



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2025-17

MEMORIALIZATION OF CONSISTENCY DETERMINATION FOR ORDINANCE NO. O-25-10 AMENDING §21-8 (DEFINITIONS) AND §21-84B (STEEP SLOPES AND SLUMP BLOCKS) OF THE BOROUGH CODE OF THE BOROUGH OF HIGHLANDS

Decided: May 8, 2025
Memorialized: June 12,

2025 MATTER OF CONSISTENCY DETERMINATION FOR ORDINANCE NO. O-25-10

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-25-10 entitled Ordinance "Amending Chapter 21 (Zoning and Land Use Regulations), Part I (General Provisions), Article II (Definitions), Section 21-8 (Definitions) and Chapter 21 (Zoning and Land Use Regulations), Part IV (Zoning), Article XIV (Establishment of Districts), Section 21-84B (Steep Slopes and Slump Blocks) of the Borough Code of the Borough of Highlands"; 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 May 8, 2025.

NOW, THEREFORE, the Highlands Land Use Board having reviewed Ordinance No. O-25-10 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-25-10 revises the definition of "Steep Slopes" in Section 21-8 (Definitions) to apply to slopes greater than fifteen percent (15%), and updates the provisions of Section

21-84B (Steep Slopes and Slump Blocks) such that (a) when tree removal is proposed in a manner that does not compromise the slope, a tree stump of between 3 and 4 feet above grade shall be required to remain to maintain the existing root system and prevent future slope movement and (b) the maximum lot disturbance shall be no greater than 130% of the maximum lot coverage permitted for the lot, amongst other changes.

2. The Board's Professionals 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 adoption of Ordinance No. O-25-10 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 Professionals and Mayor Broullon.

NOW, THEREFORE, BE IT RESOLVED, BY the Highlands Land Use Board that Ordinance No. O-25-10 entitled Ordinance "Amending Chapter 21 (Zoning and Land Use Regulations), Part I (General Provisions), Article II (Definitions), Section 21-8 (Definitions) and Chapter 21 (Zoning and Land Use Regulations), Part IV (Zoning), Article XIV (Establishment of Districts), Section 21-84B (Steep Slopes and Slump Blocks) of the Borough Code of the Borough of Highlands" 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 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:
SECONDED BY:
ROLL CALL:
YES:
NO:
RECUSED:
INELIGIBLE:
ABSENT:
DATE:

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 12, 2025.

Nancy Tran, Secretary
Borough of Highlands Land Use Board