



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2024-08

MEMORIALIZATION OF CONSISTENCY DETERMINATION FOR ORDINANCE NO. O-23-22
AMENDING CHAPTER 21, ARTICLE XIV, ADDING NEW SECTION 21-81A ENTITLED "PRIVATELY
OWNED SALT STORAGE" AND AMENDING SECTION 21-31 ENTITLED "OUTDOOR STORAGE"
OF THE BOROUGH CODE OF THE BOROUGH OF HIGHLANDS

Decided: November 9, 2023

Memorialized: January 11, 2024

MATTER OF CONSISTENCY DETERMINATION FOR ORDINANCE NO. O-23-22

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 November 1, 2023, the Borough of Highlands Governing Body introduced Ordinance No. O-23-22 entitled "Amending Chapter 31, Article XIV (Establishment of Districts) by Adding New Section 21-81A (Privately Owned Salt Storage) and Amending Section 21-81 (Outdoor Storage) of the Revised General Ordinances of the Borough of Highlands, County of Monmouth and State of New Jersey"; and

WHEREAS, the Mayor and Council of the Borough of Highlands referred this matter to the Borough Land Use Board under the MLUL pursuant to N.J.S.A. 40:55D-64; and

WHEREAS, on November 9, 2023, the Land Use Board considered this matter at a duly-noticed in-person public meeting; and

WHEREAS, on or about November 19, 2023, Counsel for the Land Use Board provided a letter to the Board Secretary to be presented to the Governing Body, containing the Board’s findings for the consistency review of Ordinance No. O-23-22; and

WHEREAS, on December 20, 2023, Ordinance No. O-23-22 was adopted by the Borough of Highlands Governing Body after second reading and a public hearing.

NOW, THEREFORE, by the Borough of Highlands Land Use Board, having reviewed Ordinance No. O-23-22, 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-23-22 amends Chapter 31, Article XIV (Establishment of Districts) by adding new section 21-81A entitled “Privately Owned Salt Storage” and amending Section 21-81 entitled “Outdoor Storage” of the Code of the Borough.

2. At its public meeting on November 9, 2023, Mayor Broullon provided the Land Use Board with an overview of the Ordinance. The Land Use Board and its professionals discussed the Ordinance, which is intended to prevent the Borough’s stormwater and stormwater management systems from being exposed to stored salt and other de-icing materials.

3. The Land Use Board finds that the adoption of Ordinance No. O-23-22 is substantially consistent with the comprehensive goals set forth in the Master Plan.

4. The Land Use Board finds that adoption of Ordinance No. O-23-22 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 for the reasons expressed on the record as well as the reasons expressed by its professionals and Mayor Broullon.

5. The Land Use Board finds the Ordinance is consistent as written and has no recommendations for changes to Ordinance O-23-22.

NOW THEREFORE, BE IT RESOLVED, by the Highlands Land Use Board that Ordinance No. O-23-22 entitled “Amending Chapter 31, Article XIV (Establishment of Districts) by Adding New Section 21-81A (Privately Owned Salt Storage) and Amending Section 21-81 (Outdoor Storage) of the Revised General Ordinances of the Borough of Highlands, County of Monmouth and State of New Jersey” 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 or 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 as a supplement to the letter sent to the Mayor and Council on or about December 19, 2023, and shall serve as the report to the Governing Body pursuant to N.J.S.A. 40:55D-26a of the MLUL.

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

ON MOTION OF:

SECONDED BY:

YES:

NO:

RECUSED:

INELIGIBLE:

ABSENT:

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 January 11, 2024.

Nancy Tran, Secretary
Borough of Highlands Land Use Board