

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

**RESOLUTION  
BOROUGH OF HIGHLANDS PLANNING BOARD  
FINDINGS OF REVIEW OF ORDINANCE O-13-16  
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-13-16, 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 July 11 and August 8, 2013; and

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

**NOW, THEREFORE BE IT RESOLVED**, by the Planning Board of the Borough of Highlands that the proposed inclusion of High Rise Multi-family dwellings as a Conditionally Permitted Use in the MH Zone and the proposed density set forth in Ordinance 0-13-16 are inconsistent with the Land Use element of the Highlands Borough Master Plan.

**BE IT FURTHER RESOLVED** that in addition to the foregoing the Board hereby makes the followings and recommendations to the Mayor and Council:

1. The ordinance should address the steep slope and slump block issues in order to protect contiguous property owners. It is recommended that a setback provision be added to the ordinance that will protect the “ridge line” and steep slope areas with adequate buffering. It is further recommended that the Governing Body create a sliding scale setback based on the height of any proposed structure that will address the aforementioned issues.
2. The Board recommends that the reference to the amount of stories (10), for any proposed structure be stated as a maximum, not a minimum.

3. The Board recommends that SECTION TWO, M. 10, a, be amended to state that the maximum building height of 120 feet include, not exclude the height of any attached parking structure.
4. The Board finds that the proposed ordinance is consistent with some of the provisions of the Borough Master Plan.
5. The Board finds that the proposed amendment that will permit high rise multi-family dwellings and structured parking facilities as an accessory or appurtenant use thereto as a Conditional Use is not “spot zoning” because that use is consistent with the Eastpointe high rise condominium project that is also located in that area. Additionally, the proposed use will be a substantial benefit to the entire Borough that will increase tax ratables and the area is not in a flood zone.
6. The Board finds that the Borough Master Plan should be reviewed and revised to account for the state of the Borough and its future in light of the post Sandy condition of the Borough. Future development in the Borough should take into consideration the current condition of the Borough.
7. The Board also finds that the increase in the dwelling or unit density is consistent with the density of the Eastpointe project.
8. The Board recommends that the area containing the Eastpointe project be rezoned or included in the same area as that contained in the proposed Ordinance amendments so that it will a permitted use in the zone.
9. The Board also finds that the residents in any new development in the zone will help support the Borough economy and will also help to partially off-set the displaced or loss of residents in the Borough flood zone.

**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. Colby and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Gallagher, Mr. Hill, Mr. Redmond, Mr. Colby, Mr. Britton,  
Mr. Stockton, Mr. Danzeisen

**NAYES:** None

**ABSTAIN:** None

**DATE:** August 8, 2013.

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**CAROLYN CUMMINS, BOARD SECRETARY**