



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## ORDINANCE 22-10

**An Ordinance Of The Borough Council Of The Borough Of Highlands, In The County Of Monmouth, New Jersey Adopting The Central Business District Redevelopment Plan Pursuant To The Local Redevelopment And Housing Law, N.J.S.A. 40a:12a-1 Et Seq.**

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

**WHEREAS**, on March 2, 2022, the Borough Council adopted Resolution No. 22-082 authorizing and directing the Land Use Board to review the Redevelopment Plan, reconsider the LUB Findings, and issue a report identifying 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; and

**WHEREAS**, on March 10, 2022, the Land Use Board, at a duly noticed public meeting, presented the Redevelopment Plan, allowed all those present who wished to comment to be heard, and, after due consideration, determined that the Redevelopment Plan is substantially consistent with the Borough's Master Plan and recommended that the Mayor and Borough Council adopt the Redevelopment Plan, which recommendations and reasons for same were memorialized in Resolution No. 2022-11 duly adopted by the Land Use Board on April 14, 2022; and

**WHEREAS**, upon receipt and review of the Land Use Board's recommendations relating to the Redevelopment Plan, and consultation with the Planning Consultant and redevelopment counsel, the Borough Council believes that adoption of the Redevelopment Plan is in the best interests of the Borough and will best facilitate the appropriate development of the Redevelopment Area; and

**WHEREAS**, the Borough has determined to adopt the Redevelopment Plan to ensure the success of redevelopment within the Redevelopment Area in conformity with the Borough's redevelopment objectives.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Highlands, New Jersey, as follows:

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

**Section 2.** The Redevelopment Plan, as filed in the Office of the Borough Clerk and attached hereto as **Exhibit A**, is hereby approved and adopted pursuant to the terms of the Redevelopment Law.

**Section 3.** The sections of the zoning map of the Borough that relate to the Redevelopment Area are hereby amended to incorporate the provisions of the Redevelopment Plan.

**Section 4.** The Zoning and Land Use Regulations of the Borough are hereby amended and supplemented to incorporate the Redevelopment Plan.

**Section 5.** 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 6.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 7.** A certified copy of this Ordinance and the Redevelopment Plan shall be available for public inspection during regular business hours at the office of the Borough Clerk.

**Section 8.** This Ordinance shall take effect in accordance with applicable law.

First Reading and Set Hearing Date for O-22-10:

	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: May 4, 2022

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Nancy Tran, Acting Municipal Clerk  
Highlands

Public Hearing and Adoption for O-22-10:

	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: May 18, 2022

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Nancy Tran, Acting Municipal Clerk  
Highlands

**EXHIBIT A**

**CENTRAL BUSINESS DISTRICT REDEVELOPMENT PLAN**