

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

**RESOLUTION  
BOROUGH OF HIGHLANDS PLANNING BOARD  
FINDINGS OF REVIEW OF ORDINANCE O-07-06  
ZONING ORDINANCE AMMENDMENTS**

**WHEREAS**, the Mayor and Council of the Borough of Highlands authorized the Planning Board to undertake a review of proposed Borough Ordinance O-07-06, which Ordinance will amend the Borough Zoning Ordinance; and

**WHEREAS**, the Municipal Land Use Act, NJSA 40:55D-26 & 64, requires that the Planning Board prepare and transmit a report back to the Governing Body; and

**WHEREAS**, said statute does further require that the report of the Planning Board shall include an identification of any provision or provisions set forth in the proposed ordinance amendment which is or are inconsistent with the Borough Master Plan and contain recommendations concerning those inconsistencies and any other matters as the Board deems appropriate; and

**WHEREAS**, the Board conducted a review of the proposed amendment on March 22, 2007; and

**WHEREAS**, the Board received comments from Board members, the Board Engineer and Attorney and various members of the public.

**NOW, THEREFORE BE IT RESOLVED**, by the Planning Board of the Borough of Highlands that it hereby adopts the findings of the Board set forth below:

1. The Board recommends that Section 34, pertaining to applicant compliance with N.J.S.A. 48:8C-21, located at pages 24 and 25 of the proposed ordinance be clarified to the effect that any approval granted to an applicant be conditioned upon compliance with the foregoing Statute and that proof of compliance be supplied to the Board granting the approval.

The language currently used seems to be overly broad and possibly lead one to the conclusion that the municipal Board will be the entity that will decide if an applicant has complied with the relocation Statute. A Municipal Board should not be put in a position of having to conduct a compliance hearing and interpret and/or apply relocation Statute.

2. The Board recommends the proposed 50 foot front yard setbacks of the Highway Oriented Business Zone be reviewed with consideration that all lots in this zone are thru-lots and have two front yards and no rear yards. The front yard setbacks should be established to accommodate vehicular circulation and parking; and be in keeping with the present setbacks for existing structures where practical.

**BE IT FURTHER RESOLVED** that the Board hereby directs its Secretary to transmit said findings to the Clerk of the Borough of Highlands pursuant to the Statute first mentioned above forthwith for consideration by the Mayor and Council of the Borough of Highlands.

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

**ROLL CALL:**

**AYES:** Mr. Mullen, Mr. Bahrs, Mr. Nolan, Mr. Stockton, Mr. Harrison

**NAYES:** None

**ABSTAIN:** None

**DATE:** March 22, 2007

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**CAROLYN CUMMINS, BOARD SECRETARY**

I hereby certify this to be a true copy of the Resolution adopted by the Borough of Highlands Planning Board on March 22, 2007.

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**BOARD SECRETARY**