BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2024-13

MEMORIALIZATION OF CONSISTENCY DETERMINATON FOR ORDINANCE NO. O-24-04 AMENDING CHAPTER 22 (ENVIRONMENTAL PROTECTION) SECTIONS 22-1.2 (PURPOSE), 22-1.3 (DEFINITIONS AND WORD USAGE), 22-1.7 (REVIEW OF APPLICATIONS), ADDING SECTION 22-1.8 (TREE REPLACEMENT REQUIREMENTS) AND APPENDIX A (BOROUGH OF HIGHLANDS SUGGESTED TREES AND SHRUBS) AND RENUMBERING THE REMAINING SECTIONS OF THE BOROUGH CODE OF THE BOROUGH OF HIGHLANDS

Decided: April 11, 2024
Memorialized: May 9, 2024

MATTER OF CONSISTENCY DETERMINATION FOR ORDINANCE NO. O-24-04

WHEREAS, under N.J.S.A. 40:55D-26a of the Municipal Land Use Law (the "MLUL"), 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 ordinance which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Board deems appropriate; and

WHEREAS, on March 20, 2024, the Borough of Highlands Governing Body introduced Ordinance No. O-24-04 entitled "Amending Chapter 22 (Environmental Protection) Sections 22-1.2 (Purpose), 22-1.3 (Definitions and Word Usage), 22-1.7 (Review of Applications), Adding New Section 22-1.8 (Tree Replacement Requirements) and Appendix A (Borough of Highlands Suggested Trees and Shrubs) and Renumbering the Remaining Sections"; and

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

WHEREAS, on April 11, 2024, the Land Use Board considered this matter at a duly-noticed in-person public meeting; and

NOW, THEREFORE, by the Borough of Highlands Land Use Board, having reviewed Ordinance No. O-24-04, memorializes the following findings of fact and conclusions of law in regard to the proposed revisions to the Code of the Borough of Highlands:

1. Ordinance No. O-24-04 amends Chapter 22 (Environmental Protection) Sections 22-1.2 (Purpose), 22-1.3 (Definitions and Word Usage), 22-1.7 (Review of Applications), Adding New Section 22-1.8 (Tree Replacement Requirements) and Appendix A (Borough of Highlands Suggested Trees and Shrubs) and Renumbering the Remaining Sections of the Code of the Borough.

2. The purpose of the proposed Ordinance is to adopt the current regulations issued by the New Jersey Department of Environmental Protection ("NJDEP") regarding tree replacement.

3. The Land Use Board finds that adoption of Ordinance No. O-24-04 is substantially consistent with the comprehensive land use goals, and economic development goals as set forth in the Master Plan or is designed to effectuate such plan elements.

4. The Land Use Board concludes that the adoption of Ordinance No. O-24-04 is substantially consistent with the comprehensive goals set forth in the Master Plan and has no comments or recommendations.

NOW THEREFORE, BE IT RESOLVED, by the Highlands Land Use Board that Ordinance No. O-24-04 entitled "Amending Chapter 22 (Environmental Protection) Sections 22-1.2 (Purpose), 22-1.3 (Definitions and Word Usage), 22-1.7 (Review of Applications), Adding New Section 22-1.8 (Tree Replacement Requirements) and Appendix A (Borough of Highlands Suggested Trees and Shrubs) and Renumbering the Remaining Sections" has been determined by the Land Use Board to be substantially consistent with the comprehensive land use goals and economic development goals in the Master Plan and is 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: Chief Burton
SECONDED BY: Mr. Kutosh
ROLL CALL:
AYES: Mayor Broullon, Chief Burton, Mr. Kutosh, Mr. Zill, Mr. Cody, Ms. Vickery, Acting Chair Tierney
NAYS: None
ABSTAIN: None
INELIGIBLE: Ms. LaRussa
ABSENT: Mr. Montecalvo, Councilmember Olszewski, Chair Knox, Ms. Chang, Mr. Cramer

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 9, 2024.

_____
Nancy Tran, Secretary
Borough of Highlands Land Use Board