



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE O-24-15

**ADOPTING THE AMENDED 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 “**PPG**”), 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 PPG, 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 PPG, and conducted a public hearing during which members of the general public were given an opportunity to present their own evidence, cross-examine PPG, 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 PPG 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 PPG to prepare one or more redevelopment plans for the Redevelopment Area; and

WHEREAS, on May 18, 2022 the Borough Council adopted Ordinance No. 22-10 adopting a redevelopment plan for the Redevelopment Area, entitled Central Business District Redevelopment Plan (the “**Original Redevelopment Plan**”); and

WHEREAS, following a review of the Original Redevelopment Plan, the Borough determined to amend the Original Redevelopment Plan to facilitate redevelopment within the Redevelopment Area; and

WHEREAS, Heyer, Gruel and Associates (the “**Planning Consultant**”), prepared an amended redevelopment plan for the Redevelopment Area, entitled Amended Central Business District Redevelopment Plan, dated August 21, 2024 (the “**Amended Redevelopment Plan**”); and

WHEREAS, pursuant to the Redevelopment Law, the Land Use Board must review the Amended Redevelopment Plan and transmit its recommendations relating to the Amended Redevelopment Plan to the Borough Council in accordance with the provisions of N.J.S.A. 40A:12A-7(e) of the Redevelopment Law; and

WHEREAS, in accordance with N.J.S.A. 40A:12A-7e, the Planning Consultant presented the Amended Redevelopment Plan to the Land Use Board during the September 12, 2024 meeting during which the Land Use Board reviewed the Amended Redevelopment Plan and considered the testimony of the Planning Consultant; and

WHEREAS, after conducting its review, the Land Use Board adopted a resolution finding that the Amended Redevelopment Plan is not inconsistent with the Borough’s Master Plan and recommending that the Borough adopt the Amended Redevelopment Plan; and

WHEREAS, upon receipt and review of the Land Use Board’s recommendations relating to the Amended Redevelopment Plan the Borough Council believes that adoption of the Amended 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 Amended 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 Amended 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 Amended Redevelopment Plan.

Section 4. The Zoning and Land Use Regulations of the Borough are hereby amended and supplemented to incorporate the Amended 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 Amended 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-24-15:

	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: August 21, 2024

Nancy Tran, Municipal Clerk
Borough of Highlands

Public Hearing for O-24-15:

	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: September 4, 2024

Carolyn Broullon, Mayor

Nancy Tran, Municipal Clerk
Borough of Highlands

EXHIBIT A
AMENDED CENTRAL BUSINESS DISTRICT REDEVELOPMENT PLAN