

Mayor Nolan offered the following Resolution and moved its adoption:

**RESOLUTION
BOROUGH OF HIGHLANDS PLANNING BOARD
FINDINGS OF REVIEW OF ORDINANCE O-12-10
ZONING ORDINANCE AMENDMENTS**

WHEREAS, the Mayor and Council of the Borough of Highlands authorized the Planning Board to undertake a review of proposed Borough Ordinance O-12-10, 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 prepared 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 8, 2012; 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 Ordinance 0-12-10 is **inconsistent** with the Land Use and other elements of the Highlands Borough Master Plan and the Ordinance **does not** advance the purposes of planning and zoning and advances the planning objectives of the Highlands Borough Master Plan.

BE IT FURTHER RESOLVED that in addition to the foregoing the Board does hereby make the following findings and recommendations to the Mayor and Council:

1. Expansion of the MXD Zone into the R 1.03 and WC Zones is inconsistent with the Master Plan.
2. Section 2, 21-74 entitled Prohibited Uses- The Board recommends that Taxi/Livery companies be permitted as conditional uses with appropriate standards to be applied to said uses by the Borough (Board) Planner.
3. Section 3 d- Omit the term “shall” from the last line and insert the term “may”.
4. Section 4, 3a- Omit this section in its entirety.
5. Sec 4, 3c- Omit this section in its entirety. Additionally review the Section B-1 overlay standards for application to this item.
6. Section 5, 3a- Omit this section in its entirety.

7. Section 5, 3c- Omit this section in its entirety. Additionally review the Section B-2 overlay standards for application to this item.
8. Section 7- Omit the term “shall” from the last line and insert the term “may”.
9. Section 8 B-2a- Omit the term “excluding” and insert the term “including”.
10. Section 8 B-3- The Board recommends that the Planner craft language that will make this section consistent with other applicable sections that limit this permitted use to existing locations.
11. Section 8 B-4- The Board recommends that the maximum permitted height be limited to 47 feet.
12. Section 9- The entire section should be consistent with the B-1 and B-2 zone provisions that permit residences above the first floor of a structure. A review and clarification of this section by the Planner is also recommended.

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. Parla and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Mullen, Mr. Parla, Ms. Peterson, Mayor Nolan, Mr. Redmond, Mr. Hill,
Mr. Gallagher

NAYES: None

ABSTAIN: None

DATE: March 8, 2012.

CAROLYN CUMMINS, BOARD SECRETARY

I hereby certify this to be a true copy of the Resolution adopted by the Borough of Highlands Planning Board at a meeting held on March 8, 2012.

BOARD SECRETARY