



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## LAND USE BOARD RESOLUTION 2024-18

CONSISTENCY DETERMINATION OF ORDINANCE O-24-15 ADOPTING THE AMENDED CENTRAL BUSINESS DISTRICT REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET. SEQ.

**Decided: September 12, 2024**  
**Memorialized: October 10, 2024**

**WHEREAS**, the Local Redevelopment and Housing Law ("LRHL") pursuant to N.J.S.A. 40A:12A-7(e), states that prior to the adoption of a redevelopment plan, or revision or amendment thereto, the Land Use Board shall transmit to the governing body, within 45 days after referral, a report containing its recommendation concerning the redevelopment plan. This report shall include an identification of any provisions in the proposed redevelopment plan which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Board deems appropriate; and

**WHEREAS**, the Mayor and Municipal Council of the Borough of Highlands ("Borough Council") introduced Ordinance No. O-24-15 An Ordinance of the Borough of Highlands, County of Monmouth, State of New Jersey, Adopting the Amended Central Business District Redevelopment Plan Pursuant to the Local Redevelopment and Housing Law (LRHL) N.J.S.A. 40A:12A-1 et seq.; and

**WHEREAS**, on June 2, 2021, by Resolution No. 21-126 the Borough Council authorized and directed the Land Use Board to conduct a preliminary investigation in order to determine

whether all or a portion of certain properties within the Borough of Highlands (“Borough”) commonly referred to as the Central Business District/Bay Avenue Corridor and more specifically identified by Block and Lot on the Tax Map of the Borough of Highlands comprised the Study Area, met the criteria in the LRHL for designation as a Non-Condemnation Redevelopment Area pursuant to N.J.S.A. 40A:12A-6; and

**WHEREAS**, the Land Use Board subsequently directed Phillips Preiss Grygiel Leheny Hughes LLC, (the Planning Consultant), to conduct a preliminary investigation to determine whether all or a portion of the Study Area should be designated as a Non-Condemnation Redevelopment Area; and

**WHEREAS**, the Planning Consultant prepared an Area in Need of Redevelopment Study, Central Business District, Borough of Highlands, New Jersey, dated July 8, 2021; and

**WHEREAS**, the Land Use Board conducted a public hearing in regard to the aforementioned Redevelopment Study on August 5, 2021 at the conclusion of which the Land Use Board recommended to the Borough Council that the entire Study Area be designated as a Non- Condemnation Redevelopment Area in accordance with N.J.S.A. 40A:12A-5; and

**WHEREAS**, on May 18, 2022 the Borough Council adopted Ordinance No. 22-10 Adopting a Redevelopment Plan for the Redevelopment Area entitled Central Business District Redevelopment Plan; and

**WHEREAS**, Heyer, Gruel & Associates has prepared an Amended Redevelopment Plan for the Redevelopment Area entitled Amended Central Business District Redevelopment Plan Borough of Highlands, Monmouth County, New Jersey dated August 21, 2024 (“Amended Redevelopment Plan”); and

**WHEREAS**, the Borough Council referred this matter to the Borough of Highlands Land Use Board under the LRHL pursuant to N.J.S.A. 40A:12A-7(e); and

**WHEREAS**, the Land Use Board has considered this matter at a public hearing conducted on September 12, 2024.

**NOW, THEREFORE**, the Land Use Board makes the following findings of fact and conclusions of law with regard to Ordinance No. O-24-15.

1. The Board finds that the Amended Central Business District Redevelopment Plan is consistent with the goals and objectives of the Master Plan planning efforts of the Borough of Highlands as it implements various recommendations of the 2004 Master Plan and updates inclusive of Master Plan Re-examination Reports from 2004 and 2016.

2. The Board finds that the original Redevelopment Plan and Amended Redevelopment Plan are designed to address an ongoing lack of investment and business activity in the Borough, particularly on the Bay Avenue Commercial Corridor which problems existed prior to the destruction brought about by Superstorm Sandy and were exacerbated after Superstorm Sandy.

3. The Redevelopment Plan and Amended Redevelopment Plan places special emphasis on facilitating recovery from Superstorm Sandy impacts as well as promoting resiliency to future storm impacts and other potential natural hazards.

4. The Board finds that the original Redevelopment Plan and Amended Redevelopment Plan both encourage downtown building design and streetscape features which promote and emphasize the nautical, seaside, small town nature of the Borough of Highlands.

5. The Redevelopment Plan and Amended Redevelopment Plan both provide development regulations which will regulate development intensity and residential density, allowing for a range of land uses. Further, the Redevelopment Plan and Amended Redevelopment Plan both encourage reuse of buildings and new construction in tandem with the upgrading of existing infrastructure and community facilities.

6. The Board finds that the Redevelopment Plan and Amended Redevelopment Plan supersedes the zoning and land use regulations of the Borough of Highlands.

7. The Board further finds that the Amended Redevelopment Plan provides for new permitted uses including but not limited to cottage food preparation services and sales in the CBD Zone.

8. The Board determines that the policy, goals and objectives contained in the 2004 Master Plan and 2016 Master Plan Re-Examination Reports have been satisfactorily addressed in Ordinance O-24-15.

9. The Board at its public meeting on September 12, 2024 determines that Ordinance O-24-15 of the Borough of Highlands, County of Monmouth adopting the Amended Central Business District Redevelopment Plan was prepared by Phillips Preiss Grygiel Leheny Hughes LLC

and amended by Heyer, Gruel & Associates dated August 21, 2024 is substantially consistent with the Borough of Highlands Master Plan or is designed to effectuate the Master Plan as required under the LRHL pursuant to N.J.S.A. 40A:12A-7(d).

10. The Board finds that the meeting was opened up to members of the public and there were no members of the public present who expressed an interest in this matter.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Highlands Land Use Board that Ordinance No. O-24-15 adopting the Amended Central Business District Redevelopment Plan pursuant to LRHL, N.J.S.A. 40A:12A-1, et seq. as a Non-condemnation Redevelopment Plan pursuant to N.J.S.A. 40A:12A-6 and amending the Revised General Ordinance of the Borough of Highlands in order to codify the Redevelopment Plan has been determined by the Land Use Board to be either substantially consistent with the Master Plan or designed to effectuate the Master Plan of the Borough of Highlands in accordance with LRHL pursuant to N.J.S.A. 40A:12A-7(d).

The finding of consistency determination for Ordinance O-24-15 with the Borough of Highlands Master Plan was approved by the Borough of Highlands Land Use Board at a duly constitute public meeting held on September 12, 2024 by a unanimous vote of eligible Board members in favor of approval.

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

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Robert Knox, Chairman  
Borough of Highlands Land Use Board

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 October 10, 2024.

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Nancy Tran, Secretary  
Borough of Highlands Land Use Board