



**BOROUGH OF HIGHLANDS
LAND USE BOARD MEETING**
151 Navesink Ave. - Court Room
Thursday, April 11, 2024 at 7:00 PM

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. March 14, 2024 LUB Meeting Minutes

RESOLUTIONS

2. Memorializing Resolution for LUB24-01: Caulfield - 137 Highland Ave., B26 L14

ACTION ON OTHER BUSINESS

3. Compliance Review: Ordinance O-24-04 Tree Removal

ADJOURNMENT

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.



**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**LAND USE BOARD RESOLUTION 2024-12
MEMORIALIZATION OF BULK VARIANCE RELIEF**

**Approved: March 14, 2024
Memorialized: April 11, 2024**

**IN THE MATTER OF DAVID CAULFIELD
APPLICATION NO. LUB2024-01**

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 David Caulfield (hereinafter referred to as the “Applicant”) on lands known and designated as Block 26, Lot 14, as depicted on the Tax Map of the Borough of Highlands (hereinafter “Borough”), and more commonly known as 137 Highland Avenue, Highlands, New Jersey, in the R-1.01 Single-Family Residential (R-1.01) Zone District (hereinafter “Property”); and

WHEREAS, a live public hearing was held before the Board on March 14, 2024, 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 2,680 square feet with 40.0 feet of frontage on Highland Avenue within the R-1.01 (Single-Family Residential) Zone.

2. The subject Property is an existing undersized lot which contains 2,680 square feet with 40.0 feet of frontage on Highland Avenue within the R-1.01 (Single-Family Residential) Zone. The Applicant has represented that the lot has existed since 1918. The subject Property is improved with an 855 square foot single-story frame dwelling with decking and other site improvements. The Applicant has represented that the home on the lot has existed since 1918.

3. The Applicant is proposing to construct a 201.3 square foot single-story rear addition within the footprint of an existing deck which requires variance relief. The Applicant had received a Denial of Zoning Permit on January 19, 2024 for non-compliance with bulk requirements. The Applicant requires three (3) bulk variances in addition to the existing non-compliant bulk conditions.

4. Variance relief is required as summarized below:

R-1.01 Residential Zone	Required	Existing	Proposed	Variance
Minimum Lot Area	5,000 sf	2,680 sf	2,680 sf	Existing
Lot Frontage/Width	50 ft	40 ft	40 ft	Existing
Minimum Lot Depth	100 ft	70 ft	70 ft	Existing
Minimum Front Yard Setback	35 ft	17.6 ft	17.6 ft	Existing
Minimum Side Yard Setback	8 ft/12 ft	5.3 ft/6.7 ft	5.0 ft*/6.7 ft	New
Minimum Rear Yard Setback	25 ft	3.6 ft	3.6 ft & 5.0 ft*	New
Maximum Building Coverage	30%	31.9%	39.4%	New
On-Site Parking	1.5 spaces	0.0	0.0	Existing

*Proposed Addition

5. Counsel for the Applicant, John B. Anderson, Esq., stated that the subject Property was improved with an existing single-family dwelling, which according to Borough Tax Records has been in existence since 1918. He stated that the single-family dwelling contained one-bedroom. Mr. Anderson also described the subject Property as narrow, shallow and undersized.

6. Mr. Anderson represented that the Applicant was proposing to construct an addition containing approximately 200 square feet within the footprint of the existing rear deck. He explained that the proposal required variance relief from the side yard setback, rear yard setback and building coverage. Mr. Anderson also noted that the existing dwelling contained approximately 850 square feet and that the addition would increase the impervious coverage to approximately 39%. He also stated that the rear yard and side yard setback deficiencies were minor and would not be visually perceptible because the adjacent property to the rear was elevated above the subject Property and the adjacent property to the side had similar setbacks.

7. The Applicant's Architect, Lou Moglino, PA, testified that the subject Property was improved with a one-bedroom, single-story bungalow-style dwelling containing 855 square feet. He stated that the dwelling was "L"-shaped with a wood deck located at the rear of the dwelling within the corner of the "L". Mr. Moglino further testified that the deck was raised above the floor of the dwelling because of the grade of the subject Property.

8. Mr. Moglino further testified that the Applicant was proposing to expand the living area of the dwelling by constructing an addition within the footprint of the existing deck. He explained that there would be one (1) step up into the addition from the existing kitchen similar to the existing steps up onto the deck from the existing rear door. Mr. Moglino also stated that some minor excavation would be required for the step up into the addition.

9. Mr. Moglino also stated that the side and rear yard setback of the addition would each be five (5) feet (which, in the case of the side setback, is consistent with the existing side setback and which, in the case of the rear setback, is not as intrusive as the existing rear setback). He testified that the height of the roof would also be the same as the existing dwelling. Mr. Moglino explained that the adjacent properties were all fully-developed. He particularly pointed out that

adjacent Lot 13 had similar setbacks but was more intense because the dwelling on Lot 13 was two-stories.

10. Mr. Moglino further testified that the grant of variance relief would not result in any substantial detriment to the public good. He opined that the proposed addition would reduce the noise impact of outdoor entertainment on the deck. Mr. Moglino also stated that the addition would improve privacy for both the Applicant and the neighbors in the surrounding area. He further testified that no adjacent land was available to mitigate or eliminate any of the bulk variances. And, that the building coverage variance was the product of the undersized lot rather than any excessively large existing or proposed building.

11. In response to questions from the Board Engineer, Mr. Moglino testified that the dimensions of the proposed addition were 12' 4.5" x 16' 3.5". He also stated that building coverage was 39.4%. He also agreed to revise the zoning chart on the plan to depict the precise measurements.

12. In response to questions from the Board, Mr. Moglino testified that there was not a basement, but rather a crawl space. He also stated that the existing rear yard setback to the existing dwelling was 3.6 feet and the rear yard setback to the proposed addition would be five (5) feet. The Board questioned the viability of the rear yard for recreational use to which Mr. Moglino responded and explained that the covered front porch would be unchanged and would be available for recreation. He also explained that the adjacent property to the rear fronting Bay Street had a steep slope making the rear unusable which reduced the impact of the rear yard setback on the adjacent property to the rear. He also testified that the aesthetics of the dwelling would be improved.

13. In response to further questions from the Board, the Board Engineer stated that there were no concerns within stormwater because the total lot coverage would not be changed and would be below the permitted maximum 70% coverage.

14. In response to questions from the Board Attorney, Mr. Anderson represented that the existing non-compliant bulk conditions were not created by any previous approval because the subject home was constructed in 1918, prior to any zoning laws. The Board Engineer recommended that the Board also grant relief for the existing non-compliant bulk conditions, which the Applicant agreed to seek such relief.

15. 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 upgrade the existing residential structure and will be 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

its 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 and will advance the general welfare by providing increased privacy and sound attenuation for both the Applicant and the neighbors alike. 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 11th day of April 2024, that the action of the Board taken on March 14, 2024, granting application no. LUB 2024-01 of David Caulfield 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 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. The plan shall be revised to depict an accurate zoning chart subject to review and approval by the Board Engineer.
4. The Applicant shall apply for all necessary Zoning Permit(s).
5. The Applicant shall provide a certificate that taxes are paid to date of approval.
6. 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.
7. 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:

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 April 11, 2024.

Nancy Tran, Secretary
Borough of Highlands Land Use Board

BOROUGH OF HIGHLANDS LAND USE BOARD
Case No. No. LUB2024-01/Caulfield
Bulk Variance Relief
March 14, 2024

EXHIBITS

- A-1 Land Use Board Application for Variance, dated January 22, 2024
- A-2 Denial of Zoning Permit dated January 19, 2024
- A-3 Survey dated December 12, 2023, prepared by Thomas Craig Finnegan Land Surveying, LLC
- A-4 Architectural Plans dated January 12, 2024, prepared by Moglino Architect
- A-5 Existing Conditions Photos

INTEROFFICE REPORTS

- B-1 Board Engineer's Completeness Review Bulk Variances, dated February 13, 2024.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE O-24-04

AMENDING CHAPTER 22 (ENVIRONMENTAL PROTECTION) SECTIONS 22-1.2 (PURPOSE), 22-1.3 (DEFINITIONS AND WORD USAGE), 22-1.7 (REVIEW OF APPLICATIONS), ADDING NEW SECTION 22-1.8 (TREE REPLACEMENT REQUIREMENTS) AND APPENDIX A (BOROUGH OF HIGHLANDS SUGGESTED TREES AND SHRUBS) AND RENUMBERING THE REMAINING SECTIONS

WHEREAS, the governing body desires to amend Chapter 22 (Environmental Protection) Sections 22-1.2 (Purpose), 22-1.3 (Definitions And Word Usage), 22-1.7 (Review of Applications), add a new Section 22-1.8 (Tree Replacement Requirements) and renumber the remaining sections.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Highlands as follows:

SECTION I.

Borough Code Chapter 22 (Environmental Protection), Section 22-1.2 (Purpose), shall be amended as follows (additions are shown in **bold with underlines**).

Section 22-1.2 Purpose

A.-B. No Change.

C. An ordinance to establish requirements for tree removal and replacement in The Borough of Highlands to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

SECTION II.

Borough Code Chapter 22 (Environmental Protection), Section 22-1.3 (Definitions and Word Usage), shall be amended by adding the following definitions (additions are shown in **bold with underlines**).

Section 22-1.3 Definitions and Word Usage

CRITICAL ROOT RADIUS (CRR)

Means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x1.5' = 9'.

HAZARD TREE

Means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees. 1. Has an infectious disease or insect infestation; 2. Is dead or dying; 3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective; 4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or 5. Is determined to be a threat to public health, safety

PLANTING STRIP

Means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

RESIDENT

Means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

STREET TREE

Means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

TREE CALIPER

Means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

TREE REMOVAL

Means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

SECTION III.

Borough Code Chapter 22 (Environmental Protection), Section 22-1.7 (Review of Applications), shall be amended as follows (additions are shown in **bold with underlines**).

- a. No change.
- b. When reviewing applications, the Tree Commissioner will, after inspecting the site, evaluating soil, location, grading, drainage and other conditions on the site and adjacent properties and consulting with such other officials, agencies, committees, boards and commissions as the Commissioner deems appropriate, determine if the regulated activity proposed is prohibited, permitted or restricted in accordance with this section. **If an application is for activity on a property that has a site plan or subdivision application pending with the Land Use Board, the Tree Commissioner shall not approve of any activity until the Land Use Board has rendered its decision. If no site plan or subdivision application is pending, then the Tree Commissioner shall not approve of any activity until after the Land Use Board provides its recommendation.**
 - 1. Prohibited regulated activities include:
 - (a) Clear cutting areas, outside of the limits of removal which collectively exceed forty (40%) percent of a lot.
 - (b) Removal of any trees.
 - (c) Any action that will substantially increase the potential of erosion.
 - (d) Removal of any vegetation, including trees with a DBH less than four (4) inches on a slope.
 - (e) Any action that will substantially change drainage patterns.
 - (f) Any action inconsistent with other land use approvals or regulations affecting the site.
 - (g) Any action that would create a potential hazard to persons or property.
 - 2. Restricted regulated activities include:
 - (a) All regulated activities, which are neither prohibited nor permitted, are restricted. Applications may propose a combination of prohibited, permitted and restricted activities. In such cases, the Tree Commissioner may segregate the activities proposed and take the appropriate action on each type of activity.
 - (b) Applications for restricted activities shall be referred to the Land Use Board for recommendation to the Tree Commissioner.
- c. No change.
- d. No change.

SECTION IV.

Borough Code Chapter 22 (Environmental Protection), Section 22-1.8, shall be amended by adding a new Section 22-1.8 (additions are shown in **bold with underlines**).

NOTE TO CODIFIER: Re-number the following sections.

Section 22-1.8 Tree Replacement Requirements

A. Tree Replacement Requirements

1. **Any person who removes one or more street tree(s) with a DBH of 2.5" or more, unless exempt under subsection (C), shall be subject to the requirements of the Tree Replacement Requirements Table below.**
2. **Any person, who removes one or more tree(s), as defined as Tree removal, with a DBH of 6" or more per acre, unless otherwise detailed under subsection (C), shall be subject to the requirements of the Tree Replacement Requirements Table.**

The species type and diversity of replacement trees shall be in accordance with Appendix A.

Replacement tree(s) shall:

1. **Be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below;**
2. **Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the Tree Commissioner;**
3. **Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and**
4. **Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.**

Tree Replacement Requirements Table:

<u>Category</u>	<u>Tree Removed (DBH)</u>	<u>Tree Replacement Criteria (See Appendix A)</u>	<u>Replacement Fee</u>
<u>1</u>	<u>DBH of 2.5" (for street trees) or 6" (for non-street trees) to 12.99"</u>	<u>Replant 1 tree with a minimum tree caliper of 1.5" for each tree removed</u>	<u>\$240.00</u>
<u>2</u>	<u>DBH of 13" to 22.99"</u>	<u>Replant 2 trees with minimum tree calipers of 1.5" for each tree removed</u>	<u>\$420.00</u>
<u>3</u>	<u>DBH of 23" to 32.99"</u>	<u>Replant 3 trees with minimum tree calipers of 1.5" for each tree removed</u>	<u>\$840.00</u>
<u>4</u>	<u>DBH of 33" or greater</u>	<u>Replant 4 trees with minimum tree calipers of 1.5" for each tree removed</u>	<u>\$1,680.00</u>

B. Replacement Alternatives:

1. **If the Tree Commissioner determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:**
 - a. **Plant replacement trees in a separate area(s) approved by the Tree Commissioner.**
 - b. **Pay a fee as set forth in the Tree Replacement Requirements Table per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.**

C. Exemptions:

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the Tree Commissioner by all persons claiming an exemption:

1. **Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period. The number**

of trees removed is a rolling count across a five-year period. For example, if 3 trees from category 1 are removed in July 2023, the 'count' resets to zero in July 2028. However, if 1 tree from category 1 is removed in July 2023 and another in July of 2025 the first tree will come off the count in July 2028 and the second in July 2030.

2. Tree farms in active operation, nurseries, fruit orchards, and garden centers; Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the Borough;
3. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
4. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;
5. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
6. Hazard trees may be removed with no fee or replacement requirement.

NOTE TO CODIFIER: Existing Sections 22-1.8 (Protection of Existing Trees), 22-1.9 (Emergency Action) and 22-1.10 (Violations and Penalties) should be renumbered as 22-1.9 (Protection of Existing Trees), 22-1.10 (Emergency Action) and 22-1.11 (Violations and Penalties).

SECTION V.

Borough Code Chapter 22 (Environmental Protection), Appendix A, shall be added as follows:

Borough of Highlands Suggested Trees and Shrubs

Shrubs

Boxwood
 Yew (dense yew)
 Emerald Green Arborvitae
 Laurel
 Scarlet Firethorn
 Red Twig Dogwood
 Privet hedge
 Japanese black pine
 Leyland Cypress
 Holly
 Euonymus

Medium Trees [under 30 feet]

Eastern Redbud
 Japanese Tree Lilac
 Purple leaf plum
 Crabapple

Large trees [over 30 feet]

Magnolia
 Dogwood
 Hornbeam
 Linden
 Zelkova
 Hackberry

Replacement trees shall be planted in the fall prior to mid-October when possible, or at such other time as directed by the Tree Commissioner. Replacement trees shall not be planted in the winter.

SECTION VI. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION VII. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

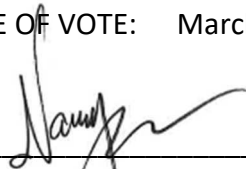
SECTION VIII. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.

First Reading and Set Hearing Date for O-24-04:

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

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

DATE OF VOTE: March 20, 2024



 Nancy Tran, Municipal Clerk
 Borough of Highlands

Public Hearing for O-24-04:

	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: April 17, 2024

 Carolyn Broullon, Mayor

 Nancy Tran, Municipal Clerk
 Borough of Highlands