

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

**RESOLUTION  
BOROUGH OF HIGHLANDS PLANNING BOARD**

**WHEREAS**, the Mayor and Council of the Borough of Highlands authorized the Planning Board by resolution to undertake a review of proposed Borough Ordinance O—09-23, which Ordinance will amend Ordinance O-99-11, which is set forth in the Borough Zoning Ordinance at Chapter 21-109 et seq.; 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 October 8, 2009; 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 respectfully recommends that prior to the adoption of the above mentioned Ordinance, the Mayor and Council review section 21-123 of the proposed Ordinance which is entitled “Variance Procedure” in conjunction with the powers granted to a Planning Board pursuant to the Municipal Land Use Act, NJSA 40:55D-1 et seq. and especially sections 25, 26, 60 and 70. The Board also requests that the Mayor and Council review the applicability of section 17 of the Act which governs the type of matters that may be appealed to the governing body from a municipal agency; and

**BE IT FURTHER RESOLVED** that the Board hereby directs its Secretary to transmit this resolution 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. Schoellner and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Manrodt, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Schoellner,  
Mr. Francy, Mr. Parla, Ms Peterson

**NAYES:** None

**ABSTAIN:** None

**DATE:** October 8, 2009

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**CAROLYN CUMMINS, Board Secretary**

I certify this to be a true copy of a Resolution adopted by the Borough of Highlands  
Planning Board on October 8, 2009.

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**BOARD SECRETARY**