.
 3. The layout of existing and proposed public streets and the nature, extent and location of existing and proposed utilities servicing and to service the premises in question.
 4. The elevation of any existing or proposed pumping facilities and overflow elevations of vents or entranceways, if underground; overflow elevations of sewage treatment plant units.

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5. The nature and extent of the construction alterations or repairs.
 6. The extent of filling of the land, if any.
 7. For subdivisions and site plans, the surrounding structures within a two-hundred foot radius.
- B. Elevation, in relation to mean sea level (both NAVD 1988 and NGVD 1929), of the lowest floor of all structures.
 - C. Elevation, in relation to mean sea level, to which any structure has been flood proofed.
 - D. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 21-125 and 21-126.
 - E. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow and placed approximately on the same flood flow lines as those of adjoining structures.
 - F. The plan shall constitute the minimum amount of fill, which will be required and still remain consistent with the section.
 - G. All new and replacement utilities and facilities such as water, sewer and electrical systems are located, elevated and constructed to minimize or eliminate flood damage. These shall include non-watertight manholes, watertight manholes with vents, raised vents, flap valves, etc. Such facilities shall be constructed with overflow elevation at least one (1) foot above the flood.
 - H. New or replacement water systems and sanitary sewage systems shall be designed and located to prevent infiltration, leakage, impairment or contamination during flooding.
 - I. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 - J. No buried fuel oil tanks shall be permitted unless properly anchored and vented, with the vent at least one (1) foot above the flood level. In addition, the fill pipe shall also be at least one (1) foot above the flood level.
 - K. All mechanical devices and equipment subject to water damage, including furnaces and electrical distribution centers, shall be located at least one (1) foot above the base flood elevation.
 - L. All utilities shall be flood proofed to at least two (2) feet above the base flood elevation.
 - M. Backfill shall be of soils with natural low permeability or of soils treated to minimize permeability.
 - N. Eight (8) inches of compacted granular fill shall be used beneath the ground flood and shall be daylighted in order to act as a French drain.
 - O. Where a construction method is chosen or required which requires the structure to be elevated on fill, the fill shall be placed to at least (1) foot above the flood hazard elevations for a distance of at least five (5) feet outside the building walls. The finished grade shall be sloped to drain away from the structure for a distance of at least five (5) feet.

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- P. All subdivision proposals shall be consistent with the need to minimize flood damage.
- Q. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- R. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- S. ENCLOSURE OPENINGS

For all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens louvers, or other covering devices provided that they permit the automatic entry or exit of floodwaters.

[E.]**I.** Plans of any walls to be used to enclose space below the base flood level.

[F.]**U.** Proof that the application has taken into account any flood plain management programs, if any, already in effect.

[G.]**V.** After the structure is built, the Applicant, at the Applicant's expense, shall provide the local administrator with a certification by a New Jersey licensed engineer or land surveyor of the lowest flood elevations are met.

SECTION 46

Section 21-121 (Designation of Local Administrator) is hereby amended and supplemented as follows:

"21-121 Designation of Local Administrator

The local administrator,[construction official, engineer or planner shall position] **or his designee** is hereby established to administer and implement this section by [coordinating development permit applications granted or denied by the appropriate municipal official, board or governing body in accordance with the provisions of that permit]**by granting or denying floodplain development permits in accordance with its provisions.**"

SECTION 47

Section 21-123 (Appeals and Variance Procedures) Paragraph A.2. is hereby amended and supplemented to modify the section in accordance with the following (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

"2. Appeals from the administrator's interpretation of any requirement, decision or determination under this section shall be made to the Planning Board, **except in such cases, as the Board of Adjustment is the board of proper jurisdiction.** All requests for variances shall be made to the Planning Board, except where the Applicant is seeking a variance **[with regard to use]** in accordance with N.J.S.A. 40: 55 D-70.**[d]**, in which case the Board of Adjustment is hereby empowered to hear and decide a request for a variance pursuant to this section."

SECTION 48

Chapter 21 is hereby amended and supplemented to add, "PART 8 AFFORDABLE HOUSING REGULATIONS AS follows:

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“PART 8 AFFORDABLE HOUSING REGULATIONS
ARTICLE XXV Affordable Housing Regulations

Section 128. Purpose.

The purpose of these regulations is to provide affordable housing to meet the Borough's obligation for a fair share of the regional need for affordable housing. The intent is to establish a program to produce affordable housing consistent with the rules and regulations of the New Jersey Council on Affordable Housing (COAH) and in accordance with the principles the New Jersey Supreme Court and the New Jersey Legislature mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 NJ 158 (1983) (“Mount Laurel II”) and in the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (FHA).

21-129. Affordable Housing Requirement for Residential Development.

A. Any residential development in any zoning district in the Borough of Highlands proposing nine (9) or more dwelling units shall set-aside eleven point one percent (11.1%) of said units (rounded to the next higher number if 0.5 or greater) for affordable housing as said term is defined under FHA and COAH rules and regulations.

B. The developer shall construct the affordable units on-site with the market rate units of the residential development. The municipal agency, in its sole discretion, may approve the construction of affordable units off-site provided that the developer demonstrates, and the municipal agency determines, that the off-site location is within the Borough and is appropriately zoned for residential development. The developer shall further demonstrate to the satisfaction of the municipal agency that the off-site location is approvable, suitable, and developable for affordable housing and that the development of the off-site location for affordable housing is consistent with sound planning principles.

C. Affordable dwelling units shall be built in accordance with the following schedule:

<i>Percentage of Market Rate Units Completed</i>	<i>Minimum Percentage of Low and Moderate Income Units Completed</i>
25	0
25 + 1 unit	10
50	50
75	75
90	100

The affordable housing units shall be disbursed throughout the inclusionary development to the greatest extent possible and shall be designed to be architecturally

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indistinguishable from the market rate units to the greatest extent possible. To that end, the scale, massing, roof pitch and architectural detailing (such as selection of exterior materials, windows, doors, etc.) of the buildings containing the affordable housing units shall be similar to and compatible with that of the market rate units.

- D. Residential development proposing the new construction of eight (8) or fewer residential dwelling units shall be exempt from the requirement to construct or provide affordable housing.
- E. The developer shall present its planned method of affordable housing compliance to the municipal agency at the time of filing an application for development approval.

21-130. Affordable Housing Requirement for Nonresidential Development.

- A. Nonresidential development creating twenty-five (25) jobs or greater shall provide one non-age restricted affordable residential unit for every twenty-five (25) jobs projected to be created by the development. The calculation of the number of jobs and employment opportunities shall be in accordance with Appendix E to N.J.A.C. 5:94-1, et. seq. entitled "UCC Use Groups for Projecting and Implementing Nonresidential Components of Growth Share." If the calculation for the number of jobs results in a fraction of an affordable unit, then the number of units required will be rounded down if the fraction is 0.4 or less and rounded up to the next higher number if the fraction is 0.5 or greater.

B. For all nonresidential development, the developer shall satisfy its affordable housing production obligation through a mechanism approved by the municipal agency and authorized by COAH regulations. The permissible mechanisms include:

(1) On-site housing production in connection with a residential component of the project. In the alternative, the municipal agency, in its sole discretion, may approve the construction of affordable units off-site provided that the developer demonstrates, and the municipal agency determines, that the off-site location is located within the Borough and is appropriately zoned for residential development. The developer shall further demonstrate to the satisfaction of the municipal agency that the off-site location is approvable, suitable, and developable for affordable housing and that the development of the off-site location for affordable housing is consistent with sound planning principles.

- (1) Participation in a buy-down/write-down program for sales units.
- (2) Participation in a buy-down/rent-down program.
- (3) Participation in the creation of affordable accessory apartments.
- (4) Participation in a program to produce affordable housing that is approved by the Borough of Highlands and that will provide credit for the Borough's third round housing fair share pursuant to COAH's rules and regulations.

C. For nonresidential development generating less than twenty-five (25) jobs, the development shall be exempt from the requirement to provide affordable housing.

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21-131. Submission of Compliance Plan.

The applicant for approval of a residential or nonresidential development shall present the planned method of affordable housing compliance to the municipal agency at the time of application filing. The municipal agency shall, in its sole discretion, advise the applicant whether the proposed method of compliance is acceptable, or whether an alternative technique or combination of techniques permitted by COAH regulations would be acceptable.

21-132. Satisfaction of the Affordable Housing Obligation.

Full and complete satisfaction and compliance with the affordable housing requirements of the Borough shall be a specific, automatic, essential, and non-severable condition of all approvals. Pursuant to this condition, the applicant must demonstrate that it has satisfied the affordable housing requirement prior to obtaining the first building permit and compliance with the affordable housing requirement shall be a continuing condition of all approvals for development.

21-133. Low and Moderate Income Requirements and Compliance with COAH's Rules.

The affordable unit(s) to be produced shall be available to a low-income individual or household should only one (1) affordable unit be required. Thereafter, the units shall be split evenly between low and moderate-income individuals and households except in the event of an odd number in which event the unit shall be a low-income unit. Pursuant to NJAC 5:94 et seq. and NJAC 5:80-26 et seq., all affordable units shall comply with COAH's rules and policies including, but not limited to, phasing, bedroom distribution, controls on affordability, range of affordability, affirmative marketing, income qualification, etc. It shall be the developer's responsibility, at its cost and expense, to arrange for the New Jersey Housing Affordability Service ("HAS") or other administering agency approved by COAH and the Borough to ensure full COAH compliance and file such certifications, reports and/or monitoring forms as may be required to verify COAH compliance for each affordable unit.

21-134. Municipal Right to a Greater Set-Aside.

- A. As to residential developers, nothing herein shall affect the Borough's ability to generate more affordable housing than the one (1) affordable residential unit for eight (8) market rate residential units standard set forth above in the event that the developer secures a density bonus or other compensatory benefit through a zoning change or through a use variance.
- B. As to nonresidential developers, nothing herein shall affect the Borough's ability to generate more affordable housing than the one (1) affordable residential unit for every twenty-five (25) jobs standard set forth above in the event that the developer secures an increased floor area ratio other compensatory benefit through a zoning change or through a use variance."

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SECTION 49. *Severability.*

The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 50. *Repealer.*

All ordinances or resolutions or parts of ordinances or resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 51. *Certified Copy*

A certified copy of the within Ordinance shall be forwarded by the Borough Clerk to the clerks of all adjoining municipalities, the Monmouth County Planning Board and the following:

1. Borough Administrator
2. Borough Engineer
3. Planning Board
4. Zoning Board
5. Borough Attorney
6. Tax Assessor
7. Zoning Official

BE IT FURTHER ORDAINED that this ordinance shall take effect upon final passage and publication in accordance with law.

Seconded by Mr. Nolan and introduced on the following roll call vote:

ROLL CALL:

AYES: **Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil**
NAYES: **None**
ABSENT: **None**
ABSTAIN: **None**

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**INSERT SIGN GUIDELINES
ZONING MAP
BUILDING HEIGHT ILLUSTRATION
SCHEDULE I**

HIGHLANDSNJ.COM

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Consent Agenda Resolutions:

Mrs. Flannery read the titles of the following Resolutions for approval:

Mayor O'Neil offered the following resolution and moved on its adoption:

R-06-47

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR VALLEY STREET PUMP STATION DESIGN PHASE**

WHEREAS, the Borough of Highlands has a need to acquire engineering design of the Valley Street Pump Station as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, such professional engineering services can only be provided by licensed professionals in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a) and the firm of T&M Associates, 11 Tindall Road, Middletown, NJ 07748 is so recognized; and

WHEREAS, Michael Hrbek Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is 1 year and may be extended 2 times as approved by this governing body; and
; and

WHEREAS, T&M Associates has submitted a proposal indicating they will provide the design services for the \$32,500.00; and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit T&M Associates from making any reportable contributions through the term of the contract, and

WHEREAS, per N.J.A.C. 5:30-5.4, the CFO has certified funds as:

Certification of funds

Contingent upon adoption of Bond Ordinance 06-02 - Valley Street Pump Station. In the event Bond Ordinance 06-02 is not adopted, then the general engineering appropriation from the SFY 2006 general budget will be utilized. Certification of funds will be provided on a voucher by voucher basis.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Highlands authorizes the Mayor and Clerk to enter into a contract with T&M Associates as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Council of the Borough of Highlands as follows:

1. T & M Associates are hereby retained to provide professional engineering consulting services as described above for an amount not to exceed \$32,500.00 plus reimbursable expenses.

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2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Seconded by Mrs. Little and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor O'Neil offered the following Resolution and moved for its adoption:

R-06-48

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**RESOLUTION - SPECIAL ITEM OF REVENUE
N.J. DEPARTMENT OF LAW AND PUBLIC SAFETY
BAYSHORE DWI SATURATION PATROL**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and;

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Highlands hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget for the state fiscal year 2006 in the amount of \$3,200.00 which is now available from State of New Jersey Department of Law and Public Safety.

BE IT FURTHER RESOLVED that a like sum of \$3,200.00 is hereby appropriated under the caption of:

Public and Private Programs Offset by Revenues:	
Bayshore DWI Saturation Patrol	\$3,200.00

BE IT FURTHER RESOLVED that the Borough Clerk forward two (2) certified copies of the resolution to said Director for his review and approval.

Seconded by Mrs. Little and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
NAYES: None
ABSENT: None
ABSTAIN: None

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Mayor O'Neil offered the following Resolution and moved its adoption:

**R-06-49
AUTHORIZING REFUND OF TAX OVERPAYMENT**

WHEREAS, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes; and

WHEREAS, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Tax Collector is authorized to immediately refund and pay the overpayment of taxes to the individuals and property owners of the specific properties listed below, and attached hereto:

BLOCK LOT YEAR AMOUNT NAME

72 9.06 2006 \$ 228.02 R. & C. De Stefano

Seconded by Mrs. Little and adopted on the following Roll Call Vote:

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

NAYES: None

ABSENT: None

ABSTAIN: None

Mayor O'Neil offered the following Resolution and moved for its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-06-50

RESOLUTION - CANCELING VARIOUS GRANT FUND RESERVES

WHEREAS, various reserve balances remain on the balance sheet of the grant fund; and

WHEREAS, the Chief Financial Officer has investigated the reserve balances and has determined that these reserves should be canceled;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that the following reserves in the amount of \$10,367.14 be and the same are hereby canceled:

Summer Food – 2005	\$1,431.58
Alliance Grant– 2005	\$6,061.50
Case Program – SFY 2005	\$2,874.06

Seconded by Mrs. Little and adopted on the following roll call vote:

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ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor O'Neil offered the following Resolution and moved its adoption:

**R-06- 51
RESOLUTION AUTHORIZING CANCELLATION OF TAXES**

WHEREAS, by agreement made in August 1955, the Borough of Highlands obtained an easement for the purpose of installing, maintaining and repairing a storm sewer, and all rights incidental thereto on the premises currently known as Lot 7 in Block 52 as shown on the Borough of Highlands Tax Map; and

WHEREAS, the consideration for said easement was to be an amount equivalent to the taxes levied against the premises, excluding any taxes attributed to a tax levied against any building or improvement constructed upon said premises; and

WHEREAS, the subject premises has been the subject of a tax appeal for the tax years 2004, 2005 and 2006 with regard to the land portion of the tax assessment against the subject premises, which tax appeal is authorized for settlement reflecting a reduction in the land assessment.

WHEREAS, compliance with the aforesaid easement agreement necessitates that taxes levied against the land portion of the premises to be cancelled and/or refunded as the subject easement qualifies as an interest in real estate owned by the municipality.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Highlands does hereby authorize the Tax Collector to cancel all taxes attributable to the land portion of Lot 7 in Block 52, and refund any portion of taxes related to the land portion of the subject tax assessment only;

BE IT FURTHER RESOLVED this resolution be and hereby is effective January 1, 2006 through December 31, 2016.

Seconded by Mrs. Little and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor O'Neil offered the following Resolution and moved it's adoption:

**R-06-52
RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE
JURISDICTIONAL AGREEMENT No. 4535 STATE OF NEW JERSEY**

WHEREAS, the State of New Jersey department of Transportation has requested that an Agreement be entered between the BOROUGH OF HIGHLANDS AND THE State of New Jersey, which would allocate the jurisdictional responsibilities for highway maintenance and control between the BOROUGH OF HIGHLANDS and the State of New Jersey with reference to certain Intersections of Route 36 and streets within the BOROUGH OF HIGHLANDS; and

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WHEREAS, maps outlining the jurisdictional limits of each have been reviewed and approved by the Borough;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the BOROUGH OF HIGHLANDS that Mayor Richard W. O'Neil and Clerk Nina Light Flannery are hereby authorized to execute the Agreement between the BOROUGH OF HIGHLANDS and the State of New Jersey.

Seconded by Mrs. Little and adopted on the following Roll Call vote:

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor O'Neil offered the following Resolution and moved on its adoption:

**R-06-53
RESOLUTION AUTHORIZING
THE CANCELLATIONS/DISCHARGE OF MORTGAGES**

WHEREAS, the six year terms of Mortgages Note for the following have expired and same are to be canceled pursuant to the terms of the Mortgage in accordance with requirements of the Regional Contribution Agreements as established in the rules and regulations of the Council of Affordable Housing and the Department of Community Affairs Housing Rehabilitation Program; and

WHEREAS, the Mayor and Council of the Borough of Highlands hereby authorize the Borough Attorney to prepare cancellations/discharges of mortgages execution on the following Mortgage Notes.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Mayor and the Borough Clerk be and are hereby authorized to execute cancellation/discharge of Mortgages in accordance with the recommendation of the Borough Attorney, Dominick Manco, Esq., for the following mortgages:

NAME:	Property Location:	Block	Lot	Amount
Coleman, P & D	51 Grand Tour	19	27	\$8,000.00
Rossetti	18 Seadrift Ave	77	2.01	\$11,800.00

BE IT FURTHER RESOLVED that the Borough Attorney is hereby authorized to prepare Discharge Forms for execution.

Seconded by Mrs. Little and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
NAYES: None
ABSENT: None
ABSTAIN: None

**BOROUGH OF HIGHLANDS
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Mayor O'Neil offered the following Resolution and moved its adoption:

R-06-54

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR OPEN SPACE INVENTORY AND PLAN**

WHEREAS, the Borough of Highlands has a need to acquire engineering expertise to prepare and Open Space Inventory and Plan as well as to fulfill the obligations set forth in the Smart Future Grant Agreement with the NJ department of Community Affairs as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, such professional engineering services can only be provided by licensed professionals in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a) and the firm of T&M Associates, 11 Tindall Road, Middletown, NJ 07748 is so recognized; and

WHEREAS, the anticipated term of this contract is 1 year and may be extended 2 times as approved by this governing body; and

WHEREAS, T&M Associates has submitted a proposal indicating they will provide the design services for the \$10,000.00; and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit T&M Associates from making any reportable contributions through the term of the contract, and

WHEREAS, per N.J.A.C. 5:30-5.4, the CFO has certified funds as:

Certification of funds

Smart Future Grant Agreement Number 03-7086-00	\$10,000.00
--	-------------

Stephen Pfeffer, CFO

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Highlands authorizes the Mayor and Clerk to enter into a contract with T&M Associates as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Council of the Borough of Highlands as follows:

5. T & M Associates are hereby retained to provide professional engineering consulting services as described above for an amount not to exceed \$10,000.00.
6. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
7. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
8. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Seconded by Mrs. Little and adopted on the following roll call vote:

**BOROUGH OF HIGHLANDS
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ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor O'Neil offered the following Resolution and moved its adoption:

**R-06-55
RESOLUTION
APPOINTING JUVENILE OFFICER**

BE IT RESOLVED by the Governing Body of the Borough of Highlands that Officer Robert Burton is hereby appointed Juvenile Officer for the one (1) year term to expire December 31, 2006.

BE IT FURTHER RESOLVED that compensation for said position shall be as set forth in the Municipal Salary Ordinance.

Seconded by Mrs. Little and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor O'Neil offered the following Resolution and moved for its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-06-56

RESOLUTION - CANCELING GRANT FUND RECEIVABLES

WHEREAS, various receivable balances remain on the balance sheet of the grant fund; and

WHEREAS, the Chief Financial Officer has investigated the receivable balances and has determined that these receivables should be canceled;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that the following grant receivable balances in the amount of \$6,831.24 be and the same are hereby canceled:

2005 Alliance Grant	\$5,388.00
2005 Summer Food Program	\$1,443.24

Seconded by Mrs. Little and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
NAYES: None
ABSENT: None
ABSTAIN: None

**BOROUGH OF HIGHLANDS
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Mayor O'Neil offered the following Payment of Bills and moved on its approval for payment:

**RECAP OF PAYMENT OF BILLS
03/15/06**

CURRENT:		\$ 47,585.73
Payroll	(02/28/06)	\$ 103,874.14
Manual Checks		\$ 89,149.74
Voided Checks		\$
SEWER ACCOUNT:		\$ 74,961.53
Payroll	(02/28/06)	\$ 5,188.95
Manual Checks		\$ 2,026.24
Voided Checks		\$
CAPITAL/GENERAL		\$ 7,563.00
CAPITAL-MANUAL CHECKS		\$
Voided Checks		\$
TRUST FUND		\$ 3,911.03
Payroll	(02/28/06)	\$ 1,216.00
Manual Checks		\$
Voided Checks		\$
UNEMPLOYMENT ACCT-MANUALS		\$
DOG FUND		\$ 135.60
GRANT FUND		\$ 72,865.50
Payroll	(02/28/06)	\$ 1,287.22
Manual Checks		\$
Voided Checks		\$
DEVELOPER'S TRUST		\$ 46.50
Manual Checks		\$
Voided Checks		\$
ADDENDUM		
Melo Construction		\$ 3,370.00

**THE COMPLETE PAYMENT OF BILLS IS AVAILABLE IN
THE CLERK'S OFFICE FOR ANYONE THAT WISHES TO REVIEW THE
LIST.**

Seconded by Mrs. Little and approved for payment on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
NAYES: None
ABSENT: None
ABSTAIN: None

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Ordinances: 2nd Reading, Public Hearing, Adoption:

Ordinance O-06-02:

Mrs. Flannery read the title of the following Ordinance for second reading and public hearing:

**BOROUGH OF HIGHLANDS
MAYOR & COUNCIL
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Mayor O'Neil opened the public hearing for Ordinance O-06-02.

Unidentified Woman – is that pump on Valley Street the pump that is used when there is a storm and flooding in town.

Mayor O'Neil – yes and the pump is shot and we had to replace it. We tried to repair it and the repair did not last. This handles basically from Miller Street to Atlantic Street.

Art Gallagher of 158 Linden Avenue – there are two pumps in town?

Mayor O'Neil – yes

Art Gallagher – how old is the other pump?

Mayor O'Neil – the other pump is not quite as old as this one.

Mr. Urbanski – it was serviced last year.

There were no further questions or comments from the public; therefore the public hearing was closed.

Mrs. Flannery read the title of the following Ordinance for third and final reading and adoption:

Mr. Urbanski offered the following Bond Ordinance pass third and final reading and moved on its adoption according to law:

O-06-02

**BOND ORDINANCE PROVIDING AN
APPROPRIATION OF \$378,000 FOR VARIOUS
IMPROVEMENTS TO VALLEY STREET
STORMWATER PUMP STATION FOR AND BY
THE BOROUGH OF HIGHLANDS IN THE
COUNTY OF MONMOUTH, NEW JERSEY AND,
AUTHORIZING THE ISSUANCE OF \$359,100
BONDS OR NOTES OF THE BOROUGH FOR
FINANCING PART OF THE APPROPRIATION**

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Highlands, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$378,000, such sum includes the sum of \$18,900 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

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SECTION 2:

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$359,100 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$359,100 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Various improvements to Valley Street Stormwater Pump Station, including all work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereof on file in the office of the Borough Clerk.	\$378,000	\$359,100	40

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$359,100.

(c) The estimated cost of the Improvements is \$378,000 which amount represents the initial appropriation made by the Borough. The excess of the appropriations made for the Improvements over the estimated maximum amount of Bonds or Notes authorized to be issued therefor as stated above is the amount of the Down Payment.

SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

**BOROUGH OF HIGHLANDS
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SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$359,100 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

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SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$359,100.

SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Seconded by Mayor O'Neil and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil
NAYES: None
ABSENT: None
ABSTAIN: None

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OTHER BUSINESS:

Borough Engineers Report:

Robert Bucco, P.E. of T & M Associates introduced Jaclyn Flor, P.E. of T & M Associates and stated that she will be assisting him in the same manner as Don Norbut did in the past. He then stated the following in reviewing the monthly engineers report:

1. Fire House – the contractor started the masonry block work in the apparatus room and in installing the underslab plumbing components in the annex area. The brick mortar color selection is being changed at the Council's request. Actual color selection and sample wall panel is forthcoming. The annex floor slab is scheduled to be poured early this month and the steel erection is to begin in April.
2. NJDOT Route 36 Bridge – They have been in contact with NJDOT regarding reimbursement for the utility pole work and they are also reviewing and revising the jurisdictional agreement that was provided by NJDOT and we have provided those which were approved this evening.
3. NJDEP Stormwater Management Regulations – they are proceeding with the second phase as required by the DEP. They have obtained the GPS coordinates for all of the Borough's outfall pipes and have completed all of the outfall scour inspections. Four of the outfalls inspected had dry weather flow and they are going to reinspect them within the next couple of weeks.
4. Valley Street Pumpstation – they are currently doing the job for the project and they will have draft plans by the 27th for the borough to review.
5. Washington Avenue Reconstruction Project – we did test pits and we are evaluating the test pit information to provide the governing body with a cost estimate.

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6. Miller Street – Shore Drive to Route 36 – we performed a site visit and are preparing a site design proposal.
7. Recreation Place – From Washington Ave to Seadrift Ave – they have performed a site visit and are preparing a site proposal for the Mayor and Council.
8. South Bay Sanitary Pump Station – the project has been awarded to EDC Electric and the project has been completed and they are preparing close out documents. The contractor has not provided the maintenance bond to date.
9. North Street – Box Culvert Replacement – the project has been awarded to B & W Construction and he described the progress of this project.
10. Basin Eight Sanitary Sewer Rehab Project – we have submitted the design proposal for consideration by the governing body.

Highlands Business Partnership 2006 Budget – Possible Introduction

Carla Cefalo-Braswell, HBP introduced Fred Rosiak, Chairman of the Economic Development Committee who has been steering this project along with John Koenig. We had the Economic Dev. Committee Meeting Monday night and they invited the Mayor to attend and Mr. Rosiak is here this evening to give an update as to the outcome of that meeting as to status of that project. She stated that a packet was given to the governing body and Mr. Rosiak can review that with them.

Fred Rosiak of Captain Covers Marina – we are aware that there are a lot of people that are skeptical that it would be a success. They appeared before the governing body about eleven months ago to give an overview of the plan to put in operation a water taxi. He is pleased to say that they have made a lot of progress on this project. Mr. Koenig is on his way back from inspecting the vessel that they have identified as meeting both their budget and operating characteristics. The vessel is certified to carry 19 passengers plus a crew of two and they have made an offer on this vessel. He discussed the insurance survey inspection of the vessel that is required to purchase the vessel. He then described the vessel to the governing body. They have developed an operating schedule that will operate four days a week, Thursday through Sunday from 12:00 p.m. to 8:00 p.m. They have performance expense cost to operate this vessel. He further described the operating expenses to be a little under \$2,000 per week or \$23,000 for the entire season. They are proposing to operate from Memorial Day through Labor Day. The expenses for this project come to about \$24,000 for that 12-week period and \$24,000 to operate it for a total of \$48,000 and they expect to cover about 20% of those expenses the first year from fares for the ride. The second year is 60 to 70% and break even the third year. This is not just a self standing business venture, this is a tool that they believe will add to the perception and value of the businesses of Highlands. He then described the price fares for the water taxi rides and further described the proposed water taxi service.

Mrs. Little expressed her support for the water taxi.

Mr. Urbanski expressed his objection to the water taxi.

Mr. Caizza stated that the borough budget was held up for eight months and they had to make cuts and the BID is asking for more money, so he does not support the water taxi budget increase.

Mr. Nolan expressed his support for the water taxi.

Mayor O'Neil expressed his support of the BID.

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Mrs. Little questioned Mrs. Braswell about the process that occurs for the BID to come up with a budget.

Mrs. Braswell explained the HBP budget process.

The Governing Body had a discussion with regard to the 2006 BID budget and projects.

Unidentified Woman wanted to know when the bridge is being done and if there is only one lane of traffic, what is going to stop people from parking down town and hopping on a boat to Sandy Hook. Where are all of these cars going to park?

Fred Rosiak – both the Clam Hut and Sandy Hook Bay Marina have several hundred parking spots that they are willing to take a chance on. This is private parking that they are volunteering.

Mayor O’Neil expressed his favorable opinion of the proposed water taxi.

Mayor O’Neil offered the following HBP Budget be introduced and published according to law and that a public hearing date be set for April 19, 2006 at 8:00 P.M. or thereafter:

**HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
District Management Corporation
Highlands Business Partnership
January 1, 2006– December 31, 2006
(12 months)**

COMMERCIAL DISTRICT
2006
PROGRAM BUDGET
EXPENSES

Visual Improvement.....	28,000.00
<ul style="list-style-type: none"> • Beautification • Maintenance • Design • Holiday & Seasonal • Street Banners 	
Special Events Committee.....	35,000.00
<ul style="list-style-type: none"> • Promotion/creation of events 	
<i>Marketing & Communications.....</i>	<i>20,000.00</i>
Ad campaigns/Sponsorship Sales	
Public Relations	
Image Building	
Publish Visitor Guide	
Maintain and expand website	
Videos/Commercials	
<i>Economic Development.....</i>	<i>60,000.00</i>
<ul style="list-style-type: none"> • Business Recruitment/Retention & Redevelopment • Water Taxi service 	
I.	
J. Administrative Budget	
Administration.....	20,000.00

**BOROUGH OF HIGHLANDS
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Miscellaneous 10,000.00
• Legal
• Audit
• Insurance
• Supplies

TOTAL Expenses\$173,000

HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
District Management Corporation
Highlands Business Partnership
January 1, 2006 – December 31, 2006
(12 months)

COMMERCIAL DISTRICT
2006
PROGRAM BUDGET
Income

VIC Clean Communities Reimbursement.....0
VIC Street Banner Income.....2,000.00

Special Events Income.....60,000.00
• Vendor Fees & Sponsors

Marketing & Communications.....12,000.00
Sponsorship Income
Barter Goods & Services (approx. \$8k)

Economic Development (no profit 1st yr)0
• Water Taxi service

TOTAL Income\$74,000.00

TOTAL ASSESSMENT INCOME REQUIRED TO OPERATE -\$100,000.00

Seconded by Mrs. Little and introduced on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mayor O’Neil

NAYES: Mr. Caizza, Mr. Urbanski

ABSENT: None

ABSTAIN: None

Mr. Caizza questioned why Mr. Nolan was able to vote on this matter when his wife is employed by the HBP.

Mr. Manco stated that it gives the appearance of a problem.

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Mr. Nolan then asked if Mr. Urbanski would have a conflict voting on the BID Budget a BID tax payer.

Mayor O'Neil stated that its being moved for a public hearing in April and in the mean time he requested that the Borough Attorney research the voting eligibility issues.

Mr. Urbanski also requested that the Borough Attorney research to see if a motion to get rid of the bid can be made at the next meeting.

Miller Street Beach Gazebo

Mrs. Little – this addresses just the gazebo improvements that we wanted to put forward. It is slightly more enclosed and it looks nice and is a big savings.

The Governing Body discussed the gazebo plan.

Mr. Urbanski stated that we have some volunteers and the DPW will do the site work and clean the lot up.

Mrs. Little – if we have volunteers will the liability coverage cover it? We need to check on the insurance and qualifications for volunteers.

Mr. Urbanski stated that it would be about \$4,200 for materials.

Earth Day – April 22, 2006

Mrs. Flannery – Pride in Highlands, Earth Day is April 22nd. Plans are progressing for that, we would like the Borough Council to sponsor the purchasing of T-shirts which is estimated to be \$600 to \$700.

Nancy Thomas – we don't have much more money in our budget for this. We thought that it would be a great project for the Clean Community Grant Money. We were hoping to give the children t-shirts as a reward for the day and we are asking that the Mayor and Council sponsor the t-shirts.

Mayor O' Neil – yes, we will work this out.

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Approval of Minutes:

Mayor O' Neil offered a motion to approve the February 1, 2006 meeting minutes, seconded by Mrs. Little and all were in favor.

=====

Public Portion:

Art Gallagher of 158 Linden Avenue – will the water taxi be available for charter to create additional revenue?

Mr. Rosiak – we have not considered that yet, but if it makes sense then and we can generate additional revenue than sure.

Art Gallagher questioned when the BID was started.

Mrs. Braswell – May 1999 which she further explained. She believes that the BID has been operating for the past six years with the same yearly budget..

**BOROUGH OF HIGHLANDS
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They are asking for \$100,000 budget at this time.

Mr. Gallagher questioned Mrs. Braswell about the budget and past projects and revenues received by the events.

Mrs. Braswell explained the budget and some past project to Mr. Gallagher.

Maureen Kraemer of Portland Road - T & M was supposed to be doing a title search with regard to the ownership of Portland between Wyndmoor and the Park.

Robert Bucco – that is being done by Middletown Township and he will make a phone call to them tomorrow.

Lori Dibble of Paradise Park – does Paradise Park pay into the BID?

Mrs. Braswell - they are supposed to however this is a question for the Tax Assessor.

Lori Dibble – with regard to the Zoning Ordinance, will there be a public hearing.

Mrs. Flannery – when we voted on the BID Budget we scheduled it for the fifth of April , but we really can't have it until 28-days after tonight. So we need to schedule it for April 19, 2006.

Lori Dibble – can we have an extended period of time for that hearing.

Mayor O' Neil – we will try to schedule less on the agenda.

Joseph Duran of Valley Avenue – is there any more information with regard to the lot lien.

Mr. Manco – there will be a Resolution to cancel the tax lien and to refund it. As for a sale of that lot there is a process for that and that will be followed.

Allison _____ of 12 Paradise Park – what made them decide to rezone our area and does anyone know how stressful this is.

Mayor O'Neil – explained that the Planning Board went through two years of discussion on this and we advertised and nobody came and spoke about this.

_____ why did we do the Master Plan.

Mayor O'Neil explained that the Planning Board is required to review the Master Plan every six years.

Allison _____ - expressed her concerns with the rezoning of the Paradise Park.

Paul _____ of 12 Paradise Park – he hopes that zoning changes never happen to the people who own houses along the water because it is pretty upsetting.

Mike Franklin read a letter to the Governing Body from him regarding a recent situation where he was removed from the First Aide Squad. The letter describes the situation that occurred on March 13, 2006 where he spoke with Skip Shute of the First Aide Squad who advised him that the officers had a special meeting and decided to kick him off the First Aide Squad. He feels that his removal from the First Aide Squad is due to him being a homosexual and not to do with his performance as a volunteer first aide member.

**BOROUGH OF HIGHLANDS
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He also requested that Mr. Shute be removed from his position as Captain, of the First Aide Squad and that an investigation of this matter be taken.

Mrs. Flannery stated she was not aware of any special First Aide Meeting where Mr. Franklin's termination was determined.

Mr. Manco stated that given the nature of this subject the Governing Body should discuss this in Executive Session.

Mayor O'Neil advised Mr. Franklin that after this is discussed in closed session he will advise him of the Governing Body's course of action.

Nancy Thomas of 45 Second Street – is there a handicap roll out walk way in the gazebo plan?

Mrs. Little – not in this particular plan, we can look into the cost of that and investigate it.

Nancy Thomas stated that in front of her flower shop the tree is causing the sidewalk to buckle and two customers fell. She wanted to know whose responsibility it is to fix it.

Mayor O'Neil – Mrs. Little will contact Freehold about this situation.

Dennis Plaia of Locust Street – was Locust Street removed from the rezoning?

Mayor O'Neil – yes

There were no further questions or comments from the public.

The Meeting adjourned at 10:46 P.M.

CAROLYN CUMMINS, DEPUTY CLERK