

Mayor Nolan offered the following Resolution and moved its adoption:

**RESOLUTION  
BOROUGH OF HIGHLANDS PLANNING BOARD  
FINDINGS OF REVIEW OF ORDINANCE O-13-5, AMENDING AND  
SUPPLEMENTING CHAPTER 21 OF THE ZONING AND LAND USE ORDINANCES  
OF THE BOROUGH OF HIGHLANDS**

**WHEREAS**, the Mayor and Council of the Borough of Highlands authorized the Planning Board to undertake a review of proposed Borough Ordinance O-13-5, which Ordinance will amend the Borough Land Use and Zoning Ordinances; 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 amendments that is or are inconsistent with the Borough Master Plan and contain recommendations concerning those inconsistencies and any other matters the Board deems appropriate; and

**WHEREAS**, the Board conducted a review of the proposed amendments on April 11, 2013; 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 0-13-5 is consistent with the Land Use and other elements of the Highlands Borough Master Plan and the Ordinance does 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 hereby makes the following recommendations to the Mayor and Council:

1. The definition of "Grade Plane", page 2, number 2, should have added at the end after the phrase, "Flood Hazard Area", the phrase, "plus one (1) foot."
2. Wherever the terms "substantial improvement" and "substantially improved" are used in Sections 8 and 9 (on pages 7 and 8), those terms should be defined as "the costs of repairs equaling 50% or more of the market value of the structure as determined by the Flood Plain Administrator". It is recommended that this definition be set forth in the definitions in Section 1 of the ordinance.

3. At page 7, Section 9, item A.2, it is recommended that the letter “O” be omitted from the reference to the “AO” zone.
4. At page 7, Section 9, item A.2, it is recommended that the words “either” and “including basement” be omitted from the third line.
5. At page 7, Section 9, item A.2, it is recommended that the phrase “the depth number specified in feet” be omitted from line 4 and in its place add the phrase “the highest adjacent grade”.
6. At page 7, Section 9, item A.2, it is recommended that the word “depth” be omitted from the fifth line and the word “grade” be added in its place.
7. At page 8, Section 11, item B.1, it is recommended that the phrase “Flood Hazard Area design flood elevation” be added after the word “elevation” in the fifth line.
8. At page 8, Section 11, item B.1, it is recommended that the phrase “provided that the finished floor is at least one foot above” be added after the word “restrictive” in the sixth line.
9. At page 8, Section 11, item B.1, it is recommended that the last sentence of that section that is typed in bold face type and underlined be eliminated.

**BE IT FURTHER RESOLVED** that the Board hereby directs the Board 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. Gallagher and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Ms. Peterson, Mayor Nolan, Mr. Gallagher, Mr. Hill, Mr. Colby  
Mr. Stockton  
**NAYES:** None  
**ABSTAIN:** None

**DATE:** April 11, 2013.

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Carolyn Cummins, Board Secretary