



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2022-13

MEMORIALIZATION CONSISTENCY DETERMINATION FOR ORDINANCE NO. 22-11 REPEALING CHAPTER 21 (ZONING AND LAND USE REGULATIONS), PART VII (FLOOD DAMAGE PREVENTION), ARTICLE XXIV (FLOOD DAMAGE PREVENTION), SECTIONS 21-109 THROUGH 21-127 AND REPLACING IT WITH A NEW ARTICLE XXIV (FLOODPLAIN MANAGEMENT REGULATIONS) TO ADOPT FLOOD HAZARD MAPS AND TO DESIGNATE A FLOODPLAIN ADMINISTRATOR

Decided: May 26, 2022
Memorialized: June 9, 2022

MATTER OF CONSISTENCY DETERMINATION FOR ORDINANCE NO. 22-11

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. 22-11 entitled "Ordinance Repealing Chapter 21 (Zoning and Land Use Regulations), Part VII (Flood Damage Prevention), Article XXIV (Flood Damage Prevention), Sections 21-109 through 21-127 and Replacing it with a New Article XXIV (Flood Plain Management Regulations) to Adopt Flood Hazard Maps and to Designate a Flood Plain Administrator" 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 special, public meeting conducted on May 26, 2022 virtually via the Zoom platform; and

NOW, THEREFORE, the Highlands Land Use Board having reviewed Ordinance No. 22-11 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. 22-11 amends Chapter 21 to be consistent with New Jersey flood hazard area rules and regulations promulgated by the New Jersey Department of Environmental Protection (NJDEP) concerning the development and use of land in the flood fringe areas.

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 and conforms to the flood hazard area rules and regulations promulgated by the NJDEP.

3. The Land Use Board finds that the adoption of Ordinance No. 22-11 is substantially consistent with the comprehensive goals set forth in the Master Plan and conforms to the flood hazard area rules and regulations promulgated by the NJDEP.

6. The Land Use Board finds that adoption of Ordinance No. 22-11 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. 22-11 entitled “Ordinance Repealing Chapter 21 (Zoning and Land Use Regulations), Part VII (Flood Damage Prevention), Article XXIV (Flood Damage Prevention), Sections 21-109 through 21-127 and Replacing it with a New Article XXIV (Flood Plain Management Regulations) to Adopt Flood Hazard Maps and to Designate a Flood Plain Administrator” 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:

SECONDED BY:

ROLL CALL:

YES:

NO:

RECUSED:

INELIGIBLE:

ABSENT:

DATED:

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 June 9, 2022.

Nancy Tran, Secretary
Borough of Highlands Land Use Board