



**BOROUGH OF HIGHLANDS  
LAND USE BOARD MEETING**  
151 Navesink Avenue, Highlands NJ 07732  
Thursday, December 14, 2023 at 7:00 PM

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## **AGENDA**

*Please be advised that the agenda as shown may be subject to change. This meeting is a quasi-judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.*

### **CALL TO ORDER**

*The chair reserves the right to change the order of the agenda.*

### **PLEDGE OF ALLEGIANCE**

### **OPEN PUBLIC MEETING STATEMENT**

*As per requirement, notice is hereby given that this is a Regular Meeting of the Borough of Highlands Land Use Board and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board. Formal Action will be taken.*

### **ROLL CALL**

### **OPEN FOR PUBLIC COMMENTS**

*General Questions or Comments not pertaining to Applications*

### **APPROVAL OF MINUTES**

1. November 9, 2023 LUB Meeting Minutes

### **RESOLUTIONS**

- [2.](#) Memorialization Res LUB2023-18 Compliance Review of O-23-22 Salt Storage Ordinance
3. Memorialization LUB Res 2023-19 LDN LLC LUB2021-01 Extension Approval
- [4.](#) Memorialization Res for LUB2023-05: Sharkey – 9 Shrewsbury Ave., B42 L2 Approval
- [5.](#) Memorialization Res for LUB2023-02 - Catcherman LLC – 17 Locust St., B101 L27.04

### **COMMUNICATION AND VOUCHERS**

- [6.](#) Master Plan Planning

*Board Policy: • All meetings shall adjourn no later than 10:00 P.M. unless a majority of the quorum present at said hour vote to continue the meeting to a later hour. • No new hearing shall commence after*

*9:15 P.M. unless the Chairperson shall rule otherwise. • The Chair may limit repetitive comments or irrelevant testimony and may limit the time or number of questions or comments from any one citizen to ensure an orderly meeting and allow adequate time for members of the public to be heard.*

**ADJOURNMENT**



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**ORDINANCE O-23-22**

**AMENDING CHAPTER 21, 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**

**WHEREAS**, the New Jersey Department of Environmental Protection Stormwater Discharge Master General Permit Renewal requires the adoption of a salt storage ordinance for all Tier A municipalities.

**BE IT ORDAINED** by the Borough Council of the Borough of Highlands, County of Monmouth and State of New Jersey, as follows:

!

**CHAPTER 21 (Establishment of Districts)** is hereby amended by adding the following new Section and amends **Chapter 21, Article XIV (Establishment of Districts), Section 81 (Outdoor Storage)** as follows: (additions are shown in underlines, deletions are shown as ~~strikeovers~~.)

**SECTION 21-81 OUTDOOR STORAGE.**

A. Residential Districts.

1. Outdoor storage and display of any kind of nature, except storage of those items customarily used in conjunction with a residential occupancy and owned by the occupant or pursuant to Section 21-81A, et seq., of this Chapter, are prohibited in all residence districts.

...

B. Nonresidential Districts.

1. No storage area shall be located in a required front yard or in a required side yard adjoining a street.
2. No article, equipment, vehicle, supplies, or material shall be kept or stored outside the confines of any building unless the same is allowed by this article or pursuant to Section 21-81A, et seq., of this Chapter or is screened by special planting or fencing, as approved by the Board, and maintained in good condition, so that it shall not be visible from any adjacent property or public street. Any outdoor storage area shall meet the location requirements for accessory structures. Storage of trailers or use of trailers for storage is prohibited.

All other provisions of **Section 21-81 (Outdoor Storage)** shall remain unchanged.

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**SECTION 21-81A PRIVATELY OWNED SALT STORAGE.**

**SECTION 21-81A.1. Purpose.**

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Borough of Highlands to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

**SECTION 21-81A.2. Definitions.**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. “Storm drain inlet” means the point of entry into the storm sewer system.
- D. “Permanent structure” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
  - 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
  - 3. The structure shall be erected on an impermeable slab;
  - 4. The structure cannot be open sided; and
  - 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. “Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
  - F. “Resident” means a person who resides on a residential property where de-icing material is stored.

**SECTION 21-81A.3. Deicing Material Storage Requirements.**

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15<sup>th</sup> and April 15<sup>th</sup>:
  - 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
  - 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
  - 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
  - 4. Loose materials shall be covered as follows:

- a. The cover shall be waterproof, impermeable, and flexible;
- b. The cover shall extend to the base of the pile(s);
- c. The cover shall be free from holes or tears;
- d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
- e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

(1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;

- 5. Containers must be sealed when not in use; and
  - 6. The site shall be free of all de-icing materials between April 16<sup>th</sup> and October 14<sup>th</sup>.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.
  - C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
    - 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

**SECTION 21-81A.4. Exemptions.**

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section 21-81A.3 above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities which are regulated under another NJPDES permit.

**SECTION 21-81A.5. Enforcement.**

This ordinance shall be enforced by the Code Enforcement Officer and/or other Municipal Officials of the Borough of Highlands during the course of ordinary enforcement duties.

**SECTION 21-81A.6. Violations and Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in the penalties set forth in Chapter 3, §3-9, of this Code.

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

**IV**

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

**V**

This Ordinance shall take effect upon adoption and publication according to law.

First Reading and Set Hearing Date for O-23-22:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						X
CHELAK						X
MELNYK	X		X			
OLSZEWSKI		X	X			
BROULLON			X			

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk's Office.

DATE OF VOTE: November 1, 2023

  
 Nancy Tran, Municipal Clerk  
 Borough of Highlands

Public Hearing for O-23-22:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk's Office.

DATE OF VOTE: December 20, 2023

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 Carolyn Broullon, Mayor

\_\_\_\_\_  
 Nancy Tran, Municipal Clerk  
 Borough of Highlands



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## LAND USE BOARD RESOLUTION 2023-20

### MEMORIALIZATION OF BULK VARIANCE RELIEF

Approved: November 9, 2023  
Memorialized: December 14, 2023

**IN THE MATTER OF MARY T. SHARKEY**

**APPLICATION NO. LUB2023-05**

**WHEREAS**, an application for bulk variance relief has been made to the Borough of Highlands Land Use Board (hereinafter referred to as the “Board”) by Mary T. Sharkey (hereinafter referred to as the “Applicant”) on lands known and designated as Block 42, Lot 2, as depicted on the Tax Map of the Borough of Highlands (hereinafter “Borough”), and more specifically located at 9 Shrewsbury Avenue, Highlands, New Jersey, in the R-2.02 Single-Family Residential (R-2.02) Zone District (hereinafter “Property”); and

**WHEREAS**, a live public hearing was held before the Board on November 9, 2023, with regard to this application; and

**WHEREAS**, the Board has heard testimony and comments from the Applicant, witnesses and consultants, and with the public having had an opportunity to be heard; and

**WHEREAS**, a complete application has been filed, the fees as required by Borough Ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised.

**NOW, THEREFORE**, does the Highlands Land Use Board make the following findings of fact and conclusions of law with regard to this application:

1. The subject Property contains 1,874 s.f. with 33.50 feet of frontage on Shrewsbury Avenue within the R-2.02 (Single-Family Residential) Zone.

2. The subject property is a vacant, pre-existing non-conforming, irregularly shaped, and undersized lot that contains 1,874 s.f. with 33.50 feet of frontage on Shrewsbury Avenue within the R-2.02 (Single-Family Residential) Zone. The proposed structure is located within the AE-12 Flood Zone, and within the Limit of Moderate Wave Action (LiMWA).

3. The applicant is proposing to construct a single-family dwelling on the lot and is seeking relief for bulk variances. The dwelling is proposed to have three (3) stories and will consist of a ground floor (garage/storage only), first floor living space, second floor living space with two (2) bedrooms, a third-floor recreational space. A rooftop deck with an optional attached circular staircase is also proposed.

4. Bulk relief is required as summarized below:

R-2.02 Zone	Required	Existing	Proposed
Min. Lot Area (sf)	4,000	1,871 or 0.04 AC	1,871 or 0.04 AC (E,V)
Min. Lot Frontage/Width (ft)	50	33.5	33.5 (E,V)
Min. Lot Depth (ft)	75	51.7	51.7 (E) <b>56.2 (c)(E,V)</b>
Min. Front Yard Setback (ft)	20 <sup>(1)</sup>	NA	10 <b>5.5 (c)(V)</b>
Min. Side Yard Setback (ft)	6/8	NA	3.2/4 <b>3.2/4.0(c)(V)</b>
Minimum Rear Yard Setback (ft)	20	NA	13.1 (V) <b>9 (c)(V)</b>
Maximum Building Height (ft)	32.5 <sup>(2)</sup>	NA	32.5 <b>28 (c)</b>
Maximum Lot Coverage	75%	2.7%	61.0%
Maximum Building Coverage	33%	NA	38.3% (V) <b>46.7% (c)(V)</b>

E= Existing Condition V= Variance Required N/A= Not Applicable c=Calculated by T&M



5. Both Mary Sharkey and Hugh Sharkey offered testimony in support of the application. Initially, Mr. Sharkey explained that a title issue raised during completeness review had been addressed satisfactorily by the title company as confirmed by Mr. Hermann's office. Mr. Sharkey then provided testimony summarizing the application, explaining the unique circumstances impacting this property that in his opinion warranted relief to allow the property's development for a permitted single family detached dwelling.

6. Architect Salvatore La Ferlita next testified and provided the Board with an overview of his architectural floor plans and elevations. Mr. La Ferlita stipulated that the Applicant took no exception to the technical comments set forth in the Board Engineer's October 26, 2023 review letter, and further stipulated that the third floor space would not be converted into additional bedrooms absent a return before the Board since the available on-site parking was sufficient for only the proposed two (2) bedrooms.

7. Charles LaRue, a lifelong resident, builder and former contract purchaser of this property, expressed profound disappointment that a nearly identical application he had proposed for this very same property needed to be withdrawn due to the Sharkeys' objections. In response, the Sharkeys believed the circumstances involving both applications were considerably different.

8. There were no other members of the public expressing an interest in this application.

**WHEREAS**, the Highlands Land Use Board, having reviewed the proposed application and having considered the impact of the proposed application on the Borough and its residents to determine whether it is in furtherance of the Municipal Land Use Law; and having considered whether the proposal is conducive to the orderly development of the site and the general area in which it is located pursuant to the land use and zoning ordinances of the Borough of Highlands; and upon the imposition of specific conditions to be fulfilled, hereby determines that the Applicant

should be granted bulk variance relief pursuant to both N.J.S.A. 40:55D-70c(1) and c(2) in this instance.

The Board finds that the Applicant has proposed construction, which requires bulk variance relief. The Municipal Land Use Law, at N.J.S.A. 40:55D-70c provides Boards with the power to grant variances from strict bulk and other non-use related issues when the Applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the Applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An Applicant may show that exceptional topographic conditions or physical features exist uniquely affect a specific piece of property. Further, the Applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the c(2) criteria, the Applicant has the option of showing that in a particular instance relating to a specific piece of property, the purpose of the Act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted, pursuant to the Zoning Ordinance.

Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain “bulk” or (c) variance relief. Finally, the Applicant must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance. It is only in those instances when the Applicant has satisfied both these tests that a

Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the Applicant to establish these criteria.

The Board finds that the Applicant has satisfied the positive criteria. The Board finds that the proposed improvements to the subject Property will provide a permitted residential structure and use consistent with neighboring development. The Board further finds that the proposed improvements will be aesthetically pleasing and create a desirable visual environment, which will be more commensurate with other homes in the neighborhood in terms of size and setbacks. The Board further finds that the subject Property is unique and unusual with respect to both its shape and dimensions. Ultimately, a functional and visually desirable dwelling not only benefits the Applicant, but also advances the interests of the entire community. The Board therefore concludes that the goals of planning as enumerated in N.J.S.A. 40:55D-2 have been advanced. The Applicant has therefore satisfied the positive criteria.

The Board also finds that the negative criteria has been satisfied. The proposed improvements requiring variance relief will not cause a detriment to the community in any discernible way. In fact, the Board finds that proposed addition will still be consistent and fit in seamlessly with the prevailing neighborhood residential scheme. The proposal is consistent with the Borough's overall goals and objectives of providing new, safe and visually attractive homes. The Board therefore concludes that there is no substantial detriment to the Zone Plan or the Zoning Ordinance. Granting of the variances sought by the applicant will also not result in any substantial detriment to the public welfare, thus the negative criteria has therefore been satisfied. Furthermore, under the c(2) analysis, the Board concludes that the positive criteria substantially outweighs the negative criteria and that bulk variance relief may be granted pursuant to N.J.S.A. 40:55D-70c(2).

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Highlands Land Use Board on this 14<sup>th</sup> day of December 2023, that the action of the Board taken on November 9, 2023, granting Application No. LUB 2023-05 of Mary T. Sharkey for bulk variance relief pursuant to N.J.S.A. 40:55D-70c(1) and c(2) is hereby memorialized as follows:

The application is granted subject to the following conditions:

1. All site improvement shall take place in the strict compliance with the testimony and with the plans and drawings which have been submitted to the Board with this application, or to be revised.
2. Except where specifically modified by the terms of this Resolution, the Applicant shall comply with all recommendations contained in the reports of the Board professionals.
3. All decks shall be of pervious construction with appropriate spacing and materials to allow these features to remain pervious.
4. Applicant shall remove/relocate the existing vinyl fence off of Block 42, Lot 2.
5. This approval allows for two-bedrooms only. The proposed third floor shall not be converted into additional bedroom(s) without prior approval of this Board for either variance relief and/or an RSIS parking waiver.
6. The Applicant shall submit a grading plan to the Board Engineer for his review and approval.
7. The Applicant shall obtain all necessary approvals from the Borough Flood Plain Officer and ground level walls shall conform with all applicable flood zone construction standards.
8. The project site is located in the Coastal Area Facilities Review Act (CAFRA) Zone. The Applicant shall comply with all applicable NJDEP requirements and should confirm any specific restrictions and/or permitting requirements accordingly.
9. The Applicant shall apply for all necessary Zoning Permit(s).
10. The Applicant shall provide a certificate that taxes are paid to date of approval.

- 11. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
- 12. Subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Highlands, County of Monmouth, State of New Jersey, or any other jurisdiction.

**BE IT FURTHER RESOLVED** that the Board secretary is hereby authorized and directed to cause a notice of this decision to be published in the official newspaper at the Applicant’s expense and to send a certified copy of this Resolution to the Applicant and to the Borough Clerk, Engineer, Attorney and Tax Assessor, and shall make same available to all other interested parties.

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Robert Knox, Chairman  
 Borough of Highlands Land Use Board

ON MOTION OF:  
 SECONDED BY:  
 ROLL CALL:  
 YES:  
 NO:  
 ABSTAINED:  
 ABSENT:  
 DATED:

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Borough of Highlands Land Use Board, Monmouth County, New Jersey, at a public meeting held on December 14, 2023.

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Nancy Tran, Secretary  
 Borough of Highlands Land Use Board

BOROUGH OF HIGHLANDS LAND USE BOARD  
Case No. No. LUB2023-05/Sharkey  
Bulk Variance Relief  
November 9, 2022

EXHIBITS

- A-1 Aerial Map Exhibit.
- A-2 Buy/Sell Letters.
- A-3 Site Photographs.
- A-4 Photographs and Tax Cards for four properties.
- A-5 Air, Light and Open Space Exhibit.
- A-6 Architectural Plan Sheet A-100 revised November 6, 2023.
- A-7 Comparable design photographs

INTEROFFICE REPORTS

- B-1 Board Engineer's Review of Minor Site Plan, Plat Requirements, dated September 29, 2023.
- B-2 Board Engineer's Review of Minor Site Plan, Fee and Escrow Calculation letter, dated September 29, 2023.
- B-3 Board Engineer's First Engineering Review letter, dated October 26, 2023.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**LAND USE BOARD RESOLUTION 2023-21**  
**MEMORIALIZATION OF BULK VARIANCE RELIEF**

**Approved: November 9, 2023**  
**Memorialized: December 14, 2023**

**IN THE MATTER OF CATCHERMAN, LLC**  
**APPLICATION NO. LUB2023-02**

**WHEREAS**, an application for bulk variance relief has been made to the Borough of Highlands Land Use Board (hereinafter referred to as the “Board”) by Catcherman, LLC (hereinafter referred to as the “Applicant”) on lands known and designated as Block 101, Lot 27.04, as depicted on the Tax Map of the Borough of Highlands (hereinafter “Borough”), and more specifically located at 17 Locust Street, Highlands, New Jersey, in the R-1.03 Single-Family Residential (R-1.03) Zone District (hereinafter “Property”); and

**WHEREAS**, a live public hearing was held before the Board on November 9, 2023, with regard to this application; and

**WHEREAS**, the Applicant was represented by attorney Daniel J. O’Hern, Jr.

**WHEREAS**, the Board has heard testimony and comments from the Applicant, witnesses and consultants, and with the public having had an opportunity to be heard; and

**WHEREAS**, a complete application has been filed, the fees as required by Borough Ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised.

**NOW, THEREFORE**, does the Highlands Land Use Board make the following findings of fact and conclusions of law with regard to this application:

1. The subject property is a pre-existing non-conforming, and undersized lot located in the R-1.03 Zone. The lot is currently undeveloped.

2. The applicant is proposing to construct an 18 ft x 42 ft (756 SF) single-family dwelling on the lot and is seeking relief for bulk variances. The dwelling is proposed to have three (3) stories and will consist of a ground floor (garage/storage only), first floor living space, second floor living space with three (3) bedrooms, and an attic which leads to roof terraces on the front and back of the property through use of a circular staircase. Attached to the first floor is a balcony and elevated deck, a patio is also proposed beneath the deck.

3. Bulk relief is required as summarized below:

R-1.03 Zone	Required R-1.03 Zone	Existing	Proposed
Min. Lot Area (sf)	14,000	2,500	2,500 (E,V)
Min. Lot Frontage/Width (ft)	75	25	25 (E,V)
Min. Lot Depth (ft)	200	100	100 (E,V)
Min. Front Yard Setback (ft)	35 <sup>(1)</sup>	NA	21 <sup>(1)</sup>
Min. Side Yard Setback (ft)	8/12	NA	3.0/4.0 (V)
Minimum Rear Yard Setback (ft)	25	NA	37.0
Maximum Building Height (ft)	32.5 <sup>(2)</sup>	NA	36 (V) <b>32.75 (V)(c)</b>
Maximum Lot Coverage	60%	NA	52.74%
Maximum Building Coverage	25%	NA	30.24% (V)

E= Existing Condition V= Variance Required N/A= Not Applicable c=Calculated by T&M

4. Robert Davis, the Applicant’s principal, testified in support of the application by providing an overview of the single-family detached dwelling he wished to build on this property. Having built comparable homes in both this neighborhood and others nearby, Mr. Davis



explained how other similarly shaped and sized lots have been approved for new home construction.

5. Engineer Sean Savage, P.E., next testified and provided the Board with an overview of the site plan required to accommodate the home that Mr. Davis seeks to build. Mr. Savage stipulated that the Applicant took no exception to the technical comments set forth in the Board Engineer's October 30, 2023 review letter, and further stipulated that the third floor space would not be converted into additional bedrooms absent a return before the Board since the available on-site parking was sufficient for only the proposed two (2) bedrooms. Mr. Savage also stipulated that the height of the structure would be reduced to conform with zoning.

6. Contract purchaser and local builder, Charles LaRue, testified that the utility platform required to comply with flood design requirements would require a slightly greater sideyard setback variance (1.5 feet versus 3 feet originally proposed), but that the visual impact of the reduced setback would be shielded from public view by the dwelling's layout.

7. Lou Longo, who resides on an adjacent property, expressed concern over the noise to be generated by the proposed air conditioning condensers. There were no members of the public expressing an interest in this application.

**WHEREAS**, the Highlands Land Use Board, having reviewed the proposed application and having considered the impact of the proposed application on the Borough and its residents to determine whether it is in furtherance of the Municipal Land Use Law; and having considered whether the proposal is conducive to the orderly development of the site and the general area in which it is located pursuant to the land use and zoning ordinances of the Borough of Highlands; and upon the imposition of specific conditions to be fulfilled, hereby determines that the Applicant

should be granted bulk variance relief pursuant to both N.J.S.A. 40:55D-70c(1) and c(2) in this instance.

The Board finds that the Applicant has proposed construction, which requires bulk variance relief. The Municipal Land Use Law, at N.J.S.A. 40:55D-70c provides Boards with the power to grant variances from strict bulk and other non-use related issues when the Applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the Applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An Applicant may show that exceptional topographic conditions or physical features exist uniquely affect a specific piece of property. Further, the Applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the c(2) criteria, the Applicant has the option of showing that in a particular instance relating to a specific piece of property, the purpose of the Act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted, pursuant to the Zoning Ordinance.

Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain “bulk” or (c) variance relief. Finally, the Applicant must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance. It is only in those instances when the Applicant has satisfied both these tests that a

Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the Applicant to establish these criteria.

The Board finds that the Applicant has satisfied the positive criteria. The Board finds that the proposed improvements to the subject Property will provide a permitted residential structure and use consistent with neighboring development. The Board further finds that the proposed improvements will be aesthetically pleasing and create a desirable visual environment, which will be more commensurate with other homes in the neighborhood in terms of size and setbacks. The Board further finds that the subject Property is unique and unusual with respect to both its shape and dimensions. Ultimately, a functional and visually desirable dwelling not only benefits the Applicant, but also advances the interests of the entire community. The Board therefore concludes that the goals of planning as enumerated in N.J.S.A. 40:55D-2 have been advanced. The Applicant has therefore satisfied the positive criteria.

The Board also finds that the negative criteria has been satisfied. The proposed improvements requiring variance relief will not cause a detriment to the community in any discernible way. In fact, the Board finds that proposed addition will still be consistent and fit in seamlessly with the prevailing neighborhood residential scheme. The proposal is consistent with the Borough's overall goals and objectives of providing new, safe and visually attractive homes. The Applicant's stipulation to reduce the proposed dwelling height to conform with zoning was welcomed by the Board. The Board therefore concludes that there is no substantial detriment to the Zone Plan or the Zoning Ordinance. Granting of the variances sought by the applicant will also not result in any substantial detriment to the public welfare, thus the negative criteria has therefore been satisfied. Furthermore, under the c(2) analysis, the Board concludes that the

positive criteria substantially outweighs the negative criteria and that bulk variance relief may be granted pursuant to N.J.S.A. 40:55D-70c(2).

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Highlands Land Use Board on this 14<sup>th</sup> day of December 2023, that the action of the Board taken on November 9, 2023, granting Application No. LUB 2023-02 of Catcherman, LLC for bulk variance relief pursuant to N.J.S.A. 40:55D-70c(1) and c(2) is hereby memorialized as follows:

The application is granted subject to the following conditions:

1. All site improvement shall take place in the strict compliance with the testimony and with the plans and drawings which have been submitted to the Board with this application, or to be revised.
2. Except where specifically modified by the terms of this Resolution, the Applicant shall comply with all recommendations contained in the reports of the Board professionals.
3. All decks shall be of pervious construction with appropriate spacing and materials to allow these features to remain pervious.
4. This approval allows for two-bedrooms only. The proposed third floor shall not be converted into additional bedroom(s) without prior approval of this Board for either variance relief and/or an RSIS parking waiver.
5. The Applicant shall submit a grading plan to the Board Engineer for his review and approval.
6. The Applicant shall obtain all necessary approvals from the Borough Flood Plain Officer and ground level walls shall conform with all applicable flood zone construction standards.
7. The project site is located in the Coastal Area Facilities Review Act (CAFRA) Zone. The Applicant shall comply with all applicable NJDEP requirements and should confirm any specific restrictions and/or permitting requirements accordingly.
8. The Applicant shall apply for all necessary Zoning Permit(s).

- 9. The Applicant shall provide a certificate that taxes are paid to date of approval.
- 10. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
- 11. Subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Highlands, County of Monmouth, State of New Jersey, or any other jurisdiction.

**BE IT FURTHER RESOLVED** that the Board secretary is hereby authorized and directed to cause a notice of this decision to be published in the official newspaper at the Applicant’s expense and to send a certified copy of this Resolution to the Applicant and to the Borough Clerk, Engineer, Attorney and Tax Assessor, and shall make same available to all other interested parties.

---

Robert Knox, Chairman  
 Borough of Highlands Land Use Board

ON MOTION OF:  
 SECONDED BY:  
 ROLL CALL:  
 YES:  
 NO:  
 ABSTAINED:  
 ABSENT:  
 DATED:

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Borough of Highlands Land Use Board, Monmouth County, New Jersey, at a public meeting held on December 14, 2023.

---

Nancy Tran, Secretary  
 Borough of Highlands Land Use Board

BOROUGH OF HIGHLANDS LAND USE BOARD

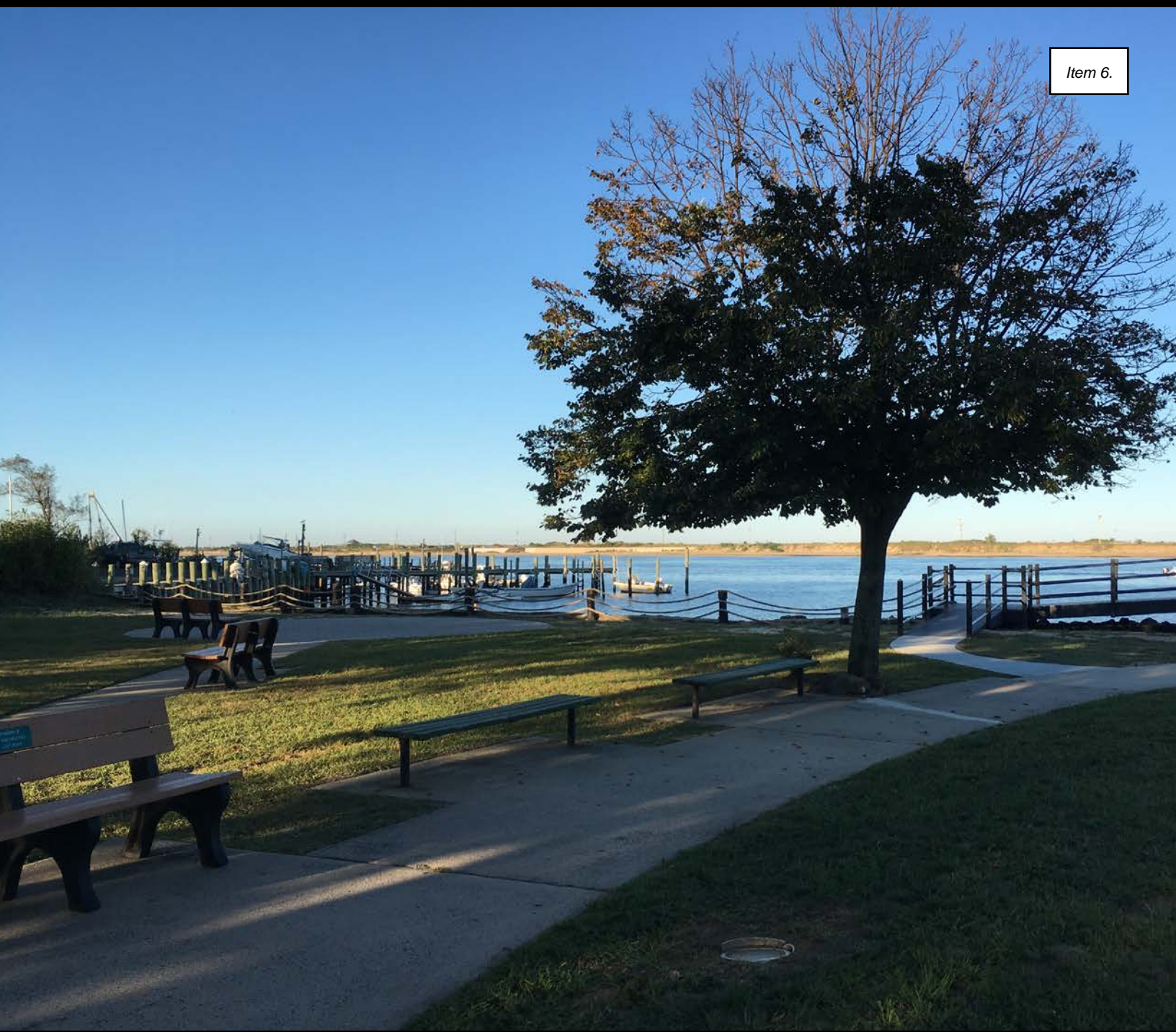
Case No. No. LUB2023-02/Catcherman

Bulk Variance Relief

November 9, 2022

INTEROFFICE REPORTS

- B-1 Board Engineer's First Completeness Review letter, dated May 18, 2023.
- B-2 Board Engineer's Second Completeness Review letter, dated October 25, 2023.
- B-3 Board Engineer's First Engineering Review letter, dated October 30, 2023.



# 2016 Master Plan Reexamination Report and Master Plan Amendments

Borough of Highlands  
Monmouth County, New Jersey

# 2016 Master Plan Reexamination Report & Amendments

*Adopted December 27, 2016*

Prepared for:



The Borough of Highlands  
Monmouth County, New Jersey

Prepared by:

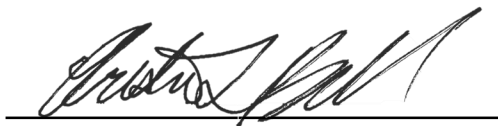


T&M Associates  
11 Tindall Road  
Middletown, NJ 07748

*The original of this document was signed  
and sealed in accordance with New Jersey Law*



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NJ Professional Planner No.: 03508



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NJ Professional Planner No.: 06289

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## Acknowledgements

### Mayor and Council

Frank Nolan, Mayor  
Rebecca Kane  
Carolyn Broullon  
Doug Card  
Claudette D'Arrigo

### Planning Board

Andrew Stockton, Chairman  
Ken Braswell, Vice- Chairman  
Frank Nolan, Mayor  
Doug Card, Council Representative  
Joseph Blewett, Borough Official  
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Brian Geoghegan, **Borough Administrator**

### T&M Project Team

Stanley Slachetka, PP, AICP  
Christine Bell, PP, AICP, CFM

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# Master Plan Reexamination Report

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## I. Introduction

The New Jersey Municipal Land Use Law (MLUL) requires that each municipality in New Jersey undertake a periodic review and reexamination of its local Master Plan. The purpose of the Reexamination Report is to review and evaluate the master plan and municipal development regulations on a regular basis in order to determine the need for updates and revisions. In addition, the preparation of a statutorily compliant Reexamination Report provides a presumption of validity of the municipal zoning ordinance under the law. This report constitutes the Master Plan Reexamination Report for the Borough of Highlands as required by the Municipal Land Use Law at N.J.S.A. (40:55D-89).

The Borough of Highlands adopted its last comprehensive Master Plan in 2004. The Borough subsequently adopted a Reexamination Report and Land Use Plan Element in 2009. The current document (hereinafter referred to as the 2016 Master Plan Reexamination Report) serves as a reexamination of the 2004 Master Plan, as supplemented by the 2009 Master Plan Reexamination Report.

While the 2016 Master Plan Reexamination Report is broad in scope, it has been prepared in light of the experience of Superstorm<sup>1</sup> Sandy. It, therefore, places special emphasis on facilitating recovery from Superstorm Sandy's impacts, as well as promoting resiliency to future storm impacts and other potential natural hazards. To achieve this, the 2016 Master Plan Reexamination Report recommends a number of updates and revisions to the 2004 Master Plan. These changes have been compiled into a master plan amendment, which is appended to this document.

---

<sup>1</sup> While the official FEMA Disaster Declaration for New Jersey refers to DR-4086 as Hurricane Sandy, the storm is colloquially referenced as known as Superstorm Sandy, and is referenced as such throughout this document.

## II. Requirements of the Periodic Reexamination Report

The Municipal Land Use Law requires that the Borough of Highlands provide for the reexamination of the municipal master plan and development regulations at least once every ten years. The purpose of the reexamination is to review the progress of the Borough in achieving its planning objectives, and to consider the need for changes in order to ensure that the municipal plan is current and meets the needs of the Borough. The municipal planning board is responsible for completing the reexamination, and preparing and adopting by resolution a report on the findings of the reexamination.

The Municipal Land Use Law requires that the reexamination report state the following:

- The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report;
- The extent to which such problems and objectives have been reduced or have increased subsequent to such date;
- The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in state, county and municipal policies and objectives;
- The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared; and,
- The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the Local Redevelopment and Housing Law (NJSA 40A:12A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

The 2016 Master Plan Reexamination Report addresses each of these statutory requirements.

### III. The Major Problems and Objectives Relating to Land Development in the Borough of Highlands at the Time of the Adoption of the Last Reexamination Report

The following subsections describe the major problems and objectives of Highlands at the time of the 2004 Master Plan.

#### Master Plan Goals

The Master Plan, adopted in 2004, set forth specific objectives and policies for the future development of the Borough of Highlands. The 2009 Master Plan Reexamination Update the planning goals and objectives contained in the 2004 Master Plan.

#### 2004 Goals and Objectives

##### *General Objectives*

1. Physically- to meet the needs of the Borough with the creation of mixed use development of exceptional design quality, a waterfront destination for activity and relaxation.
2. Socially- a redeveloped community offering homes, employment, services, civic spaces and leisure in a quality environment which will form part of the established communities of the Bayshore Region.
3. Naturally- to protect the existing resource base through sensitive design, energy efficiency, sustainable waste management and to minimize the impact on the local environment.
4. To create a balanced Borough- residential, business/ employment, retail, community and leisure.
5. Strive to increase the percentage of owner- occupied housing in the Borough.

##### *Residential*

1. Preserve and protect the existing residential character of the Borough. Require that infill development be compatible with the neighborhood and conform to the setbacks of existing buildings on the block.
2. Limit new development and infill development that increases the intensity of neighborhood land and property use.
3. Ensure that public and quasi-public land use remains compatible with the needs and character of adjacent neighborhoods.



4. Prevent non-residential uses from locating on residential streets or in residential areas.
5. Limit developments that would generate a high volume of traffic on local and collector streets.
6. Encourage the maintenance and preservation of residential properties.
7. Identify sources of funds for rehabilitation of residential dwellings and provide assistance to property owners in procuring funds.
8. Promote preservation and restoration of housing that has historical significance when feasible.

*Commercial*

1. Strengthen commercial districts, especially the Bay Avenue Central Business District, by encouraging a mix of uses that provides employment, retail opportunities, services and entertainment.
2. Continue the improvement of commercial properties in the Borough.
3. Strive to enhance and retain existing businesses and promote new business development along Bay Avenue from Valley Street to the Bay Avenue/Shrewsbury Avenue intersection, and recommended redevelopment areas.
4. Provide for adequate parking to serve established residential and commercial areas. Incorporate adequate parking into new developments.
5. Require buffering around commercial properties to soften the visual and functional impact of their design and use.
6. Create a program to implement strict enforcement of sign regulations.
7. Update ordinances to streamline the development review process for improvements such as use changes, redevelopment, expansions, and developments.
8. Encourage redevelopment of commercial properties that need rehabilitation or improvement.
9. Encourage upgrading of commercial properties and their surroundings.
10. Encourage the development of small-scale commercial and office uses and encourages the design of buildings with a residential scale.
11. Create attractive gateways at the principal entrances to the Borough through upgraded land uses, streetscape improvements and signage.

12. Prohibit the construction of parking structures within 400 feet of the waterfront.

*Circulation*

1. Promote the creation of a fully intermodal transportation system that enhances local circulation, increases regional access and provides links to regional destinations. Coordinate land uses with transportation investments to promote intermodal connections and encourage alternatives to driving such as mass transit, ferry and bicycle/ pedestrian facilities.
2. Increase bicycle/ pedestrian safety and circulation by improving traffic signals at key intersections, utilizing traffic calming measures and providing bike lanes that connect activity centers throughout the Borough.
3. Evaluate and implement methods of providing adequate parking to serve existing development and proposed redevelopment. Consider facilitating lease parking options between private sector business operators to take advantage of low peak parking demand.
4. Ensure a well maintained and safe circulation system.
5. Coordinate maintenance and improvement actions with neighboring communities and Monmouth County.
6. Monitor areas with high traffic accident rates and develop improvement programs.
7. Discourage developments that do not meet minimum frontage requirements on public or private roads.
8. Encourage circulation patterns that are compatible with land use goals and public safety.
9. Monitor private roads to ensure that the maintenance and safety needs continue to be satisfied.
10. Improve the appearance of intermediate and major thoroughfares, such as Route 36 and Bay Avenue.
11. Encourage landscaping along intermediate and major thoroughfares to buffer residential and non-residential land uses from the noise and pollution of vehicular traffic.
12. Cooperate with NJ DOT and adjacent communities to improve the appearance of entranceways into the Borough from Route 36.

13. To improve public access to the waterfront.
14. To encourage pedestrian and bicycle access through redevelopment projects, parkland and civic spaces to the waterfront.
15. Provide clear signage to parking facilities.

*Economic Development/ Redevelopment*

1. Encourage the development of a diversified economic base that generates employment growth, provides increased tax ratables, increases income levels and promotes the reuse of underutilized properties.
2. Focus economic activity in the Borough's economic centers including Bay Avenue and commercial waterfront areas. Recognize the unique character of each area and promote development that will strengthen and reinforce market niches.
3. Capitalize on the Borough's competitive advantages for economic development purposes including its location in the New Jersey/ New York City region, extensive transportation and utility infrastructure, land available for redevelopment, stable labor force and quality of life.
4. Promote the revitalization and aesthetic appearance of the Bay Avenue CBD through the public-private partnership between the Borough and the Business Improvement District (BID) with a focus on niche retail, specialty services, restaurants and entertainment uses. Consider the development of small scale anchor uses to make the CBD a destination and attract shoppers as well as visitors.
5. Encourage selected retail, marina and office mixed use development along the Sandy Hook Bay waterfront that take advantage of extensive waterfront frontage and regional access. Target the corridor for uses that complement Bay Avenue rather than compete with it.
6. Encourage redevelopment in areas that need rehabilitation or improvement.
7. Work with the Business Improvement District (BID) and the economic development committee to extend the existing peak summer season.
8. Capitalize on the economic resources represented by Sandy Hook, Route 36, the Twin Lights, the New York Ferry and the physical attractiveness of the area.
9. Investigate the creation of mixed use marine development at targeted locations.

*Landscaping/ Hard Landscaping*

1. To provide a marine landscape setting; to maximize public access to both informal and formal spaces; to capitalize on the Veterans Park formal play area and to develop areas of public art.
2. To encourage use of high quality landscaping design- to enhance dramatic views to the bay, to develop civic space and public art, to develop and to screen and integrate development.
3. To encourage the use of low maintenance, hard-wearing materials in parks and public spaces.
4. To minimize visual intrusion through the development of car parking under buildings or landscape courts.

*Community Facilities and Utility Infrastructure*

1. Provide adequate sewer and water services to meet the demands of proposed economic development and a growing population in a manner that will limit sprawl and promote concentrated development.
2. Improve storm water management along the bay front, roads and intersections through effective infrastructure, maintenance, and replacement.
3. To achieve the storm water quality standards established by the NJ Department of Environmental Protection.
4. Preserve and upgrade the existing utility infrastructure including water, stormwater management and wastewater treatment. Continue rehabilitation programs while pursuing selected replacement and expansion projects in order to accommodate growth and redevelopment.
5. Continue to investigate the consolidation and privatization of municipal services.
6. Encourage regularly scheduled infrastructure maintenance consistent with long range plans to avoid system failures.
7. Study and periodically review future service needs and implementation methods.
8. Continue trash reduction, reuse and recycling efforts in cooperation with appropriate County, Regional, and State agencies.
9. Maximize the use of existing and planned facilities consistent with the efficient use of public funds.

10. Maintain facilities that are in current use and renovate or reuse obsolete facilities for other uses.
11. Cooperate with surrounding communities, County, and State organizations to make the best use of available public facilities.

*Open Space and Recreation*

1. Provide adequate park, open space, and recreational facilities for all Borough residents.
2. Cooperate with public and quasi-public institutions to utilize and maintain their undeveloped land for open space or recreation.
3. Consider enhancing regulations to assure that quality open space is provided and maintained as redevelopment occurs.
4. Provide through block pedestrian paths to parking and recreation facilities.

*Community Identity*

1. Develop and effectively communicate a strong and appealing identity for the Borough.
2. Creative attractive, memorable “gateways” into the Borough.
3. Develop and implement streetscape projects for major public thoroughfares.
4. Preserve and protect historic and major natural features in the Borough.
5. Enhance and maintain the appearance of community facilities and Borough owned properties.
6. Recognize excellent building and landscape design aesthetics with awards.
7. Encourage higher quality architectural and landscape design through the use of design standards.
8. Encourage neighborhoods to improve their aesthetic appeal and identity.
9. Publish information regarding Borough regulations, issues, and agendas on the Borough Web site.

*Cultural*

1. To encourage sensitive design in the conversion and re-use of the buildings and their environment and to mitigate the effect of adjoining developments.
2. Expand recreational and cultural facilities and services.

## IV. Extent to Which Such Problems and Objectives Have Been Reduced or Increased

The extent to which the major problems and objectives in 2004 and 2009 have been reduced or increased, as well as the validity of the recommendations of the 2004 Master Plan and 2009 Master Plan Reexamination Report, are discussed in the following subsections.

### Status of Existing Objectives, Problems, and Assumptions

This section evaluates the status of recommended changes to the objectives of 2004. Commentary on the extent to which the objective has been reduced or increased is provided in italics.

1. **Bay Avenue Commercial Corridor.** Despite the many efforts of the municipality and the business community, the Bay Avenue commercial corridor has not risen to the level that community leaders envision. Additional zoning changes may be appropriate which will bring improvements and development to this key retail area.

*This is still an ongoing concern which was only exacerbated by the impacts of Superstorm Sandy. The Borough should continue to prioritize these actions. The Highlands Stakeholder Survey found that 83.02% of residents would support a contiguous business zone along the length of Bay Avenue. The 2013 Highlands Recovery Plan recommended a Bay Ave Renaissance by developing a streetscape plan and business appearance strategy. Additionally, in 2014, The Bloustein School of Planning and Public Policy at Rutgers University undertook a study of the Borough of Highlands. This study recommended that the master plan be updated in respect to the Bay Avenue Commercial Corridor, designating Miller Street as a commercial corridor, and encouraging retail on Miller Street and Bay Avenue.*

2. **Master Plan Implementation** The Highlands Borough Council adopted in 2007 a comprehensive amendment to Chapter 21 (Zoning and Development Regulations) to implement the majority of the recommendations of the Land Use Plan Element of the 2004 Master Plan. The only items which were not addressed by the 2007 amendments were the zoning of the Shadow Lawn Trailer Park and the zoning

standards for the bungalow communities. The zoning amendment included the creation of the Mixed Use Development (MXD) zone district, creation of the Highway Oriented business district on Route 36, changes in the uses in several zones bulk, creation of a highway business zone and a number of minor technical revisions.

*This has been completed and can be removed.*

- 3. Shadow Lawn Trailer Park.** A zoning amendment was adopted in late 2007 to allow multifamily dwellings in the Mobile Home zone district. A site plan application for multifamily buildings at the Shadow Lawn site is currently pending before the Planning Board.

*This is one of the few tracts of land left for development in the Borough. The Borough's 2016 Housing Element references this site as a potential location to include affordable housing in development. It is a recommendation of this report to create a new mixed use zoning district consisting of this lot to encourage the redevelopment of the site, taking into consideration its proximity to Route 36 and multi-family zone districts and its location on top of the hill.*

- 4. Route 36 Bridge.** After many years of study, permit review and design the replacement of the Route 36 bridge from Highlands to Sea Bright over the Shrewsbury River has commenced. The construction began in mid-2008 and will continue for three years. The prior bridge was constructed in 1932 with moveable elements to allow for boat traffic. The new bridge reported by the New Jersey Department of Transportation to cost \$124.5 million will be a fixed span design. Therefore traffic will not have to be stopped to allow for the passage of boats to and from Sandy Hook Bay. The bridge will contain two 12-foot lanes in each direction with a median barrier. The bridge will also feature two 8-foot wide pedestrian sidewalks and two 8-foot wide bicycle lanes. The Route 36 Bridge is also important as an emergency evacuation route.

*This has been completed and can be removed.*

5. **Code Enforcement.** The Borough has increased code enforcement efforts especially focused on multifamily dwellings to encourage the maintenance of residential properties.

*Code enforcement has been highlighted as an ongoing issue of concern in the Borough, as recommended in the Stakeholder Survey and the 2013 Highlands Recovery Plan.*

### Problems articulated in the 2004 Master Plan

The following weaknesses and constraints were articulated in 2004 Master Plan as identified by stakeholders and the community:

1. High tax rate
2. Maintenance of parks
3. Percentage of Borough that is flood prone
4. The existing commercial business area does not have the “critical mass” necessary to function as a thriving downtown
5. Lack of open space planning
6. Lack of sizeable play fields
7. Missing or lack of businesses in the downtown, i.e., barbershop, baker, cleaners, etc.
8. Lack of parking in mid-town
9. Many narrow side streets – potential transportation safety hazard
10. Minimal public transportation
11. Reports of slow medical emergency response
12. Lack of large tax ratables
13. Perceived or reported lack of code enforcement
14. Neighborhood character- many new houses are out of scale with existing development
15. Inadequate water pressure in some areas of the Borough
16. Stormwater drainage
17. Bulk pickup only four times per year maybe leading to unsightly yards
18. Lack of parking at a few bay front restaurants
19. Many residential properties maintained poorly
20. A need for general road repair



21. Limited available vacant land
22. Perceived high tax rate
23. Flood proof areas/ FEMA program
24. Established development pattern
25. Absentee landlords

### Recommendations of the 2009 Reexamination Report

The 2009 Reexamination Report recommended a number of changes to the Master Plan, zoning for the Bay Avenue Corridor, and other Borough-wide recommendations. A number of recommendations were made for the B-1 Neighborhood Business District and the B-2 Central Business District. The 2016 Planning Board recommends removing the two overlay districts and replacing them with one downtown business district, governed by a form-based code. However, many of the recommendations from the 2009 Report will be integrated into the new zone district. An updated summary of the general recommendations of the 2009 Reexamination Report with the 2016 Planning Board's recommendations to bring those recommendations up to date is provided below. Commentary on the extent to which the objective has been reduced or increased is provided in italics:

#### B-1 District Neighborhood Business District

This overlay district is comprised of the properties surrounding Huddy Park and extends eastward down Bay Avenue to Washington Avenue. Our recommendations for this area are within the following five general categories:

1. Flooding
  - a. Continue local flood mitigation efforts, which prevent tidal back up of the storm water drains.  
*This is an ongoing concern and is highlighted as a priority in 2013 Highlands Recovery Plan, the 2014 Strategic Recovery Planning Report, and the 2014 Getting to Resilience Recommendations Report.*
2. Parking / Loading
  - a. Reduce or eliminate on-site parking requirements in favor of municipal parking for commercial uses.  
*Parking is a major concern along the commercial corridor in the Borough and an issue that needs to be addressed for effective redevelopment of the Business*

- Districts. This was highlighted as an area of concern in the Stakeholder Survey and meetings.*
- b. Prohibit drive-through or drive-up uses (maintain street wall).  
*This is a prohibited use. This recommendation can be removed.*
  - c. Possibly require on-site loading berths only for some specific uses, which have intense deliveries.  
*Continuing.*
  - d. Limit or control the number and frequency of curb cuts, through sharing or rear entry to maintain on-street parking.  
*This has been addressed and can be removed.*
3. Uses
- a. Existing uses to remain in effect. This is to remain the “Neighborhood Business District.”  
*Uses should be reexamined to determine if anything should be permitted which is not currently, or conversely; removed from the list of permitted uses.*
  - b. New uses, within the over-lay district only, should include the following new or conditional uses.
    - i. Hotels (carefully defined by zoning) as a conditional use;  
*Hotels have been defined as a conditional use; however, all conditional use standards should be evaluated.*
      - 1. Onsite parking is provided meeting a minimum of 50% of the required parking.
      - 2. Height shall be limited to 3 stories (36’) (or 4 stories 47’ if parking is provided beneath the structure)
      - 3. Typical hotel facilities are provided on-site: common rooms, lobby and the like (see hotel definition)
      - 4. Commercial uses are provided on the first (grade level) floor, or the first floor above parking below the structure (retail, restaurants and the like)
      - 5. Duration of stay to be maximum 2 weeks this may not be a “rooming house”
      - 6. The hotel room intensity (per acre/per lot) should be regulated in accordance with the goals and objectives, policies and character

of the applicable zone district, as well as the economic development goals of the Borough.

- ii. Inns and Bed-and-Breakfasts, as a conditional use.

*This has been included as a conditional use.*

- iii. Retail Sales and Service Establishments (except tattoo, guns, massage parlors and the like).

*This has been included as a conditional use.*

- iv. Galleries, Studios, Craft stores.

*This has been included as a conditional use.*

- v. Medical offices.

*This has been included as a conditional use.*

- vi. Other uses which the "Zoning Officer" may suggest.

- c. Permit residential development above the first floor as a conditional use if:

- vi. No more than 1 floor is used for residential uses.

*Remove this condition.*

- viii. Residential density standards are consistent with the surrounding district (8u/ac).

*Continuing.*

- ix. Encourage loft-type apartments, live/work 1,200 gross sq ft.

*Where reasonable, a smaller size apartments should be allowed.*

- x. All residential parking requirements are met "on-site" so as not to compete for municipal parking with commercial uses.

*Allow shared parking agreements.*

- xi. No residential uses should be permitted below commercial uses.

*Continuing.*

#### 4. Bulk modifications

##### a. Height

- i. 3 stories / 42 ft (45' for hotels with parking below) *Continuing.*

- ii. Maintain street wall for commercial uses, setbacks permitted for residential uses.

*Continuing.*

- iii. Encourage variety of rooflines to preserve small-scale look.

*Continuing.*

- b. Building coverage
  - i. 100%, unless business requires loading berth.  
*This has been addressed and can be removed.*
- c. Floor Area Ratio (FAR)
  - i. Increase FAR requirements for commercial uses, to be consistent with new building coverage.  
*Continuing.*
  - ii. Create suitable maximum FAR requirements for both commercial and residential development.  
*Continuing.*
  - iii. Create a formula for FAR in mixed-use buildings possibly encouraging commercial development on the upper floors (i.e., one could build more floor area for commercial than residential on upper floors). *Continuing.*
  - iv. Surface parking below a structure should not count in the calculation of the Floor Area Ratio for a building.  
*Continuing.*
- 5. Design guidelines
  - a. Maintain street-line and small-scale look.  
*Continuing.*
  - b. Re-authorize the existing “Design Guidelines Manual” and refer to these in any zoning text changes.  
*Continuing.*
  - c. Provide first floor “exposure” for second floor business.  
*Continuing.*

#### B-2 Central Business District

This overlay district is comprised of the properties facing Bay Avenue from Shrewsbury Avenue to Valley Street. Our recommendations for this area are in the following five general categories:

- 1. Flooding
  - a. Continue local flood mitigation efforts to prevent tidal back up of stormwater drains at Miller and Valley Streets.  
*Continuing.*

- b. Have NJDEP make presentation to Board on flood-proofing, building elevation, and parking beneath structures.

*This should be done on an annual basis.*

2. Parking / Loading

- a. Reduce or eliminate parking requirements for lots less than 10,000 sq ft (100' x 100') for commercial uses.

*This has been addressed and can be removed.*

- b. Prohibit drive-up and drive-thru uses (maintain street-wall).

*This has been addressed and can be removed.*

- c. Require loading berths only for some specific uses, which have high volume deliveries.

- d. Develop standards for the screening of parking beneath structures

- e. Provide diagonal parking and one-way circulation for the full length of South Second Street between South Street and North Street, with rear entries to businesses on Bay Avenue.

- f. Limit or control the number of curb cuts, through sharing or rear entry, to maintain on street parking.

*This has been addressed and can be removed.*

3. Uses

- a. All existing uses in the B-2 zone to remain.

- b. New uses within the over-lay district should include:

- i. Retail sales and service establishments (except guns, tattoos, massage, etc)

*This has been addressed and can be removed.*

- ii. Health and fitness establishments (yoga etc.) limited in size and only above the first floor

*Health and fitness establishments should be allowed on all floors, as per Stakeholder meeting discussions.*

- iii. Art galleries, craft stores, studios

*This has been addressed and can be removed.*

- iv. Flowers shops and retail plant stores.

*This has been addressed and can be removed.*

- c. Establish Conditional Use regulations for hotel development (currently a permitted use). Clearly define hotel use.  
*Continuing.*
  - d. Residential development above the first floor should be a conditional use:  
*These conditions should be updated.*
    - i. No more than 1/3 of the total floor area may be residential.
    - ii. A residential density of 10 units /Ac is not exceeded.
    - iii. All residential parking requirements are met “on-site”
    - iv. Residential units have a common street entry.
    - v. Provide private or cooperative roof terraces for tenants use.
    - vi. Each dwelling unit shall contain a minimum floor area of 1,000 gross sq. ft. encourage loft- type, live / work units.
    - vii. No residential uses should be permitted below commercial uses.
4. Bulk Requirements
- a. Height
    - i. 3 stories (42’) or 4 stories 45’ if parking is provided below the structure.
    - ii. Encourage multiple rooflines to reduce scale of buildings on larger lots.
    - iii. Maintain “street wall” except 4th story. A front yard setback of 10’ for a minimum 50% of the width of the lot (structure) should be provided.
  - b. Building coverage
    - i. Permit 100% lot coverage for commercial uses except on uses which require loading berths.  
*This has been addressed and can be removed.*
  - c. FAR (floor area ratio)
    - i. Increase FAR to be consistent with increased building coverage.
    - ii. Create suitable max FAR requirements for both commercial and residential development on the site.
    - iii. Provide weighted FAR for mixed use developments to encourage a large full floor development for business uses on the 1st and 2nd floors, and lesser FAR for residential uses on the second and third floors, (which reflects rear and front yard set-backs).
    - iv. Surface parking below a structure should not count in the calculation of the Floor Area Ratio for a building.

d. Design Guidelines

- i. Maintain street line and small-scale look
- ii. Provide first floor “exposure” for second floor business / offices.
- iii. Re – authorize the existing “Design Guidelines Manual” and refer to these in any zoning text changes

*Continuing.*

Other Borough Wide Recommendations

1. Provide dedicated bike lane along the south side of Shore Drive from the County Park to Rt. 36 Bridge, possibly establish at test program this summer.  
*This has been completed and can be removed as a recommendation.*
2. Provide development guidelines for hotel development “conditional use.”  
*This has been completed and can be removed as a recommendation.*
3. Clarify impact of NJDEP regulations on our business districts, and add text to Zoning Ordinance as required.  
*This can be removed as a recommendation.*
4. In coordination with the Zoning Officer, establish prioritized “use group categories” from least-intense use, to most-intense use, with the purpose of letting developers know when a use is an “intensification”, requiring Planning Board Review.  
*This is no longer relevant and can be removed as a recommendation.*
5. Establish a tax abatement program for the next improvements made to existing “non-conforming” multi- family structures within the Borough to encourage their redevelopment into conforming uses and densities.  
*This is no longer relevant and can be removed as a recommendation.*
6. Modify the “use regulations” within the WC-1 districts to include all of the uses permitted within the B-2 district with the exception of any conditional uses; the existing bulk regulation for the WC-1 district shall remain in effect. This will

permit the expansion of business uses to the east of Shrewsbury Avenue to the bridge (especially Block 38.01). Alternatively, extend the B-2 zone to include Block 38.01 (currently within the WC-1 zone) but do not include it in the overlay zone.

7. Review annual reports from the “Board of Adjustment” and consider their recommendations for the change to the Zoning Ordinance.

*This is no longer relevant and can be removed as a recommendation.*

8. Define ‘story” to clarify that regardless of use (commercial or parking) the first floor is that level closest to pre-existing grade, and add text to our Zoning schedule as recommended by the Zoning Officer.

*This is no longer relevant and can be removed as a recommendation.*

9. Consider the introduction of light manufacturing uses which include upholstery, furniture re-finishing and the like in the B-2 zone.

*This is no longer relevant and can be removed as a recommendation.*

10. Prepare updates to the Zoning Ordinance which respond to the concerns of the Zoning Officer as enumerated in this letter of 16, April 2008 to Councilman Nolan.

*This is no longer relevant and can be removed as a recommendation.*

11. Property maintenance and code enforcement are critical to improving the business district, for both occupied and vacant structures.

*This is an ongoing comment. Code enforcement has been highlighted as an ongoing issue of concern in the Borough, as recommended in the Stakeholder Survey and the 2013 Highlands Recovery Plan.*

12. To provide funding for critical infrastructure projects, flood mitigation, and municipal parking establish a Development Fee of 3% of the total project cost for both residential and commercial developments above \$1 million. The fee is for projects town-wide (*Borough-wide*).

*This has not been completed.*



13. Update “Design Guideline Manual” to include design criteria for the screening or parking below structures.

*This is a continuing recommendation of this Master Plan Reexamination report.*

14. Adopt a “Green Building and Environmental Sustainability Plan Element” as a separate element of the Master Plan or during the next comprehensive update of the Borough Master Plan. The “green element” was recently added by the NJ Legislature to the Municipal Land Use Law as an optional element of municipal master plans and addresses efficient use of natural resources, installation and use of renewable energy systems, impact on the environment, water reuse and conservation and other sustainable planning techniques.

*This is a continuing recommendation of this Master Plan Reexamination report.*

#### 2007 Zoning Board Report to Mayor and Council

Additionally, the 2009 Reexamination report reiterated a number of recommendations for the 2007 Zoning Board Report to Mayor and Council. They are as follows:

1. Move the “Steep Slope” ordinance to the “zoning section” not design standards of our land use ordinance. Variances from the ordinance will require a “C” variance not a “Design Waiver.”

*This has been completed and can be removed.*

2. Regulations for “rehabilitation facilities” and “sexually oriented businesses” should be within the “Zoning” ordinance since they affect land use.

#### *Continuing Comment.*

- a. A clear definition of terms used in the regulations for rehabilitation facilities and sexually oriented business should be established, with a minimum being those two specific uses.
- b. A clear purpose for the regulations should be composed to give guidance to the Board as to the intent of the restrictions, which are established.
- c. A review of the proximities of these uses to other facilities and zones need to be modeled to see if there are any permitted locations for these uses.
- d. Parking requirements for rehabilitation facilities and sexually oriented businesses should be addressed.

3. With the intent of clarifying the difference between public (open enrollment) facilities vs. private and rehabilitation facilities, the definitions section of the zoning ordinance should include:

*Continuing Comment.*

- a. Athletic Club
  - b. Fitness Facility
4. There are new NJDEP regulations for review and permitting of “regulated activities within a “flood hazard area”. These should be mentioned in the Flood Ordinance section of our zoning ordinance. For projects within the flood plain, evidence of applications to NJDEP should be included in the site plan “checklist” requirements for applications to the Zoning and Planning Boards to insure appropriate commercial development within the CBD. Further study of the impact of these investigations on commercial development including: uses below the Base Flood Elevation (BFE), height of structures which provide parking below the structure, access by persons with disabilities – flood proofing methods, and the like, should be made by the Planning Board.

*Continuing Comment.*

5. The Borough Flood(*Plain*) Administrator should review all applications for development, within the flood plain, prior to the application being directed to the Zoning or Planning Boards. With the benefit of this review, the applicant will present plans, which address all flood proofing requirements, and relieve the boards of interpreting laws established by NJ DEP or FEMA.

*Continuing Comment.*

6. The following definitions should be reviewed:
  - a. Lot Width – currently there is no lot width requirement for corner lots. The Definition needs to be modified - “or in the case of corner lots, the mean distance between front and side yard”.

*This has been completed and can be removed as a recommendation.*

- b. Lot Depth – currently there is no lot depth requirement for corner lots. The definition needs to be modified - “or in the case of corner lots the mean distance between front and side lot lines”.  
*This has been completed and can be removed as a recommendation.*  
There may also be a need to determine which dimension is lot width and which is lot depth.  
*Continuing Comment.*
  
- 7. It would be appropriate to clarify to the intent of our ordinance with regard to access to buildings and structures in Section 21-77 PRINCIPAL BUILDINGS and STRUCTURES to include the clarifying text shown in brackets:
  - a. Every principal building or structure shall be built upon a lot with frontage on a public street. The principal building shall have access from that public street.  
*This has been completed and can be removed.*

## V. Extent to Which There Have Been Significant Changes in the Assumptions, Policies, and Objectives

The Planning Board continues to find that, with the exceptions that have been outlined in the previous section of this reexamination report, the overall assumptions, policies, and objectives of the 2004 Master Plan are consistent with and reflect the current assumptions, policies, and objectives of the Planning Board in terms of future development to the Borough.

The following significant changes in the assumptions, policies, and objectives relating to land development in the Borough of Highlands have taken place since 2009:

### Changes at the Local Level

As indicated in the following subsections, there have been considerable changes at the local level since the adoption of the 2009 Master Plan Reexamination Report.

#### Superstorm Sandy

Superstorm Sandy struck the coast of New Jersey on October 29, 2012, and caused extensive damage to the Borough of Highlands from both storm surge and wind damage. Approximately 1,250 homes within the Borough were damaged or destroyed as well as over 60% of all Borough businesses. All of the Borough's sewage pump stations went offline due to floodwater inundation and/or power system failure. Trees and power lines throughout the Borough fell, in many cases damaging buildings and homes.

The Waterwitch Avenue Sanitary Sewer pump station is the Borough's main pump station and was completely submerged in 6 to 8 feet of salt water and debris during Superstorm Sandy. The Barberies Stormwater Pump Station, South Bay Avenue pump station, and North Street Stormwater Pump Station were also damaged during Superstorm Sandy.

During Superstorm Sandy, floodwaters rose to approximately 18 inches above the first floor level of the Borough Hall and Police Station, leaving the facility completely inoperable. The Borough of Highlands Fire Department also sustained damages during Superstorm Sandy, with floodwaters reaching 15 inches above the finished floor. The Department of Public Work facilities were inundated with 51 inches of flood water during Superstorm Sandy. The Robert D. Wilson Community Center and adjoining park also sustained substantial damages during Superstorm Sandy.

The extent of damages Highlands sustained from Superstorm Sandy can act as a catalyst to promote redevelopment of the community as envisioned by the Borough's Master Plan and other planning documents. Due to the built out nature of Highlands, existing land use patterns and prevailing land uses are not anticipated to substantially change. However, the long-term impacts of Superstorm Sandy have yet to be seen, but will be affected by a variety of factors including insurance payouts, flood insurance regulations, as well as the ability of residents, businesses, and the Borough to rebuild.

With the impacts of Superstorm Sandy so great, the Borough of Highlands has significant concern and reason for promoting not only recovery from Sandy, but also building resiliency to future storm impacts and other potential natural hazards. This offers new opportunities for redevelopment, but care must be taken to ensure all new development keeps with the character of the community. Additionally, many residents require assistance in rebuilding and returning to their homes. The impact of the storm also offers an opportunity to increase the resiliency of the Borough's infrastructure.

New FEMA Flood insurance maps are in the process of being adopted. These maps increase the flood zone and base flood elevations for much of the Borough. Property owners will need to take preventative measures to ensure they are in compliance with the new regulations. While the current 2016 Master Plan Reexamination Report is broad in scope, the experience of Superstorm Sandy and the need to build resiliency has influenced and informed its development.

#### Strategic Recovery Planning Report

As a response to Superstorm Sandy, the Borough of Highlands adopted a Strategic Recovery Planning Report in 2014. The purpose of the Strategic Recovery Planning Report is to outline a recommended set of actions to guide the Borough in promoting recovery from the impacts of Superstorm Sandy and resiliency to future storms. The report narrowed down 130 recommendations to 40 potential priority actions. From there, 13 actions were identified as the highest priority. The highest priority actions recommended by the Strategic Recovery Planning Report are as follows:

- Construct Direct Stormwater Piping from Route 36.
- Increase/ enhance Property maintenance and code compliance.
- Mitigate Steep Slope Stability issues.
- Municipal Facilities Plan, including potential for co-locating facilities with other towns.
- Obtain NFIP compliance and apply for CRS certification.
- Sanitary System Improvements.
- Stormwater Drainage and Flood Mitigation.

- Undertake a study of the economic viability of continued clamming in the river and bay.
- Undertake redevelopment studies and prepare plans for areas determined to be in need of redevelopment, to include waterfront, downtown neighborhoods, potential for elevation of buildings in downtown, extension of Shrewsbury Ave, potential for converting single family detached to attached units.
- Update Borough Hazard Mitigation Plan after County Hazard Mitigation Plan is completed.
- Update municipal codes, plans, and strategies re: risks, hazards, and vulnerabilities explored in the Getting to Resilience process.
- Update ordinances to adopt the latest version of FEMA's flood maps, rewrite elevation and freeboard requirements in a Flood Damage Prevention Ordinance as based upon the Best Available Flood Hazard Data or the most stringent version of FEMA's flood maps.
- Update ordinances to streamline the development review process or improvements such as use changes, redevelopment, expansions, and developments.
- Write new Master Plan.

Implementation of the recommendations that have been listed above will promote recovery from Superstorm Sandy and increased resiliency to future storms. Where relevant, individual actions are discussed elsewhere in this report.

### 2013 Highlands Recovery Plan

The Highlands Community Recovery Plan was developed in 2013 by FEMA as a response to Superstorm Sandy. It highlights key recovery issues, summarizes recovery projects developed to address those issues and outlines the community's strategy for moving forward in the aftermath of Superstorm Sandy. The following recommendations were made to address recovery issues and move forward after Sandy:

- Stormwater drainage and flood mitigation
  - Implement existing engineering design from the municipal engineering firm
  - Develop a request for Proposal for project construction, including bid documents
  - Secure funding
- Direct stormwater piping
  - Hold public forums
  - Implement existing engineering design from municipal engineering firm

- Develop a Request for Proposal for project construction, including bid documents
  - Solicit additional funding
- Sanitary System improvements
  - Obtain funding for each section of the project
- U.S. Army Corps of Engineers Study
  - Monitor and support the activities of the US Army Corps of Engineers as the project moves forward
- Housing Advocate/ Grant Manager
  - Create housing advocate position within the Borough or other partner organization, possibly collaborating with other municipalities in the region
  - Establish a Housing Resource Center
  - Collaborate with the Monmouth County Long-Term Recovery Group to identify needs and seek additional resources, as needed
  - Identify funds available to assist property owners
  - Facilitate in the process to receive funding
  - Partner with local colleges to write grants
- Bay Avenue Renaissance
  - Develop an initial streetscape plan and obtain Borough approval
  - Develop and implement a business appearance strategy (windows, property maintenance and façade improvement)
  - Do initial grassroots work on a parking plan and obtain Borough approval for parking plan
  - Undertake a branding process, including developing funding, if necessary
  - Pursue funding for a formal streetscape plan and for executing the streetscape plan
- Steep Slope Stability
  - Implement existing engineering designs from the municipal engineering firm and use steep slope methodologies developed by universities
  - Develop a Request for Proposal for project construction, including bid documents
  - Develop an ordinance
  - Secure funding
- Highlands Art & Cultural Organization and Cultural Heritage Center
  - Start the organization: Reach out to established arts and cultural organizations for advice

- Seek to become a formal nonprofit or work with an organization eligible to receive grants and apply for funding
  - Host events of multiple scales and frequencies
  - Search for a temporary location for the organization
  - Search for a permanent facility location for the Highlands Cultural Center as a long-term recovery project
- Economic Development Committee
  - Develop and execute a strategy for promoting waterfront assets, particularly focusing on public/private partnerships
  - Engage the Borough, County, New Jersey Transit, and North Jersey Transportation Planning Authority in a conversation leading to strategizing connectivity between the various Highlands assets
  - Implement connectivity strategy
  - Decide whether the major waterfront project is a municipal marina or a ramp
  - Develop Borough approval and plans for marina or ramp
  - Develop funding for marina or ramp.
- Property Maintenance and Code Compliance
  - Form working group to address property maintenance compliance
  - Conduct property inventory
  - Create/ Review inventory database
  - Review maintenance code
  - Work with Borough to determine code personnel needs
  - Reach out to community to promote property maintenance
  - Coordinate volunteer efforts to assist those unable to maintain their properties
- The Robert D. Wilson Community Center
  - Work with Borough officials to repair and reopen the Wilson Community Center
  - Identify public and private funding sources to help pay for the repairs
  - Address the reopening or relocation of the library
  - Develop new recreation programs and organizations that will use the facility, including Sandy recovery programs, and support those already in existence
  - Work toward the design and construction of a new community center complex
  - *The Robert D. Wilson Community Center is now repaired and reopened.*



- Bicycling Improvement Plan
  - Identify and seek prospective funding and technical resources to implement the Intra Borough Bicycle Plan
  - Consider the formation of a bicycling organization as a strategy to implement the project
  - Establish and improve trail connections with surrounding communities to provide outside accessibility for pedestrians and bicyclists to Highlands and the downtown district
  - Formulate short- and long-term goals as they apply to opportunities that would improve cycling conditions within Highlands
  - Install cycling equipment throughout Highlands, including racks, maintenance facilities, and directional signage
  - Create and promote cycling events in the Borough to brand Highlands as a cycling hub

#### 2014 Rutgers Planning Studio

In the spring of 2014, a graduate studio class at the Bloustein School for Planning and Public Policy undertook a study of the Borough of Highlands with the goals of: adopting smart responses to flood control and mitigation measures; addressing underperforming Main St. (i.e. Bay Avenue); facilitating public access to waterfront; increasing high-quality waterfront development; enhancing streetscapes and public spaces; improving circulation for motorists, cyclists and pedestrians; developing new urban infill prototypes; increasing real property values through private investment and public actions; and addressing community equity concerns.

The study found that the economic potential of Highlands is somewhat restricted by its location as a beachfront community and its best opportunities are limited to the annual summer season. The study viewed Bay Avenue as the Borough's main commercial corridor and recommended that the master plan be updated in respect to that commercial corridor, feeling it did not represent an informed response to the increased frequency and severity of extreme storm events, to the impacts of sea level rise, or to the need for adaption to the impacts of climate change in general; nor did it provide an adequate or realistic vision for how the study area should evolve. The study proposed designating Miller Street as a retail corridor, encouraging retail on Miller St. and Bay Ave., extending Shrewsbury Avenue, and creating four new zoning districts: a Waterfront District, Residential 1 District, Miller Avenue Mixed Use District, and the Bay Avenue District.

### 2014 Getting to Resilience Recommendations Report

The Getting to Resilience Recommendations Report was designed to be used by municipalities to assist in reducing vulnerability and increase preparedness by linking planning, mitigation, and adaptation. The following recommendations were made for the Borough of Highlands:

- Make sure all outreach programs are quantified and catalogued according to CRS standards.
- Develop a pre-flood plan for public information projects that will be implemented during and after a flood.
- Make the public talks that took place post-Sandy about flood zones, flooding risk, building recommendations, etc into annual meetings.
- Look into becoming designated as a StormReady Community by the National Weather Service.
- Make sure all flood maps are available on the town (*Borough*) website, at Borough Hall, and at any future Highlands Library or the nearby library in Atlantic Highlands.
- Communicate the different information available within different pages of the Borough website to be easily accessible to the public.
- Transfer personal knowledge, documents, and other records of coastal storm and flooding event damages to digital format and place on a shared Borough computer drive to allow for access by multiple municipal departments.
- Adopt the latest version of FEMA's flood maps and rewrite elevation and freeboard requirements in a Flood Damage Prevention Ordinance as based upon the Best Available Flood Hazard Data or the most stringent version of FEMA's flood maps.
- Ensure the public is aware of any changes to FEMA's flood maps as they are updated and if those updates result in changes to the Borough's building requirements.
- Highlands should identify, map, and keep data on areas of coastal erosion and consider creating erosion protection programs or instituting higher regulations for building in areas subject to coastal erosion.
- Highlands should identify sea level rise as a hazard in town (*Borough*) plans and consider disclosing hazard risks to potential buyers and real estate agents.
- Create a detailed mitigation plan for areas that experience repetitive loss.
- Consider returning any properties acquired through Blue Acres or other buyout or acquisition programs to natural floodplain functions.

- Focus on creating a dune system and re-establish dune grass and other natural vegetation.
- Utilize the Community Vulnerability Assessment Tool, Risk and Vulnerability Assessment Tool, Hazard Assessment Tool, and HAZUS-MH to identify potential hazards, risks, and vulnerabilities and keep mapping information on file.
- Have Borough municipal officials participate in FEMA training courses.
- Ensure that Highlands' Community Emergency Response Team (CERT) meets CRS standards.
- Adopt a Continuity of Operations Plan.
- Examine municipal plans, strategies, and ordinances and consider rewriting sections to include the previous recommendations or reflect the risks, hazards, and vulnerabilities explored in the Getting to Resilience process.
- Begin the long term planning process to prepare for sea level rise.

#### 2015- 2016 Stakeholder Survey and Meetings

The Borough of Highlands Master Plan Subcommittee initiated an online survey, hosted through Survey Monkey, to gain input into the future vision for the Borough. The survey was promoted at the Borough Council Meeting on November 16, 2015. The survey link was posted on Borough's website homepage, Borough website Public Notices page and Facebook. The public was also noticed of the survey through a Swift Alert. Paper copies of the survey were made available at the Borough offices. The survey period was November 16<sup>th</sup>, 2015 through April 13<sup>th</sup>, 2016 to ensure all interested residents and business owners had ample time to respond. The survey consisted of three parts: basic demographics, specific zoning updates, and general prioritization of Borough initiatives and goals. A review and summary of the Survey results were presented to subcommittee members at the June 20, 2016 Master Plan subcommittee meeting, and can be found in Appendix E. The survey found that residents had a significant desire for Bay Avenue to be made into a continuous Mixed Use Zone and that the number one concern with new buildings and renovations was parking.

Additionally, stakeholder meetings were held for: business owners (September 28, 2015), residents (November 16, 2015), developers and land owners (February 22, 2016), and environmental groups and other interested stakeholders (June 20, 2016) to gain further input for the vision for the future of the Borough's downtown business district. Take-aways from the stakeholder meeting included the importance of making the Bay Ave business district an appealing place for visitors and business owners and the need for more parking throughout the Borough. Recommendations from stakeholder meetings

and survey results were reviewed by the Master Plan Subcommittee and included into the final recommendations of this Plan.

### Demographic Changes

Since the adoption of the 2009 Master Plan Reexamination Report, 2010 US Census information has been released. This information demonstrates that Highlands Borough’s population has declined by 1.8 percent in the period from 2000 and 2010. By comparison, the populations of Monmouth County and the State of New Jersey grew by 2.5 percent and 4.5 percent, respectively. While it is too early to reliably tell if the population decrease that the borough experienced between 2000 and 2010 is the start of a long-term trend, it is important to note that the Borough’s population also declined by 7 percent in the period from 1980 to 1990. The Borough experienced growth in all other decades since at least 1940. Table 1 depicts historical population development of Highlands Borough, Monmouth County, and the State of New Jersey from 1940 onwards. It is important to note that the Borough was severely impacted by Superstorm Sandy, and 2014 annual population estimates for the Borough of Highlands are 4,926, another 1.6% decrease in population from the 2010 Census count.

**Table 1: Population 1940–2010**

	Highlands Borough		Monmouth County		New Jersey	
	Population	Change	Population	Change	Population	Change
1940	2,076	--	161,238	--	4,160,165	--
1950	2,959	43%	225,327	39.7%	4,835,329	16.2%
1960	3,536	19%	334,401	48.4%	6,066,782	25.5%
1970	3,916	11%	461,849	38.1%	7,171,112	18.2%
1980	5,187	32%	503,173	8.9%	7,365,011	2.7%
1990	4,849	-7%	553,124	9.9%	7,730,188	5.0%
2000	5,097	5%	615,301	11.2%	8,414,350	8.9%
2010	5,005	-1.8%	630,380	2.5%	8,791,894	4.5%
Average	—	14.46%	—	22.67%	—	11.57%

Source: US Census Bureau

In the period from 2000 to 2010, the Borough’s population has aged. The median age in the Borough (45.1 in 2010) increased by 6.5 years between 2000 and 2010, while the median age in the County (41.3 in 2010) increased by 3.6 years during the same time period. This development is supported by the fact that, from 2000 to 2010, the Borough saw a significant increase of 12.1 percentage points in the percent of the population aged 45 and over. For comparison, the percentage of population aged over 45 grew by only 7.8 percentage points in Monmouth County. There were declines of -13.0 and -7.8 percentage points in the under-45 age cohorts between 2000 and 2010 in Highlands Borough and

Monmouth County, respectively. The percentage of 2000 and 2010 populations by age cohort for Highlands Borough and Monmouth County are listed in Table 2.

Population trends within Highlands are influenced by a variety of factors including national, state, and regional economic conditions, social changes, and government policy. Changing birth rates, changing employment trends and consumer preferences, the availability of land, flood insurance rates, and other factors can affect future development within the Borough. The planning board should monitor population growth and composition and review its planning program to determine how the needs and desires of present and future residents of Highlands Borough may be changing.

**Table 2: Population Distribution 2000 and 2010**

	2000 Population		2010 Population		Change (2000–2010)	
	Borough	County	Borough	County	Borough	County
Under 5	5.1%	6.9%	5.0%	5.5%	-0.1	-1.4
5-14	11.0%	15.1%	6.7%	13.7%	-4.3	-1.4
15-24	10.0%	11.0%	9.1%	12.4%	-0.9	1.4
25-34	16.6%	12.2%	14.4%	10.3%	-2.2	-1.9
35-44	20.2%	18.2%	14.7%	13.7%	-5.5	-4.5
45-54	15.4%	15.0%	21.2%	17.6%	5.8	2.6
55-64	10.3%	9.1%	16.1%	13.0%	5.8	3.9
65 and Over	11.3%	12.5%	12.8%	13.8%	1.5	1.3
Total	100%	100.0%	100%	100.0%	--	--
Median Age	38.6	37.7	45.1	41.3	6.5	3.6

Source: US Census Bureau

With regard to household size, it is noted that the average household size in Highlands at the time of the 2010 US Census was 1.91 persons, which is less than the average household size of 2.66 persons in Monmouth County. A potential explanation for this is the lower median age in the county. Aging populations tend to live in smaller households due to a lower number of children present. The US Census Bureau defines a household as one or more persons, whether related or not, living together in a dwelling unit.

With regard to the number of households in Highlands, it is noted that there were a total of 2,623 in 2010. The number of households in a particular area is synonymous with the number of occupied housing units. Thus, in 2010, there were 2,623 occupied housing units in Highlands. In 2010, there were also 523 vacant housing units in the Borough, which results in a total of 3,146 housing units in the Borough of Highlands at the time of the 2010 US Census. By comparison, there were 2,820 housing units in 2000, including

2,450 occupied housing units and 370 vacant housing units and 202 seasonal housing units. Thus, the number of housing units increased by 326 units from 2000 to 2010.

With regard to the number of housing units that have been developed in the period since the time of the 2010 US Census, it is noted that the New Jersey Construction Reporter indicates that a total of 12 certificates of occupancy and 82 demolition permits have been issued from April 1, 2010 through December 2014. This results in a net loss of 70 residential housing units. When subtracted to the number of housing units reported by the 2010 US Census, it is estimated that there were 2,553 housing units in December 2014. The loss of units may, at least partially, be attributed to Superstorm Sandy.

### New Housing Construction

While new housing construction has dropped substantially on a county-wide basis, the pace of new residential construction in the Borough of Highlands has increased in the years following Superstorm Sandy. Table 3 below depicts housing units authorized by building permits for new construction in the Borough from 2004 to 2014, as tabulated by the New Jersey Department of Community Affairs Construction Reporter.

**Table 3: Housing Units Authorized by Building Permits for New Construction  
 Borough of Highlands, 2004-2014**

<i>Year</i>	<i>1 &amp; 2 Family</i>	<i>Multi-family</i>	<i>Mixed Use</i>	<i>Total</i>
2004	12	0	0	12
2005	10	0	0	10
2006	8	0	0	8
2007	1	0	0	1
2008	5	0	0	5
2009	1	0	0	1
2010	3	0	0	3
2011	2	0	0	2
2012	4	0	0	4
2013	24	0	0	24
2014	20	0	0	20
<i>Total</i>	90	0	0	90
<i>Average</i>	8.18	0	0	8.18

Source: NJ Department of Community Affairs Construction Reporter

**Zoning Board of Adjustment Annual Report**

The Borough of Highlands Zoning Board of Adjustment releases an annual report that covers the Board’s actions in each calendar year. The Board works with applicants to develop improved designs and reduce the intensity and quantity of variances, often reducing the number requested. Summaries of the Board’s actions from 2012- 2015 can be found in the following table.

**Table 4: Zoning Board of Adjustment Annual Report Data**

Year	Total Applications	Approved	Withdrawn	Pending	Denied	Dismissed	Total Variance Requests	Most Frequent Variance	Number	2 <sup>nd</sup> most frequent variance	Number
2012	9	5	2	2	-	-	20	Use Variance	5	Front yard setback	3
2013	17	10	3	1	1	2	57	Use Variance	7	Lot area, frontage, front, side, and rear yard setbacks, building coverage	6
2014	21	18	1	-	-	2	126	Side Yard Setbacks	17	Building coverage	16
2015	9	8	0	-	1	-	44	Side Yard Setbacks	12	Front Yard Setbacks	9

Source: Borough of Highland Zoning Board of Adjustment Annual Reports



### Land Use and Natural Features

The Borough of Highlands is a fully developed community along the Sandy Hook Bay in northern Monmouth County. The Borough is split by a steep hill separating the low-lying Bayfront area and downtown business district from the Route 36 corridor and development on the hilltop. The steep hilltop is characterized by slump block issues, which were highlighted as an ongoing concern in the Borough. A map showing elevations in 10 ft. increments as well as areas of steep slopes can be found in Appendix B. The Natural Features map also shows a small, singular area of wetlands in the Borough as well as shoreline type along the Sandy Hook Bay. The majority of the shoreline has been bulkheaded with a few areas of beach. Almost all of the low-lying portion of the Borough is located in a Special Flood Hazard Area (SFHA) on FEMA's preliminary FIRM map, published in January 2015 and depicted in Appendix F. During Superstorm Sandy, all of the low-lying portion of the Borough was inundated with flood waters, measuring 11 feet in depth in some places, as depicted in Appendix G. Repetitive Loss Properties were mapped by total NFIP payout per U.S. Census Block in the Borough's SRPR. Much of the low-lying portion of the Borough had areas with repetitive loss, with the majority of census blocks having NFIP payouts totaling \$668,454.86 to \$3,083,073.33.

Land uses in the Borough of Highlands are predominately residential, with commercial uses along the Bayfront, Bay Avenue, and mixed throughout the Route 36 corridor. There are also areas of schools, churches, and public property interspersed throughout the Borough, as depicted in Appendix C. Route 36 is the only major evacuation route in the Borough of Highlands. The police station, fire department, and first aid building are all located in the low-lying portion of the Borough and susceptible to flooding. Henry Hudson Elementary School is located along the hill slope on the north side of Route 36. The Henry Hudson High School is located in the hills, south of Route 36, at one of the higher areas of land in the Borough, as depicted in Appendix H.

### Changes at the County/Regional Level

Since the adoption of the 2009 Master Plan Reexamination Report, there have been several changes at the county and regional level. In addition, the county has recently updated both its Master Plan and the Monmouth County Multi-Jurisdictional Natural Hazards Mitigation Plan.

#### Monmouth County Multi-Jurisdictional Natural Hazard Mitigation Plan

The Monmouth County Multi-Jurisdictional Natural Hazard Mitigation Plan (HMP) identifies natural hazards that could affect the County's jurisdictions, evaluates the risks



associated with these hazards, identifies the mitigation actions to lessen the impacts of a disaster on Monmouth County communities, and prioritizes them based on the municipal master plans and other planning documents. Monmouth County employed a multi-jurisdictional approach to develop the plan, and every municipality in the County was invited to participate as an equal partner with the County.

As part of its participation in the HMP outreach process, the Borough of Highlands has identified that in the aftermath of Superstorm Sandy, the Borough is concerned with the following recovery actions:

1. Through plan review and guidance to property owners in the downtown area to elevate residences and floodproofing of multifamily and commercial structures.
2. Storm system improvement project in portions of the downtown area.
3. Routine visual inspection of coastlines and bulkheads, identification of areas of concern, and prompt repairs of troubled areas, with mitigation as needed, to ensure levels of protection afforded by the Borough's beach and bulkhead system.
4. Borough ordinances have been revised over recent years to make disturbance on or near a steep slope prohibited without seeking variance relief. Implement monitoring mechanisms for areas of concern and apply soil stabilization measures, as needed to prevent impacts to improved property and infrastructure. Revise Ordinances as necessary. Prohibit slope disturbances within specific areas.
5. Improvements to electrical and telecommunication systems at critical facilities including EOC and local shelters to minimize future damage and system failures, and maximize the borough's ability to perform and maintain critical functions during emergencies. These improvements will include generators and mitigation measures of various features.
6. Installation of hurricane clips and wind shutters on existing Borough facilities including emergency facilities.
7. Conduct a study to determine the year built and level of protection for each Borough facility for various hazards (foremost: flooding). Then, seek funding for mitigation projects for those facilities that are not currently designed for an appropriate level of protection. This includes but is not limited to increasing interior drainage and adding an additional stormwater pump station at Jones Creek, rebuilding the North Street Stormwater Pump station to current codes and standards, constructing new Borough facilities to replace the storm damaged, flood prone facilities and/or flood proof existing facilities that can feasibly be repaired and mitigated.
8. Physical barrier with a movable flood gate at the mouth of the Shrewsbury River.

Since adoption of the 2009 HMP and during the aftermath of Hurricane Sandy, the County underwent an extensive process of updating the HMP to incorporate post Superstorm Sandy elements of mitigation planning. A draft plan was released for review in October 2014 and the final plan was approved by FEMA on April 14, 2015.

### Bayshore Regional Strategic Plan

The Bayshore Regional Strategic Plan was adopted in 2006. It emphasizes the importance of pursuing common objectives and working together to resolve regional planning issues (e.g., struggling downtown businesses, challenges posed to the region's historic maritime character by physical and market forces, waterfront areas and open space access is compromised by new development, lack of resources, etc.). It contains a number of action-oriented, regional visions relating to economic development, waterfront and open space, transportation, and housing. The following visions are relevant to the Borough of Highlands:

- Economic Development Visions
  - Tourists from outside the Bayshore Region are attracted to the area for its waterfront downtown areas (restaurants/ shops), marinas, beaches, amusement park, recreational resources and cultural amenities.
  - Downtown areas are revitalized economic development and job growth, to serve local needs- in keeping with the historic maritime setting- and as places that attract tourists.
  - Route 36 is a road with an attractive streetscape that unifies the Bayshore Region and provides an upgraded mix of land uses compatible with the lower density and environmental sensitivity of the region.
  - The unique maritime heritage of the area is preserved. The Region's cultural, arts, historic, waterfront and natural resources are "selling points" that attract visitors to the region and spur economic development.
- Waterfront and Open Space Visions
  - The natural beauty of the waterfront is enhanced and made more accessible.
  - The unique maritime heritage of the area is preserved.
  - The few remaining large tracts of upland natural areas are preserved and enhances for open space and flood protection where appropriate and feasible to preserve open space, protect the natural environment, or provide flood protection.
  - The Region's waterfront and natural resources are "selling points" that attract visitors to the region and spur economic development.
- Transportation Visions
  - Traffic flow is improved along Route 36 on summer weekends and at the Route 35/Route 36/Garden State Parkway hub.

- The Region takes advantage of its excellent transit access, including train, bus, and ferry service, with strategically placed multimodal facilities (e.g., parks and rides) and mixed-use development.
- Route 36 is a transportation corridor that provides for safe and efficient vehicular, transit, and pedestrian circulation.
- Route 36 and Henry Hudson Trail are better integrated into the region to improve awareness and access to Bayshore communities, thereby contributing to economic development through tourism.
- Housing Visions
  - New housing and upgrades to existing housing are in keeping with community character and scale of the area.
  - A mix of housing types and affordability is maintained.

In addition to outlining the aforementioned regional strategies, the Bayshore Regional Strategic Plan envisions that the Borough of Highlands' maintain the maritime character and that the remaining natural lands are preserved and enhanced for recreation. Additionally, the downtown area should be revitalized and connected by water taxi to Sandy Hook.

#### Summer Coastal Evacuation Routes Study

The Monmouth County Coastal Evacuation Routes Study was prepared in 2008 to evaluate how the current coastal evacuation route system could be improved and possibly expanded to help move people out from the flood zones. The report was created for use by the county and municipalities to plan and program operations and system improvements that will make evacuation from flood areas safer and more efficient.

#### Summer Coastal Population Study

The Monmouth County Planning Department undertook a study in 2008 to estimate the seasonal population increases of the county's Shore Region during the summer months. The purpose of this study was to support emergency and non-emergency transportation planning, and the Monmouth County Coastal Evacuation Routes Study, in particular. The Shore Region includes the county's Coastal and Bayshore Planning Regions, as well as portions of the county's Central Region. It was found that the average summer daytime population increases about 73 percent over the Shore Region's year-round population.

#### Changes at the State Level

As indicated in the following subsections, there have been considerable changes at the state level since the adoption of the 2009 Master Plan Reexamination Report.

### State Development and Redevelopment Plan/State Strategic Plan

The NJ State Planning Commission is now staffed by the Office of Planning Advocacy (OPA) which is within the Department of State. The OPA has released a draft State Strategic Plan to supersede the current State Development and Redevelopment Plan. Public Hearings were held in February, March, and September of 2012. The draft State Strategic Plan is based upon a criteria-based system rather than a geographic planning area. The draft State Strategic Plan has not been adopted by the State Planning Commission at this time and was put on hold following Superstorm Sandy.

The Borough of Highlands should continue to monitor the progress of the new plan and its implication for future planning in the Borough.

### Affordable Housing (COAH)

COAH originally adopted affordable housing rules for the third round period in 2004. However, an Appellate Division decision in 2007 stayed COAH from reviewing any plans as part of a petition for substantive certification, and resulted in a remand of the 2004 rules back to COAH to revise them consistent with the Appellate Division decision. COAH subsequently adopted revised third round rules in 2008.

In 2010, the Appellate Division invalidated COAH's 2008 third round rules, and the "growth share" methodology upon which they were based. In 2013, the New Jersey Supreme Court upheld and modified the Appellate Division's 2010 decision that invalidated COAH's third round rules. As a result, COAH was then charged with the task of adopting new affordable housing rules.

COAH has since failed twice to adopt new affordable housing rules for the third round period. Due to COAH's failure to adopt such rules, the New Jersey Supreme Court concluded on March 10, 2015 that there no longer exists a legitimate basis to block access to the courts, which was the original intent of the COAH process. The New Jersey Supreme Court's March 10 decision notes that: "parties concerned about municipal compliance with constitutional affordable housing obligations are [now] entitled to such access, and municipalities that believe they are constitutionally compliant[,] or that are ready and willing to demonstrate ... compliance [with such obligations,] should be able to secure declarations that their housing plans and implementing ordinances are presumptively valid in the event they ... must defend [themselves] against exclusionary zoning litigation."

In its March 10 decision, the New Jersey Supreme Court established a transitional process to not immediately allow exclusionary zoning actions to proceed in court. The decision notes that: "[d]uring the first thirty days following [June 8, 2015] ..., the only actions that will be entertained by the courts will be declaratory judgment actions filed by any

[municipality] ... that either (1) had achieved substantive certification from COAH under prior iterations of Third Round Rules before they were invalidated, or (2) had “participating” status before COAH. Assuming [that] any such [municipality] ... waits and does not file a declaratory judgment action during [the] ... thirty-day period, an action may thereafter be brought by a party against [the municipality] ..., provided the action’s sole focus is on whether the [municipality’s] ... housing plan meets its Mount Laurel obligations (a constitutional compliance challenge). The court’s evaluation of a [municipality’s] ... plan that had received substantive certification, or that will be submitted to the court as proof of constitutional compliance, may result in the [municipality’s] ... receipt of the judicial equivalent of substantive certification and accompanying protection as provided under the [Fair Housing Act] ....”

The Borough of Highlands adopted an Affordable Housing Plan in June 2016.

### Complete Streets

In late 2009, the New Jersey Department of Transportation (NJDOT) adopted a Complete Streets Policy. A “complete street” is defined by the NJDOT as a “means to provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options.” Seven (7) counties and 104 municipalities (as of July 2014) have adopted complete streets policies. The intent of the policy is to provide streets to meet the needs of all types of users and all modes of circulation- walking, bikes, cars, trucks, and buses.

The Borough of Highlands should consider a Complete Street Policy.

### Coastal Area Review Act (CAFRA)

CAFRA regulations apply to development projects near coastal waters. Generally, the closer the project is to the water, the more likely it will be regulated. All land within the Borough of Highlands is located under CAFRA jurisdiction.

The CAFRA divides the area of CAFRA jurisdiction into zones where development is regulated by varying degrees. The CAFRA law regulates almost all development activities involved in residential, commercial, or industrial development, including construction, relocation and enlargement of buildings, excavation, grading, shore protection structures, and site preparation.

### Time of Decision

On May 5, 2010, Governor Christie signed P.L. 2010 c.9 into law, effectively nullifying the “time of decision” rule, which had previously allowed municipalities the ability to alter zoning requirements even after an application for development had been filed but before a formal decision on the application had been rendered. P.L. 2010 c.9 provides that the development regulations applicable to a property at the time an application for

development is filed will govern the review of the application and any decision made pertaining to it. P.L. 2010 c.9 was effective on May 5, 2011.

#### **Solar and Wind Facilities as Permitted Uses in Industrial Zones**

The Municipal Land Use Law was amended in 2008 to provide that solar and wind facilities on parcels of 20 acres or more shall be deemed as permitted uses in industrial zone districts. In addition, the definition of “inherently beneficial use” in the Municipal Land Use Law now includes a wind, solar, or photovoltaic energy facility or structure.

#### **Stormwater Management**

In 2004, the New Jersey Department of Environmental Protection (NJDEP) adopted municipal stormwater regulations that required preparation and adoption of a stormwater management plan and ordinance by the Borough to address the need for promoting groundwater recharge and controlling the impacts of stormwater runoff from development. The Borough of Highlands adopted a Municipal Stormwater Management Plan last amended in 2007.

#### **Redevelopment Case Law**

There have been a number of recent court decisions concerning the use of the criteria for determining an area “in need of redevelopment” pursuant to the Local Redevelopment and Housing Law. The most significant of these decisions is the New Jersey Supreme Court’s decision in Gallenthin vs. Paulsboro, which reevaluated and set guidelines for the use of the statutory criteria for determining an area in need of redevelopment. The New Jersey Legislature also held hearings in 2010 on legislation to update the New Jersey Redevelopment and Housing Law. In 2013, the legislation (Assembly Bill 3615) became law, and is intended to protect property owners by limiting the redevelopment powers of municipalities under the Local Redevelopment and Housing Law. This amendment raises the standard for a blight finding to one in which the property must be unproductive.

Given that some of the Borough’s revitalization efforts are based on redevelopment, municipal officials should monitor these legal decisions and legislative initiatives. Further, the validity of any redevelopment area designation should be evaluated in light of the recent amendment.

#### **Changes at the Federal Level**

New FEMA Flood insurance maps are in the process of being adopted. These maps increase the flood zone and base flood elevations for some areas of the Borough. Property owners will need to take preventative measures to ensure they are in compliance with the new regulations.



### Executive Order Establishing a Federal Flood Risk Management Standard

In 2013, the President's Hurricane Sandy Rebuilding Task Force adopted a higher flood standard for the Sandy-affected region to ensure that federally funded buildings, roads and other projects were rebuilt stronger to withstand future storms. The Sandy Task Force also recommended that the Federal Government create a national flood risk standard for federally funded projects beyond the Sandy-affected region. The new standard gives agencies the flexibility to select one of three approaches for establishing the flood elevation and hazard area they use in siting, design, and construction. They can:

- Use data and methods informed by best-available, actionable climate science;
- Build two-feet above the 100-year (1%-annual-chance) flood elevation for standard projects, and three feet above for critical buildings like hospitals and evacuation centers; or
- Build to the 500-year (0.2%-annual-chance) flood elevation.

On January 30, 2015, the President released proposed guidelines for these standards that are available for 60 days of public comment. Once public input has been considered, including from a series of public listening sessions that will be held across the country, and the guidelines are finalized, agencies will implement the Standard through their own rulemaking or other procedures, which also will incorporate input from the public and stakeholders.

The new flood standard will apply when Federal funds are used to build, or significantly retrofit or repair, structures and facilities in and around floodplains to ensure that those structures are resilient, safer, and long-lasting. It will not affect the standards or rates of the National Flood Insurance Program. Each agency will carefully consider how to appropriately apply this standard, and consider robust public input before deciding how to implement it.

## VI. Specific Changes Recommended for the Master Plan and Development Regulations

Given the extent to which there have been significant changes in assumptions, policies and objectives at the local, county, and state levels, the 2016 Master Plan Reexamination Report recommends a number of changes to the Borough's municipal master plan and development regulations. These are discussed in the following subsections.

### Changes to the Master Plan

A master plan amendment has been compiled and incorporated into this document. The following subsections outline the key points that are addressed in the amendment.

### Update Master Plan Goals

The following goals of the 2004 Master Plan are recommended to be amended as follows (proposed changes underlined, ~~deletions crossed out~~, *commentary in italics*):

#### *General Objectives*

1. Physically- to meet the needs of the Borough with the creation of mixed use development of exceptional design quality, a waterfront destination for activity and relaxation.
2. *This should be emphasized, as prioritized in the Stakeholder Survey, 2013 Recovery Plan, and the 2014 Rutgers Study.*
3. Socially- a redeveloped community offering homes, employment, services, civic spaces and leisure in a quality environment which will form part of the established communities of the Bayshore Region.  
*This should be emphasized, as prioritized in the Stakeholder Survey and the 2014 Rutgers Study.*
4. Naturally- to protect the existing resource base through sensitive design, energy efficiency, sustainable waste management and to minimize the impact on the local environment.  
*This should be emphasized.*



5. To create a balanced Borough- residential, business/ employment, retail, community and leisure.
6. Strive to increase the percentage of owner- occupied housing in the Borough.  
*This should be emphasized.*

*Residential*

1. Preserve and protect the existing residential character of the Borough. Require that infill development be compatible with the neighborhood and conform to the setbacks of existing buildings on the block.
2. Limit new development and infill development that increases the intensity of neighborhood land and property use.
3. Ensure that public and quasi-public land use remains compatible with the needs and character of adjacent neighborhoods.
4. Prevent non-residential uses from locating on residential streets or in residential areas.
5. Limit developments that would generate a high volume of traffic on local and collector streets.
6. Encourage the maintenance and preservation of residential properties.  
*This should be emphasized.*
7. Identify sources of funds for rehabilitation of residential dwellings and provide assistance to property owners in procuring funds.
8. ~~Promote preservation and restoration of housing that has historical significance where feasible.~~ **The Borough should recognize historic assets without a formal designation.**  
*Due to major flooding events such as Superstorm Sandy, the number of remaining historic structures throughout the Borough is low.*

*Commercial*

1. Strengthen commercial districts, especially the Bay Avenue Central Business District, by encouraging a mix of uses that provides employment, retail opportunities, services and entertainment.  
*This should be emphasized, as prioritized in the Stakeholder Survey, 2013 Highlands Recovery Plan, and the 2014 Rutgers Study.*
2. Continue the improvement of commercial properties in the Borough.  
*This should be emphasized.*
3. Strive to enhance and retain existing businesses and promote new business development along Bay Avenue from Valley Street to the Bay Avenue/Shrewsbury Avenue intersection, and recommended redevelopment areas.
4. Provide for adequate parking to serve established residential and commercial areas. Incorporate adequate parking into new developments.
5. Require buffering around commercial properties to soften the visual and functional impact of their design and use.  
*This should be emphasized.*
6. Create a program to implement strict enforcement of sign regulations.
7. Update ordinances to streamline the development review process for improvements such as use changes, redevelopment, expansions, and developments.
8. Encourage redevelopment of commercial properties that need rehabilitation or improvement.  
*This should be emphasized.*
9. Encourage upgrading of commercial properties and their surroundings.  
*This should be emphasized.*

10. Encourage the development of small-scale commercial and office uses and encourages the design of buildings with a residential scale.  
*This should be emphasized.*
11. Create attractive gateways at the principal entrances to the Borough through upgraded land uses, streetscape improvements and signage. **Utilize gateways to attract visitors to business districts.**
12. ~~Prohibit the construction of parking structures within 400 feet of the waterfront.~~  
*This has no practical effect on the development of the Borough of Highlands.*  
**Consider the location of parking structures where appropriate, so long as they are consistent with the overall objectives of the Borough's planning documents and sound planning principles and design, while having no adverse impacts on the surrounding neighborhood.**

#### *Circulation*

1. Promote the creation of a fully intermodal transportation system that enhances local circulation, increases regional access and provides links to regional destinations. Coordinate land uses with transportation investments to promote intermodal connections and encourage alternatives to driving such as mass transit, ferry and bicycle/ pedestrian facilities.
2. Increase bicycle/ pedestrian safety and circulation by improving traffic signals at key intersections, utilizing traffic calming measures and providing bike lanes that connect activity centers throughout the Borough.
3. Evaluate and implement methods of providing adequate parking to serve existing development and proposed redevelopment. Consider facilitating lease parking options between private sector business operators to take advantage of low peak parking demand.
4. Ensure a well maintained and safe circulation system.
5. Coordinate maintenance and improvement actions with neighboring communities and Monmouth County.
6. Monitor areas with high traffic accident rates and develop improvement programs.

7. Discourage developments that do not meet minimum frontage requirements on public or private roads.
8. Encourage circulation patterns that are compatible with land use goals and public safety.
9. Monitor private roads to ensure that the maintenance and safety needs continue to be satisfied.
10. Improve the appearance of intermediate and major thoroughfares, such as Route 36 and Bay Avenue.
11. Encourage landscaping along intermediate and major thoroughfares to buffer residential and non-residential land uses from the noise and pollution of vehicular traffic.
12. Cooperate with NJ DOT and adjacent communities to improve the appearance of entranceways into the Borough from Route 36.
13. To improve public access to the waterfront.
14. To encourage pedestrian and bicycle access through redevelopment projects, parkland and civic spaces to the waterfront.
15. Provide clear signage to parking facilities.

*Economic Development/ Redevelopment*

1. Encourage the development of a diversified economic base that generates employment growth, provides increased tax ratables, increases income levels and promotes the reuse of underutilized properties.
2. Focus economic activity in the Borough's economic centers including Bay Avenue and commercial waterfront areas. Recognize the unique character of each area and promote development that will strengthen and reinforce market niches.
3. Capitalize on the Borough's competitive advantages for economic development purposes including its location in the New Jersey/ New York City region, extensive transportation and utility infrastructure, land available for redevelopment, stable labor force and quality of life.

*This should be emphasized as highlighted in the 2014 Rutgers Study.*

4. Promote the revitalization and aesthetic appearance of the Bay Avenue CBD through the public-private partnership between the Borough and the Business

Improvement District (BID) with a focus on niche retail, specialty services, restaurants and entertainment uses. Consider the development of small scale anchor uses to make the CBD a destination and attract shoppers as well as visitors.

5. Encourage selected retail, marina and office mixed use development along the Sandy Hook Bay waterfront that take advantage of extensive waterfront frontage and regional access. Target the corridor for uses that complement Bay Avenue rather than compete with it.
6. Encourage redevelopment in areas that need rehabilitation or improvement.
7. Work with the Business Improvement District (BID) and the economic development committee to extend the existing peak summer season.
8. Capitalize on the economic resources represented by Sandy Hook, Route 36, the Twin Lights, the New York Ferry and the physical attractiveness of the area.
9. Investigate the creation of mixed use marine development at targeted locations.

#### *Landscaping/ Hard Landscaping*

1. To provide a marine landscape setting; to maximize public access to both informal and formal spaces; to capitalize on the Veterans Park formal play area and to develop areas of public art.
2. To encourage use of high quality landscaping design- to enhance dramatic views to the bay, to develop civic space and public art, to develop and to screen and integrate development.
3. To encourage the use of low maintenance, hard-wearing materials in parks and public spaces.
4. To minimize visual intrusion through the development of car parking under buildings or landscape courts.

#### *Community Facilities and Utility Infrastructure*

1. Provide adequate sewer and water services to meet the demands of proposed economic development and a growing population in a manner that will limit sprawl and promote concentrated development.

***This should be emphasized as indicated in the 2013 Recovery Plan and the 2014 Strategic Recovery Planning Report.***

2. Improve storm water management along the bay front, roads and intersections through effective infrastructure, maintenance, and replacement.
3. To achieve the storm water quality standards established by the NJ Department of Environmental Protection.

*This should be emphasized.*

4. Preserve and upgrade the existing utility infrastructure including water, stormwater management and wastewater treatment. Continue rehabilitation programs while pursuing selected replacement and expansion projects in order to accommodate growth and redevelopment.
5. Continue to investigate the consolidation and privatization of municipal services.
6. Encourage regularly scheduled infrastructure maintenance consistent with long range plans to avoid system failures.
7. Study and periodically review future service needs and implementation methods.
8. Continue trash reduction, reuse and recycling efforts in cooperation with appropriate County, Regional, and State agencies.
9. Maximize the use of existing and planned facilities consistent with the efficient use of public funds.
10. Maintain facilities that are in current use and renovate or reuse obsolete facilities for other uses.
11. Cooperate with surrounding communities, County, and State organizations to make the best use of available public facilities.

#### *Open Space and Recreation*

1. Provide adequate park, open space, and recreational facilities for all Borough residents.
2. Cooperate with public and quasi-public institutions to utilize and maintain their undeveloped land for open space or recreation.
3. Consider enhancing regulations to assure that quality open space is provided and maintained as redevelopment occurs.
4. Provide through block pedestrian paths to parking and recreation facilities.

### *Community Identity*

1. Develop and effectively communicate a strong and appealing identity for the Borough.
2. Creative attractive, memorable “gateways” into the Borough.
3. Develop and implement streetscape projects for major public thoroughfares.
4. Preserve and protect historic and major natural features in the Borough.
5. Enhance and maintain the appearance of community facilities and Borough owned properties.
6. Recognize excellent building and landscape design aesthetics with awards.
7. Encourage higher quality architectural and landscape design through the use of design standards.
8. Encourage neighborhoods to improve their aesthetic appeal and identity.
9. Publish information regarding Borough regulations, issues, and agendas on the Borough Web site.
- 10. Obtain NFIP compliance and apply for CRS certification.**

### *Cultural*

1. To encourage sensitive design in the conversion and re-use of the buildings and their environment and to mitigate the effect of adjoining developments.
2. Expand recreational and cultural facilities and services.

## **Changes to Development Regulations**

The 2016 Master Plan Reexamination Report recommends a number of changes to the Borough’s development regulations. These changes are outlined in the following subsections.



## Zoning Recommendations

- Create a new Central Business District along Bay Avenue from South Street to the VFW and along Miller Street from Bay Avenue to the Waterfront to replace current existing zoning and overlay districts; with the exception of the existing Multi-Family Zone District located



Figure 1. Intersection of Miller Street and Bay Avenue

along Marina Bay Court. Regulations would include:

1. Permitted uses:
  - a. Retail sales and service establishments, business and personal service establishments;
  - b. Finance such as banks, saving institutions, credit unions, consumer lending and securities brokerage;
  - c. Insurance offices such as life, health, medical carriers, claims adjusting and all other insurance related activities;
  - d. Medical and health care offices;
  - e. Restaurants, bars, and taverns and other eating establishments, except drive-thru restaurants;
  - f. Micro-breweries and distilleries;
  - g. Pool halls
  - h. Professional, administrative and business office and services;



- i. Recreational retail sales and service businesses related to water sports and outdoor recreation such as, but not limited to bicycling, fishing, and surfing;
  - j. Houses of worship;
  - k. Taxi/livery/bus companies, except on parcels with frontage on Bay Avenue;
  - l. Live theater and museums
  - m. Medical offices
  - n. Flower shops and retail plant stores
  - o. Gift and antique shops
  - p. Hobby stores
  - q. Pet stores, pet grooming, and veterinary care
  - r. Clothing and apparel stores
  - s. Sporting goods stores
  - t. Home furnishing stores
  - u. Music, ballet and dance studios
  - v. Hardware, plumbing, and electric supply sales
  - w. Health and fitness studios, including spa services;
  - x. Essential services, as defined in this chapter;
  - y. Offices and facilities for municipal, County, State and Federal government; and
  - z. Art, handicraft studios/ workshops, galleries, and craft stores
  - aa. Existing single family homes
2. Permitted Accessory Uses:  
Off-street parking areas, uses and structures customarily subordinate and incidental to permitted principal uses and permitted conditional uses
3. Permitted Conditional Uses:
- a. Hotels
  - b. Bed and breakfasts
  - c. Residences above the first ground level
  - d. Off Street Parking

- Create a new Mixed Use Zoning District (MXU) for the Shadow Lawn Trailer Park site. The regulations for this district would include:
  - Multi-family housing with parking
    - Maximum density of 30 units per acre
    - Maximum stories: 10
    - Maximum height: 125 feet
  - Retail uses
  - Office uses
  - Restaurants including rooftop restaurants
  - Single family homes
- Implement a form-based code throughout the new downtown district.
- Allow parking as a permitted conditional use in all business districts, with the exception of waterfront commercial properties. In waterfront commercial properties, permit parking as an accessory use only.
- Remove the B-1 and B-2 overlay zones in concurrence with the creation of the new Central Business District Zone.
- In mixed use buildings, allow residential on all floors above the first floor.
- Create an ordinance to regulate AirBnBs and other similar home sharing uses.
- Update the Steep Slopes and Slump Blocks Ordinance to incorporate the definition from IBC for setbacks and construction. The update should also address drainage and vegetation issues.
- Create a new Waterfront Commercial District (WC-3) encompassing Block 84, Lot 2.01 to allow for commercial boat basins.

### Zone Changes

In addition to the above, the following changes to the zoning regulations are recommended for the Borough of Highlands. The reasons for individual zone changes are described below:

1. Create a new Mixed Use Zoning District (MXU) for the Shadow Lawn Trailer Park site. *This is one of the few tracts of land left for development in the Borough. The Borough's 2016 Housing Element references this site as a potential location to include affordable housing in development. Creating a new mixed use zoning*

*district consisting of this lot will encourage the redevelopment of the site, taking into consideration its proximity to Route 36 and multi-family zone districts and its location on top of the hill.*

2. Implement a form-based code throughout the downtown business district.  
*Form-based codes regulate development by governing the size, shape and location of buildings within in area rather than focusing on the uses that may be permitted. Typically, a form-based code will include standards regulating the location of a building on the lot, in relation to other buildings on the same block, and in relation to street. The relationship of the building to the street is particularly emphasized in form-based codes. This relationship, along with the nature and type of improvements along the street (i.e., streetscape) defines the “public realm” that people experience and creates a sense of place within the community. A form-based code also will use graphics (e.g., maps, diagrams, and cross-sections) to depict the permitted standards rather than detailed written regulations so that they are more easily understood by the public and developers. The use of form-based code will encourage and allow for more flexibility in redevelopment of the downtown business district, while maintaining the character of the Borough.*
3. Allow parking as a permitted conditional use in all business districts, with the exception of waterfront commercial properties. In waterfront commercial properties, permit parking as an accessory use only.  
*Limited parking is a huge concern throughout the Borough. By permitting parking as a conditional use throughout the business districts, more opportunities for innovative parking arrangements can occur. However, due to sensitive location of the waterfront commercial districts, the Borough should ensure parking in these areas is limited to an accessory use.*
4. Remove the B-1 and B-2 overlay zones in concurrence with the creation of the new Central Business District Zone.  
*A new downtown business district is recommended, as discussed in further detail in the next section. This will make the current overlay zones obsolete.*
5. In mixed use buildings, allow residential on all floors above the first floor.  
*This will encourage new development within the downtown business district.*

6. Create an ordinance to regulate AirBnBs and other similar home sharing uses. *This ordinance will encourage visitors to the Borough while regulating home sharing uses in a way that retains the residential nature of the Borough as it currently exists.*
7. Create a new Waterfront Commercial District (WC-3) encompassing Block 84, Lot 2.01 to allow for commercial boat basins. *The unique characteristics of this site and historic usage should be acknowledged. Zoning regulations should be created for a new Waterfront Commercial Zone District which allow for commercial boat basins, SUP rentals, and provide parking standards based on the number of boat slips.*

#### Downtown Business District Zoning Update

In addition to the above, and with specific regard to the Borough's downtown business districts, it is necessary to revise and update the zoning in the Borough of Highlands's downtown business districts to: promote sustainable development and resiliency to future Sandy-type storms; and, facilitate rebuilding and reinvestment by providing zoning standards that minimize that encourage a variety of uses while maintaining the existing character of the Borough.

Under current zoning regulations, the downtown business district along the Bay Avenue corridor is split between a number of zone districts and overlay zones. The current downtown area is underutilized with a number of vacant storefronts. To aid in the recovery process and that redevelopment in this area occurs a resilient manner, zoning regulations should be revised to better accommodate the desired uses for the downtown area. Revising zoning regulations in these zone districts can also minimize non-conformities and reduce the number of variances that may be required to encourage redevelopment in underutilized lots and areas damaged by Superstorm Sandy or that may be damaged in future storm events. Furthermore, to preserve the character of the downtown area, a form-based code should be implemented to ensure all redevelopment occurs in a manner that is consistent with the image and character of the Borough of Highlands.

The Borough of Highlands should encourage development throughout the Downtown Business District that promotes and emphasizes the nautical, seaside, small town nature

of Highlands. This theme should be encouraged throughout all building design and streetscape features.

#### **Sustainable Development and Resiliency**

In an effort to promote resiliency in Borough of Highlands, it is also recommended that the Borough update its zoning policies to promote sustainable development and resilience to future storms. This should be done through the promotion of green building and infrastructure techniques.

#### **Other Recommendations/Capital Recommendations**

##### **Adopt a Green Building and Environmental Sustainability Plan Element**

Adopt a “Green Building and Environmental Sustainability Plan Element” as a separate element of the Master Plan or during the next comprehensive update of the Borough Master Plan. The “green element” was recently added by the NJ Legislature to the Municipal Land Use Law as an optional element of municipal master plans and addresses efficient use of natural resources, installation and use of renewable energy systems, impact on the environment, water reuse and conservation and other sustainable planning techniques.

##### **Construct a Direct Stormwater Piping system from Route 36**

Construct new stormwater management pipes to direct stormwater from State Highway Route 36 into the Shrewsbury River/ Sandy Hook Bay. Direct piping of stormwater from Route 36 to the river will bypass the downtown and eliminate sediments which accumulate in Highlands’ stormwater system as a result of runoff; primarily from the Monmouth Hills section of Middletown Township. Those sediments reduce the capacity of the pipes to carry stormwater to the River/ Bay.

##### **Increase/ enhance property maintenance and code compliance**

Sandy-related damage to properties has exacerbated property maintenance issues. Increasing and enhancing applicable codes and code compliance will help to reduce deteriorated properties and improve property values. This can be done by creating a working group to work with the Borough Council, the Borough Administrator and the Code Enforcement Officer to find strategies to bring non-maintained homes into a maintenance compliance status. This strategy would have multiple aspects including: maintenance code review and modification, property inventory and review, creation of database, community outreach.

### **Mitigate Steep Slope Stability issues including design for mitigation and ordinance revisions**

The coastal bluff that runs parallel to Route 36 through the borough is prone to slumping and erosion. Currently, the US Geological Survey is studying it, in order to update work done in the 1970's. While any significant mitigation work will likely need to wait until this study is completed, mitigation actions would likely be done through design, stormwater management, and identification/implementation of appropriate slope vegetation and ordinance revisions.

### **Develop a municipal facilities plan including the Wilson Community Center**

The current borough hall site, on Bay Avenue, is within the 100 year floodplain. FEMA's policy for critical infrastructure such as municipal buildings is to discourage building them within the floodplain. The Borough should also review the potential for co-locating facilities with other neighboring towns.

### **Obtain NFIP compliance and apply for CRS certification**

The Borough is currently working with FEMA and NJ Department of Environmental Protection to obtain NFIP compliance. Once NFIP compliance is granted, the Borough will be able to apply for Community Rating System (CRS) certification.

### **Sanitary System Improvements to address inflow and infiltration issues**

The existing system has significant inflow and infiltration (I&I) problems. This means that stormwater leaks into the sanitary sewer system, increasing the cost to treat the flow at the regional sewer treatment plant. This unnecessarily increases costs for all users of the system. The Borough has performed repairs on one of the 8 sub-basins that make up the sewer system, but the remaining 7 need to be examined and repairs done.

### **Stormwater Drainage and Flood Mitigation**

To improve drainage and mitigate flooding the Borough should upgrade several pump stations, install new catch-basins and interconnecting pipes, and repair and replace 48 check valves to prevent backflow of bay water into the streets at high tide. Sediment should be removed from storm drains and sources of runoff sediment to the system identified and abated.

**Undertake a study of the economic viability of continued clamming in the river and bay**

The clamming industry in Highlands, while not as dominant as it once was, is still an important part of the local economy and culture. A study to examine the various factors that influence the economics of the industry will help guide local and regional policy decisions.

**Undertake redevelopment study(ies) and prepare plan(s) for areas determined to be in need of redevelopment**

Redevelopment studies should include the waterfront, downtown neighborhoods, and the Miller Street corridor. Previous plans have recommended redevelopment efforts in several areas of the Borough, including the waterfront and downtown neighborhoods.

**Update Borough Hazard Mitigation Plan**

The Borough Hazard Mitigation Plan should be updated to include information from the recently adopted County Hazard Mitigation Plan.

**Update ordinances to adopt the latest version of FEMA's flood maps, rewrite elevation and freeboard requirements in the Flood Damage Prevention Ordinance**

The Borough should revise its ordinances to increase resiliency to flooding hazards, including rewriting elevation and freeboard requirements, based upon the most stringent version of FEMA's flood maps.

**Become designated as a StormReady Community by the National Weather Service**

The National Weather Service has created a community preparedness program to assist towns as they develop plans for a wide variety of severe weather events. This program provides guidance on hazardous weather identification, warning systems, and creating public readiness. Highlands likely already meets much of the required criteria and can receive CRS credits by becoming a StormReady Community.

**Create a detailed mitigation plan for areas that experience repetitive loss**

By creating a mitigation plan for repetitive loss areas throughout Highlands, the Borough may identify new strategies to reduce loss and achieve CRS credits in the Repetitive Loss



Area Analysis section. Furthermore, enacting mitigation for repetitive loss areas opens up a wide variety of CRS credits.

**Focus on creating a dune system and re-establish dune grass and other natural vegetation. Promote the use of living shorelines**

The USACE is currently completing a feasibility study for the establishment of protective dunes and berms along the shoreline in Highlands. A strong dune system in front of the Borough's bulkhead lines can add more protection and also prevent bulkheads from sustaining costly damages during storms. Access should be over the top of the dune in specific and limited locations to protect dune vegetation. The Borough should support efforts by the USACE to establish a thriving dune system along the waterfront in appropriate areas.

The Borough should additionally consider living shorelines as an approach to shoreline stabilization. Living shorelines can be effective alternatives to shore protection structures in efforts to restore, protect, and enhance the natural shoreline and its environment. Living shorelines use stabilization techniques that rely on vegetative plantings, organic materials, and sand fill or a hybrid approach combining vegetative plantings with low rock sills or living breakwaters to keep sediment in place or reduce wave energy.

**Create a Bicycling Improvement Plan**

Update the Borough's 2011 Intra-Borough Bicycle Plan.

**Create and Adopt a Continuity of Operations Plan**

A Continuity of Operations Plan (COP) is separate from an Emergency Operations Plan and ensures that primary essential functions continue to be performed before, during, and after a wide range of emergencies. It is developed and maintained to enable each department, agency, and other governmental entity to continue to function effectively in the event of a threat or occurrence of any disaster or emergency that could potentially disrupt governmental operations and services. A COP can protect essential facilities, equipment, vital records, and other assets. It can reduce or mitigate disruptions to operations. It can facilitate decision-making during an emergency.



### Miscellaneous Changes

A Master Plan Amendment has been compiled and is included in this document. A land use plan amendment to facilitate the changes to development regulations that are recommended in this master plan reexamination (below) is included.

### Implementation Plan

The following implementation plan was created to outline when each action identified in this reexamination report will be undertaken, who the responsible party will be, how each action will be implemented, where funding will come from, and what the deadline for completion will be, if relevant.

**Table 5: Implementation Plan**

Action	Responsible Party	Implementation Strategy	Funding	Deadline
Update Master Plan Goals and Objectives	Planning Board	Adopt new Master Plan Amendment	Post Sandy Planning Assistance Grant Program	12/2016
Create a new Central Business District	Planning Board and Borough Council	Adopt new Zone Map outlining new district. Create and adopt a zoning ordinance for new district including uses and standards.	PSPAGP/ Borough Funds	Map: 12/2016 Ordinances: early 2107
Implement a form based code throughout the new downtown district	Borough Council	Create standards and adopt an ordinance which outlines requirements for district.	Borough Funds	Early 2017
Allow parking as a permitted conditional use in all business districts, with the exception of waterfront commercial districts	Borough Council	Amend existing zoning ordinances where necessary	Borough Funds	Early 2017
Remove the B-1 and B-2 overlay zones	Borough Council	Amend relevant zoning ordinances	Borough Funds	Early 2017

Action	Responsible Party	Implementation Strategy	Funding	Deadline
In mixed use buildings, allow residential on all floors above the first floor	Borough Council	Amend relevant zoning ordinances	Borough Funds	Early 2017
In mixed use buildings, allow residential on all floors above the first floor	Borough Council	Amend relevant zoning ordinances	Borough Funds	Early 2017
Create an ordinance to regulate AirBnBs and other similar home sharing uses.	Borough Council	Amend relevant zoning ordinances	Borough Funds	Early 2017
Update the Steep Slopes and Slump Blocks Ordinance	Borough Council	Amend relevant zoning ordinances	Borough Funds	Early 2017
Create a new waterfront commercial district	Borough Council	Amend relevant zoning ordinances	Borough Funds	Early 2017
Adopt a Green Building and Environmental Sustainability Plan Element	Planning Board	Prepare and adopt a new element to the Master Plan	Borough Funds	2018
Construct a Direct Stormwater Piping system from Route 36	Engineering Department	Construct new stormwater management pipes to direct stormwater from State Highway Route 36 into the Shrewsbury River/ Sandy Hook Bay.		
Increase/ enhance property maintenance and code compliance	Borough Council, Borough Administrator, Code Enforcement Officer	Increase and enhance applicable codes and code compliance will help to reduce deteriorated properties and improve property values through maintenance code review and modification, property inventory and review, creation of a database, and community outreach.	Borough Funds	Ongoing

Action	Responsible Party	Implementation Strategy	Funding	Deadline
Develop a municipal facilities plan			Borough Funds	2017
Obtain NFIP compliance and apply for CRS certification	Borough Floodplain Manager	The Borough is currently working with FEMA and NJ Department of Environmental Protection to obtain NFIP compliance. Once NFIP compliance is granted, the Borough will be able to apply for Community Rating System (CRS) certification.	Borough Funds	Early 2017
Sanitary System Improvements to address inflow and infiltration issues	Borough Engineer	The Borough has performed repairs on one of the 8 sub-basins that make up the sewer system, but the remaining 7 need to be examined and repairs done.		
Stormwater Drainage and Flood Mitigation	Borough Staff	To improve drainage and mitigate flooding the Borough should upgrade several pump stations, install new catch-basins and interconnecting pipes, and repair and replace 48 check valves to prevent backflow of bay water into the streets at high tide. Sediment should be removed from storm drains and sources of runoff sediment to the system identified and abated.	Borough Funds	Ongoing
Undertake a study of the economic viability of continued clamming in the river and bay		This was recently completed. However, futures and ongoing studies should be encouraged.		November 2016
Undertake redevelopment study(ies) and prepare	Planning Board	Redevelopment studies should include the waterfront, downtown		Ongoing

Action	Responsible Party	Implementation Strategy	Funding	Deadline
plan(s) for areas determined to be in need of redevelopment		neighborhoods, and the Miller Street corridor.		
Update Borough Hazard Mitigation Plan	Borough OEM	The Borough Hazard Mitigation Plan should be updated to include information from the recently adopted County Hazard Mitigation Plan.	Borough Funds	2017
Update ordinances to adopt the latest version of FEMA's flood maps, rewrite elevation and freeboard requirements in the Flood Damage Prevention Ordinance	Borough Council	Revise and adopt ordinances related to floodplain management.	Borough Funds	2017
Become designated as a StormReady Community by the National Weather Service	Borough Staff	Undertake the actions outlined by the NWS for certification	Borough Funds	2017
Create a detailed mitigation plan for areas that experience repetitive loss	Borough Staff	Identify new strategies to reduce loss and achieve CRS credits in the Repetitive Loss Area Analysis section.	Borough Funds	2017
Focus on creating a dune system and re-establish dune grass and other natural vegetation. Promote the use of living shorelines	United States Army Corp. of Engineers	The USACE is currently completing a feasibility study for the establishment of protective dunes and berms along the shoreline in Highlands. The Borough should support efforts by the USACE to establish a thriving dune system along the waterfront in appropriate areas. The Borough should additionally consider living shorelines as	USACE	TBD

Action	Responsible Party	Implementation Strategy	Funding	Deadline
		an approach to shoreline stabilization.		
Create a Bicycling Improvement Plan	Borough Staff	Update the Borough's 2011 Intra-Borough Bicycle Plan.	Borough Funds	
Create and Adopt a Continuity of Operations Plan	Borough Staff, Borough OEM	Develop and maintain a plan to enable each department, agency, and other governmental entity to continue to function effectively in the event of a threat or occurrence of any disaster or emergency that could potentially disrupt governmental operations and services.	Borough Funds	2018

# Master Plan Amendment

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## Introduction

The purpose of this master plan amendment is to incorporate the recommendations and changes that have been outlined in the 2016 Master Plan Reexamination Report into the Borough's Master Plan, or to establish the basis for future actions through the definition of new goals and objectives. This master plan amendment: includes an updated, comprehensive list of master plan goals and objectives and modifies the Land Use Element.

## Master Plan Goals and Objectives

Given the fact that the master plan goals and objectives were changed in multiple instances by means of several documents, and that several new goals were recommended by the 2016 Master Plan Reexamination Report, it is prudent that the master plan amendment provide a new, comprehensive list of master plan goals and objectives that replaces all previous iterations. This is done below:

### *General Objectives*

1. Physically- to meet the needs of the Borough with the creation of mixed use development of exceptional design quality, a waterfront destination for activity and relaxation.
2. Socially- a redeveloped community offering homes, employment, services, civic spaces and leisure in a quality environment which will form part of the established communities of the Bayshore Region.
3. Naturally- to protect the existing resource base through sensitive design, energy efficiency, sustainable waste management and to minimize the impact on the local environment.
4. Strive to increase the percentage of owner- occupied housing in the Borough.
5. To create a balanced Borough- residential, business/ employment, retail, community and leisure.

### *Residential*

1. Encourage the maintenance and preservation of residential properties.
2. Preserve and protect the existing residential character of the Borough. Require that infill development be compatible with the neighborhood and conform to the setbacks of existing buildings on the block.
3. Limit new development and infill development that increases the intensity of neighborhood land and property use.
4. Ensure that public and quasi-public land use remains compatible with the needs and character of adjacent neighborhoods.
5. Prevent non-residential uses from locating on residential streets or in residential areas.
6. Limit developments that would generate a high volume of traffic on local and collector streets.

7. Identify sources of funds for rehabilitation of residential dwellings and provide assistance to property owners in procuring funds.
8. The Borough should recognize historic assets without a formal designation.

*Commercial*

1. Strengthen commercial districts, especially the Bay Avenue Central Business District, by encouraging a mix of uses that provides employment, retail opportunities, services and entertainment.
2. Continue the improvement of commercial properties in the Borough.
3. Require buffering around commercial properties to soften the visual and functional impact of their design and use.
4. Encourage redevelopment of commercial properties that need rehabilitation or improvement.
5. Encourage upgrading of commercial properties and their surroundings.
6. Encourage the development of small-scale commercial and office uses and encourage the design of buildings with a residential scale.
7. Strive to enhance and retain existing businesses and promote new business development along Bay Avenue from Valley Street to the Bay Avenue/Shrewsbury Avenue intersection, and recommended redevelopment areas.
8. Provide for adequate parking to serve established residential and commercial areas. Incorporate adequate parking into new developments.
9. Create a program to implement strict enforcement of sign regulations.
10. Update ordinances to streamline the development review process for improvements such as use changes, redevelopment, expansions, and developments.
11. Create attractive gateways at the principal entrances to the Borough through upgraded land uses, streetscape improvements and signage. Utilize gateways to attract visitors to business districts.
12. Consider the location of parking structures where appropriate, so long as they are consistent with the overall objectives of the Borough's planning documents and sound planning principles and design, while having no adverse impacts on the surrounding neighborhood.



*Circulation*

1. Promote the creation of a fully intermodal transportation system that enhances local circulation, increases regional access and provides links to regional destinations. Coordinate land uses with transportation investments to promote intermodal connections and encourage alternatives to driving such as mass transit, ferry and bicycle/ pedestrian facilities.
2. Increase bicycle/ pedestrian safety and circulation by improving traffic signals at key intersections, utilizing traffic calming measures and providing bike lanes that connect activity centers throughout the Borough.
3. Evaluate and implement methods of providing adequate parking to serve existing development and proposed redevelopment. Consider facilitating lease parking options between private sector business operators to take advantage of low peak parking demand.
4. Ensure a well maintained and safe circulation system.
5. Coordinate maintenance and improvement actions with neighboring communities and Monmouth County.
6. Monitor areas with high traffic accident rates and develop improvement programs.
7. Discourage developments that do not meet minimum frontage requirements on public or private roads.
8. Encourage circulation patterns that are compatible with land use goals and public safety.
9. Monitor private roads to ensure that the maintenance and safety needs continue to be satisfied.
10. Improve the appearance of intermediate and major thoroughfares, such as Route 36 and Bay Avenue.
11. Encourage landscaping along intermediate and major thoroughfares to buffer residential and non-residential land uses from the noise and pollution of vehicular traffic.
12. Cooperate with NJ DOT and adjacent communities to improve the appearance of entranceways into the Borough from Route 36.

13. To improve public access to the waterfront.
14. To encourage pedestrian and bicycle access through redevelopment projects, parkland and civic spaces to the waterfront.
15. Provide clear signage to parking facilities.

*Economic Development/ Redevelopment*

1. Capitalize on the Borough's competitive advantages for economic development purposes including its location in the New Jersey/ New York City region, extensive transportation and utility infrastructure, land available for redevelopment, stable labor force and quality of life.
2. Encourage the development of a diversified economic base that generates employment growth, provides increased tax ratables, increases income levels and promotes the reuse of underutilized properties.
3. Focus economic activity in the Borough's economic centers including Bay Avenue and commercial waterfront areas. Recognize the unique character of each area and promote development that will strengthen and reinforce market niches.
4. Promote the revitalization and aesthetic appearance of the Bay Avenue CBD through the public-private partnership between the Borough and the Business Improvement District (BID) with a focus on niche retail, specialty services, restaurants and entertainment uses. Consider the development of small scale anchor uses to make the CBD a destination and attract shoppers as well as visitors.
5. Encourage selected retail, marina and office mixed use development along the Sandy Hook Bay waterfront that take advantage of extensive waterfront frontage and regional access. Target the corridor for uses that complement Bay Avenue rather than compete with it.
6. Encourage redevelopment in areas that need rehabilitation or improvement.
7. Work with the Business Improvement District (BID) and the Economic Development Committee to extend the existing peak summer season.
8. Capitalize on the economic resources represented by Sandy Hook, Route 36, the Twin Lights, the New York Ferry and the physical attractiveness of the area.
9. Investigate the creation of mixed use marine development at targeted locations.

*Landscaping/ Hard Landscaping*

1. To provide a marine landscape setting; to maximize public access to both informal and formal spaces; to capitalize on the Veterans Park formal play area and to develop areas of public art.
2. To encourage use of high quality landscaping design- to enhance dramatic views to the bay, to develop civic space and public art, to develop and to screen and integrate development.
3. To encourage the use of low maintenance, hard-wearing materials in parks and public spaces.
4. To minimize visual intrusion through the development of car parking under buildings or landscape courts.

*Community Facilities and Utility Infrastructure*

1. Provide adequate sewer and water services to meet the demands of proposed economic development and a growing population in a manner that will limit sprawl and promote concentrated development.
2. To achieve the storm water quality standards established by the NJ Department of Environmental Protection.
3. Improve storm water management along the bay front, roads and intersections through effective infrastructure, maintenance, and replacement.
4. Preserve and upgrade the existing utility infrastructure including water, stormwater management and wastewater treatment. Continue rehabilitation programs while pursuing selected replacement and expansion projects in order to accommodate growth and redevelopment.
5. Continue to investigate the consolidation and privatization of municipal services.
6. Encourage regularly scheduled infrastructure maintenance consistent with long range plans to avoid system failures.
7. Study and periodically review future service needs and implementation methods.
8. Continue trash reduction, reuse and recycling efforts in cooperation with appropriate County, Regional, and State agencies.
9. Maximize the use of existing and planned facilities consistent with the efficient use of public funds.

10. Maintain facilities that are in current use and renovate or reuse obsolete facilities for other uses.
11. Cooperate with surrounding communities, County, and State organizations to make the best use of available public facilities.

*Open Space and Recreation*

1. Provide adequate park, open space, and recreational facilities for all Borough residents.
2. Cooperate with public and quasi-public institutions to utilize and maintain their undeveloped land for open space or recreation.
3. Consider enhancing regulations to assure that quality open space is provided and maintained as redevelopment occurs.
4. Provide through block pedestrian paths to parking and recreation facilities.

*Community Identity*

1. Develop and effectively communicate a strong and appealing identity for the Borough.
2. Creative attractive, memorable “gateways” into the Borough.
3. Develop and implement streetscape projects for major public thoroughfares.
4. Preserve and protect historic and major natural features in the Borough.
5. Enhance and maintain the appearance of community facilities and Borough owned properties.
6. Recognize excellent building and landscape design aesthetics with awards.
7. Encourage higher quality architectural and landscape design through the use of design standards.
8. Encourage neighborhoods to improve their aesthetic appeal and identity.
9. Publish information regarding Borough regulations, issues, and agendas on the Borough Web site.
10. Obtain NFIP compliance and apply for CRS certification.

*Cultural*

1. To encourage sensitive design in the conversion and re-use of the buildings and their environment and to mitigate the effect of adjoining developments.
2. Expand recreational and cultural facilities and services.

## Land Use Plan Element

The section of the 2016 Master Plan Reexamination Report that is entitled “Changes to Development Regulations” outlines changes to development regulations to: create a new central business district; change zoning designations in selected areas; and promote sustainability and resiliency. The full content of “Changes to Development Regulations” is hereby adopted as part of the Land Use Plan Element.

In addition to the above, the Land Use Plan Element is amended to include updated mapping of existing land use as provided in Appendix D, mapping of proposed land use as provided in Appendix E, and the following new section on building resiliency through development regulations.

Apart from the changes discussed in this Land Use Plan Element, there are no significant land use changes incorporated by the Borough.

### Building Resiliency through Development Regulations

Given the experience of Superstorm Sandy and the potential for future storms, there is a compelling need to build resiliency in Borough of Highlands. The Land Use Plan Element, therefore, recommends that the Borough’s development regulations be designed to build resiliency throughout the Borough. This should be done through the promotion of green building and infrastructure techniques. This section of the Land Use Plan Element overviews green building and infrastructure techniques, and is meant to inform the future development of municipal development regulations.

#### Green Building and Infrastructure Techniques

Green building and infrastructure techniques are an important tool for promoting resiliency in Borough of Highlands. They use permeable surfaces (e.g., porous concrete, gravel, mulch, etc.), landscape formations (e.g., channels, depressions), plant material, or other technologies to reduce stormwater runoff by promoting natural infiltration. Their use can promote resiliency by mitigating flooding (i.e., reducing the risk and impacts of flooding) and helping the Borough to quickly recover from storms. In addition, they provide numerous co-benefits, not the least of which are: reducing long-term maintenance and operation costs of stormwater infrastructure; and, capturing runoff pollution (e.g., particular matter, heavy metals) and preventing their entry into sensitive terrestrial waterways.

The Land Use Plan Element recommends the incorporation of green building and infrastructure techniques in the Borough’s development regulations. Recommended green building and infrastructure techniques are described in the following subsections.



### *Downspout Disconnection*

Downspout disconnection refers to the rerouting of rooftop drainage pipes to specialized containment devices (e.g., rain barrels, cisterns) and permeable areas, instead of traditional stormwater drainage systems. This allows stormwater runoff from building roofs not only to infiltrate soil, but also to be collected for later use (e.g., watering lawns and gardens), which reduces demand on public water supplies.



### *Rain Gardens*

Rain gardens are shallow, vegetated basins that absorb stormwater runoff from impervious surfaces (e.g., rooftops, sidewalks, and streets). Runoff is channeled into rain gardens, and is then used by plants, infiltrated into the ground, and evaporated. They may be installed in a variety of locations, and can be an attractive element of site design. In addition, it is important to note that rain gardens can be installed in a variety of locations. Indeed, they may be installed in any properly graded unpaved space, and in parking lots and paved areas through the construction of specialized planter boxes that collect and absorb runoff.



### *Bioswales*

Bioswales are open, linear channels with vegetation, mulching, or xeriscaping that slow stormwater runoff and attenuate flooding potential while conveying stormwater runoff away from critical infrastructure. While they convey stormwater runoff away from critical infrastructure, their permeable surface permits the natural infiltration of stormwater. They are often used as an alternative to, or enhancement of, traditional stormwater drainage systems.



### *Permeable Pavements*

Permeable pavements help to reduce stormwater runoff, which helps to improve the quality of terrestrial waters and mitigate flooding. With traditional (i.e., impervious) pavement, stormwater runs into drains and inlets, which places a burden on such infrastructure, and may result in the discharge of pollutants (e.g., sediment, oil residue, etc.) into terrestrial waters. Permeable pavements, however, infiltrate, treat, or store rainwater where it falls. Key examples of permeable pavements include pervious concrete, porous asphalt, and permeable interlocking pavers.



### *Green Roofs*

Green roofs are roofs that are covered with substrate and vegetation that enable the infiltration of rainwater. This not only minimizes stormwater runoff, but leads to reduced building operating costs and energy consumption by providing improved insulation of the roof surface, and absorbing less heat on the roof surface (i.e., increasing the roof surface albedo over traditional roof surfaces). Flat and low-pitched roofs are most suited to green roof development and retrofitting therewith.



### *Tree Cover*

Increased tree cover in developed areas is an important example of green infrastructure. Trees reduce and slow stormwater by intercepting precipitation in their leaves and branches. In addition, their root systems help to aerate soil, which facilitates natural infiltration of stormwater and reduces runoff. Trees also purify the air, and can help to cool developed areas by providing shade, and through evaporative cooling and increased latent heat flux (i.e., the dissipation of sensible heat).



### *Living Shorelines*

Living shorelines are an approach to shoreline stabilization that uses wetland plants, submerged aquatic plants, oyster reefs, coir fiber logs, sand fill, and stone to provide shoreline protection and maintain important habitat areas. They offer numerous benefits over hardened structures (e.g., bulkheads and concrete walls), including protection of the riparian and intertidal environments, improvement of water quality via filtration of upland runoff; and creation of habitat for aquatic and terrestrial species.

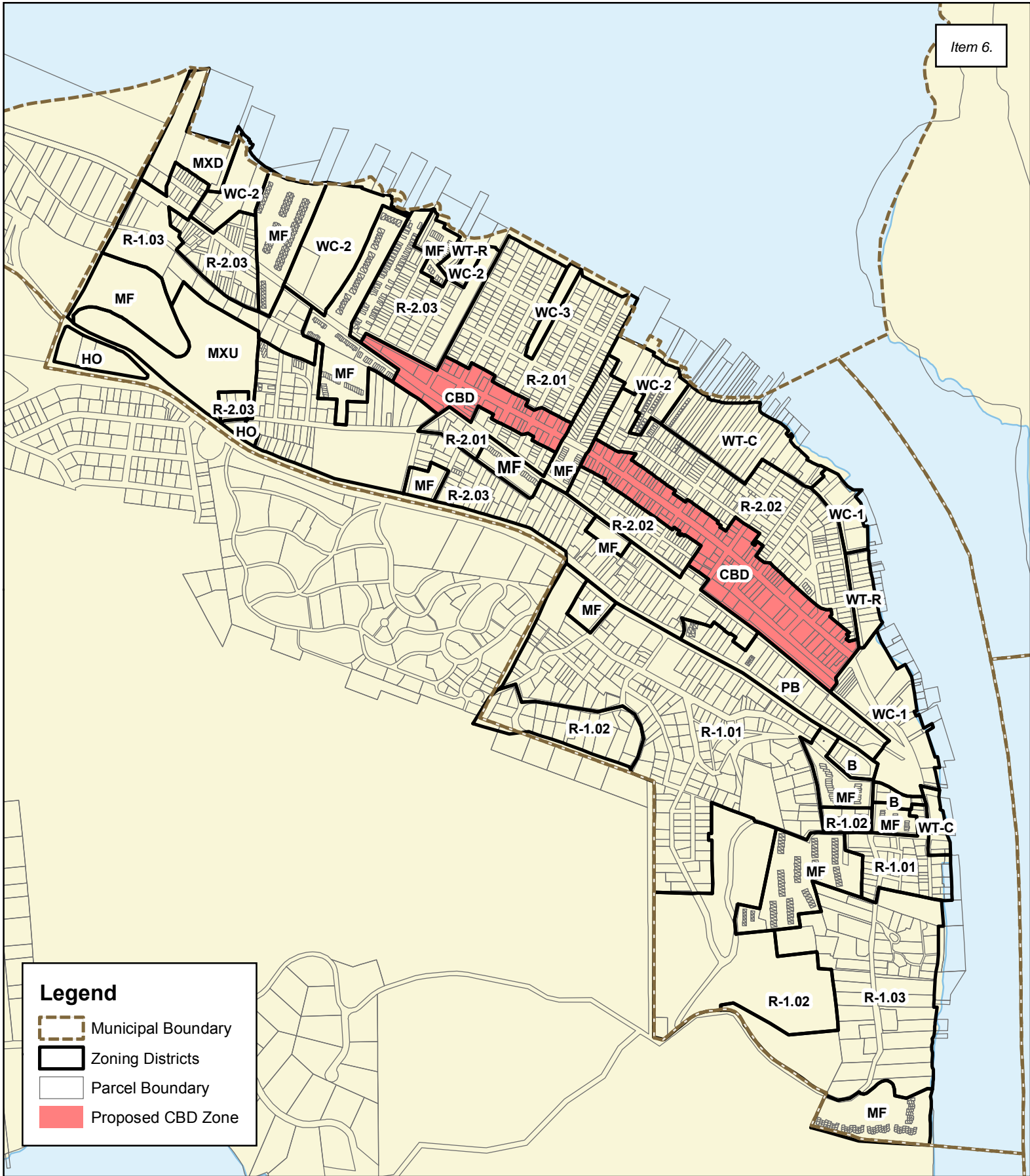
### *Open Space Preservation*

Preservation of open space areas within and adjacent to developed areas can help to mitigate the water quality and flooding impacts of stormwater. Indeed, natural open space areas promote increased groundwater recharge, lower stormwater runoff, and reduced levels of nutrients and sediment in terrestrial waters. They also help to cool developed areas through evaporative cooling and increased latent heat flux. The use of building coverage and impervious surface limits, tree-save requirements, and noncontiguous clustering are key ways to promote open space preservation through development regulation.





## Appendix A: Recommended Zone Changes



**Legend**

- Municipal Boundary
- Zoning Districts
- Parcel Boundary
- Proposed CBD Zone



T&M Associates  
 11 Tindall Road  
 Middletown, NJ 07748-2792  
 Phone: 732-671-6400  
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0 550 1,100 2,200 Feet

Prepared by: CLB, October 16, 2015; Revised by: JAC, September 19, 2016  
 Source: NJDEP; NJDOT; NJGIN, Monmouth County, Highlands Borough  
 H:\HGHL\01710\GIS\Projects\Proposed Zoning all CBD.mxd



## Proposed Zoning Borough of Highlands Monmouth County, New Jersey

NOTE: This map was developed using Monmouth County Department of Environmental Protection Geographic Information System digital data, but this second product has not been verified by NJDEP and is not State-authorized.

## Appendix B: Natural Features

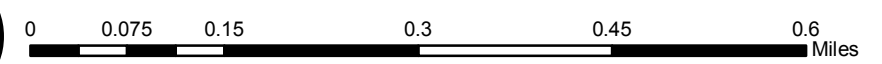
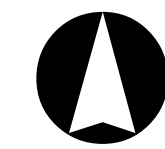


# Natural Features Borough of Highlands, Monmouth County, New Jersey



### Legend

- Municipal Boundary
- Slopes 25% and greater
- Slopes 20% - 25%
- Slopes 15% - 20%
- Vegetated Dune Wetlands
- Coastal Barrier Resources System
- Coastal Protected Areas
- 10ft Contours
- Beach
- Bulkhead
- Open Water
- US or State Route
- County Route
- Local Road
- Ramp

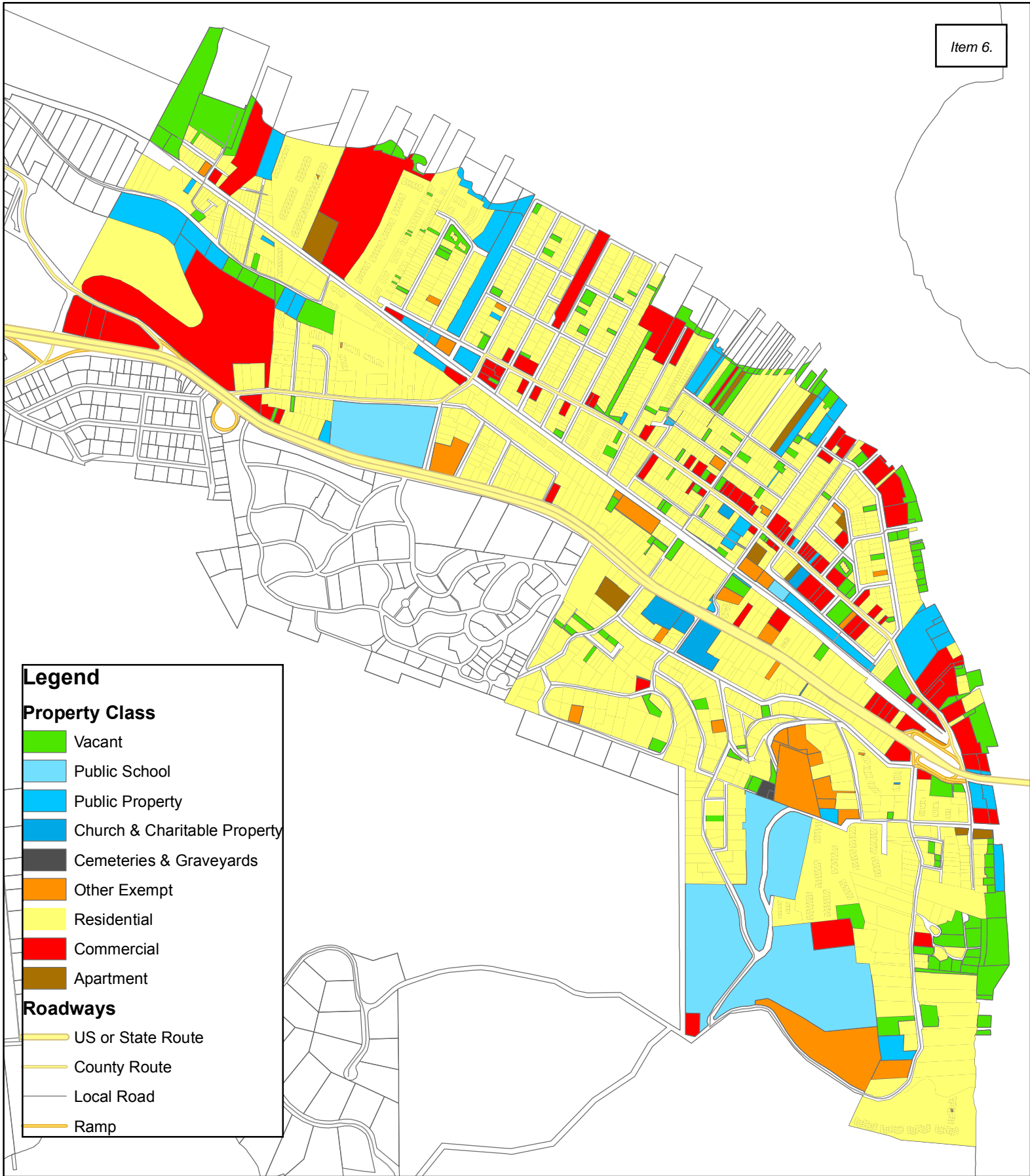


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Prepared by: CLB, 9/16/2016  
 Source: FEMA, NJDEP; NJDOT; NJGIN; Monmouth County  
 H:\HGHL\01710\GIS\Projects\Land Use\_10ft. Contours.mxd  
 NOTE: This map was developed using New Jersey Department of  
 Environmental Protection Geographic Information System digital data,  
 but this secondary product has not been verified by NJDEP and  
 is not State-authorized.

## Appendix C: Existing Land Use





**Legend**

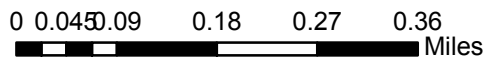
**Property Class**

- Vacant
- Public School
- Public Property
- Church & Charitable Property
- Cemeteries & Graveyards
- Other Exempt
- Residential
- Commercial
- Apartment

**Roadways**

- US or State Route
- County Route
- Local Road
- Ramp

 11 Tindall Road  
 Middletown, NJ 07748-2792  
 Phone: 732-671-6400  
 Fax: 732-671-7365



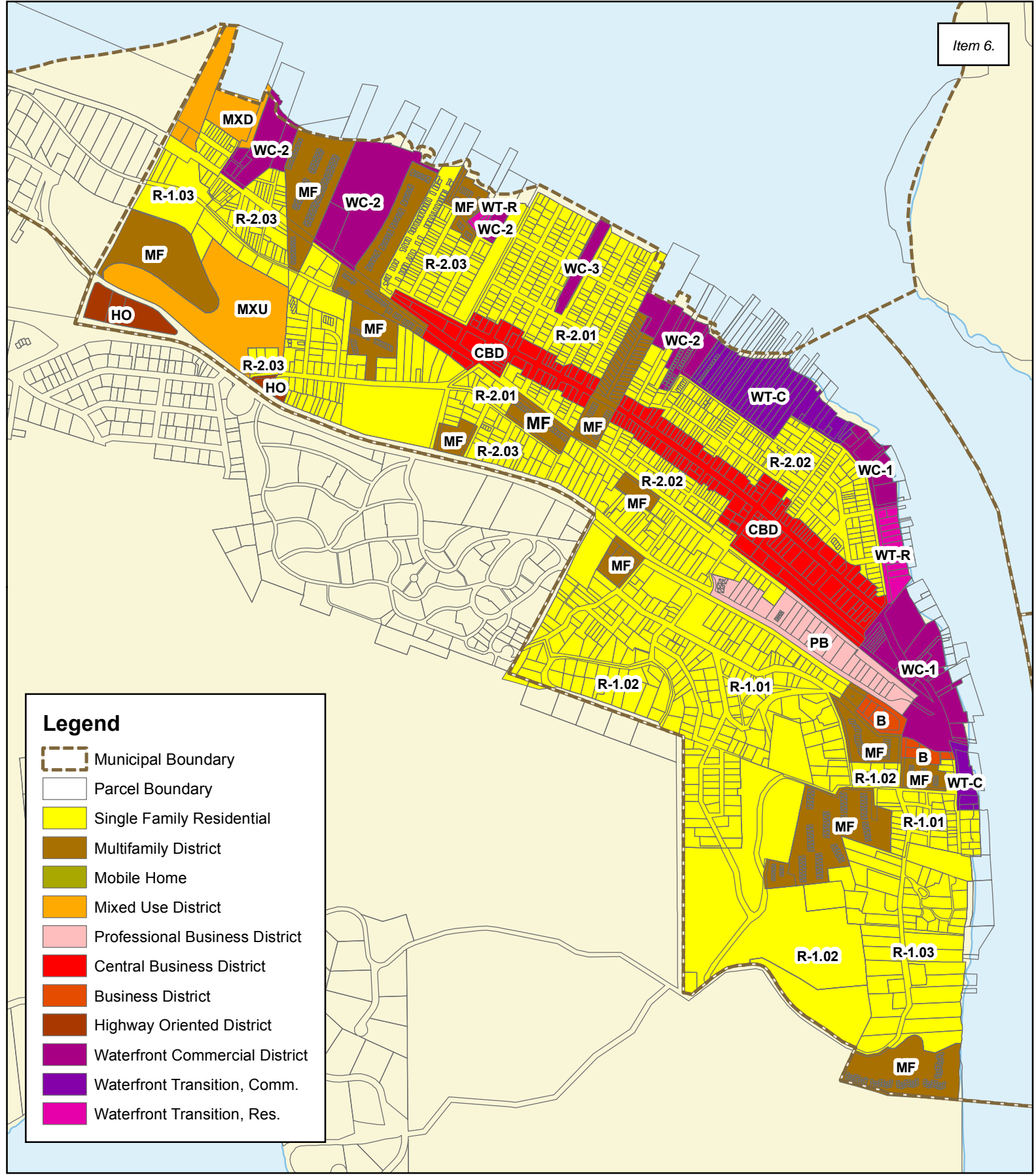
Prepared by: CLB, October 16, 2015  
 Source: NJDEP; NJDOT; NJGIN  
 H:\FNPL\00020\GIS\Projects\Existing Land Use.mxd

**Existing Land Use  
 Borough of Highlands  
 Monmouth County, New Jersey**

NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System but this secondary product has not been verified by NJDEP and is not State-authorized.



## Appendix D: Proposed Land Use



**Legend**

- Municipal Boundary
- Parcel Boundary
- Single Family Residential
- Multifamily District
- Mobile Home
- Mixed Use District
- Professional Business District
- Central Business District
- Business District
- Highway Oriented District
- Waterfront Commercial District
- Waterfront Transition, Comm.
- Waterfront Transition, Res.

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**Proposed Land Use  
 Borough of Highlands  
 Monmouth County, New Jersey**

NOTE: This map was developed using Monmouth County Department of Environmental Protection Geographic Information System digital data, but this second product has not been verified by NJDEP and is not State-authorized.



## Appendix E: Survey Results

## 2016 Highlands Master Plan Survey - Final Report

June 20th, 2016

### Background and Objectives

The survey questions were approved by The Master plan sub-committee at the 10/19/15 meeting in order to gather input from residents on the goals and amendments to our master plan.

### Data Collection Methodology

All respondents were full time/ seasonal residents or business owners in Highlands. The survey consisted of 3 primary parts:

1. Basic Demographics (owner, renter, age, presence of children, seasonal, business ownership, etc.)
2. Specific Zoning updates (Shadow Lawn property height and density amendments, Bay Ave. Business District amendments, Sea Streak property permitted use and height amendments, Bay Ave Height amendments)
3. General Prioritization of borough initiatives and goals

The survey employed digital fingerprinting to insure 1 response per household computer. The survey's duration was approximately 12 minutes.

The survey was promoted at the 11/16 Council Meeting, paper copies were available at the Borough Office, posted on Borough website landing page, Borough website Public Notices page and Facebook and lastly a Swift Alert, all to encourage a good response. Study period was November 16<sup>th</sup>, 2015 through April 13<sup>th</sup>, 2016.

### Action Standard

This research will be used to provide the governing body with an understanding of the temperament of the Borough residents regarding updates to and goals for our revised 2016 master plan. These results will be shared with Borough residents and local news outlets.

### Conclusions and Recommendations

#### **Zoning Amendments**

- Respondents by a small margin do not wish to increase the allowed building height on Bay Ave (Q10). The total sample size was **229**, of those, **40%** responded to update our plan, **44%** chose to leave the zone's height restrictions as is.
- Respondents have a *significant* desire for Bay Ave. to be made into a continuous Mixed Use zone (Q12). The total sample size was **212**, of those, **83%** responded to update our plan, **13%** chose to leave the zones as is.
- Respondents do not wish to amend height and density uses for the Shadow Lawn MH Zone. The total sample size was **209**, of those, **44%** responded to update our plan, **54%** chose to leave the zones as is.
- Respondents do wish to amend the Sea streak WC-2 zone to allow for additional permitted uses (Q14). The total sample size was **215**, of those, **61%** responded to update our plan, **16%** chose to leave the zones as is. **22%** might be open to amending the zone

- Respondents by a small margin do not wish to increase the allowed building height of the Sea streak WC-2 zone (Q15). The total sample size was **211**, of those, **47%** responded to update our plan, **53%** chose to leave the zone's height restrictions as is.

### **Borough Priorities**

- When asked about the relevance of the existing master plan's goals and objectives (Q6); the top 3 **most** relevant are:
  - Property maintenance and code compliance
  - Storm water drainage and flood mitigation
  - Development of a municipal facilities plan, including co-location w/other boroughs
- The **least** relevant of our current plan's goals were as follows:
  - Implement a bicycling improvement plan for shore drive
  - Implement parking to service existing/new development
  - Implement yearly meetings on Flood risks/Floodplain manual for building in flood zones
- When asked about the priorities for making highlands a better place to live (Q7), the top 3 were:
  - Flood hazard mitigation (pump stations, etc.)
  - Abandoned Property Identification/Remediation
  - Character and quality of the business districts
- The #1 concern with new homes and home renovations (Q17) is off-street parking
- The #1 concern with new business and business renovations (Q18) is again, parking
- When asked about how satisfied residents are with the borough's recreation facilities and services (Q19), 43% ranked themselves Satisfied to very satisfied
- The top 3 ways in which the borough can increase enjoyment of its parks and open space (Q20) are as follows:
  - Increase access to the waterfront (75%)
  - Improve or Expand parks and open space (52%)
  - Improve or expand recreational facilities (46%)
- The top ways in which residents use our Bay and beaches (Q21) are swimming and sunbathing

# Highlands Master Plan Survey

Monday, June 20, 2016

## Q1: Which of the following best describes you? Please select as many as apply.

Answered: 285 Skipped: 7

Answer Choices	Responses	
I am a Highlands resident [owner]	<b>80.35%</b>	229
I am a Highlands resident [renter]	<b>8.42%</b>	24
I have a Highlands Business	<b>7.37%</b>	21
I am not a Highlands Resident, but own property in town	<b>7.37%</b>	21
I am not a Highlands Resident, but I'm looking to buy property in town	<b>1.75%</b>	5
None of the Above	<b>2.11%</b>	6
<b>Total Respondents: 285</b>		

## Q2: Is your residence seasonal?

Answered: 277 Skipped: 15

Answer Choices	Responses	
Yes	9.39%	26
No	88.45%	245
Not Applicable	2.17%	6
<b>Total</b>		<b>277</b>

### Q3: How many years have you been in town?

Answered: 279 Skipped: 13

Answer Choices	Responses
Under 1	6.81% 19
1 year to less than 5	13.26% 37
5 years to less than 10	17.20% 48
10 years to less than 20	26.88% 75
20 or more years	35.84% 100
<b>Total</b>	<b>279</b>

## Q4: Is your Highlands property located...

Answered: 275 Skipped: 17

Answer Choices	Responses
Below Route 36	66.55% 183
Above Route 36	33.45% 92
<b>Total</b>	<b>275</b>



## Q5: Do you own or rent a business in town?

Answered: 273 Skipped: 19

Answer Choices	Responses	
Own	12.82%	35
Rent	0.00%	0
Neither	87.18%	238
<b>Total</b>		<b>273</b>

**Q6: Our Current (2007) Master Plan's Goals and Objectives are listed as follows; how important do you feel each of these is in the new master plan?**

Item 6.

Answered: 249 Skipped: 43

	No Longer Important	Somewhat Important	Very Important	Not Applicable at this time	Total	Weighted Average
Increase property maintenance and code compliance	2.49% 6	21.58% 52	73.03% 176	2.90% 7	241	2.76
Redevelopment Studies for downtown districts	6.28% 15	31.80% 76	60.25% 144	1.67% 4	239	2.57
Mitigate Steep Slope stability issues	5.46% 13	34.87% 83	57.14% 136	2.52% 6	238	2.57
Update zoning/code to streamline development review	7.33% 17	34.48% 80	55.17% 128	3.02% 7	232	2.54
Sanitary System Improvements	8.82% 21	37.82% 90	51.68% 123	1.68% 4	238	2.46
Stormwater Drainage and Flood Mitigation	2.93% 7	16.32% 39	79.08% 189	1.67% 4	239	2.79
Develop a Municipal Facilities Plan, including co-location w/other towns	5.02% 12	35.98% 86	54.39% 130	4.60% 11	239	2.59
Implement a Bicycling Improvement Plan along Shore Dr.	36.97% 88	28.57% 68	27.73% 66	6.72% 16	238	2.04
Implement Yearly Meetings On Flood Risks/ Floodplain manual for Building in flood zones	8.75% 21	40.42% 97	48.33% 116	2.50% 6	240	2.45
Implement parking to serve existing/new development	13.28% 32	41.08% 99	42.32% 102	3.32% 8	241	2.36

## Q7: Please rank your priorities for making Highlands a better place to live.

Answered: 239 Skipped: 53

	1st Priority	2nd Priority	3rd Priority	4th Priority	5th Priority	6th Priority	7th Priority	8th Priority	Total	Weighted Average
Pedestrian / bicycle circulation	2.87% 6	4.31% 9	4.31% 9	5.74% 12	5.26% 11	13.88% 29	15.79% 33	47.85% 100	209	6.50
Code Enforcement (noise, parking, property upkeep, etc.)	17.62% 37	11.43% 24	18.10% 38	9.05% 19	12.38% 26	8.57% 18	16.19% 34	6.67% 14	210	4.11
Parks / open space access and quality	3.43% 7	3.92% 8	6.37% 13	10.29% 21	17.16% 35	22.06% 45	26.96% 55	9.80% 20	204	5.57
Recreation facilities access and quality	0.98% 2	5.88% 12	6.86% 14	9.31% 19	17.65% 36	28.92% 59	14.22% 29	16.18% 33	204	5.61
Character & Quality of the business districts	11.52% 25	23.50% 51	17.97% 39	18.89% 41	13.36% 29	6.45% 14	5.99% 13	2.30% 5	217	3.54
Character & Quality of the residential districts	6.31% 13	13.59% 28	19.90% 41	24.76% 51	16.99% 35	8.25% 17	6.31% 13	3.88% 8	206	4.02
Flood hazard Mitigation (Pump stations, etc.)	44.08% 93	15.17% 32	10.43% 22	8.53% 18	8.06% 17	4.74% 10	4.27% 9	4.74% 10	211	2.76
Abandoned Property Identification/Remediation	21.33% 48	27.11% 61	20.89% 47	12.00% 27	6.22% 14	3.56% 8	4.00% 9	4.89% 11	225	3.06

## Q8: What are the three (3) elements of the Downtown business district do you like most?

Answered: 201 Skipped: 91

	1st	2nd	3rd	Total	Weighted Average
Business variety	<b>55.70%</b> 83	<b>20.13%</b> 30	<b>24.16%</b> 36	149	1.68
Building appearance / architecture	<b>26.39%</b> 38	<b>46.53%</b> 67	<b>27.08%</b> 39	144	2.01
On / off-street parking	<b>20.57%</b> 29	<b>36.88%</b> 52	<b>42.55%</b> 60	141	2.22
Vehicle access	<b>40.37%</b> 44	<b>26.61%</b> 29	<b>33.03%</b> 36	109	1.93

## Q9: What are the three (3) elements of the downtown business district do you **dislike** most?

Answered: 213 Skipped: 79

	1st	2nd	3rd	Total	Weighted Average
Business variety	<b>44.72%</b> 72	<b>35.40%</b> 57	<b>19.88%</b> 32	161	1.75
Building appearance / architecture	<b>48.33%</b> 87	<b>36.67%</b> 66	<b>15.00%</b> 27	180	1.67
On / off-street parking	<b>22.78%</b> 36	<b>26.58%</b> 42	<b>50.63%</b> 80	158	2.28
Vehicle access	<b>18.42%</b> 14	<b>28.95%</b> 22	<b>52.63%</b> 40	76	2.34

**Q10: The conforming (allowed) building height in the Bay Ave. business districts ranges between 36 to 42 feet or three stories above ground level. Would you be comfortable with taller buildings?**

Answered: 229 Skipped: 63

Answer Choices	Responses
Yes	40.17% 92
No	44.10% 101
Not Sure	15.72% 36
<b>Total</b>	<b>229</b>

## Q11: Would you be comfortable with...

Answered: 110 Skipped: 182

Answer Choices	Responses
4 stories above ground	46.36% 51
5 stories above ground	24.55% 27
5+ stories above ground	29.09% 32
<b>Total</b>	<b>110</b>

**Q12: The Current master plan divides Bay Ave. into business zones with residential zones in between (eg: residential from Washington Ave. to Valley Ave). Would you support a return to a contiguous business zone along the length of Bay Ave.? This could allow all current R-2.01, R-2.02 and R-2.03 properties along Bay Ave. to have a mixed use.**

Answered: 212 Skipped: 80

Answer Choices	Responses
Yes	83.02% 176
No	13.21% 28
Not Applicable	3.77% 8
<b>Total</b>	<b>212</b>



**Q13: One of the goals of this master plan is to review the permitted development uses in the Shadow Lawn MH zone which is currently includes the following zoning rules: Mid-Rise Multi-Family Developments in the MH Zone. a. Density shall not exceed fourteen (14) dwelling units per acre. Up to sixteen (16) units per acre may be permitted if a public scenic overlook area is included pursuant to paragraph 6 of this section. b. Minimum lot size: 10 acres. c. Minimum front yard: 100 feet to a principal building. d. Minimum side yard; 60 feet to a principal building. e. Minimum rear yard: 60 feet to a principal building. f. Minimum buffer area along any property line: 25 feet. Driveways and sidewalks shall be permitted to cross buffer areas to provide access to streets and adjacent properties. Pedestrian paths shall be permitted within buffer areas. Development identification signs and gatehouses shall be permitted in buffer areas within 75 feet of driveway entrances providing access to a public street. g. Maximum building coverage: 25 percent. h. Maximum lot coverage: 50 percent. i. Maximum FAR: 1.50. j. Maximum height: 6 stories above finished grade, with the residential units above the parking garage; parking levels that are provided underground (that is, below finished grade) will not be considered a story. Would you support an update to our Master plan to allow for height and density amendments to this zone?**

Answered: 209 Skipped: 83

Answer Choices	Responses	
Yes	46.41%	97
No	53.59%	112
<b>Total</b>		<b>209</b>

**Q14: There have been proposals for the Sea Streak Parking area (zone WC-2) that would expand permitted use to include hotel and additional parking (multi-story). Current Permitted uses are defined as follows:-Restaurants -Bars and taverns -Marine sales -Boat yards - Charter and excursion boats, off-shore uses Art, Handicraft studios/workshops, galleries- Commercial fishing-Hotels, motels, inns, bed and breakfasts-Commercial recreation, indoor or outdoor-Marinas-Wholesale seafood sales-Parking Would you support an amendment to the Master plan to allow for updates of the permitted uses in this zone?**

Answered: 215 Skipped: 77

Answer Choices	Responses	
Yes	61.40%	132
No	16.28%	35
Maybe	22.33%	48
<b>Total</b>		<b>215</b>

**Q15: The conforming (allowed) building height in the Sea Streak WC-2 district is 36 feet or three stories above ground level. Would you be comfortable with taller buildings in this zone?**

Answered: 211 Skipped: 81

Answer Choices	Responses
Yes	47.39% 100
No	52.61% 111
<b>Total</b>	<b>211</b>

## Q16: Would you be comfortable with...

Answered: 75 Skipped: 217

Answer Choices	Responses
4 stories above ground	41.33% 31
5 stories above ground	28.00% 21
5+ stories above ground	30.67% 23
<b>Total</b>	<b>75</b>

## Q17: What, if anything, concerns you about new homes and home renovations? (Check all that apply)

Item 6.

Answered: 209 Skipped: 83

	Yes	No	N/A	Total	Weighted Average
Size of home compared to surrounding homes	<b>44.10%</b> 86	<b>46.15%</b> 90	<b>9.74%</b> 19	195	1.51
Height of home compared to surrounding homes	<b>56.00%</b> 112	<b>35.50%</b> 71	<b>8.50%</b> 17	200	1.39
Off-street Parking	<b>64.97%</b> 128	<b>27.92%</b> 55	<b>7.11%</b> 14	197	1.30
Architectural style	<b>47.87%</b> 90	<b>42.02%</b> 79	<b>10.11%</b> 19	188	1.47
Site design (landscaping, driveways, etc.)	<b>59.49%</b> 116	<b>33.85%</b> 66	<b>6.67%</b> 13	195	1.36
Yard setbacks too small	<b>49.23%</b> 96	<b>40.00%</b> 78	<b>10.77%</b> 21	195	1.45

## Q18: What, if anything, concerns you about new business and business renovations? (Check all that apply)

Item 6.

Answered: 207 Skipped: 85

	Yes	No	N/A	Total	Weighted Average
Size of building compared to surrounding homes	<b>45.95%</b> 85	<b>48.65%</b> 90	<b>5.41%</b> 10	185	1.51
Height of building compared to surrounding area	<b>56.54%</b> 108	<b>39.27%</b> 75	<b>4.19%</b> 8	191	1.41
Parking	<b>86.22%</b> 169	<b>11.22%</b> 22	<b>2.55%</b> 5	196	1.12
Architectural style	<b>64.40%</b> 123	<b>31.41%</b> 60	<b>4.19%</b> 8	191	1.33
Site design (landscaping, driveways, etc.)	<b>71.88%</b> 138	<b>24.48%</b> 47	<b>3.65%</b> 7	192	1.25

**Q19: How satisfied are you with the borough's active recreation facilities and services (sports fields, programs, etc.)?**

Item 6.

Answered: 206 Skipped: 86

	<b>Not Satisfied</b>	<b>Partially Satisfied</b>	<b>Satisfied</b>	<b>More the Satisfied</b>	<b>Very Satisfied</b>	<b>N/A</b>	<b>Total</b>	<b>Weighted Average</b>
(no label)	<b>19.42%</b> 40	<b>27.67%</b> 57	<b>27.18%</b> 56	<b>3.88%</b> 8	<b>4.37%</b> 9	<b>17.48%</b> 36	206	2.35

## Q20: How can the Borough increase your enjoyment of its parks and open space? (Check all that apply)

Item 6.

Answered: 174 Skipped: 118

Answer Choices	Responses	
Improve or expand recreational facilities	45.98%	80
Improve or expand pre-k - teen recreational programs (after school/summer)	29.89%	52
Improve or expand adult recreational programs	33.91%	59
Increase access to recreational facilities	32.76%	57
Improve or expand parks and open space	51.72%	90
Increase access to parks and open space	37.93%	66
Improve / provide more vehicle parking at parks and open space	29.89%	52
Increase access to the waterfront	75.29%	131
<b>Total Respondents: 174</b>		

136



## Q21: How do you use the Bay and Beaches in Highlands? (Check all that apply)

Answered: 200 Skipped: 92

Answer Choices	Responses	
Sailing or motorized boating	26.50%	53
Kayak, Canoe, Paddle Board, etc.	37.00%	74
Fishing	35.00%	70
Swimming	54.50%	109
Sunbathing	61.00%	122
I don't use the bay and beaches	22.50%	45
<b>Total Respondents: 200</b>		

## Q35: Age

Item 6.

Answered: 185 Skipped: 107

Answer Choices	Responses
<18	1.08% 2
18 - 29	3.78% 7
30 - 44	15.68% 29
45 - 59	45.41% 84
60+	34.05% 63
<b>Total</b>	<b>185</b>

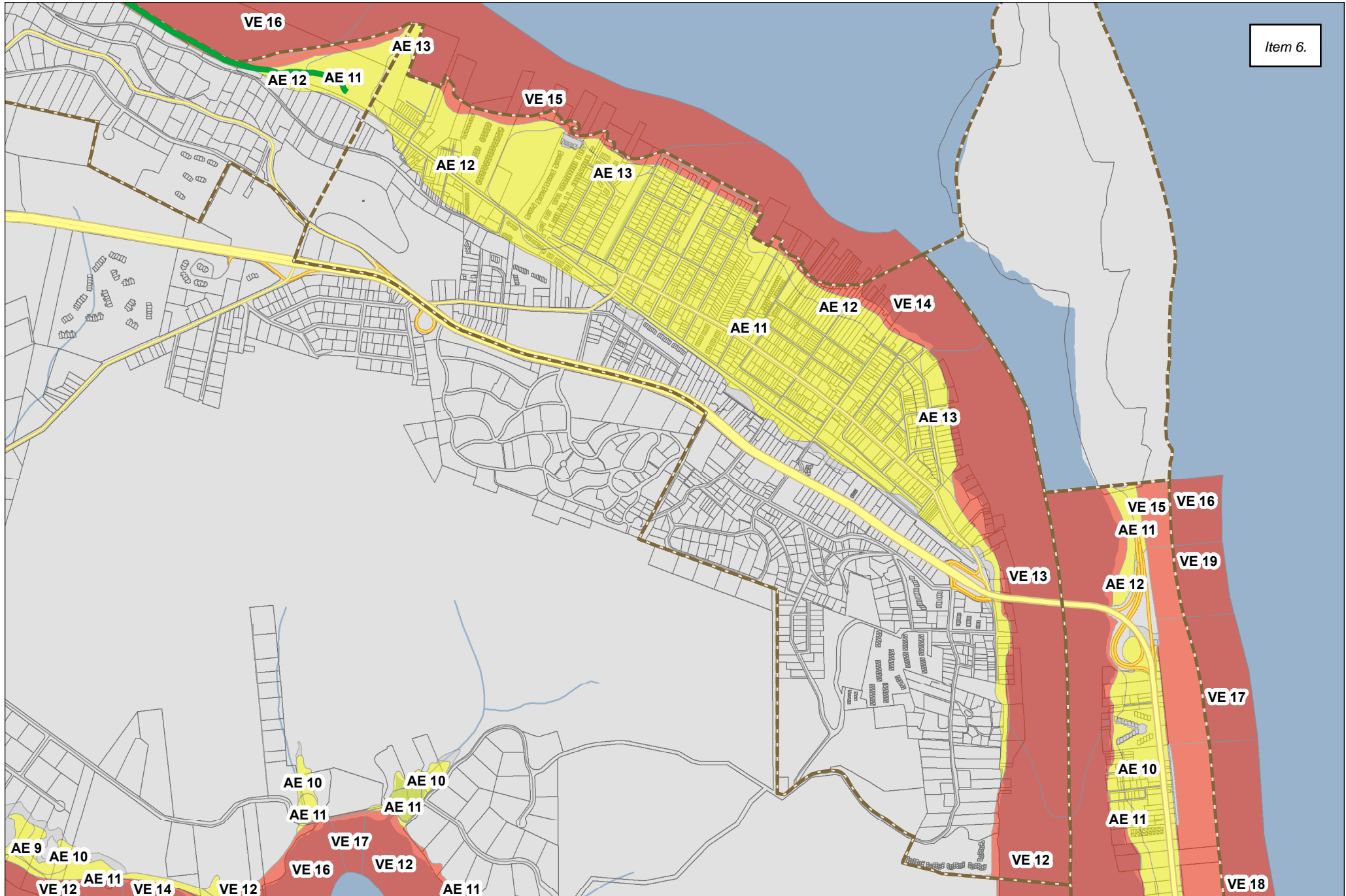
138

## Q36: Do you have any children under 18?

Answered: 185 Skipped: 107

Answer Choices	Responses
Yes	24.32% 45
No	75.68% 140
<b>Total</b>	<b>185</b>

## Appendix F: Preliminary FIRM



**T&M Associates**  
 11 Tindall Road  
 Middletown, NJ 07748-2792  
 Phone: 732-671-6400  
 Fax: 732-671-7365

Prepared by: CLB, 6/18/2015  
 Source: FEMA; NJDEP; NJDOT; NJGIN; Monmouth County  
 H:\HGHL\01710\GIS\Projects\Preliminary FIRMs.mxd

**Legend**

Municipal Boundary

**Flood Zone**

VE

AE

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

Bodies of Water

**Roadways**

US or State Route

County Route

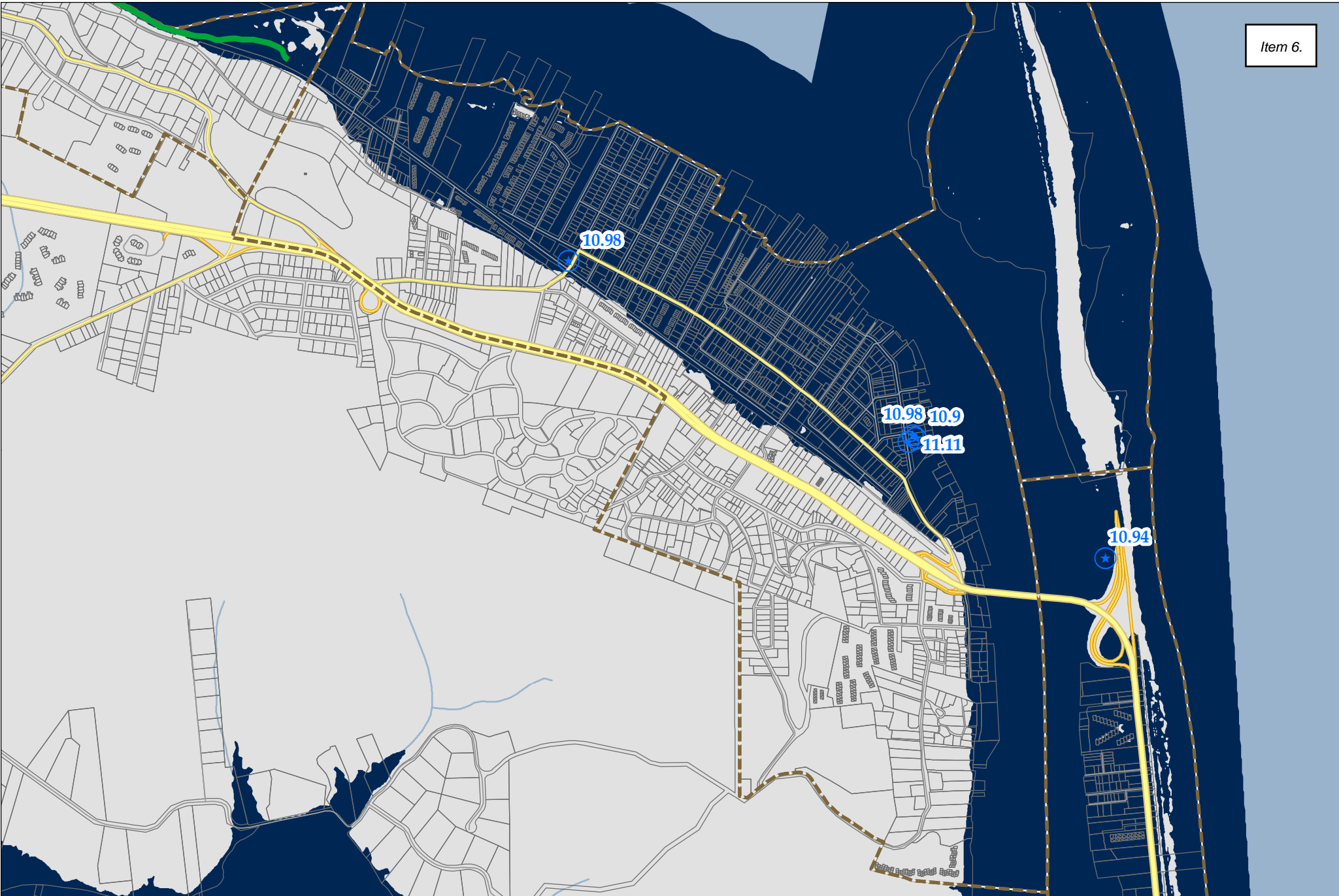
Local Road

Ramp

**Preliminary FIRMs**  
**Borough of Highlands**  
**Monmouth County, New Jersey**

NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System data. This secondary product has not been verified by NJDEP and is not State-authorized.

## Appendix G: Sandy Surge Extents









T&M Associates  
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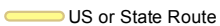
0 0.05 0.1 0.2 0.3 0.4 Miles

Prepared by: CLB, 9/16/2015  
 Source: FEMA; NJDEP; NJDOT; NJGIN; Monmouth County  
 H:\HGHL\01710\GIS\Projects\Storm Surge.mxd

**Legend**

-  Municipal Boundary
-  Extent of Flooding
-  Hurricane Sandy Surge Elevations
-  County Route
-  Local Road
-  Ramp

**Roadways**

-  US or State Route

**Hurricane Sandy Storm Surge  
 Borough of Highlands  
 Monmouth County, New Jersey**













NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System data. This secondary product has not been verified by NJDEP and is not State-authorized.

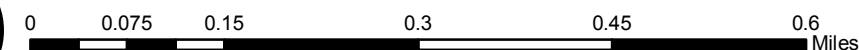
## Appendix H: Evacuation Routes and Critical Facilities



# Evacuation Routes and Critical Facilities Borough of Highlands, Monmouth County, New Jersey

## Legend

-  Schools
  -  Emergency Medical Center
  -  Firehouse
  -  Police Station
  -  Hurricane Evacuation Routes
  -  Municipal Boundary
- Roadways**
  -  US or State Route
  -  County Route
  -  Local Road
  -  Ramp



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Prepared by: CLB, 11/28/2016  
Source: FEMA, NJDEP; NJDOT; NJGIN; Monmouth County  
H:\HGHL\01710\GIS\Projects\evac and crit facilities.mxd

*NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.*