



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 21-199

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY DESIGNATING CERTAIN PROPERTIES WITHIN THE BOROUGH AS A NON-CONDEMNATION REDEVELOPMENT AREA PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 *Et Seq.*, AND AUTHORIZING THE PREPARATION OF A REDEVELOPMENT PLAN FOR SUCH NON-CONDEMNATION REDEVELOPMENT AREA**

**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**, the Redevelopment Law requires that the Land Use Board conduct a public hearing prior to making its recommendation as to whether the Study Area should be designated as a

non-condemnation redevelopment area, at which hearing the Land Use Board shall hear all persons who are interested in, or would be affected by, a determination that the Study Area is 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 “**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**, the Planning Consultant testified to the Land Use Board that to prepare the Report, he performed an analysis of the Study Area’s existing land uses, site layout, and physical characteristics, which are included in the Report. In doing so, the Planning Consultant testified that he reviewed the Borough’s tax records, aerial photographs, Master Plan and other planning documents, existing zoning ordinance and maps, zoning, health, property maintenance and related violations records, development applications and approvals, building and demolition permit activity, police activity logs, deed records, occupancy and ownership status records, and other municipal records and conducted multiple physical inspections of each property within the Study Area; and

**WHEREAS**, at the conclusion of the 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: (1) voted to recommend that all of the lots within the Study Area be designated as a non-condemnation redevelopment area; and (2) as set forth in the record, in response to an objection from the owner of Block 53, Lot 3 as to the application of the “a” criterion of Section 5 of the Redevelopment Law to their property, voted to not accept the Planning Consultant’s recommendation that Block 53, Lot 3 also satisfies criterion “a” pursuant to Section 5 of the Redevelopment Law, but in doing so the Land Use Board erroneously identified such property as Block 59, Lot 8; and

**WHEREAS**, as a result of the hearing, 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 attached hereto as ***Exhibit A***, which provided in part:

**WHEREAS**, of these 120 lots within the Study Area, the Planning Consultant concluded in the Report and testified to the Land Use Board that the following nine (9) lots satisfy criterion “a” pursuant to Section 5 of the Redevelopment Law for various reasons specific to each lot, including, but not limited to, that the generality of the buildings are substandard, unsafe, unsanitary, dilapidated, obsolescent, or conducive to unwholesome living or working conditions because of outdated or faulty design or arrangement, poor or dilapidated building conditions,

insufficient or inoperable windows, various past property maintenance violations and/or police incidents, or a combination thereof:

Block 42, Lot 13  
Block 46, Lots 1, 6, & 7  
Block 53, Lots 3 & 4  
Block 59, Lots 8 & 16.01  
Block 64, Lot 1; and

**WHEREAS**, of these 120 lots within the Study Area, the Planning Consultant concluded in the Report and testified to the Land Use Board that the following three (3) lots satisfy criterion “b” pursuant to Section 5 of the Redevelopment Law for various reasons specific to each lot, including, but not limited to, that the buildings were once used for commercial, retail, shopping, office space, manufacturing, or industrial purpose and are now in a great state of disrepair or neglect to make them untenable and/or have been significantly vacant for the last two (2) or more years:

Block 46, Lot 3  
Block 47, Lot 6  
Block 88, Lot 5; and

**WHEREAS**, of these 120 lots within the Study Area, the Planning Consultant concluded in the Report and testified to the Land Use Board that the following sixteen (16) lots satisfy criterion “c” pursuant to Section 5 of the Redevelopment Law for various reasons specific to each lot, including, but not limited to, that such lots are either owned by the Borough or are unimproved vacant lots that have remained as such for the last ten (10) or more years, and/or are not likely to be developed through private capital due to topographical challenges, poor site access, historical lack of development with no known future plans for same, or a combination thereof:

Block 40.01, Lots 21.01 & 22.01  
Block 42, Lot 14  
Block 45, Lots 6.01 & 7  
Block 47, Lot 10  
Block 53, Lots 6 & 7 (studied together)  
Block 63, Lots 4, 6, & 14  
Block 64, Lot 21  
Block 72, Lot 2  
Block 88, Lot 2  
Block 94, Lot 1  
Block 96, Lot 2.01; and

**WHEREAS**, of these 120 lots within the Study Area, the Planning Consultant concluded in the Report and testified to the Land Use Board that the following eighty-seven (87) lots satisfy criterion “d” pursuant to Section 5 of the Redevelopment Law for various reasons specific to each lot, including, but not limited to, that because of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, the buildings or improvements are detrimental to the safety, health, morals, or welfare of the community. This includes that as many of these lots are located in a high-risk flood zone and as the Borough itself is particularly vulnerable to flooding, many of these lots do not provide proper stormwater management or floodproofing and present risks of physical harm, structural damage, or entrapment because of either excessive land coverage, old age of the structure, lack of elevation above base flood elevation levels, or a combination thereof. This also includes that many lots suffer from faulty site arrangement, prior police incidents, dilapidated and/or poor site conditions leading to a general sense of neglect, unpermitted uses, lack of proper parking, or a combination thereof that all detract from and/or are incompatible with developing and maintaining a vibrant and walkable downtown commercial corridor:

Block 40.01, Lots 21.01, 21.02, & 22.01  
Block 41, Lots 2.01, 5, 6, 7, 8, & 10  
Block 42, Lots 1, 10, 12.01, 13, 14, & 15  
Block 45, Lot 4.01  
Block 46, Lots 1, 2, 3, 6, 7, & 8  
Block 47, Lots 6, 7, 8, 9, & 11  
Block 52, Lot 2  
Block 53, Lots 3, 4, 5, 8, & 9  
Block 54, Lots 1 & 4  
Block 58, Lots 17.01 & 18 (studied together), 19 & 20 (studied together), 24, & 25  
Block 59, Lots 8, 9, 11.01, 13.01, & 16.01  
Block 63, Lots 9.01, 11, 15, & 19.01  
Block 64, Lots 1, 2 & 28.01 (studied together), 17, 20, & 24  
Block 69, Lots 2 & 6.01 (Lot 6.01 was formerly known as Lots 5 & 6)  
Block 70, Lots 1, 2, 3, & 15  
Block 71, Lots 4 & 5 (studied together), & 6  
Block 72, Lots 1 & 12  
Block 74, Lots 1, 8.01, & 9  
Block 75, Lot 1  
Block 80, Lots 1, 20, 21, & 22  
Block 81, Lots 1 & 10.01

Block 83, Lot 1 (Lot 1 was formerly known as Lots 1 & 14)  
Block 88, Lots 1.01, 4.01, & 5  
Block 89, Lots 2 & 13.01  
Block 96, Lots 1 & 3 (Block 96, Lot 3 was formerly known as  
Block 96.01, Lot 3); and

**WHEREAS**, of these 120 lots within the Study Area, the Planning Consultant concluded in the Report and testified to the Land Use Board that the following twenty (20) lots did not meet any of the criteria pursuant to Section 5 of the Redevelopment Law, but did satisfy the definition of “redevelopment area” or “area in need of redevelopment” pursuant to Section 3 of the Redevelopment Law for various reasons specific to each lot, including, but not limited to, that such lots abut other lots that satisfy criteria “a”, “b”, “c”, and/or “d” pursuant to Section 5 of the Redevelopment Law and that it would be an impediment to the redevelopment of the abutting lots and the commercial corridor as a whole if same were not included in the Non-Condemnation Redevelopment Area by creating redevelopment gaps along the commercial corridor:

Block 41, Lots 3, 4, & 9  
Block 54, Lot 3.01  
Block 58, Lot 23.01  
Block 59, Lots 5, 6 & 10 (all studied together), & 14  
Block 63, Lots 5, 7, 10, & 13.01  
Block 64, Lot 25  
Block 69, Lot 4.01  
Block 80, Lot 2  
Block 81, Lots 2 & 12  
Block 88, Lot 3  
Block 89, Lot 1; and

**WHEREAS**, in concluding the Report, the Planning Consultant did not recommend that any of the following thirty-five (35) lots be designated as a Non-Condemnation Redevelopment Area:

Block 41, Lot 13.01  
Block 46, Lots 4 & 5  
Block 47, Lot 12  
Block 52, Lot 1  
Block 53, Lots 1 & 2  
Block 54, Lots 5 & 7.01  
Block 58, Lots 1, 3.01, & 26  
Block 59, Lot 11.02  
Block 63, Lots 16 & 17  
Block 64, Lots 18, 19, 22, & 23

Block 69, Lot 1  
Block 70, Lots 16 & 17  
Block 72, Lot 11.01  
Block 73, Lot 2  
Block 75, Lots 17 & 18 (studied together)  
Block 82, Lots 1.01 & 6.01  
Block 94, Lots 15.02 & 15.03 (studied together and were formerly known as Lot 15 jointly), & 16  
Block 95, Lot 1  
Block 96.01, Lot 2.01  
Block 114, Lots 1.01, 1.02, & 3.02 (all studied together); and

**WHEREAS**, the Land Use Board asked the Planning Consultant during the Hearing if the above-referenced 35 lots within the Study Area satisfy criterion “h” pursuant to Section 5 of the Redevelopment Law; and

**WHEREAS**, in response to the Land Use Board’s question, the Planning Consultant testified to the Land Use Board at the Hearing that these 35 lots did satisfy criterion “h” pursuant to Section 5 of the Redevelopment Law because: (1) the entire Study Area is within Smart Growth Metropolitan Planning Area 1 of the New Jersey State Planning Commission’s State Development and Redevelopment Plan, which is an area in which development or redevelopment is to be encouraged; (2) the Borough made a prior policy decision to apply to the New Jersey State Planning Commission for such designation; and (3) various Borough planning and zoning documents referred to in the Report make reference to smart growth planning principles within the Study Area; and

**WHEREAS**, during the Hearing, the Land Use Board heard an objection from the owner of Block 53, Lot 3 as to the application of the “a” criterion of Section 5 of the Redevelopment Law to their property; and

**WHEREAS**, at the conclusion of the 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 as further described herein, including the testimony of the Planning Consultant as to criterion “h” of Section 5 of the Redevelopment Law, the Land Use Board: (1) voted to recommend that all of the lots within the Study Area be designated as a Non-Condensation Redevelopment Area; and (2) as set forth in the record, in response to the objection above, voted to not accept the Planning Consultant’s recommendation that Block 53, Lot 3 also satisfies criterion “a” pursuant to Section 5 of the Redevelopment Law, but in

doing so the Land Use Board erroneously identified such property as Block 59, Lot 8; and

**WHEREAS**, after careful consideration of Resolution No. 2021-21, the Report, the record of the Hearing, and all of the relevant facts and circumstances concerning this matter, the Borough Council desires to designate the entire Study Area as a non-condemnation redevelopment area; and

**WHEREAS**, to carry out its powers under the Redevelopment Law, the Borough has a need for professional planning consultant services in connection with the redevelopment of the Study Area; and

**WHEREAS**, the Planning Consultant possesses the experience and qualifications to perform professional planning consultant services; and

**WHEREAS**, by Resolution No. 21-43 adopted January 20, 2021, pursuant to a request for proposals for professional planning consultant services issued in accordance with the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, the Borough awarded a professional services contract to the Planning Consultant to provide professional planning consultant services to the Borough for a contract term of January 1, 2021 through December 31, 2021; and

**WHEREAS**, the Borough also desires to authorize the Planning Consultant to prepare one or more redevelopment plans for the Study Area,

**NOW THEREFORE, BE IT RESOLVED**, 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 Borough Council hereby accepts the Land Use Board's recommendations set forth in Resolution No. 2021-21 and adopts the recitals and findings of the Land Use Board and the Report, as if fully set forth herein, and therefore determines and declares that the entire Study Area, as specifically identified as the following blocks and lots on the tax map of the Borough, be and is hereby determined to be a non-condemnation redevelopment area pursuant to the Redevelopment Law (the "**Central Business District Redevelopment Area**"):

Block 40.01, Lots 21.01, 21.02, 22.01  
Block 41, Lots 2.01, 3, 4, 5, 6, 7, 8, 9, 10, 13.01  
Block 42, Lots 1, 10, 12.01, 13, 14, 15  
Block 45, Lots 4.01, 6.01, 7  
Block 46, Lots 1, 2, 3, 4, 5, 6, 7, 8  
Block 47, Lots 6, 7, 8, 9, 10, 11, 12  
Block 52, Lots 1, 2  
Block 53, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9  
Block 54, Lots 1, 3.01, 4, 5, 7.01  
Block 58, Lots 1, 3.01, 17.01, 18, 19, 20, 23.01, 24, 25, 26  
Block 59, Lots 5, 6, 8, 9, 10, 11.01, 11.02, 13.01, 14, 16.01

Block 63, Lots 4, 5, 6, 7, 9.01, 10, 11, 13.01, 14, 15, 16, 17, 19.01  
Block 64, Lots 1, 2, 17, 18, 19, 20, 21, 22, 23, 24, 25, 28.01  
Block 69, Lots 1, 2, 4.01, 6.01 (Lot 6.01 was formerly known as Lots 5 & 6)  
Block 70, Lots 1, 2, 3, 15, 16, 17  
Block 71, Lots 4, 5, 6  
Block 72, Lots 1, 2, 11.01, 12  
Block 73, Lot 2  
Block 74, Lots 1, 8.01, 9  
Block 75, Lots 1, 17, 18  
Block 80, Lots 1, 2, 20, 21, 22  
Block 81, Lots 1, 2, 10.01, 12  
Block 82, Lots 1.01, 6.01  
Block 83, Lot 1 (Lot 1 was formerly known as Lots 1 & 14)  
Block 88, Lots 1.01, 2, 3, 4.01, 5  
Block 89, Lots 1, 2, 13.01  
Block 94, Lots 1, 15.02, 15.03 (Lots 15.02 & 15.03 were formerly known as Lot 15), 16  
Block 95, Lot 1  
Block 96, Lots 1, 2.01, 3 (Block 96, Lot 3 was formerly known as Block 96.01, Lot 3)  
Block 96.01, Lot 2.01  
Block 114, Lots 1.01, 1.02, 3.02.

**Section 3.** Pursuant to *N.J.S.A. 40A:12-6(b)(5)(c)* of the Redevelopment Law, the Borough Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Commissioner of the Department of Community Affairs for review.

**Section 4.** Pursuant to *N.J.S.A. 40A:12-6(b)(5)(d)* of the Redevelopment Law, the Borough Clerk is hereby authorized and directed to serve a certified copy of this Resolution within ten (10) days of the adoption hereof upon all record owners of the properties located within the Central Business District Redevelopment Area, those whose names are listed on the Borough Tax Assessor's records, and each person, if any, who filed a written objection and stated in such submission an address to which notice of this determination may be sent.

**Section 5.** Pursuant to *N.J.S.A. 40A:12A-7(e)* of the Redevelopment Law, the Borough Council hereby authorizes the Planning Consultant to prepare one or more redevelopment plans for the Central Business District Redevelopment Area or portion(s) thereof in accordance with the Redevelopment Law. The Planning Consultant shall prepare the redevelopment plan(s) when and as directed by the Borough.

**Section 6.** A certified copy of this Resolution shall be available for public inspection during regular business hours at the office of the Borough Clerk.

**Section 7.** This Resolution shall take effect immediately.



Motion to Approve R-21-199:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
MARTIN						
MAZZOLA						
MELNYK						
OLSZEWSKI						
BROULLON						

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

DATE OF VOTE: October 20, 2021

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Michelle Hutchinson, Municipal Clerk  
Borough of Highlands

**EXHIBIT A**  
**LAND USE BOARD RESOLUTION NO. 2021-21**