



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **LAND USE BOARD RESOLUTION 2023-11**

**MEMORIALIZATION CONSISTENCY DETERMINATION FOR ORDINANCE NO. O-23-08  
ADDING CHAPTER 21, SECTION 21-65.19A "SOLAR ENERGY" OF THE BOROUGH OF HIGHLANDS  
MUNICIPAL CODE**

**Decided: April 13, 2023  
Memorialized: May 11, 2023**

### **MATTER OF CONSISTENCY DETERMINATION FOR ORDINANCE NO. O-23-08**

**WHEREAS**, under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-26a, prior to the adoption of a Development Regulation, revision or amendment thereto, the Land Use Board, shall make and transmit to the Governing Body, within 35 days after referral, a report including identification of any provisions of the proposed development regulation, revision or amendment which are inconsistent with the Master Plan and Recommendations concerning these inconsistencies and any other matters as the Board deems appropriate; and

**WHEREAS**, the Borough of Highlands Governing Body introduced Ordinance No. O-23-08 entitled "Ordinance Adding Chapter 21, Section 21-65.19A 'Solar Energy' of the Borough of Highlands Municipal Code" and;

**WHEREAS**, the Mayor and Council of the Borough of Highlands referred this matter to the Land Use Board under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-26a; and

**WHEREAS**, the Land Use Board has considered this matter at a duly-noticed, in-person, public meeting conducted on April 13, 2023; and

**NOW, THEREFORE,** the Highlands Land Use Board having reviewed Ordinance No. O-23-08 makes the following findings of fact and conclusions of law in regard to the proposed amendments to the Code of the Borough of Highlands in connection therewith:

1. Ordinance No. O-23-08 adds Section 21-65.19A of the Code of the Borough of Highlands to provide a regulatory framework for the construction of solar energy systems within the Borough to promote the public health, safety, and welfare of the Borough's citizens, while also maintaining the character of the Borough.

2. The Board's Professional Engineer and Mayor Broullon provided an overview of the Ordinance and recommended that it is substantially consistent with the Master Plan.

3. The Land Use Board finds that the adoption of Ordinance No. O-23-08 is substantially consistent with the comprehensive goals set forth in the Master Plan.

6. The Land Use Board finds that adoption of Ordinance No. O-23-08 is substantially consistent with the comprehensive goals, land use goals, and economic development goals as set forth in the Master Plan or is designed to effectuate such plan elements for the reasons expressed on the record as well as the reasons expressed by its Professional Engineer and Mayor Broullon.

**NOW, THEREFORE, BE IT RESOLVED, BY** the Highlands Land Use Board that Ordinance No. O-23-08 entitled "Ordinance Adding Chapter 21, Section 21-65.19A 'Solar Energy' of the Borough of Highlands Municipal Code" has been determined by the Land Use Board to be substantially consistent with the comprehensive goals, land use goals and economic development goals in the Master Plan or as designed to effectuate such plan elements for the Borough of Highlands.

**BE IT FURTHER RESOLVED** that the Land Use Board Secretary is hereby directed to transmit a copy of this Resolution to the Mayor and Borough Council. This Resolution shall serve as the report to the governing body pursuant to N.J.S.A. 40:55D-26a of the Municipal Land Use Law.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

ON MOTION OF: Mr. Kutosh

SECONDED BY: Chair Knox

ROLL CALL:

YES: Mr. Kutosh, Ms. LaRussa, Mr. Zill, Mr. Cody, Dr. Petersen, Vice Chair Tierney, Chair Knox

NO: None

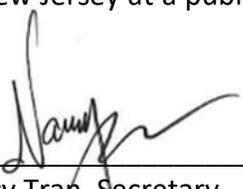
RECUSED: None

INELIGIBLE: Chief Burton, Ms. Chang

ABSENT: Mayor Broullon, Mr. Montecalvo, Councilmember Olszewski, Mr. Cramer

DATED: May 11, 2023

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Highlands Land Use Board, Monmouth County, New Jersey at a public meeting held on May 11, 2023.

  
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Nancy Tran, Secretary  
Borough of Highlands Land Use Board