

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

Mayor O'Neil called the Regular Meeting to order at 7:17 P.M.

The Borough Clerk made the following statement: As per requirement of P.L. 1975, Chapter 231, notice is hereby given that this is a Regular 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, Miss Thomas, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

**Absent:** None

**Also Present:** Nina Light Flannery, Borough Clerk  
Dominick Manco, Esq., Borough Attorney

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**Executive Session Resolution:**

Mrs. Flannery read the following Resolution for approval:

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

**RESOLUTION  
EXECUTIVE SESSION**

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

- 1. Contracts – T & M - PMK for Soil Work on Sewer Hill**
- 2. Land Use Issues with Homeowners and Property Owners of Paradise Prk**
- 3. Highlands Bridge**
- 4. Personnel: Ed O'Neil - Final Step in Grievance (move to 4/4/07)**  
**Fire Dept. – LOSAP Increase 2**  
**SHC – Mayors Appointment**

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

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

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

- 9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.**
- 10. Falls within the attorney-client privilege and confidentiality is required.**
- 11. Deals with personnel matters of public employees and employee has not requested that the matter be made public.**

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

**ROLL CALL:**

**AYES:** Mr. Nolan, Miss Thomas, Mr. Caizza, Mr. Urbanski

**NAYES:** None

**ABSENT:** Mayor O'Neil stepped out of the room briefly

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

**ABSTAIN: None**

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Mayor O'Neil called the Regular Meeting back to order.

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

**ROLL CALL:**

**Present: Mr. Nolan, Miss Thomas, Mr. Caizza, Mr. Urbanski, Mayor O'Neil**

**Absent: None**

**Also Present: Nina Light Flannery, Borough Clerk  
Dominick Manco, Esq., Borough Attorney**

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**Open Space Public Hearing**

**Recording of this portion of the meeting begins at 8:55 P.M.**

**Present: Robert Bucco, P.E. of T & M Associates  
Paul Ricci, P.P. of T & M Associates  
Tim Hill, Recreation Director**

Mr. Ricci gave a presentation on the Open Space and Recreation Plan.

William Eaton questioned how one could get on a Stakeholders List.

Lori Dibble of Paradise Park questioned the kind of funding level.

Art Gallagher of Linden Avenue spoke about a possible boat launch.

Chris Francy of Fifth Street –spoke about Veteran Park improvements.

Mr. Bucco, P.E. explained that if you are going to divert property to Green Acres for every acre that you want to divert you have to give them two acres.

Chris Francy of Fifth Street – so I guess what Paul is suggesting is that if you can have a shared use, it's not diverted from its principal uses but it's an additional use.

Mr. Ricci - I am not certain that placing a monument in the park is a diversion.

Mr. Bucco – no, but you have to clear it with Green Acres. If it's still going to remain a recreational area and remain an open area open to the general public use, if you just want to put a monument in it that will probably not be an issue.

Mr. Francy continued to discuss issues of shared uses of Veterans Park with the Governing Body.

Mr. Hill explained that part of this process will evolve and if we are talking about a boat launch, where makes the best sense to possibly put a boat launch, so those are the things that will progress from this plan.

Mr. Francy asked that Mr. Ricci provide a possible range of options that we can do with the Green Acres like Veterans Park.

Mr. Ricci – you mean park and recreational opportunities to maximize the use of that facility.

Mr. Francy – correct.

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

James Fox of 148 Navsesink Avenue stated that he represents the Memoria Project at Veterans Park and we are currently in design development on some upgrades to the park to accommodate the final installation of the Memoria Project and improvements to Veterans Plaza and an a

natural amp theater for the Borough. The Memoria Project has been in contact with Green Acres about their ideas.

Mr. Ricci requested that Mr. Fox send him a copy of updated drawings for Veterans Park.

Mayor O'Neil stated that he does not believe a launch ramp would work at Veterans Park.

Miss Thomas explained that a boat ramp and a kayak launch are two different things and a kayak launch is something that could be done.

Jim Parla of Portland Road questioned the process.

Delores Francy of Fifth Street stated that she believes that Highlands needs a fishing pier in town.

Mayor O'Neil – there is a fishing pier on Marine Place.

Delores Francy also asked if we could do a boat launch by the bridge.

Mr. Francy continued to discuss his suggestions.

Miss Thomas – I think that we all agree that we should actively look into is there a possibility that we can have a boat ramp or a kayak launch.

Mrs. Francy stated that the kids can not see over the fishing pier on Marine Place. She stated that any improvement to Veterans Park would be wonderful and the same thing with Cornwell Street because there is no shade, no benches.

Mayor O'Neil encouraged the public to complete the Opens Space Questionnaire sheet and turn them in.

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**Public Hearing on the HBP Budget**

**Present: John Koenig**

Mr. Koenig stated that this is the budget formulated by the Partnership and approved the by the members and the board. It's the money that is assessed from the members of the partnership themselves, it's from the commercial properties not from the residents.

Mayor O'Neil questioned a \$12,000 electrical upgrade issue.

Nancy Thomas – it's not in the HBP budget.

Mr. Urbanski expressed his opposition to the HBP spending money at Sandy Hook, he believes that the money should be spent in town.

Mr. Koenig – this budget does not include money for Sandy Hook for a barge that is being applied for as a grant.

Mayor O'Neil stated that he agrees that there is no need to go to Sandy Hook.

There was a discussion between the Governing Body and Mr. Koenig about the water taxi going to Sandy Hook.

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

Lori Dibble of Paradise Park questioned the format of the HBP Budget. She questioned sponsorship income and the fact that there are no expenses for redevelopment.

Mr. Koenig stated that the expenditures under economic development are for the water taxi.

A.J. Solomon of Marina Bay Court, HBP Board Member explained that how the HBP Board has worked on the budget and what is being presented to the Governing Body is what they voted on and approved.

Chris Francy of Fifth Street questioned the assessment for the Bid Tax.

Mayor O’Neil explained that it’s a flat rate assessed on a ratable.

Mayor O’Neil closed the public hearing on the HBP Budget.

Mr. Nolan offered the following HBP 2007 Budget and moved on its adoption::

**HIGHLANDS BUSINESS IMPROVEMENT DISTRICT  
District Management Corporation  
Highlands Business Partnership  
January 1, 2007 – December 31, 2007  
(12 months)**

<b>COMMERCIAL DISTRICT PROGRAM BUDGET</b>	<b>2007 Income</b>
<b>Special Events Income.....</b>	<b>58,000.00</b>
• Vendor Fees	
<b>Marketing &amp; Communications.....</b>	<b>12,000.00</b>
• Sponsorship Income	
• Barter Goods & Services (approx. \$12k)	
<b>Economic Development (no profit 1<sup>st</sup> yr).....</b>	<b>5,000.00</b>
• Water Taxi Service	
<b>TOTAL INCOME.....</b>	<b>\$75,000.00</b>
<b>TOTAL ASSESSMENT INCOME REQUIRED TO OPERATE -</b>	<b>\$95,000.00</b>

**HIGHLANDS BUSINESS IMPROVEMENT DISTRICT  
District Management Corporation  
Highlands Business Partnership  
January 1, 2007 – December 31, 2007  
(12 Months)**

<b>COMMERCIAL DISTRICT PROGRAM BUDGET</b>	<b>2007 EXPENSES</b>
<b>Visual Improvement.....</b>	<b>\$30,000.00</b>
• Beautification	
• Maintenance	
• Design	

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

- Holiday & Seasonal
- Street Banners

**Special Events Committee.....\$30,000.00**

- Promotion/creation of events

**Marketing & Communications.....\$30,000.00**

- Ad Campaigns/Sponsorship Sales

- Public Relations
- Image Building
- Publish Visitor Guide
- Maintain and expand website
- Videos/Commercials

**Economic Development.....\$45,000.00**

- Business Recruitment/Retention & Redevelopment
- Water Taxi Service

**Administrative Budget**

**Administration.....\$25,000.00**

**Miscellaneous.....\$10,000.00**

- Legal
- Audit
- Insurance
- Supplies

**TOTAL Expenses.....\$170,000.00**

Seconded by Miss Thomas and adopted on the following roll call vote:

Mr. Nolan and Miss Thomas both expressed his support for the Bid

Mr. Caizza questioned Mr. Koenig about the ownership of the Water Taxi and Mr. Koenig stated that he owns it and leases it to the Bid.

Mr. Urbanski expressed his opposition with the water taxi going to Sandy Hook and stated that he would support the water taxi if it were to go just to our local businesses. He feels that the HBP should focus more on the visual improvement of the town.

Mayor O’Neil expressed his support for the HBP but he would like to see more people involved in this.

**ROLL CALL:**

**AYES: Mr. Nolan, Miss Thomas, Mayor O’Neil**

**NAYES: Mr. Caizza, Mr. Urbanski**

**ABSENT: None**

**ABSTAIN: None**

**Consent Agenda Resolutions**

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

Mr. Urbanski offered the following resolution and moved for its adoption:

**R-07-48**

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**RESOLUTION - APPROVAL OF CORRECTIVE ACTION PLAN FOR SFY 2006**

**WHEREAS**, the Directive by the Division of Local Government Services, Local Finance Notice 92-15 dated August 9, 1992, requires that the Chief Financial Officer must submit a Corrective Action Plan, relative to the findings and recommendation in the annual audit report; and

**WHEREAS**, the Governing Body of the Borough of Highlands has reviewed said Corrective Action Plan for the State Fiscal Year 2006;

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Highlands that said Corrective Action Plan is hereby approved.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Chief Financial Officer, the Director of the Division of Local Government Services, and all appropriate Borough Officials.

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

**ROLL CALL:**

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

**CORRECTIVE ACTION PLAN - SFY 2006  
BOROUGH OF HIGHLANDS**

**SFY 2005 Recommendation:**

Governing Body:

Finding #1

1. That the Borough adopts a formal policy regarding post employment health benefits.
2. Analysis: Current health benefit policies have been in place for over twenty years with one policy change being made in that period. The Borough had never formalized the policy in an ordinance.
3. Corrective Action: The Governing Body has adopted Ordinance 06-18 clarifying retiree health benefits for borough employees.
4. Implementation Date: November 1, 2006.

Municipal Court:

Finding #2

1. That the Municipal Court makes all remittances to various agencies by the fifteenth day of the month following receipt as required by the Administrative Office of the Court.
2. Analysis: The Municipal Court has one full time employee and a part time employee once a week. The Court Administrator cannot always comply with the above requirements because other Court duties take priority.
3. Corrective Action: The Governing Body has hired a part time employee for 25 hours a week. Upon adequate training of this employee by the Court Administrator this finding should be resolved.
4. Implementation Date: April 2006.

Municipal Court:

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

Finding #3

1. That monthly bank reconciliations for the Municipal Court accounts be performed on a timely basis.
2. Analysis: The Municipal Court has one full time employee and a part time employee once a week. The Court Administrator cannot always comply with the above requirements because other Court duties take priority.
3. Corrective Action: The Governing Body has hired a part time employee for 25 hours a week. Upon adequate training of this employee by the Court Administrator this finding should be resolved.
4. Implementation Date: June 2006.

**SFY 2006 Recommendation:**

Municipal Court:  
Finding #1

3. That the Municipal Court makes all remittances to various agencies by the fifteenth day of the month following receipt as required by the Administrative Office of the Court.
2. Analysis: The Municipal Court has one full time employee and a part time employee once a week. The Court Administrator cannot always comply with the above requirements because other Court duties take priority.
3. Corrective Action: The Governing Body has hired a part time employee for 25 hours a week. The employee received the proper training in 2005/2006. As a result the Court Administrator was able to resolve this comment.
4. Implementation Date: March 2006.

Municipal Court:  
Finding #2

1. That monthly bank reconciliations for the Municipal Court accounts be performed on a timely basis.
2. Analysis: The Municipal Court has one full time employee and a part time employee once a week. The Court Administrator cannot always comply with the above requirements because other Court duties take priority.
3. Corrective Action: The Governing Body has hired a part time employee for 25 hours a week. The employee received the proper training in 2005/2006. As a result the Court Administrator was able to resolve this comment.
4. Implementation Date: December 2006.

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-07-49  
RESOLUTION - DEFERRAL OF REGIONAL HIGH SCHOOL TAX**

**WHEREAS**, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis; and

**WHEREAS**, said taxes subject to deferral have not been requisitioned by or paid to the school district; and

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

**WHEREAS**, it is the desire and intent of the Governing Body of the Borough of Highlands, County of Monmouth, to avail the Borough of the deferral as permitted by regulations promulgated by the Local finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

**WHEREAS**, fifty percent of the school tax levy of the Henry Hudson Regional School District is \$1,829,480.49.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Highlands, County of Monmouth hereby authorize the Chief Financial Officer of the Borough to defer \$174,161.90 of school taxes as permitted by the aforementioned regulation.

**BE IT FURTHER RESOLVED** that certified copies of this resolution be forwarded to the Chief Financial Officer of the Borough and the Director of the Division of Local Government Services, Department of Community Affairs.

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

**ROLL CALL:**

**AYES:** Mr. Urbanski, Miss Thomas, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

Mr. Urbanski offered the following resolution and moved for its adoption:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-07-50**

**RESOLUTION - DEFERRAL OF LOCAL SCHOOL TAX**

**WHEREAS**, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis; and

**WHEREAS**, said taxes subject to deferral have not been requisitioned by or paid to the school district; and

**WHEREAS**, it is the desire and intent of the Governing Body of the Borough of Highlands, County of Monmouth, to avail the Borough of the deferral as permitted by regulations promulgated by the Local finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

**WHEREAS**, fifty percent of the school tax levy of the Highlands School District is \$1,521,079.50.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Highlands, County of Monmouth hereby authorize the Chief Financial Officer of the Borough to defer \$38,446.50 of school taxes as permitted by the aforementioned regulation.

**BE IT FURTHER RESOLVED** that certified copies of this resolution be forwarded to the Chief Financial Officer of the Borough and the Director of the Division of Local Government Services, Department of Community Affairs.

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

**ROLL CALL:**



**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

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

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

**R-07-51  
RESOLUTION  
AUTHORIZING RELEASE OF MAINTENANCE GUARANTEES  
FOR SCHOELLNER & MINTZER, LLC FOR PROPERTY LOCATED  
AT 33-39 JACKSON STREET ALSO KNOWN AS  
BLOCK 45 LOTS 2.01 THROUGH 2.05**

**WHEREAS**, the applicant has requested the release of their Maintenance Guarantees in the amount of \$5002.35 (Posted via Check Payment) and the release of any remaining engineering or legal fees for Block 45 Lots 2.01 through 2.05 and

**WHEREAS**, this request was forwarded to the Borough Engineer and an inspection was performed by T & M Associates and they have authorized the release of said Maintenance Guarantees.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Highland that the Chief Financial Officer is hereby authorized to refund the Maintenance Guarantees Bond in the amount of \$5,002.35 and any remaining engineering or legal escrow funds, plus any accrued interest **less any outstanding fees**.

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

**ROLL CALL:**

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

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

**R-07-52  
RESOLUTION  
APPROVING THE RENEWAL OF TWO FERRY LICENSES  
FOR HIGHLANDS LANDING CORP  
d.b.a. Seastreak America, Inc.**

**WHEREAS**, Seastreak America, Inc. has submitted the required fees for the renewal of the Ferry Licenses to operate at both 326 Shore Drive and Willow Street; and

**WHEREAS**, Seastreak America, Inc has also submitted a copy of the Certificate of Liability Insurance for both sites to the Borough Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands that the Ferry Licenses for Seastreak America, Inc. are hereby renewed for the calendar year 2007 for two sites located at 326 Shore Drive and Willow Street and the Borough Clerk is hereby authorized to issue the proper licenses.

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

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

**ROLL CALL:**

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

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

**R-07-53  
RESOLUTION  
CANCEL TAX OVERPAYMENTS**

**WHEREAS,** The Tax Collector of the Borough of Highlands has reviewed the records and certain accounts have credit balances;

**WHEREAS,** in order to clear the Borough's books, the Tax Collector has recommended, after review of the rolls, that the credits be cancelled; and

**WHEREAS,** this cancellation shall not be interpreted as an acknowledgement by the Borough that such amounts may be due to any property owner for the properties shown below;

**NOW, THEREFORE, BE IT RESOLVED** that the Tax Collector is hereby authorized to cancel the following overpayments for the year and amounts listed below:

SFY			
<u>Block</u>	<u>Lot</u>	<u>Year</u>	<u>Amount</u>
1.03	10	2002	\$ 49.40
11.08	9	2002	12.91
1.05	8	2003	713.07
11.06	9	2003	22.77
11.12	4	2003	835.54
49	8	2003	10.00
49	14	2003	.15
63	22	2003	1,143.08
89	8	2003	932.16
97	9.02	2003	1,211.12
98	6.03	2003	24.57
100.4	32	2003	605.66
100.10	94	2003	38.42
100.10	116	2003	5.98
100.13	10	2003	766.13
103	3	2003	519.83
115	2.01	2003	54.22
119	10.02	2003	472.20
120	10.2-20	2003	106.53
120	15.01	2003	<u>1,205.68</u>
Totals			\$ 8,729.42

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

**ROLL CALL:**

**AYES:** Mr. Nolan, Ms. Thomas, Mr. Caizza, Mr. Urbanski, Mayor O'Neil  
**NAYES:** None  
**ABSENT:** None

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

**ABSTAIN: None**

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

**R-07-54  
AUTHORIZING REFUND OF TAX OVERPAYMENT**

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

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

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

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
10	7.16	2004	\$1710.02	M. Parisi
100.8	45	2006	794.77	CitiMortgage

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

**ROLL CALL:**

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

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**Ordinances: Introduction & Setting of Public Hearing Date for April 4, 2007**

**Ordinance O-05-06**

Mrs. Flannery read the title of the following Ordinance for introduction and setting of a public hearing date:

Mr. Urbanski stepped down for this matter.

Mr. Nolan offered the following Ordinance and moved on its introduction and setting of a Public Hearing Date for Wednesday, April 4, 2007 at 8:00 P.M. and authorized its publication according to law:

**ORDINANCE NO 07 -06**

**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,

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

**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**

**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

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

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  
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

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

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

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

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

**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

**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 hat 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**

BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007

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

"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."



BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007

“HEALTH AND FITNESS ESTABLISHMENTS – An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms, and lockers. This use will include athletic clubs.”

“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.”

“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

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

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.

**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.

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

- 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:

“2. Curbs and sidewalks.

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

**SECTION 15**

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

“3. Stormwater Management.

- a. Non-residential development. All streets shall be provided with sufficient catch basins, storm sewers, culverts, water detention basins and other appurtenances for the proper drainage of the area, with respect to existing and future conditions. All such facilities shall be constructed in accordance with this chapter or such other accepted engineering design practices as may be required by the Borough or Board Engineer, as applicable, where special circumstances so require.
- b. Residential development and all developments regulated by the Municipal Stormwater Regulations (N.J.A.C. 7:8). Stormwater management facilities in all residential developments shall be designed and constructed in accordance with Subchapter 7 (Stormwater Management) of N.J.S.A. 5:21 (Residential Site Improvement Standards), as amended.”

**SECTION 16**

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

“9. Sanitary sewers.

- a. Non-residential development.

Where a public sanitary sewer system is reasonably accessible and capacity available, each lot within a subdivision area shall be provided with sewage disposal facilities by the required extension of sewer mains and connections thereon, the costs thereof to be borne by the

developer. All such installation of sewer mains and connections shall be constructed in accordance with the applicable specifications and requirements of the Borough.

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

c. Residential development. Each lot within a subdivision or dwelling unit shall be provided with sewage disposal facilities by the required extension of sewer mains and connections thereon, the cost to be borne by the developer. All such installation of sewer mains and connections shall be constructed in the case of non-residential development in accordance with the applicable specifications of the Borough. In the case of residential development, all sanitary sewer

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

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:

“10. Water supply.

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

**SECTION 18**

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

“V. Stormwater drainage

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

**SECTION 19**

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

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

**SECTION 20**

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

“4. h. Parking Structures.

The location of any parking structures, if allowed, shall not be within four hundred (400) feet of the waterfront, as defined by the bulkhead or mean high water line. The architectural

design of the façade of a parking structure, if permitted, shall incorporate features to add visual interest and improve the overall appearance of the structure as viewed from the street. Such features may include articulated parapet walls, ornamental projections, varied planter widths and similar items. The structure should be compatible with the building(s) served and be compatible in appearance, size, and bulk with the surrounding structures. “

**SECTION 21**

Section 21-65N (Off-Street Parking) 4.a. is hereby amended and supplemented to add the following:

“Health and fitness establishments – one space per 200 square feet of gross floor area.”

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

**SECTION 22**

Section 21-69 (Zoning Districts) shall be amended and supplemented to delete the section in its entirety 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  
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 23**

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 2007, which map accompanies and is hereby declared to be part of this chapter.”

**SECTION 24**

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 25**

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

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

- 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.

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.

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

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
- 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 26**

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

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

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

3. Conditional Uses

- a. Home occupations
- b. Satellite dish antennas

4. Bulk and Area Requirements

a. Single family dwellings shall meet the requirements shown in schedule I.

b. Existing bungalow colonies shall meet the following requirements:

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

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

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

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

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

(d) Building height shall not exceed 20 feet.

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

B. R-2.02 Single Family Residential

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

1. Permitted Principal Uses

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

2. Permitted Accessory Uses

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



**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

3. Conditional Uses

- a. Home occupations
- b. Satellite dish antennas

4. Bulk and Area Requirements

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

C. R-2.03 Single Family Residential

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

1. Permitted Principal Uses

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

2. Permitted Accessory Uses

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

3. Conditional Uses

- a. Home occupations
- b. Satellite dish antennas

4. Bulk and Area Requirements

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

SECTION 27

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 28

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

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

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

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

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

**b. Design Guidelines**

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

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

**SECTION 29**

Section 21-90 (B-1 Neighborhood Business District) is hereby amended and supplemented to add the following to "1. Permitted Principal Uses":

"Health and fitness establishments; Athletic Clubs only on lots fronting on Route 36 in the Highway Oriented Business Zone District."

**SECTION 30**

§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**

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

(3) Contractor's office,

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

2. Permitted Accessory Uses.

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

3. Conditional Uses

Wireless communication facilities

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

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

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

**SECTION 31**

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

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

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

**SECTION 32**

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

“21-92.01

Highway Oriented Business

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

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

**SECTION 33**

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 34**

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.

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

**B. Permitted Principal Uses**

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

**C. Permitted Accessory Uses**

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

**D. Bulk and Area Requirements**

1. Minimum Tract size: Six (6) acres
2. Average setback from tract boundaries and all other right-of-way lines: Twenty (20) feet, but in no case shall the setback be less than fifteen feet (15).
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: Five (5) dwelling units
10. Maximum building length: One hundred fifty (150) feet
11. Maximum height: Two and one-half (2.5) habitable stories over the garage at grade level; thirty-five (35) feet.

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

12. A structure shall not have more than two (2) connected townhouse units on one (1) façade without providing a variation in setback of at least four (4) feet.
13. The spacing of residential buildings shall adhere to the following minimums:
  - a. End wall to end wall = Twenty-four (24) feet
  - b. End wall to window wall = Thirty (30) feet
  - c. Windowed wall to windowed wall:
    - i. Front to front: Seventy-five (75) feet
    - ii. Rear to rear: Fifty (50) feet
    - iii. End to end: Thirty (30) feet
  - d. Any building face to residential access street curb and municipal right-of-way: 20 feet.
  - e. Any building face to common parking area: 12 feet.
14. Minimum separation of non-residential structures from all other principal structures: 30 feet.
15. Any approval for development in the MXD Zone, which results in the retirement of the Mobile Home Park or the removal of any residents of the Mobile Home Park shall contain a condition that the applicant shall provide proof, to the satisfaction of the Board of Original Jurisdiction, that adequate private residential facilities and circumstances exist for the relocation of those mobile park residents consistent with the requirements of N.J.S.A. 46:8C-21. Although N.J.S.A. 46:8C-21 is invoked by an application for one or more variance(s), the requirements of N.J.S.A. 46:8C-21 shall apply to the aforementioned circumstances regardless of whether or not the application requires one or more variance(s). For purposes of this Ordinance, 'adequate private residential facilities and circumstances' shall share the definition of 'comparable housing or park site' as provided in N.J.S.A. 2A:18-61.7(a). An applicant must provide proof of compliance with Section 15 to the Board of Original Jurisdiction prior to obtaining Final Approval. This Section is not severable from the other provisions of the Ordinance and the zoning of the property to the MXD Zone is conditioned upon the above relocation provision.

**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.

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

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.
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.

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

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**

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.



**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

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

**SECTION 35**

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

"5. Reserved."

**SECTION 36**

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 37**

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 38**

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

" B. Reserved."

**SECTION 39**

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.

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

**SECTION 40**

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

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

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

**SECTION 41**

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 42**

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 43**

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 44**

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
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**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

- (b) Height: 10' maximum
- (c) Quantity: 1 maximum
- (d) Setback: 5' minimum

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

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

**SECTION 45**

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  
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**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

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
C. Site Plans	
1. Minor	\$250.00
2. Major	
a. Conceptual review	10% of the preliminary fee (to be applied to preliminary fee at time of preliminary submission)
b. Preliminary approval	\$1,000.00 plus \$50.00 per acre or part thereof and \$20.00 per 1,000 square foot of building
c. Final approval	floor area or part thereof; or \$20.00 per dwelling unit 50% of preliminary fee
3. Application for revised approval of site plan	\$100.00
D. Flood plain review – Residential	\$ 50.00
Non-residential	\$100.00
E. Conditional use applications	\$250.00
F. Individual plot plan review	\$300.00
G. Zone changes. Applications or requests to consider a change in the zoning ordinance made either to the Planning Board or the Borough Council shall be subject to the payment of a fee of \$250.00 plus an escrow deposit in the amount of \$2,000.00 in accordance with the provisions of Section 21-108 below.	
H. Zoning Permits	
1. Single or two family residential (new)	\$ 50.00
2. Other residential	\$100.00/unit
3. Residential renovations	\$ 10.00
4. Non-residential (new)	\$100.00
5. Non-residential renovations	\$ 25.00
I. Certificate of Continuing Occupancy	\$50.00
J. Smoke detector permit, per N.J.A.C. 5:18	\$35.00
K. Fence permit	\$15.00

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

L. Miscellaneous

- |  |  |
|--|--|
| 1. Copies of minutes                                     | At per page fee established by ordinance         |
| 2. Copy of verbatim transcript                           | At expense of requesting party                   |
| 3. Copy of decision                                      | No charge to applicant                           |
| 4. List of property owners within 200 feet               | \$10.00 or \$0.25 per name, whichever is greater |
| 5. Court reporter  | At expense of requesting party                   |
| 7. Certificate of Subdivision,<br>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  
REGULAR MEETING  
MARCH 21, 2007**

**SECTION 46**

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 47**

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  
REGULAR MEETING  
MARCH 21, 2007**

- 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.

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

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

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

[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 48**

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 49**

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 50. 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 51 Repealer.**

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

**SECTION 52. 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 Mayor O'Neil and introduced on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Miss Thomas, Mr. Caizza, Mayor O'Neil

**NAYES:** None

**ABSENT:** None



**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

**ABSTAIN:     None**

ATTACHMENT: APPENDIX A SIGNS GUIDELINES  
ATTACHMENT: APPENDIX B BUILDING HEIGHT ILLUSTRATION  
ATTACHMENT: Zoning Map  
ATTACHMENT: Schedule I

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**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

# **APPENDIX A**

# **SIGNAGE DESIGN GUIDELINES**

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**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

## **APPENDIX B**

# **BUILDING HEIGHT ILLUSTRATION**

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

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**Discussion on Clearwater Project**

Miss Thomas explained that the Borough received a letter stating that it's \$350.00 to have the Friends of Clearwater come to our schools and run a hands on program with the kids on Stormwater Management.

Mayor O'Neil suggested that the Borough first find out if the schools are interested in this program.

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**Payment of Bills**

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

**RECAP OF PAYMENT OF BILLS  
03/21/07**

<b>CURRENT:</b>		\$ 32,525.27
Payroll	(03/15/07)	\$ 120,125.11
Manual Checks		\$ 31,985.90
Voided Checks		\$
<b>SEWER ACCOUNT:</b>		\$ 6,715.65
Payroll	(03/15/07)	\$ 5,997.81
Manual Checks		\$ 167.07
Voided Checks		\$
<b>CAPITAL/GENERAL</b>		\$ 7,744.52
<b>CAPITAL-MANUAL CHECKS</b>		\$ 50,475.53
<b>WATER/CAPITAL</b>		\$
<b>TRUST FUND</b>		\$ 4,238.94
Payroll	(03/15/07)	\$ 1,340.00
Manual Checks		\$
Voided Checks		\$
<b>UNEMPLOYMENT ACCT-MANUALS</b>		\$
<b>DOG FUND</b>		\$ 89.40
<b>GRANT FUND</b>		\$
Payroll	(03/15/07)	\$
Manual Checks		\$
Voided Checks		\$
<b>DEVELOPER'S TRUST</b>		\$
Manual Checks		\$
Voided Checks		\$

**THE COMPLETE PAYMENT OF BILLS IS AVAILABLE IN**

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

**THE CLERK'S OFFICE FOR ANYONE THAT WISHES TO REVIEW THE LIST.**

Seconded by Mr. Nolan and approved for payment on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Nolan, Ms. Thomas, Mr. Caizza, Mr. Urbanski, Mayor O'Neil**

**NAYES: None**

**ABSENT: None**

**ABSTAIN: Ms. Thomas abstained on payment to In the Garden**

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**Resolution R-07-55**

**Resolution Appointing Member of the AHHRSA**

Mrs. Flannery read the title of the Resolution R-07-55.

Mayor O'Neil stated that the Council is not prepared at this time to adopt this Resolution.

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**Ordinances: Introduction and Setting of a Public Hearing Date**

**Ordinance O-07-05**

Mrs. Flannery read the title of the following Ordinance for introduction and setting of a public hearing date:

Mr. Nolan offered the following ordinance pass introduction, that a public hearing date be set for Wednesday, April 4, 2007 and publication according to law:

**O-07-05**

**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS PROVIDING FOR TEMPORARY PERMIT PARKING FOR RESIDENTS OF CERTAIN STREETS FOR DURING MUNICIPAL CONSTRUCTION PROJECT(S)**

**WHEREAS**, the Borough of Highlands will be commencing the Washington Avenue reconstruction project, anticipated to start in Summer 2007, which will affect parking in the vicinity of said construction.

**WHEREAS**, there has been a request that temporary permit parking be implemented on various streets in the vicinity of said project, which request has been reviewed by the Police Department and appropriate Borough Professionals and /or personnel; and

**WHEREAS**, it has been recommended that temporary permit parking along portions of Washington Avenue, Recreation Place, Cheerful Place, Marine Place be instituted while the project is under construction.

**NOW THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Highlands that temporary permit parking for residents only shall be permitted along the below described roadways shall be allowed for the duration of the Washington Avenue Reconstruction Project:

Washington Avenue	between Bay Avenue and Marine Place
Recreation Place	between Sea Drift Avenue and Huddy Avenue
Cheerful Place	between Sea Drift Avenue and Huddy Avenue
Marine Place	between Sea Drift Avenue and Washington Avenue

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

Huddy Avenue                      between Cheerful Place and Marine Place

- a.            Parking on the above named streets or portions of said streets shall be restricted at all times to vehicles of residents, their family members and guests displaying a proper permit or placard issued by the Borough Clerk pursuant to this Ordinance
  
- b.            These regulations shall remain in effect for the duration of the aforesaid construction project, but will in any event, expire no later than nine months from the effective date of this ordinance.

**BE IT FURTHER ORDAINED** that this ordinance shall take precedence over any conflicting portions of Chapter VII of the Revised General Code of the Borough of Highlands, entitled "Traffic" and more particularly Section 7-3.8 thereof, entitled, "Section 7-3.8 Permit Parking for Residents".

**BE IT FURTHER ORDAINED THAT** all other provisions of the aforesaid ordinances which are not expressly amended herein shall remain in full force and effect, except to the extent modified hereby.

**BE IT FURTHER ORDAINED THAT** this ordinance shall not take effect until:

- 1. Approval by NJDOT, if required by law.
- 2. Posting of proper signs as required by *NJSA 39:1-1 et seq.*
- 3. Publication upon adoption.

Seconded by Mr. Caizza and approved on the following roll call vote:

**ROLL CALL:**

**AYES:**            **Mr. Nolan, Ms. Thomas, Mr. Caizza, Mayor O'Neil**  
**NAYES:**          **None**  
**ABSENT:**        **None**  
**ABSTAIN:**       **None**

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**Ordinances: Public Hearing and Adoption**

**Ordinance O-07-04**

Mrs. Flannery read the title of Ordinance O-07-04 for the second reading and public hearing and stated that this ordinance was published in the March 8<sup>th</sup> edition of the Courier.

Mayor O'Neil opened the public hearing on this matter and asked the public if they had any questions or comments but there were none.

Mayor O'Neil closed the public hearing on Bond Ordinance O-07-04.

Mrs. Flannery read the title of Ordinance O-07-04 for final reading and adoption.

Mr. Nolan offered the following Bond Ordinance and moved on its adoption and authorized its publication according to law:

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

**O-07-04**

**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$245,000 FOR VARIOUS IMPROVEMENTS TO COMMUNITY CENTER PARK AND PLAYGROUND FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$177,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.**

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

**SECTION 1:**

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Highlands, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$245,000, such sum includes the sum of (a) \$58,000 expected to be received from the County of Monmouth and (b) \$9,500 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

**SECTION 2:**

In order to finance the cost of the Improvements, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$177,500 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$177,500 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

**SECTION 3:**

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

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Various improvements to Community Center Park and Playground located at 22 Snug Harbor Avenue, including all work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereof on file in the office of the Borough Clerk.	\$245,000	\$177,500	15 Years

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
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(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$177,500.

(c) The estimated cost of the Improvements is \$245,000 which amount represents the initial appropriation made by the Borough. The excess of the appropriations made for the Improvements over the grant expected to be received and the estimated maximum amount of Bonds or Notes authorized to be issued therefor as stated above is the amount of the Down Payment.

**SECTION 4:**

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial

Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

**SECTION 5:**

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

**SECTION 6:**

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

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

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough,



**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$177,500 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

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

SECTION 8:

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

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$177,500.

SECTION 10:

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

Seconded by Mr. Caizza and adopted on the following roll call vote:

**ROLLCALL:**

**AYES: Mr. Nolan, Miss Thomas, Mr. Caizza, Mr. Urbanski, Mayor O'Neil**

**NAYES: None**

**ABSENT: None**

**ABSTAIN: None**

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**Other Business:**

**Engineer Status Report**

Robert Bucco, P.E., Borough Engineer stated the following:

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

1. Community Center Improvements – they are basically done, there are only a few items that are still remaining.
2. Community Center Playground – we just adopted the bond ordinance and the plans have been approved by the Governing Body and they are ready to advertise for bids.
3. Fire House – they have painted the floors and tiled the offices, its almost there. There are a few items to do and once the whether breaks then they can complete the site work.
4. NJDEP Stormwater Regulations – we just recently sent the Borough a reminder that there are some items that need to be accomplished before the State will refund the balance of the grant. DEP was here on March 9<sup>th</sup> to do an inspection and found that Borough wasn't in compliance with the rules and regulations. The most critical item of the borough is that they have to start labeling the catch basins in the borough and have 50% done by April 1<sup>st</sup>.  
Mrs. Flannery – the items were ordered for the labeling of the catch basins.
5. S. Bay Ave Pump Station – a reputable contractor has provided a price to replace the control panel but the borough needs to solicit three quotes before we can get the work done.
6. Valley Ave Emergency Sewer Repair – you just authorized a Geo Technical Engineer to provide the plans and specs so that the slope can be property stabilized.  
Mayor O'Neil stated that Geo Technical Engineer has to look at Mrs. Armstrong's house because that has to get done.

7. Sanitary Sewer Repair on Bay & Jackson Street – the contract was awarded to Star of the Sea and he has completed that work but because it's a County Road its required that we do final paving which he further described.
8. Valley Street Pump Station – the project was awarded to EDC Electric Contractors and the pump is on site and the contractor has mobilized and started repairs to the wet well and it's scheduled to be completed in mid April.
9. 2006 Road Program – was awarded to A. Montone Construction and a preconstruction meeting was recently held and construction is supposed to start in early April.
10. Basin 8 Sanitary Sewer Rehabilitation Project – we have been authorized by the Governing Body to design the repairs and improvements and the design is complete and we have been requested to incorporate the repairs of the intersection of Route 36 and Waterwitch and we are researching video footage of that area may need to TV it.
11. Basin 2 Sanitary Sewer Project – we have been asked by the Mayor to prepare a proposal to investigate those conditions of the sanitary sewer in that basin and to identify the repairs.
12. NJDOT Applications – the Borough was awarded \$148,000 from DOT for the reconstruction of Washington Avenue Phase 2.  
Mayor O'Neil – you and I met last week and we spoke about the start up date and the end date for the first Phase and its to start no later than April 1<sup>st</sup> and the end date no later than Memorial Day, then we are going to lay over until after the summer and start back up.
13. Rural Development Program – that is commonly known as The Farmers Home Administrators Grant Program, we are looking into getting possible for the Sanitary Sewer Basin Project.
14. AHHRSA – we have submitted the five year plan as required for funding purposes.

**Electrical Upgrades at Public Parks**

Miss Thomas stated that she and an Electrician went around to the parks and she has an estimate done to get the work completed in our parks. There is a quote for Gertrude Ederly Park and for the Cornwall Street Park which she further described. The total for Gertrude Park is \$9,055.00 and the total for Cornwall Park is \$6,250.00. She also spoke about getting the flags lit at Veterans Park.

The Governing Body discussed the park upgrades.

Mr. Bucco stated that last year T & M provided a report on Gertrude Ederly Park which he described. He also advised the Council to obtain three price quotes not just one.

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

**Approval of Minutes**

Mayor O'Neil offered a motion to approve the November 1, 2006, December 6, 2006, December 20, 2006, January 3, 2007 and the January 10, 2007 minutes, seconded by Mr. Urbanski and all were infavor except for the following abstentions:

Miss Thomas abstained on the November 1, 2006 and the January 10, 2007 minutes.

Mr. Nolan abstained on the December 20, 2006 and the January 10, 2007 minutes.

-----**PUBLIC**

**PORTION:**

9:59 P.M.

Carol Bucco of 330 Shore Drive – stated that Bayview Condo just recently had a condo meeting and they want to know where the bulk should be placed for the condo residents.

Mr. Urbanski stated that he will get back to her by tomorrow with an answer.

Fran Benson of South Bay Avenue – questioned a possible enclosure for the new South Bay Avenue Pump.

Mayor O'Neil stated that it's for the box where the controls are.

Fran Benson of South Bay Ave questioned the status of the Highlands Bridge project.

Ms. Thomas stated that things have gone on with the Bridge Project but she can't discuss it. As far as the going out to bid for the project that really hasn't gone on. The current bridge plans are available for viewing at the Borough Hall. The Council is working to get things done on this matter which she further explained.

Mr. Urbanski stated that the Borough will contact NJDOT and request that they come to the Borough and give us their position on the bridge project.

Roberta McEntee of 55 Fifth Street questioned the monuments at Veterans Park and wanted to know when the project would be started there.

Ms. Thomas explained that it's been a year since the Resolution was adopted for them to stay at Veteran Park and she has been a part of many meetings for design plans and they have a model plan and it will soon be available for public view within the next few months.

Roberta McEntee questioned where the bricks are going on the fire house that the people purchased.

Mr. Caizza explained that the bricks will be placed on the front of the building by the front door.

Chris Francy of 36 Fifth Street wanted to know the number of days of liquidated damage that we can expect with regard to the fire house project.

Mayor O'Neil – no, we do not know at this point.

Mr. Bucco stated that after the project is completed then we will talk about the liquidated damages.

Paul Mazzella of 330 Shore Drive stated that he funded the opposition to the application to build a fitness center on Hwy 36 at the Stewarts Root beer property and he did win the appeal to overturn the applicants Zoning Board approval and he is now aware that the proposed zoning ordinance amendments have been crafted specifically for this property to allow for this use. He does not have

**BOROUGH OF HIGHLANDS  
MAYOR AND COUNCIL  
REGULAR MEETING  
MARCH 21, 2007**

a problem with the use but it's the size of the use that is the problem which he further explained. The reason that he believes that this is bad for the town is because of the oversized use and the parking shortage are what concerns him which he further explained. He then questioned the proposed allowed parking for the proposed fitness use.

Mr. Bucco explained how the Planner came up with a parking amount.

Paul Mazzella stated that he will take up litigation on this matter as far as he can.

There were no further questions or comments from the public.

Mayor O'Neil offered a motion to adjourn the meeting.

The Meeting adjourned at 10:16 P.M.

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**CAROLYN CUMMINS, DEPUTY CLERK**