

Mayor Nolan offered the following Resolution and moved on its adoption:

**R-13-203**

**Resolution Acknowledging Recommendations of the Planning Board Concerning O-13-25**

WHEREAS, on July 3, 2013, the Borough introduced Ordinance 13-16, which, among other things, amended height and density restrictions within the MH zone; and

WHEREAS, that Ordinance was scheduled for a public hearing on August 21, 2013; and

WHEREAS, pursuant to N.J.S.A. 40A:55D-64, the Ordinance was referred to the Planning Board for review and recommendation; and

WHEREAS, the Planning Board requested an extension of time from the restrictions contained in N.J.S.A. 40A:55D-26 to consider the Ordinance, which, the governing body, by Resolution adopted on July 17, 2013, granted that request; and

WHEREAS, by Resolution adopted on August 8, 2013, the Planning Board reported to the governing body concerning O-13-16; and

WHEREAS, at its meeting on August 21, 2013, the governing body accepted and reviewed the comments of the Planning Board and conducted a public hearing on O-13-16 and voted to postpone third and final reading of the Ordinance until its meeting on September 4, 2013; and

WHEREAS, at its meeting on September 4, 2013, the governing body introduced O-13-25, which was a substantial revision to O-13-16 and which incorporated the recommendations of the Planning Board; and

WHEREAS, in accordance with the Municipal Land Use Law ("MLUL"), because O-13-25 contained substantial revisions to O-13-16, the governing body referred O-13-25 to the Planning Board for a recommendation and report; and

WHEREAS, the Planning Board considered O-13-25 at its meeting on September 12, 2013, and adopted a resolution finding the following:

a. The Board finds that the proposed amendments are consistent with the Borough Master Plan.

b. The Board requests that the Governing Body clarify and limit the maximum height of any structure within the Zone to 120 feet (10 stories) whether or not said structure includes any parking or accessory structure within the residential structure.

c. Since proposed Ordinance 0-13-25 is basically the same as Ordinance 0-13-16, previously reviewed by this Board on August 8, 2013, with the exception of the two issues presented above, this Board recommends that the record from both hearings of this Board be considered by the Mayor and Council when reviewing these recommendations.

d. The prior Resolution adopted by this Board for the review of Ordinance 0-13-16 is hereby adopted in full as part of this Resolution and is annexed hereto and made a part hereof. This Board hereby requests that the Mayor and Council consider both resolutions when reviewing the actions of this Board on the proposed amendments; and

WHEREAS, at its meeting on September 18, 2013, the governing body received and reviewed the report of the Planning Board concerning O-13-25, adopted on September 12, 2013.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands as follows:

1. The governing body acknowledges receipt and review of the report and recommendation of the Planning Board concerning O-13-16 and O-13-25;

2. The governing body has and shall consider the Board's review of O-13-16 and O-13-25, as comprising the record for O-13-25;

3. The governing body's findings contained in the precatory phrases in O-13-25 clarify that the intent and application of the Ordinance is to prohibit any structure in excess of 120 feet, including residential structures above parking structures. In other words, O-13-25, as written, would prohibit construction of a structure exceeding 120 feet above grade regardless of whether the residential structure is above the parking structure. Thus, no revision to O-13-25 is necessary; and

4. For the aforementioned reasons, the governing body finds that no revisions of O-13-25 are necessary and the governing body may consider the Ordinance for final reading and consideration as introduced and adopted at first reading.

Seconded by Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**DATE:** September 18, 2013

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**Carolyn Cummins, Borough Clerk**

