



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 22-082

RESOLUTION REFERRING THE REVISED PROPOSED REDEVELOPMENT PLAN FOR THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA TO THE LAND USE BOARD OF THE BOROUGH FOR RECONSIDERATION

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, on June 2, 2021, by Resolution No. 21-126, and in accordance with the provisions of the Redevelopment Law, the Municipal Council (the “**Borough Council**”) of the Borough of Highlands (the “**Borough**”) authorized and directed the Land Use Board of the Borough (the “**Land Use Board**”) to conduct a preliminary investigation to determine whether all or a portion of certain properties within the Borough, commonly referred to as the Central Business District/Bay Avenue Corridor and identified by block and lot on the tax map of the Borough listed in such Resolution (the “**Study Area**”), met the criteria in the Redevelopment Law for designation as a non-condemnation redevelopment area, within which the Borough may use all of the powers provided by the Redevelopment Law for use in a redevelopment area except the power of eminent domain, and to make a recommendation as to whether all or a portion of such Study Area should be designated as a non-condemnation redevelopment area; and

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

WHEREAS, on July 8, 2021, the Land Use Board received a report setting forth the basis for the investigation and a map depicting the Study Area prepared by the Planning Consultant, entitled *Area in Need of Redevelopment Study, Central Business District, Borough of Highlands, New Jersey*, dated July 8, 2021 (the “**Report**”), evaluating whether all or a portion of the Study Area met the criteria to be designated as a non-condemnation redevelopment area; and

WHEREAS, pursuant to the Redevelopment Law, the Land Use Board caused a duly noticed public hearing to be held on August 5, 2021 (the “**Study Area Hearing**”), at which it reviewed the Report, heard testimony from Paul Grygiel, AICP, PP of the Planning Consultant, and conducted a public hearing during which members of the general public were given an opportunity to present their own evidence, cross-examine the Planning Consultant, and address questions to the Land Use Board and its representatives concerning the potential designation of the Study Area as a non-condemnation redevelopment area; and

WHEREAS, at the conclusion of the Study Area Hearing, after reviewing the Report and hearing all of the evidence, testimony from the public, and expert testimony, based on the reasons set forth in the Report and on the record, including the testimony of the Planning Consultant as to criterion “h” of N.J.S.A. 40A:12A-5 (“**Section 5**”) of the Redevelopment Law, the Land Use Board made recommendations to the Borough Council that the entire Study Area be designated as a non-condemnation redevelopment area pursuant to Section 5 of the Redevelopment Law, which recommendations and reasons for same were memorialized in Resolution No. 2021-21 duly adopted by the Land Use Board on October 7, 2021; and

WHEREAS, on October 20, 2021, by Resolution No. 21-199, the Borough Council accepted the Land Use Board’s recommendations set forth in Resolution No. 2021-21 and designated the entire Study Area as a non-condemnation redevelopment area pursuant to the Redevelopment Law (the “**Redevelopment Area**”) and authorized the Planning Consultant to prepare one or more redevelopment plans for the Redevelopment Area; and

WHEREAS, the Borough Council desires to adopt a redevelopment plan for the Redevelopment Area; and

WHEREAS, the Planning Consultant, at the request of the Mayor and the Borough Council, prepared a draft redevelopment plan for the Redevelopment Area, entitled Central Business District Redevelopment Plan and dated November 24, 2021, which draft redevelopment plan was discussed at an informational meeting held by the Land Use Board on December 2, 2021; and

WHEREAS, comments were received on December 2, 2021 at such informational meeting from members of both the public and the Land Use Board; and

WHEREAS, thereafter, the Planning Consultant, at the request of the Mayor and the Borough Council, prepared a revised redevelopment plan for the Redevelopment Area, entitled Central Business District Redevelopment Plan and dated January 13, 2022 (the “**Original Redevelopment Plan**”); and

WHEREAS, pursuant to the Redevelopment Law, on February 2, 2022 the Borough Council adopted Resolution No. 22-059 directing the Land Use Board to review the Original Redevelopment Plan and transmit its recommendations relating to the Original Redevelopment Plan to the Borough Council in accordance with the provisions of N.J.S.A. 40A:12A-7(e); and

WHEREAS, on February 10, 2022 the Land Use Board reviewed the Original Redevelopment Plan and found that the height and parking requirements of the Original Redevelopment Plan were not consistent with the Borough’s Master Plan (the “**LUB Findings**”); and

WHEREAS, the Planning Consultant has supplemented the Original Redevelopment Plan with additional information concerning the height requirements (as revised, the “**Redevelopment Plan**”) and the Council President has prepared a letter to the Land Use Board addressing the parking requirements in the Redevelopment Plan (the “**Letter**”); and

WHEREAS, the Borough Council desires to authorize and direct the Land Use Board to review the Redevelopment Plan, reconsider the LUB Findings, and issue a report concerning such Redevelopment Plan, such report to include an identification of any provision in the Redevelopment Plan which is inconsistent with the Borough’s Master Plan and recommendations concerning such inconsistencies and any other matters as the Land Use Board deems appropriate, all pursuant to Section 7 of the Redevelopment Law.

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Highlands, in the County of Monmouth, New Jersey, as follows:

Section 1. The foregoing recitals are herein incorporated as if set forth in full.

Section 2. The Land Use Board is authorized and directed to reconsider the LUB Findings, review the Redevelopment Plan and to advise the Borough Council of its findings in connection therewith within 45 days after referral, in accordance with the Redevelopment Law at *N.J.S.A. 40A:12A-7(e)*.

Section 3. The Borough Clerk shall deliver a copy of this Resolution, the Redevelopment Plan and the Letter to the Land Use Board for review.

Section 4. A certified copy of this Resolution shall be available for public inspection during regular business hours at the office of the Borough Clerk.

Section 5. This Resolution shall take effect immediately.

Motion to Approve R 22-082:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

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

DATE OF VOTE: March 02, 2022

Nancy Tran, Acting Municipal Clerk
Borough of Highlands