



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-239

RESOLUTION SETTING FORTH REASONS FOR ADOPTING ORDINANCE NUMBER O-18-21 NOTWITHSTANDING THE LAND USE BOARD'S REPORT OF INCONSISTENCY WITH THE MASTER PLAN

WHEREAS, the Borough of Highlands adopted on first reading Ordinance O-18-21 ("the Ordinance") which set forth an expiration for variances unless certain conditions were met; and

WHEREAS, the provisions contained in Ordinance O-18-21 were previously contained in Borough Code Section 21-53, and are in fact identical to those which were contained in Borough Code Section 21-53, which was eliminated as a result of the adoption of Ordinance O-16-1, which combined the functions of the Zoning Board of Adjustment and Planning Board into the Land Use Board; and

WHEREAS, the Ordinance was referred to the Borough of Highlands Land Use Board pursuant to N.J.S.A. 40:55D-26(a) for a Consistency Report; and

WHEREAS, notwithstanding the fact that the Ordinance which was referred to the Land Use Board was identical to Borough Code Section 21-53, the Land Use Board issued a consistency report indicating that the proposed Development Regulation is inconsistent with the Master Plan of the Municipality; and

WHEREAS, as a result of the Consistency Report which was issued by the Borough's Land Use Board on November 1, 2018, the Board determined that the inconsistent provisions were as follows:

- The Board has concerns with the number of years, the validity of any variance approval expiring and the level of activity on the property affecting loss of the approval.
- The Board recommends adjusting limitations for commercial and residential properties; and

WHEREAS, the governing body of the Borough of Highlands in considering the adoption of Ordinance O-18-21, reviewed the report of the Land Use Board, dated November 1, 2018, and disapproves of the said report and rejects the recommendations contained therein.

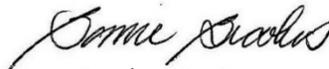
NOW THEREFORE BE IT RESOLVED, by the Council of the Borough Highlands that it is of the opinion that Ordinance O-18-21 should be adopted, insofar as the Consistency Report fails to provide detailed guidance with respect to the purported inconsistencies with the Master Plan of the Municipality, and due to the fact that the said Ordinance is identical to the terms that were contained in Borough Code Section 21-53 which was eliminated as a result of the adoption of Ordinance O-16-01, which combined the functions of the Zoning Board of Adjustment and Planning Board into the Land Use Board.

BE IT FURTHER RESOLVED, that a copy of this Resolution certified by the Borough Clerk to be a true copy be forwarded to the Monmouth County Planning Board when filing a copy of Ordinance No. O-18-21.

Motion to Approve Resolution 18-239:

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON	X		X			
D'ARRIGO			X			
RYAN		X	X			
O'NEIL			X			

I, Bonnie Brookes, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held December 5th 2018. WITNESS my hand this 6th day of December 2018.



Bonnie Brookes, RMC
Municipal Clerk