

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

Mayor O'Neil called the Special Meeting to order at 7:34 P.M.

Mrs. Flannery read the following statement: As per requirement of P.L. 1975, Chapter 231, notice is hereby given that this is a Special Meeting of the Mayor and Council of the Borough of Highlands and all requirements have been met. Notice has been 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
Stephen Pfeffer, CFO
Dominick Manco, Esq., Borough Attorney

APPROVAL OF RESOLUTIONS:

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

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-06-109

**RESOLUTION - AUTHORIZING TRANSFERS BETWEEN BUDGET
APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-58**

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers as permitted between budget appropriations during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that transfers between SFY 2006 Budget Appropriations be made as follows:

CURRENT FUND -----	FROM -----	TO -----
Public Defender:		
Salaries & Wages	\$ 2,000	
Borough Council:		
Other Expenses	2,000	
Code Enforcement:		
Salaries & Wages	3,525	
Monmouth County Regional Health Commission:		
Other Expenses	475	
Utilities:		
Street Lighting	3,000	
Engineering:		
Other Expenses		\$9,000
Borough Garage:		
Other Expenses		2,000
	-----	-----
	\$ 11,000	\$11,000

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

Seconded by Mr. Caizza 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-06-110
RESOLUTOIN CENCELING SFY 2006 SEWER UTILITY
BUDGET APPROPRIATIONS**

WHEREAS, the following budget appropriation balances remain unexpended:

Sewer	155,968.00
-------	------------

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to surplus.

	SEWER UTILITY -----
Salaries & Wages	
Other Expenses	70,000.00
PERS	968.00
Insurance	
Group	15,000.00
Workers Compensation	15,000.00
Other	15,000.00
Improvement to Sewer System	<u>40,000.00</u>
Total Sewer Utility	<u>155,968.00</u> -----

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the unexpended balances listed above be canceled in the Sewer Utility Fund.

Seconded by Mr. Nolan 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

Mrs. Little offered the following resolution and moved its adoption:

R-06-111

**RESOLUTION AUTHORIZING THE 54 AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR COMMUNITY CENTER PARK, PLAYGROUND
REDEVELOPMENT AND PHASE I ENVIRONMENTAL SITE ASSESSMENT**

WHEREAS, the Borough of Highlands has a need to acquire engineering services for the Community Center Park, Playground Redevelopment and Phase I Environmental

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

Site Assessment 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, Stephen Pfeffer, CFO has determined and certified in writing that the value of the project will exceed \$17,500.00; 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 services for \$11,500.00; 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:

1110/3757	
General Engineering	\$11,500.00

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:

1. T & M Associates are hereby retained to provide professional engineering consulting services as described above for an amount not to exceed \$11,500.00 plus reimbursable expenses.
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 Mr. Nolan and adopted on the following roll call vote:

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

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-06-112
RESOLUTION AMENDING RESOLUTION R-05-54
APPROVING
PROFESSIONAL ENGINEERING SERVICES**

WHEREAS, there exists the need for Professional Engineering Services to be provided for the Construction Management of the Fire House; and

WHEREAS, such Professional Engineering Services can only be provided by licensed professionals and T & M Associates, 11 Tindall Road, Middletown, NJ 07748 is so recognized; and

WHEREAS, a contract was awarded on March 16, 2005 for an amount not to exceed \$88,915.00 for the Professional Construction Management Services for the construction of new Fire House; and

WHEREAS, the term of the contract has expired and the Governing Body desires to extend term of the contract for an additional year until March 16, 2006; 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, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands; and

Ordinance O-98-11 = \$88,915

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq., requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands of the following:

1. T & M Associates is hereby retained to provide professional engineering services described above for an amount not to exceed \$88,915.00.
2. This 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 person authorized by law to practice a recognized profession.

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

3. A copy of this 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 Mr. Caizza 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 its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**R-06-113
RESOLUTION AMENDING RESOLUTION R-05-25
PROFESSIONAL ENGINEERING SERVICES
T & M ASSOCIATES
IMPLEMENTATION OF THE TIER A MUNICIPAL STORMWATER
STATEWIDE BASIC REQUIREMENTS**

WHEREAS, the Borough of Highlands has a need for professional engineering services; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of T & M Associates, Eleven Tindall Road, Middletown, N.J. 07748-2792 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$50,000 plus reimbursable expenses for the implementation of the Tier A Municipal Storm water Statewide Basic Requirements outlined in T & M Associate's revised proposal letter dated November 11, 2004.

WHEREAS, a contract was awarded on January 19, 2005 for an amount not to exceed \$88,915.00 for the Professional Construction Management Services for the Implementation of the Tier A Municipal Storm water Statewide Basic Requirements; and

WHEREAS, the term of the contract has expired and the Governing Body desires to extend term of the contract for an additional year to January 19, 2006; 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, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

Special Emergency Ordinance 0-04-15 \$41,532
Municipal Storm water Grant \$ 8,468

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED BY THE Borough 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 \$50,000 plus reimbursable expenses.
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 Mr. Nolan 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

Mr. Caizza offered the following resolution and moved its adoption:

**R-06-114
RESOLUTION AUTHORIZING MAYOR AND COUNCIL PRESIDENT
TO EXECUTE UNION CONTRACTS**

WHEREAS, the PBA Local #48 and the Borough of Highlands, and the CWA and the Borough of Highlands have come to an agreement regarding their contract and benefits; and

WHEREAS, both unions and the Negotiation Team have agreed that the term of the contracts shall be from July 1, 2004 to June 30, 2008; and

WHEREAS, the Governing Body of the Borough of Highlands agrees that the contracts have been successfully negotiated;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Mayor and Administrator be and hereby are authorized to execute the contracts for the PBA Sandy Hook Local No. 48 and the CWA Local 1032;

BE IT FURTHER RESOLVED that all increases payable under the new contract terms be retroactive to July 1, 2004 and payable as soon as can be accomplished by the Payroll Department.

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

Seconded by Mr. Urbanski 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

Mr. Urbanski offered the following Resolution and moved its adoption:

**R-06-115
RESOLUTION AWARDING CONSTRUCTION CONTRACT
TO ELECTRICAL DESIGN & CONSTRUCTION CORP.
FOR THE VALLEY STREET STORMWATER PUMP STATION UPGRADES**

WHEREAS, on May 2, 2006, the Borough of Highlands received bids for the Valley street Storm water Pump Station Upgrades; and

WHEREAS, two bids were received:

Electrical Design & Construction Corp	\$332,000.00
Quad Construction Company	\$340,000.00

WHEREAS, it is recommended by the Borough Engineer that the contract be awarded to Electrical Design & Construction Corp.; and

WHEREAS, the bids have been reviewed by the Borough Attorney and were found to be complete.

WHEREAS, certification of the funds is hereby certified by the Chief Financial Officer contingent upon the 20-day the 20-day period of limitation within which a suit, action or proceedings can be brought against Bond Ordinance O-06-02.

Account O-06-02

Stephen Pfeffer, CFO

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the contract for the North Street Drainage Project is hereby awarded to Electrical Design & Construction Corp. P.O. Box 7404, Shrewsbury, NJ 07739, for the amount not to exceed \$332,000.00

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

Mr. Nolan offered the following Resolution and moved on its adoption:

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

**R-06-116
RESOLUTION APPOINTING PART/TIME
SPECIAL POLICE OFFICER, CLASS II
RAMON L. CAMACHO, JR.**

WHEREAS, there exist the needs to appoint a part time Special Police Officer, Class II; and

WHEREAS, Chief Blewett recommends the appointment of Ramon L. Camacho, Jr. as Special Police Officer, Class II; and

WHEREAS, the Mayor and Council of the Borough of Highlands agrees that the need exists for an additional guard officer;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Ramon L. Camacho, Jr. is hereby appointed Part Time Special Police Officer, Class II; and

BE IT FURTHER RESOLVED that this appointment is effective immediately and compensation shall be set at the current rate in the Salary Ordinance.

Seconded by Mr. Caizza 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-06-117
RESOLUTION APPOINTING PART/TIME
CROSSING GUARD WALLACE H. HARTSGROVE
& TEMPORARY , FULL-TIME SUMMER EMPLOYEES FOR THE
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, there exist the needs to appoint a part time Crossing Guard; and summer help for the Department of Public Works; and

WHEREAS, Chief Blewett recommends the appointment of Wallace H. Hartsgrove as Crossing Guard; and

WHEREAS, the Borough Administrator recommends the appointment of Ian Rugg and Adam Parker as Temporary Full-Time Employees for the DPW; and

WHEREAS, the Mayor and Council of the Borough of Highlands agrees that the need exists for an additional guard and temporary full-time DPW employees;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that Wallace H. Hartsgrove is hereby appointed Part Time Crossing Guard and Ian Rugg and Adam Parker are hereby appointed as Temporary Full-Time Employees for the DPW; and

BE IT FURTHER RESOLVED that this appointment for Wallace Hartsgrove is effective immediately and compensation shall be set at the current rate in the Salary Ordinance; and

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

BE IT FURTHER RESOLVED that the appointment for Ian Rugg be effective June 12, 2006 and Adam Parker effective as of June 26, 2006 and both paid at a rate of \$12.00 per hour.

Seconded by Mr. Nolan 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

Mrs. Little offered the following resolution and moved its adoption:

R-06-118

**RESOLUTION AUTHORIZING BOROUGH ADMINISTRATOR
TO EXECUTE RIGHT OF ENTRY AGREEMENTS WITH THE STATE OF
NEW JERSEY DEPARTMENT OF TRANSPORTATION**

WHEREAS, the State of NJ Department of Transportation has submitted a Right of Entry Agreement for Route 36; Section 3; Parcel 122 and 123; and

WHEREAS, the property is needed in connection with the construction of the new Route 36 Highlands to Sea Bright bridge and the Council is desirous of cooperating with the State of NJ on matters involving the construction of the bridge;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Borough Administrator be and hereby is authorized to execute the Right of Entry Agreements for Highway #36, Section 3, Parcel 122 and 123.

Seconded by Mr. Nolan 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
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

**INSERT
RESOLUTION R-06-119
HERE**

HIGHLANDSNJ.COM

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

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

**R-06-120
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR VALLEY STREET PUMP STATION**

WHEREAS, the Borough of Highlands has a need to acquire contract administrative and construction observation engineering services 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

WHEREAS, T&M Associates has submitted a proposal indicating they will provide the contract administrative and construction observation engineering services for the \$22,500.00; 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 – Bond Ordinance O-06-02
4000-5000 O-06-02 – 3757 = \$22,500

Stephen Pfeffer, Chief Financial Officer

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:

9. T & M Associates are hereby retained to provide professional engineering consulting services as described above for an amount not to exceed \$22,500.00 plus reimbursable expenses.
10. 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

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

is for services performed by persons authorized by law to practice a recognized profession.

11. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.

12. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Seconded by Mr. Nolan 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 Payment of Bills and moved on its approval for payment:

**RECAP OF PAYMENT OF BILLS
06/28/06**

CURRENT:	\$	33,442.61
Payroll	\$	
Manual Checks	\$	21,353.99
Voided Checks	\$	
 SEWER ACCOUNT:	 \$	 178.96
Payroll	\$	
Manual Checks	\$	
Voided Checks	\$	
 CAPITAL/GENERAL	 \$	 158,059.51
CAPITAL-MANUAL CHECKS	\$	
Voided Checks	\$	
 TRUST FUND	 \$	 1,452.75
Payroll	\$	
Manual Checks	\$	
Voided Checks	\$	
 UNEMPLOYMENT ACCT-MANUALS	 \$	
 DOG FUND	 \$	
Voided Checks	\$	
 GRANT FUND	 \$	 62.00
Payroll	\$	
Manual Checks	\$	
 DEVELOPER'S TRUST	 \$	 1,591.75
Manual Checks	\$	1,608.67
Voided Checks	\$	

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

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

Seconded by Mr. Caizza 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

ORDINANCE: Introduction, Set Public Hearing Date for July 19, 2006

Ordinance O-06-10

Mrs. Flannery read the title of the following ordinance for introduction and setting of a public hearing date for July 19, 2006:

Mayor O'Neil offered the following Ordinance be introduced and that a public hearing be scheduled for July 19, 2006 at 8:00 P.M. at the Borough of Highlands, 171 Bay Avenue, Highlands, NJ and authorized its publication according to law:

**ORDINANCE NO
O-06 -10**

**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**

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

PART 1 GENERAL PROVISIONS

ARTICLE I TITLE AND PURPOSE

- 21-1 Short Title
- 21-2 Purpose
- 21-3 Repealer
- 21-4 Severability
- 21-5 Effective Date
- 21-6 Interpretation

ARTICLE II DEFINITIONS

- 21-7 General interpretation and usage
- 21-8 Definitions

ARTICLE III ADMINISTRATIVE PROCEDURES

- 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

ARTICLE IV Planning Board

- 21-17 Planning Board continued
- 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
- 21-31 Citizen's Advisory Committee
- 21-32 Referral to Environmental Commission
- 21-33 Review of capital projects

ARTICLE V ZONING BOARD OF ADJUSTMENT

- 21-34 Board of Adjustment continued
- 21-35 Alternate members
- 22-36 Terms
- 21-37 Vacancies, removal
- 21-38 Conflicts of interest
- 21-39 Lack of quorum
- 21-40 Voting
- 21-41 Organization
- 21-42 Board of Adjustment Attorney
- 21-43 Experts and staff
- 21-44 Powers
- 21-45 Annual Report on Variances Heard by Zoning Board
- 21-46 Appeals and applications to the Board of Adjustment
- 21-47 Time limit for decision
- 21-48 Modification
- 21-49 Stay of proceedings by appeal; exception

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

21-50 County Planning Board review
21-51 Referral to other agencies
21-52 Vote necessary for decision
21-53 Expiration of variance
21-54 Appeals

PART 3 SUBDIVISION AND SITE PLAN REVIEW

ARTICLE VI APPLICATION PROCEDURE

21-55 Filing Procedure
21-56 Time for decision
21-57 Review Procedure

ARTICLE VII Reserved

ARTICLE VIII PLAT AND PLAN DETAILS

21-58 Plat and plan details
21-59 On-tract and on-site improvements
21-60 Installation of improvements; guaranty agreement
21-61 Agreement
21-62 Maintenance guaranty

ARTICLE IX Reserved

ARTICLE X Off-tract Improvements

21-63 Off-tract improvements

ARTICLE XI Design Standards

21-64 General Standards
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

PART 4 ZONING

ARTICLE XIV Establishment of Zoning Districts

21-69 Zoning districts
21-70 Zoning map and Schedule
21-71 Conformance Required
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
21-78 Accessory structures and uses
21-79 Yards
21-80 Corner lots
21-81 Outdoor storage
21-82 Residential Uses and Districts
21-83 Business Uses and Districts
21-84 Waterfront Uses and Districts

ARTICLE XV Residential Zone Districts

21-85 R-1 District- Single family Residence
21-86 R-2 Single Family Residence
21-87 PB Professional Business District
21-88 MF Multi-family Residence
21-89 MH Mobile Home Residence

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

ARTICLE XVI Reserved

ARTICLE XVII Business and Waterfront Zone Districts

21-90 B-1 Neighborhood Business
21-91 B-2 Central Business District
21-92 B-3 Resort Business
21-92.01 Highway Oriented Business
21-93 WT-R Waterfront Transition - Residential
21-94 WT-C Waterfront Transitional – Commercial
21-94.01 WT-C/T Waterfront Transitional- Commercial/Townhouse
21-95 WC-1 Waterfront Commercial
21-96 WC-2 Waterfront Commercial
21-96.01 Mixed Use

ARTICLE XVIII Reserved

ARTICLE XIX Conditional Uses

21-97 Conditional Uses

ARTICLE XX Nonconforming Lots, Buildings and Lots

21-98 Non-Conforming Uses, Structures and Lots

ARTICLE XXI Enforcement

21-99 Enforcement
21-100 Certificates of Occupancy

PART 5 SIGNS

ARTICLE XXII Signs

21-101 Purpose
21-102 General Standards
21-103 Specific standards by zone district
21-104 Sign permits
21-106 Exemptions

PART 6 FEE SCHEDULE

ARTICLE XXIII Fees
21-107 Schedule of Fees
21-108 Escrow accounts and technical review fees

PART 7 FLOOD DAMAGE PREVENTION

ARTICLE XXIV Flood Damage Prevention
21-109 Short Title
21-110 Findings; Purpose
21-111 Definitions
21-112 Applicability
21-113 Basis for Establishing Areas of Special Flood Hazard
21-114 Abrogation and Greater Restrictions
21-115 Compliance required
21-116 Interpretation
21-117 Warning and Disclaimer of Liability
21-118 Development Permit
21-119 Designation of Local Administrator
21-120 Duties of Local administrator
21-121 Appeals and Variance Procedures
21-122 Exception for Below Ground Pools
21-123 General Construction Standards
21-125 Floodway Standards
21-126 Effect on Time Limits in Other Legislation
21-127 Effect on Penalties Set Forth in Other Legislation

PART 8 AFFORDABLE HOUSING

ARTICLE XXV AFFORDABLE HOUSING REGULATIONS

21-128 Purpose
21-129 Affordable Housing Requirement for Residential Development

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

21-130 Affordable Housing Requirement for Nonresidential Development
21-131 Submission of Compliance Plan
21-132 Satisfaction of the Affordable Housing Obligation
21-133 Low and Moderate Income Requirements and Compliance with COAH's Rules
21-134 Municipal Right to a Greater Set-Aside"

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

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

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.”

“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 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.”

BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006

“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** “

SECTION 5

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

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

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."

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:

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

“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.

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.

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.

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.”

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:

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

“10. Water supply.

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.

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:

“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

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

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
- d. Religious Institutions
- e. Public & Private Schools

2. Permitted Accessory Uses

- a. Private detached garage

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

- 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

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

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

- 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
2. Permitted Accessory Uses
- a. Private Detached Garage
 - b. Utility buildings incidental to residential use
 - c. Swimming pools

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

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

3. Conditional Uses

- Home occupations
- 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

- Single-Family Detached Dwellings, occupied by one family.
- Existing bungalow colonies.
- 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

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
COMBINED MEETING
JUNE 28, 2006**

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

Home occupations
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

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

4. Area and Bulk Requirements

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

[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:

The placement and location of townhouse structures shall maximize the views of the waterfront from the public realm.

Notwithstanding the height limitation in Schedule I, the height of the townhouse structures shall be compatible with surrounding properties.

The exterior architectural design of the townhouse development should be compatible with surrounding properties.

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**
 - (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**

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

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

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:

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

“21-92.01

Highway Oriented Business

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

Permitted principal uses.

All uses permitted in the B-1 Zone

Permitted Accessory Uses

All uses permitted in the B-1 Zone

Conditional uses

Wireless communication facilities.

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

B. Permitted Principal Uses

Residential:

Townhouses

Multifamily dwellings in accordance with the MF Multi-family Residence Zone District standards, Section 21-88.

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

Commercial uses in conjunction with a planned mixed-use development:

Marinas, excluding retail sales
Ferry services
Professional offices
Restaurants, including full service and outdoor dining facility

C. Permitted Accessory Uses

Boardwalks

Charter and excursion boats, off-shore areas

Community center, devoted exclusively to the residents of the mixed-use development.

Home professional offices

Off and on-site Parking

Pools, tennis courts, exercise rooms and recreation facilities for use of residents and guests

Public & private boatslip/dock for personal watercraft and as accessory to residential and commercial uses

Retail services, specific to marina related services

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
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:

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

- 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.
- 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.

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

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.
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

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

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.
- 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.

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

- 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.

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

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

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:

- | | | |
|-----|-----------|------------------------|
| (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 |

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

- (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 on the lot or tract. Any application not complying with each of these conditions shall fall under the higher fee schedule.

B. Subdivisions

- 1. Simple lot line change or merger \$100.00
- 2. Minor subdivision \$400.00
- 3. Major subdivision
 - a. Conceptual review 10% of the preliminary fee (to be applied to preliminary fee at time of preliminary submission)
 - b. Preliminary plat \$500.00 plus \$50.00 per lot
 - c. Final 50% of preliminary fee

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

- | | |
|--|-----------------------------------|
| 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.

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."

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

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.
 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.

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

- 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.
- 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.

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

[E.]**T**. 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:

"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.

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

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 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.

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

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.

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-

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

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."

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.

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

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, Mayor O'Neil

NAYES: Mr. Caizza, Mr. Urbanski

ABSENT: None

ABSTAIN: None

HIGHLANDSNJ.COM

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

**INSERT HERE
APPENDIX A - SIGN GUIDELINES
APPENDIX B- BUILDING HEIGHT ILLUSTRATION
ATTACHMENT – ZONING MAP
ATTACHMENT – SCHEDULE 1**

HIGHLANDSNJ.COM

**BOROUGH OF HIGHLANDS
MAYOR AND COUNCIL
SPECIAL MEETING
JUNE 28, 2006**

OTHER BUSINESS:

Raffle License Request – Fire Department RA:1317-06-5 & RA#1317-06-6

Mrs. Flannery stated that the Fire Department has requested permission to conduct two raffles. One being for each night of the Clam Fest and the other being for November 14, 2006 for the Super 50/50

Mayor O'Neil offered a motion to approve the two Raffle Licenses for the Fire Department, seconded by Mr. Nolan and all were in favor.

PUBLIC PORTION:

Chris Francy of 36 Fifth Street questioned the budget transfers.

Mr. Pfeffer explained that the cancellations will go into the surplus.

Don Manrodt of 268 Bayside Drive questioned why the Zoning Ordinance Amendments were re-introduced.

Mayor O'Neil explained that it was put back on because he did not receive a certification that the petition was sufficient. We should receive the certification shortly and if it comes back that the petition is correct then it will die there.

Don Manrodt stated that there was an announcement on the radio today that Atlantic Highlands ventured into an agreement with the County to fix Bayside Drive.

Mrs. Francy of 36 Fifth Street – are there plans to allocate money for sewers on Valley Street in conjunction with the pump because the pipes are clogged or broken.

Mayor O'Neil as of this time, no, its just for the pump.

There were no further questions or comments from the public.

Mayor O'Neil offered a motion to adjourn the meeting, seconded by Mr. Nolan and all were in favor.

The Meeting adjourned at 7:48 P.M.

CAROLYN CUMMINS, DEPUTY CLERK