



# 810 NORTH 2ND AVENUE REDEVELOPMENT PLAN

Block 503, Lot 24

Borough of Highland Park, Middlesex County, New Jersey

Prepared by **LRK, Inc.** | August 7, 2024



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Borough of Highland Park, Middlesex County, New Jersey

Recommended by the Planning Board on Month ##, 2024

Adopted by the Borough Council on Month ##, 2024



Prepared on behalf of:

**Highland Park Borough Council**

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The original copy of this document was appropriately signed and sealed in accordance to N.J.S.A. 45:14A-1 et seq.

A handwritten signature in black ink, consisting of several overlapping, sweeping strokes.

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# ACKNOWLEDGMENTS

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# 1 | INTRODUCTION

## 1.1 PURPOSE OF THIS REDEVELOPMENT PLAN

Highland Park's tree-lined, pedestrian- and bicycle-friendly streets and its walkable downtown create a unique sense of place for its residents, many of whom are affiliated with Rutgers University - New Brunswick, making the Borough of Highland Park (the "Borough") a part of the college community across the Raritan River. These key amenities are sought after by both Millennials and "Empty Nesters" alike, both of which are already-growing demographic groups in Highland Park.

Over the past 20 years, the Borough has undertaken several planning activities in efforts to make the community a vital and sustainable place to live, work, and play. The Mayor and Council of the Borough of Highland Park (the "Borough Council") have been proactively engaging in a number of redevelopment projects as a tool for stimulating private investment throughout Highland Park, particularly within the downtown area and other commercial corridors, in accordance with the New Jersey Local Redevelopment and Housing Law (the "LRHL") at [N.J.S.A. 40:A:12A-1 et seq.](#)

Among numerous redevelopment actions taken to date, the Borough Council adopted Ordinance No. 16-1921 in December 2016, which designated the entirety of the municipality as an "area in need of rehabilitation," conducted several preliminary investigations and designated such properties as "areas in need of redevelopment," and prepared several site-specific redevelopment plans throughout the Highland Park.

### CLEVELAND AVENUE CORRIDOR VISION

*Preserve unique, inherent town qualities while evolving to meet current conditions and emerging trends by transforming and enriching the mix of uses on outdated commercial corridors to support safer, more attractive and livable Complete Street.*

# Map 1. Context Map



The purpose of this redevelopment plan is to create a site-specific implementation plan for the rehabilitation and/or redevelopment of the existing commercial building to serve as a more appropriate and high-quality transition between the single-family detached dwellings along Cleveland Avenue and the recently-constructed residential development commonly known as the Crossing at Highland Park.

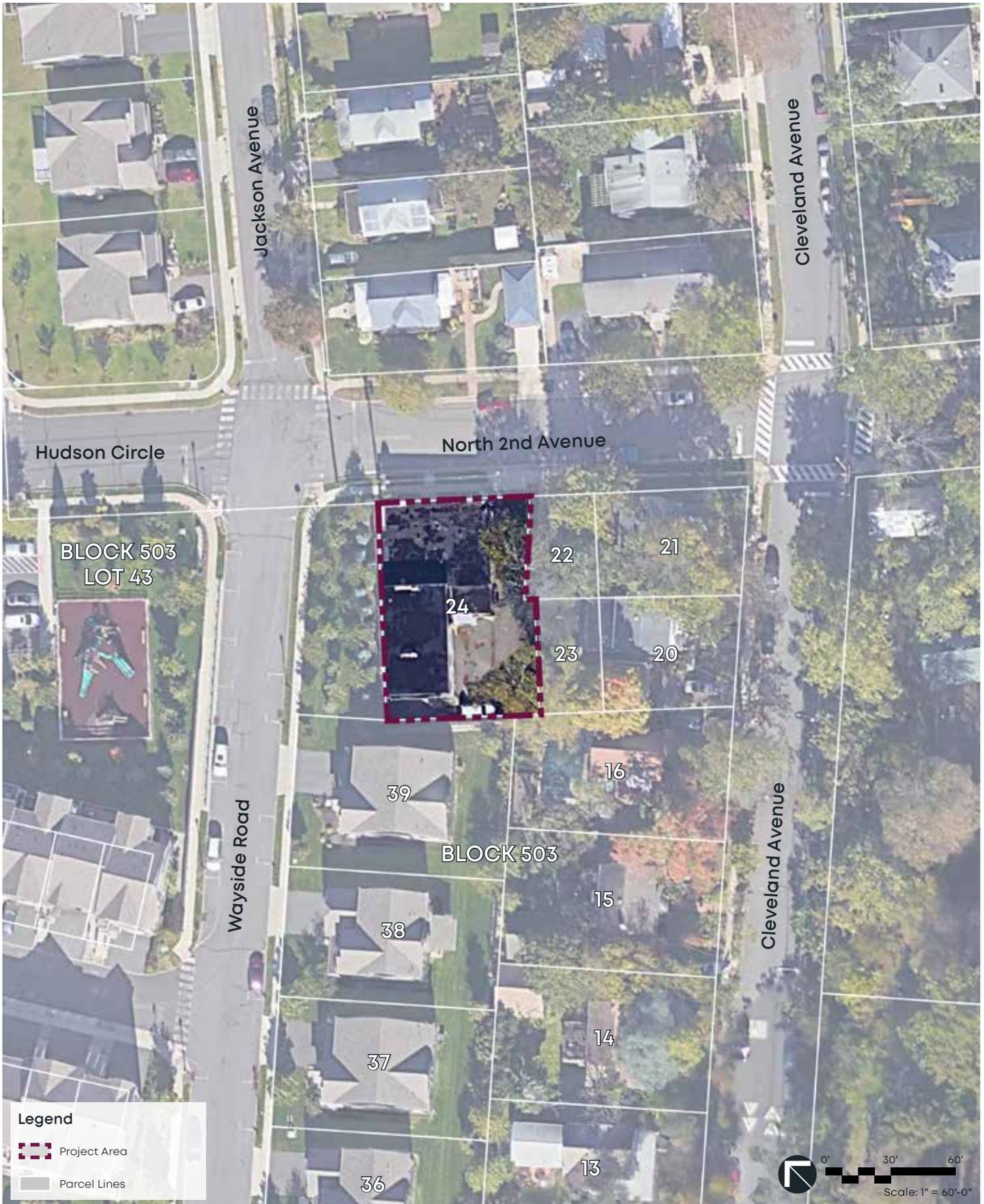
More specifically, the Borough seeks to provide an opportunity for the adaptive reuse of the existing commercial building to a residential use that is consistent with the surrounding residential character and also maintains some of the vestiges of the Borough's industrial past, that would otherwise not be possible as-of-right.

As such, in order to stimulate private investment, promote community benefits, prevent further deterioration, and advance desirable rehabilitation and/or redevelopment within the Borough, consistent with the vision, goals, and objectives of the Master Plan, the Borough Council seeks to rehabilitate and/or redevelop Block 503, Lot 24 (the "Project Area") in accordance with this redevelopment plan entitled "810 North 2nd Avenue Redevelopment Plan" (the "Redevelopment Plan" or "Plan").



*Looking west toward the Project Area, from the intersection of North 2nd Avenue and Wayside Road (a private road within the Crossings at Highland Park).*

Map 2. Project Area Map



# 2 | REDEVELOPMENT STATUTE

## 2.1 PURPOSE OF THE REDEVELOPMENT STATUTE

In 1992, the New Jersey State Legislature enacted the LRHL, which was largely based on the 1949 Blighted Areas Act. The Legislature revised, consolidated, and ultimately replaced the State's various redevelopment statutes with a new statute concerning redevelopment and housing by the State's local governments

The LRHL was designed by the Legislature to guide municipalities and local governments through the process of rehabilitation and redevelopment, finding at N.J.S.A. 40A:12A-2.a. that:

*“There exist, have existed and persist in various communities of this State conditions of deterioration in housing, commercial and industrial installations, public services and facilities and other physical components and supports of community life, and improper, or lack of proper, development which result from forces which are amenable to correction and amelioration by concerted effort of responsible public bodies, and without this public effort are not likely to be corrected or ameliorated by private effort.”*

Generally speaking, the LRHL is a planning and financial tool that grants municipalities and local governments a number of redevelopment powers, including the ability to initiate a process that can transform underutilized or poorly designed properties with the principal goal of promoting physical development most conducive to the social and economic improvement of the State and its municipalities.

According to the LRHL, before the municipality is authorized to exercise any redevelopment powers, a specified area must be designated a rehabilitation and/or redevelopment area by resolution, and a redevelopment plan must be prepared and adopted by ordinance. In order to utilize the power of eminent domain, the area must have been designated as a “condemnation area in need of redevelopment” or have been designated as a redevelopment area before the effective date of P.L. 2013, c. 159.

Once an area has been designated a rehabilitation and/or redevelopment area, a redevelopment plan may be prepared to utilize various planning and financial tools to eliminate the conditions that cause the area to be considered a rehabilitation and/or redevelopment area, to make redevelopment projects more feasible by utilizing financial subsidies or other incentive programs offered by various agencies, and to foster public-private partnerships that facilitate the desired redevelopment of the area.

From a practical standpoint, a redevelopment plan is essentially a combined “mini” master plan and zoning ordinance for the designated rehabilitation and/or redevelopment area, and may prescribe specific zoning regulations and detailed development and design standards that reflect the community's vision and desired improvement of the area.

The redevelopment planning process has been used successfully throughout the State, including within the Borough, to creatively improve properties which meet the statutory criteria into healthier, more vibrant and/or economically productive land uses.

## **2.2 ADVANTAGES OF A REDEVELOPMENT PLAN**

The advantages of a redevelopment plan are that it empowers additional municipal authority by permitting the use of special flexible Smart Growth planning tools otherwise not available under conventional zoning, including the following:

- Offers more flexibility than conventional zoning which is not limited to redevelopment involving the built form, and can include specific areas to be up-zoned or down-zoned, specific structures to be preserved, areas to be preserved as open space and improved as public gathering spaces, parks or other landscape features, as well as the provision for off-tract infrastructure improvements and community benefits.
- The preparation of a site-specific conceptual plan that can prescribe structures and areas to be preserved, land use, intensity of use, residential density, build-to lines, setbacks, height, scale, massing, form, site layout including the location of new structures, parking and pedestrian improvements, streetscape improvements, and other off-site improvements.
- The exercise of greater control over design of any project including detailed development and design standards regulating the layout, design and appearance of future buildings and site improvements.
- The ability to require green infrastructure, sustainable design standards or features, and universal design techniques and strategies be incorporated into the project.
- Empowers the municipality to require that preservation components and future improvements be phased and constructed exactly as detailed and completed within a specific period of time.
- Enables the municipality and property owner to work in a public-private partnering process.
- Authorizes the municipality to designate a qualified redeveloper and define the role and obligations of the redeveloper through a redevelopment agreement that helps protect community interests.
- Makes eligible for certain types of technical and financial assistance from the State to be utilized at the option of the municipality.

## **2.3 REDEVELOPMENT PROCEDURE**

The LRHL provides a detailed process for the municipality and local government to follow in order to exercise its redevelopment powers. This process is meant, in part, to ensure that the public is given adequate notice and an opportunity to participate in the public process and that the governing body acts in concert with the goals and objectives of the municipality's master plan. Recognizing the planning board's role as the steward of the master plan, these steps require the planning board to make recommendations to the governing body.

## **2.4 REDEVELOPMENT ACTIONS TAKEN TO DATE**

### **BOROUGH-WIDE REHABILITATION DESIGNATION**

On December 20, 2016, the Borough Council adopted Ordinance No. 16-1921, declaring the entire area within the Borough, including the Project Area, an “area in need of rehabilitation” in accordance with the LRHL. This designation will prevent further deterioration and promote the overall development of the Borough, consistent with the goals and objectives of the Master Plan, which include to:

- Ensure a vibrant downtown and commercial corridor;
- Encourage infill development that is compatible with the scale, density and design of the Borough’s existing residential neighborhoods and historic development patterns;
- Preserve and enhance the character and small town feel of the community.

### **REDEVELOPMENT PLAN**

On February 6, 2024, the Borough Council adopted Resolution No. 2-24-67 (Exhibit A), authorizing a professional services agreement with LRK, Inc. for redevelopment planning services, including the development of a redevelopment plan for the Project Area.

## **2.5 STATUTORY CRITERIA**

Pursuant to the LRHL, a redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the designated area or portion thereof, including the proposed land uses and building requirements for the area. Specifically, N.J.S.A. 40A:12A-7(a) requires the provisions listed as follows:

1. Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed land uses and building requirements in the project area.
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
4. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
5. Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c. 398 (C. 52:18A-196 et al.).

6. As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of P.L. 1985, c. 222 (C. 52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Displaced residents of housing units provided under any State or federal housing subsidy program, or pursuant to the "Fair Housing Act," P.L. 1985, c. 222 (C. 52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the "Fair Housing Act," P.L. 1985, c. 222 (C. 52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation. To the extent reasonably feasible, replacement housing shall be provided within or in close proximity to the redevelopment area. A municipality shall report annually to the Department of Community Affairs on its progress in implementing the plan for provision of comparable, affordable replacement housing required pursuant to this section.
8. Proposed locations for zero-emission vehicle fueling and charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.

# 3 | PROJECT AREA DESCRIPTION

## 3.1 OVERVIEW

The Project Area is situated in the northwest region of the Borough. The Project Area consists of a single property, a mid-block lot located on the west side of North 2nd Avenue, between Cleveland Avenue to the south and Wayside Road to the north. The property is slightly irregular in shape, approximately 6,938 square feet (or 0.16 acres) in area, with 70.43 feet of frontage along North 2nd Avenue, and having an average depth of 100 feet.

Presently on the property is a one- and two-story frame building with a masonry face, consisting of approximately 5,386 square feet of floor area, together with a narrow driveway accessible from North 2nd Avenue that provides access to a small parking area consisting of five (5) parking spaces at the rear of the property. The portion of the building fronting North 2nd Avenue is one-story in height, while the rear of the building is two (2) stories in height. It is noted that a portion of the paved area extends into the adjacent residential lot, and a one-story frame add-on has limited setback from the shared property line.

## 3.2 PROPERTY OWNERSHIP & ASSESSMENT

Upon review of property tax records derived from the Middlesex County Property Assessment Search Hub, the property is presently owned by YFM L&N, LLC. The property was purchased by the present property owner in May, 2024 for \$507,000. The current tax assessment is \$754,000, of which \$300,000 is attributed to land value and \$454,000 is attributed to improvement value.

## 3.3 EXISTING LAND USE & ZONING

The original building was constructed in 1940 as a commercial laboratory, had continued to be used as such, last used by EUTECH Scientific Services Inc., until 2022, and has remained vacant since that time. There are no wetlands as identified by the NJDEP and no high risk (1.0% chance of flooding) or low-to-moderate risk (0.2% chance of flooding) flood hazard areas as identified by the Federal Emergency Management Agency ("FEMA") within the Project Area. The Project Area is serviced by PSE&G for electric utilities and PSE&G for gas utilities, and is located within a sewer service area.

The Project Area was previously situated in the C/R Conservation/Recreation Zone until December 18, 2001, at which time Borough Council adopted Ordinance No. 1569, which rezoned several properties - including the Project Area - to the RA-E Single-Family Residential - Ecological Preservation Zone. On October 2, 2012, Borough Council adopted Ordinance 12-1840, which - as a result of a builder's remedy lawsuit - rezoned several adjacent properties to the PURD-1 Planned Unit Residential Development Zone. All other areas to the south are situated in the RA Single-Family Residential Zone.

The RA-E Zone allows for detached single-family dwellings, with flexible bulk standards and detailed design standards in the form of a residential form-based code, and an option for residential cluster development. The adjacent PURD-1 Zone was designed to allow for a planned development consisting of single-family, townhouse, and stacked townhouse dwelling units, including some affordable dwelling units - today's Crossings at Highland Park.

## Bird's Eye View of Existing Conditions



## Ground-Level Views of Existing Conditions



# 4

## RELATIONSHIP TO OTHER PLANS

### 4.1 RELATIONSHIP TO BOROUGH'S LAND DEVELOPMENT ORDINANCE

The zoning standards set forth in this Redevelopment Plan shall supersede the underlying zoning within the Project Area, and - with the exception of where the existing building is demolished and is replaced with a single- or two-family detached dwelling - shall require the execution of a Redevelopment Agreement in order to apply.

### 4.2 RELATIONSHIP TO BOROUGH'S MASTER PLAN

The 2019 Master Plan Reexamination Report discusses the Borough's desire to create a desirable living and working environment, to protect its environmental resources, and to promote sound land development. As such, the goals of the Master Plan seek to preserve the Borough's unique town qualities, enrich the mix of uses, expand resiliency and sustainable development, among others.

The development of the 2019 update to the Master Plan involved extensive community participation, including an online survey in which only 6% of respondents indicated that they would like the Cleveland Avenue corridor to "remain the same." During the master plan process, common issues/concerns raised by the community included:

- Create a sense of identity and place that connects to the rest of the Borough;
- Encourage an appropriate mix of uses, community facilities, and gathering places;
- Address the unpleasant streetscape experience due to a lack of sidewalks and street trees;
- Address the underutilization of the corridor through updated zoning.

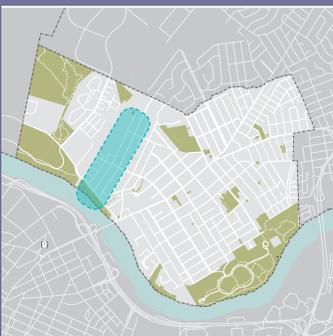
Drawing from community feedback, the Land Use Plan Element provides a vision statement for the Cleveland Avenue Corridor, which reads as follows:

*Preserve unique, inherent town qualities while evolving to meet current conditions and emerging trends by transforming and enriching the mix of uses on outdated commercial corridors to support safer, more attractive and livable Complete Streets.*

To do so, and to achieve other goals such as facilitating rehabilitation, reinvestment and revitalization, activation of corridors, expansion of living opportunities, and improving mobility, the Master Plan recommends taking advantage of redevelopment tools, expand the range of permitted uses, including "missing middle housing," reinforce distinctive placemaking, incorporate context-sensitive design standards, as well as improve the aesthetics and functionality of the streetscape (including creating safer Complete Streets), to the extent practical in the context of this small site-specific redevelopment plan.

# CLEVELAND AVENUE EXISTING CONDITIONS

## LAND USE PLAN ELEMENT



Existing conditions along Cleveland Avenue range from a tree-lined residential street closer to the river to the remaining remnants of an older light industrial district with ample vacant and underutilized land.



### **4.3 RELATIONSHIP TO CONTIGUOUS MUNICIPALITIES**

The Project Area is not physically contiguous to the adjacent municipalities of the City of New Brunswick, Edison Township and Piscataway Township. Given the Project Area's location within the Borough and distance from municipal boundaries, the redevelopment of the Project Area will generally not impact or affect those communities. Additionally, this Redevelopment Plan encourages redevelopment to occur in an already developed area.

Therefore, it is anticipated that this Redevelopment Plan will not conflict with the master plans of the City of New Brunswick, Edison Township and Piscataway Township.

### **4.4 RELATIONSHIP TO MIDDLESEX COUNTY**

The Middlesex County Comprehensive Plan adopted by the Middlesex County Planning Board is currently being updated. According to Middlesex County representatives, there is no anticipated completion date of the Land Use Element of the Comprehensive Plan. As it is anticipated the Land Use Element will be written after adoption of this Redevelopment Plan, it is expected the Middlesex County Planning Board will take this Redevelopment Plan into consideration when drafting its Master Plan.

Therefore, it is anticipated that this Redevelopment Plan will not conflict with the Middlesex County Comprehensive Plan.

### **4.5 RELATIONSHIP TO THE STATE PLAN**

#### **STATE DEVELOPMENT AND REDEVELOPMENT PLAN**

In March, 2001, the State Planning Commission adopted the State Development and Redevelopment Plan (the "SDRP"). The purpose of the SDRP is to coordinate planning activities and establish Statewide planning objectives in various areas, including land use, housing, redevelopment, among others.

According to the SDRP, statewide goals are to be achieved through the flexible application of SDRP's statewide polices, which are designed to improve the planning and coordination of public policy decisions among all levels of government.

The SDRP's eight (8) statewide goals are as follows:

**Goal 1:** Revitalize the State's cities and towns.

**Goal 2:** Conserve the State's natural resources and systems.

**Goal 3:** Promote beneficial economic growth, development and renewal for all New Jersey residents.

**Goal 4:** Protect the environment, prevent and clean up pollution.

**Goal 5:** Provide adequate public facilities and services at a reasonable cost.

**Goal 6:** Provide adequate housing at a reasonable cost.

**Goal 7:** Preserve and enhance areas with historic, cultural, scenic, open space, and recreational value.

**Goal 8:** Ensure sound and integrated planning and implementation statewide.

## STATE PLAN POLICY MAP

According to the State Plan Policy Map, the Borough of Highland Park is contained entirely within the Metropolitan Planning Area (PAI), which classification denotes a Smart Growth area and generally includes developed communities that range from large urban centers to post-war suburbs.

In the Metropolitan Planning Area, the SDRP's goals and objectives are as follows:

- Provide for much of the state's future redevelopment;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs;
- Redesign areas of sprawl; and
- Protect the character of existing stable communities.

The SDRP provides a series of policy objectives intended as guidelines for planning activities in the Metropolitan Planning Area, including:

- Promote redevelopment and development neighborhoods of Centers;
- Provide a full range of housing choices through redevelopment;
- Promote economic development by encouraging infill development, public/private partnerships and infrastructure improvements that support an identified role for the community;
- Maintain and enhance a transportation system that capitalizes on high-density settlement patterns by encouraging the use of public transit systems, walking and alternative modes of transportation to reduce automobile dependency;
- Encourage redevelopment at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure. Promote design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile; and,
- Encourage the preservation and adaptive reuse of historic or significant buildings, Historic and Cultural Sites, neighborhoods and districts in ways that will not compromise either the historic resource or the area's ability to redevelop. Coordinate historic preservation with tourism efforts.

# 5 | VISION

## 5.1 VISION FOR THE PROJECT AREA

This Redevelopment Plan's approach to redevelopment of the Project Area contemplates establishing flexible and necessary zoning and development standards to permit the adaptive reuse of the existing commercial building to a small apartment building.

The Borough seeks to promote adaptive reuse of an existing building that would help preserve the inherent cultural, heritage, and historical value of the older building - including maintaining some of the industrial history of the Cleveland Avenue corridor - in a neighborhood that has undergone rather significant changes with the planned unit development built nearby.

Generally speaking, adaptive reuse also has a number other environmentally friendly and sustainable benefits, including reduced carbon footprint associated with the production and transportation of new construction materials, and therefore reduce the cost of construction.

Additionally, the Borough seeks to give new life to an older building, by converting it to a residential use that is consistent with the surrounding residential character, including providing opportunities for the so-called "small missing middle housing" by allowing for different types of and potentially more affordable dwelling units not otherwise found in the neighborhood.

Finally, the Borough seeks to allow for a single-family detached dwelling with the potential for an accessory dwelling unit, or a two-family detached dwelling, should the opportunity for adaptive reuse of the existing building not come to fruition.

## 5.2 STATEMENT OF GOALS & OBJECTIVES

The Borough seeks to alleviate the conditions found in the Project Area and support the use and re-use of properties to better serve the public health, safety, and welfare of the community and the region. As such, this Redevelopment Plan seeks to implement the following general goals and objectives that apply to all redevelopment projects:

- A. The primary goal of this Redevelopment Plan is to eliminate those conditions that cause the Project Area to be considered an "area in need of rehabilitation."
- B. The making available of the full range of benefits and inducements for the Project Area, including: federal, state, county and local government funding.
- C. Foster public-private partnerships to accomplish revitalization of the Project Area in a manner that best serves the needs of the community, strengthens the local economy, attracts residents and small businesses to the area, and contributes to the continuing vitality of the Borough.

# 6 | PROPOSED ZONING REQUIREMENTS

## 6.1 PURPOSE & OVERVIEW

Any development that occurs within the Project Area shall comply with all statutes of the State of New Jersey governing development, rehabilitation, and redevelopment, including but not limited to the Municipal Land Use Law (the “MLUL”) at N.J.S.A. 40:55D-1 et seq. and the Local Redevelopment and Housing Law (the “LRHL”) at N.J.S.A. 40A:12A-1 et seq. Additionally, it is necessary to establish the following:

- A. The development, rehabilitation, or redevelopment of the Project Area shall effectuate the Vision and the established Goals and Objectives of this Redevelopment Plan.
- B. The zoning regulations set forth in this Redevelopment Plan shall supersede the underlying zoning within the Project Area as provided for in N.J.S.A. 40A:12A-7c. and - with the exception of where the existing building is demolished and is replaced with a single- or two-family detached dwelling - shall require the execution of a Redevelopment Agreement in order to apply.
- C. It is intended and expressly understood that any zoning regulations and development and design standards not specifically addressed in this Redevelopment Plan shall continue to apply as set forth in the Highland Park Land Development Ordinance (the “Ordinance”) and all other codes and regulations as set forth in the Code of the Borough of Highland Park (the “Code”) not contravened in this Redevelopment Plan.
- D. Unless otherwise provided herein, all words and phrases used herein shall have the same definitions provided in the Ordinance and the Code.

## 6.2 LAND USE REGULATIONS

The provisions pertaining to land use regulations contained herein shall apply to all development within the Project Area. The Planning Board shall not grant variances from these regulations as they constitute mandatory components of this Redevelopment Plan.

### 6.2.1. PERMITTED PRINCIPAL USES

- A. The following principal uses and structures shall be permitted in the Project Area where adaptive reuse of the existing building is utilized:
  - 1. Multi-family apartments, including apartments located on the ground floor. Such uses may include common spaces for residents such as lobbies, physical fitness facilities, active and passive recreational facilities, collaboration and/or shared spaces, and other similar amenities and services, which may also be located on the ground floor.
  - 2. Live/Work units.
- B. The following principal uses and structures shall be permitted in the Project Area in the event that the existing building is demolished:

1. Single-family detached dwelling.
2. Two-family detached dwelling.

### **6.2.2. PERMITTED ACCESSORY USES**

A. The following accessory uses and structures shall be permitted in the Project Area:

1. Accessory dwelling unit ("ADU"); however, such may only be accessory to a single-family detached dwelling. For purposes of this Redevelopment Plan, an ADU is defined as a smaller, independent dwelling located on the same lot as a stand-alone single-family home (i.e., detached ADU), an add-on to the single-family home on the lot (i.e., attached ADU), or within the footprint of the single-family home on the lot (i.e., internal ADU), and so long as the floor area of the ADU does not exceed 50% of the floor area of the single-family home on the lot or 800 square feet, whichever is less.
2. Driveways, carports, garages, and off-street parking for residents.
3. Greenhouses, storage / tool sheds, and other similar structures.
4. Private recreational facilities including fitness/recreation facilities, pools, courtyards, gardens, roof top terrace, and other amenities for residents.
5. Patios, decks, gazebos, and other similar structures.
6. Fences, walls, retaining walls, hedges, and other similar landscape elements.
7. Home occupations.
8. Satellite dish antenna (receive only).
9. Other uses and structures deemed to be ancillary and customarily incidental accessory uses and structures with respect to uses permitted hereunder.

## **6.3 AREA & BULK REGULATIONS**

The provisions pertaining to area, setback, coverage, and height regulations contained herein shall apply to all development within the Project Area. The Planning Board may grant variances from these regulations, pursuant to N.J.S.A. 40:55D-70.c.

### **6.3.1. AREA & BULK REGULATIONS**

A. The following area and bulk regulations shall apply to development within the Project Area where adaptive reuse of the existing building is utilized.

#### Area Requirements

1. There shall be no minimum lot area nor lot dimensional requirements; the development shall utilize the entire lot.

### Floor Area Requirements

2. Maximum Floor Area Ratio\*: 0.90.

\*Floor Area Ratio is defined in Section 6.4.2. below.

### Building Setback Requirements

3. Minimum setback from North 2nd Avenue: 0 feet to the first floor; 35 feet to the second floor.
4. Minimum setback from left side lot line: 12 feet.
5. Minimum setback from right side lot line: 2 feet.
6. Minimum setback from rear lot line: 8 feet; in order to comply with this provision, the rear one-story frame portion of the existing building shall be removed.

### Coverage Requirements

7. Maximum building coverage: 65%.
8. Maximum impervious coverage: 95%; in order to comply with this provision, portions of the existing parking area shall be removed.

### Height\* Requirements

9. Maximum building in stories & feet: Not greater than what presently exists.

\*Height is defined in Section 6.4.3. below.

- B. The following area and bulk regulations shall apply to development within the Project Area in the event that the existing building is demolished:

1. All requirements promulgated by the underlying Ordinance pertaining to single- and two-family detached dwellings in the RA Zone.

## **6.4 SUPPLEMENTARY REGULATIONS**

The provisions pertaining to supplementary regulations contained herein shall apply to all development within the Project Area. Unless specifically superseded below, all other regulations contained in Part 4 Zoning of the Ordinance shall apply. The Planning Board may grant variances from these regulations, pursuant to N.J.S.A. 40:55D-70.c.

### **6.4.1. PERMITTED PROJECTIONS**

- A. Non-enclosed one-story porches, porticos, stoops, and entrance platforms leading to the front entrance on the ground floor shall be permitted to project not more than eight (8) feet into a front yard setback.
- B. Non-enclosed one-story porches, porticos, stoops, entrance platforms, and uncovered decks leading to the basement or the ground floor shall be permitted to project not

more than five (5) feet into a side or rear yard setback, provided that they are not closer than three (3) feet to a side or rear lot line.

- C. Covered decks leading to the ground floor shall be permitted to project not more than five (5) feet into a side or rear yard setback and uncovered decks leading to the ground floor shall be permitted to project not more than 10 feet into a side or rear yard setback, provided that they are not closer than three (3) feet to a side or rear lot line.
- D. Balconies shall be permitted to project not more than 18 inches into a side or rear yard setback, provided that they are not closer than one (1) foot to a side or rear lot line. In the event that the existing building is demolished and is replaced with a single- or two-family detached dwelling, balconies, bay windows, and box bay windows shall be permitted to project not more than three (3) feet into any yard setback, provided that they are not closer than three (3) feet to any lot line.
- E. Cornices, eaves, other roof overhangs, chimneys, gutters, and downspouts shall be permitted to project not more than three (3) feet into any yard setback, provided that they are not closer than one (1) foot to a side or rear lot line.
- F. Belt courses, windowsills, and other similar ornamental features shall be permitted to project not more than one (1) foot into any yard setback, provided that they are not closer than one (1) foot to a side or rear lot line.
- G. Ramps and stairways leading to a building entrance shall be permitted to project into any yard setback, without limitation, provided that they are not closer than three (3) feet to a side or rear lot line and do not encroach into a public right-of-way.
- H. Awnings and structural canopies shall be permitted to project not more than five (5) feet into any yard setback, provided that they have a minimum vertical clearance of eight (8) feet, are no closer than three (3) feet into a side or rear lot line, and do not encroach into a public right-of-way.

#### **6.4.2. DEFINITION OF FLOOR AREA RATIO**

- A. Floor Area Ratio shall be calculated by the gross floor area of all buildings on a lot divided by the lot area.
- B. Gross floor area shall be computed by the sum of all floors of a building included within the outside faces of exterior walls, including recessed balconies and mezzanines, but not including cellars or basements.
- C. If any portion of interior space has a ceiling height of 12 feet or greater, those portions of the interior space having a ceiling height of 12 feet or greater shall be counted twice for the purpose of calculating gross floor area.

#### **6.4.3. DEFINITION OF HEIGHT**

- A. Building height shall be defined as the vertical distance from grade plane to the average height of the highest roof surface. A grade plane shall be defined as a reference plane representing the average of finished ground level adjoining the

building at exterior walls, exclusive of grade separation requirements and grading necessary to direct stormwater runoff away from the building.

- B. Building height calculations shall exclude building service equipment (e.g., condensers, cooling towers, exhaust fans, and other similar mechanical equipment) and any associated screening devices, solar panels, bulkheads, stair enclosures, roof access stairwells, elevator penthouses, skylights or atrium structures, flagpoles and architectural appurtenances (e.g., chimneys, cupolas, towers, belfries, lanterns, spires, steeples, and other similar elements), provided that such shall not extend more than 10 feet above the allowable building height. Additionally, building height calculations shall exclude fire walls, parapet walls, cornices, and other similar elements, provided that such shall not extend more than three (3) feet above the allowable building height.
- C. Mezzanines and lofts that qualify as mezzanines under the International Building Code (Section 505.2) shall not constitute a story or half story and shall be considered part of the story below.

## **6.5 DEVELOPMENT & DESIGN STANDARDS**

The provisions pertaining to development and design standards contained herein shall apply to all development in Project Area. Unless specifically superseded below, all other regulations contained in Part 3 Performance Standards of the Ordinance shall apply. The Planning Board may grant exceptions from these standards, pursuant to N.J.S.A. 40:55D-51.

These development and design standards shall not apply in the event that the existing building is demolished and is replaced with a single- or two-family detached dwelling, except that the parking requirements for single- and two-family dwellings shall be governed by RSIS and the parking requirements for an ADU, where permitted, shall require one (1) parking space per bedroom.

### **6.5.1. OVERALL CIRCULATION & OFF-SITE IMPROVEMENTS**

- A. The overall streetscape along North 2nd Avenue shall be designed to enhance the public realm, by emphasizing and prioritizing pedestrian safety, accessibility, and connectivity, as envisioned by the Borough's Master Plan.
- B. Any off-site improvements shall be addressed in accordance with a Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.

### **6.5.2. PARKING REQUIREMENTS**

- A. Parking requirements for multifamily apartments and live/work units shall be regulated as follows:
  - 1. The minimum parking requirement for residential uses shall be one (1) parking space per dwelling unit, inclusive of live/work units.
  - 2. It is recognized that the residential parking requirements established herein are less than the maximum number of parking spaces required under the New

Jersey Residential Site Improvement Standards (“RSIS”) at N.J.A.C. 5:21-1 et seq. Consequently, the Borough Council in adopting this Redevelopment Plan is establishing alternative parking standards from RSIS pursuant to N.J.A.C. 5:21-4.14. (c) that better reflect local conditions, including: i. household characteristics; ii. access to mass transit; iii. geographic location (e.g., urban versus suburban location); and/or iv. [availability of] off-site parking resources.

3. Lease agreements shall include clauses such that tenants are required to park their vehicles within the assigned parking area and may not park on nearby streets or adjacent private parking lots.
- B. Provisions for electric vehicle (“EV”) charging infrastructure and/or stations shall be provided within the Project Area in accordance with State law, including P.L. 2021, c. 171. Installation of electric vehicle supply equipment (“EVSE”) may be provided in lieu of Make-Ready parking spaces, as those terms are defined in P.L. 2021, c. 171.
- C. Provisions for bicycle parking shall be provided to accommodate a minimum of one (1) bicycle for every dwelling unit for residential uses, with one or more of the following: i. indoor bicycle storage rooms; ii. appropriately sized storage areas within the building; iii. on wall-mounted hooks, ceiling hooks, or closets within a residential unit; and/or iv. covered exterior bicycle rack(s).

### **6.5.3. OFF-STREET PARKING AREAS**

- A. Parking areas shall be located to the rear of a building and/or the interior of the site where its visual impact to adjacent properties and the public right-of-way can be minimized. Parking areas shall be prohibited in any front yard area.
- B. The minimum driveway and parking area setback from a side or rear lot line shall be one (1) foot. In order to comply with this provision, portions of the existing off-street parking area that encroaches onto adjacent property and within one (1) foot of the side or rear lot lines shall be removed.
- C. The minimum parking stall size for standard parking spaces shall be nine (9) feet wide by 18 feet long, except for accessible parking spaces and associated access aisles which shall be subject to standards promulgated by the Americans with Disabilities Act (“ADA”).

### **6.5.4. PEDESTRIAN WALKWAYS**

- A. Walkways shall be provided in order to provide a pedestrian connection between public sidewalks and entrances of buildings.
- B. Walkways shall be provided in order to provide a pedestrian connection between entrances of buildings and parking areas.

### **6.5.5. REFUSE & RECYCLING**

- A. Refuse and recycling facilities shall be provided to adequately accommodate each use, and shall be provided within the building being served and/or in an exterior area on the property.

- B. The collection, disposal, recycling, and transportation of refuse and recyclable materials shall be by private carters and shall be performed in accordance with the Code.

#### **6.5.6. LANDSCAPING**

- A. Street trees shall be provided at intervals of approximately 30 to 50 feet along North 2nd Avenue, whether existing or proposed. Any new street tree shall be a minimum size of two-and-one-half (2 1/2) inches in caliper at time of planting.
- B. Shade trees shall be provided within yard areas and along the perimeter of parking areas to the extent practical, whether existing or proposed. Any new shade tree shall be a minimum size of two (2) inches in caliper at time of planting.
- C. Any existing shrubbery located between the existing building and the public sidewalk along North 2nd Avenue shall be removed and replaced with foundation plantings and/or planters such that they will not block the public sidewalk or be situated within any clear sight triangles.
- D. All portions of the Project Area not utilized by structures or paved areas shall be landscaped, utilizing combinations of tree and shrub plantings, lawn and other vegetative ground covers in order to maintain or reestablish vegetation in the area and lessen the visual impact and climatic effects of structures and paved areas. The use of native plant species that are tolerant of drought and urban conditions shall be prioritized. To avoid monocultures, not more than 1/4 of the required plantings shall be of any one species.
- E. Where dwelling units are located on the ground floor, such shall be suitably buffered and screened from public view, and may have direct access to small, semi-private landscaped terraces designed as an urban patio garden. Such treatments shall be delineated and screened with a combination of enhanced landscape buffer, including hedging and landscape edging, as well as a low masonry wall and/or decorative fencing. Where provided, the terrace shall be suitably integrated into the patio landscaping treatment to provide full visual screening from passersby to a height of four (4) feet above grade and may provide for partial screening above four (4) feet.

#### **6.5.7. LIGHTING**

- A. All parking and pedestrian areas shall be provided with residential-scale light fixtures.
- B. Decorative and/or ambient lighting may be provided by one or more of the following: ground recessed lighting, bollard lighting, wall-mounted, and/or recessed lighting.
- C. All fixtures shall be appropriately shielded and, where attached to a building, such shall be focused downward.
- D. All fixtures shall be LED, non-glare, full cut-off and shall not exceed a color temperature of 3,300K.

### 6.5.8. SIGNAGE

- A. All signage shall be indicated in a comprehensive sign package, including, but not limited to, wall-mounted, blade, awning, canopy, directional, and all other contemplated signage, which may be addressed in accordance with a Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.

### 6.5.9. STORMWATER MANAGEMENT & GREEN INFRASTRUCTURE

- A. Storm drainage improvements, including pipes, inlets, and culverts, shall be located either within public rights-of-way, dedicated property or properties, or within easements located on private property.
- B. All development shall incorporate the use of decentralized small-scale Green Infrastructure elements, as required by N.J.A.C. 7:8, in order to: (a) maximize treatment for water quality and groundwater recharge to the extent practical; and (b) manage water quantity prior to discharging into the Borough's stormwater sewer system.
- C. All development shall incorporate multiple elements from the following Green Infrastructure ("GI") strategies or features, which shall be addressed in accordance with a Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper:

#### At the Building Scale

1. Green roofs are partly or completely covered vegetative roofs that can be made as small as an exterior door overhang or as large as an entire roof, and can be used capture stormwater runoff from either a flat or sloping roof surface, improve air and water quality, reduce the urban heat island effect, and extend the life of roofing materials. Green roofs can be simple, shallow planting areas (extensive green roofs) or they can include deeper soils and more elaborate plantings (intensive green roofs).
2. Rain barrels & cisterns are storage tanks fed by downspouts from buildings that can capture and store stormwater runoff, which can then be used for watering of site plantings, therefore reducing demand for potable water for irrigation, or can be used for other non-potable uses.
3. Downspout planter boxes are open-topped containers fed by downspouts from buildings that can capture and use stormwater runoff for self-irrigation or can be used to delay runoff release to the stormwater collection system through an overflow.

#### Within Yard Areas

4. Infiltration beds and/or underground storage facilities are utilized under patios, terraces, walkways, parking lots and other paved areas, often with the use of pervious paving, which can be used to allow for local stormwater infiltration and recharge of groundwater at that location, or can be used to store stormwater for slow-release to the stormwater collection system. Underground storage

capacity may be sized to receive stormwater from adjacent properties.

5. Landscape islands are designed to receive runoff and reduce the amount of runoff from adjacent paved areas, particularly parking lots. If properly designed, these landscape islands provide adequate soils and sufficient water to enable healthy shade tree growth around the perimeter of and within parking lots.
6. Vegetative bioswales provide stormwater capture and conveyance areas while rain gardens hold, filter and infiltrate a large amount of stormwater during rain events. Both of these strategies remove nonpoint source pollutants from stormwater runoff, allow for recharge of groundwater and/or for slow release to the stormwater collection system.

Within the Public Right-of-Way

7. Street tree trenches are linear systems that combine street trees with an underground stormwater management system, which are designed to collect stormwater runoff from the public sidewalk and the street.
8. Pervious public sidewalk utilize pervious concrete or pavers that enable stormwater runoff to infiltrate the paved surface as opposed to pooling on top of the walking surface.
9. Curb bump-outs are landscape planters commonly located at street corners and mid-block lane tapers, and are constructed to introduce landscaping and collect stormwater runoff from the public sidewalk and the street.

**6.5.10. BUILDING DESIGN**

A. All development shall address the following building design standards, which shall be addressed in accordance with a Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.

1. The architectural design of the building shall provide architectural interest, articulation and variety to the massing of the building and relieve the negative visual effect of a single, long wall. Existing windows should be enlarged to the extent practical.
2. Minimum dwelling unit floor areas shall be as follows:

Type	Average	Minimum
Studio / efficiency units	450 SF	400 SF
One-bedroom units	800 SF	750 SF
Two-bedroom units	950 SF	900 SF
Three-bedroom units	1,100 SF	1,050 SF

3. Minimum bedroom floor area shall be 150 square feet for the first bedroom and 100 square feet for each bedroom thereafter.

4. No units shall be located below grade.
5. Any mechanical equipment and HVAC units shall be located on the roof, and screened from public view. Such screening device shall be designed to be architecturally compatible with the style, materials, colors and details of such building. Through-the-wall HVAC units may be permitted, provided that those units in any street-facing façade shall be designed such that the associated wall vent and grille is centered beneath a window opening or is integrated into a design element that has the appearance of a window opening. Through-the-window and exterior wall-mounted HVAC units on street-facing facades shall be prohibited.

#### **6.5.11. SUSTAINABLE DESIGN**

- A. All development shall incorporate multiple elements from the following Sustainable Design strategies or features, which shall be addressed in accordance with a Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper:

##### Renewable Energy

1. Solar Photovoltaic (“PV”) Readiness & sufficient space in order to accommodate future installation of Battery Storage Infrastructure

##### Passive Design

2. Light-Colored, Reflective Roof Surface
3. Architectural Shading Devices
4. Operable Windows

##### Energy Efficiency

5. Occupancy and Daylighting Controls (in Common Areas)
6. Digital Programmable Thermostats
7. ENERGY STAR Certified Appliances
8. ENERGY STAR Certified Light Fixtures
9. ENERGY STAR Certified Windows

##### Water Efficiency

10. Reduced or No Irrigation
11. WaterSense Rated Fixtures

##### Indoor Air Quality

12. Air Tightness Verification by ASTM Testing

13. Protection/Flushing of HVAC Equipment & Ductwork
14. MERV 8+ Air Filters During Construction; MERV 13+ Air Filters for Occupancy
15. Prohibition of Indoor Combustion Devices
16. Low VOC Interior Paints, Finishes, Adhesives & Sealants
17. Formaldehyde-Free Casework, Cabinetry & Composite Wood Finishes
18. Smoke-Free Building Policy (in Common Areas)

Materials & Resources

19. FSC Certified Wood Products
20. Material Reuse During Construction & Demolition

## **6.6 DEVELOPMENT OF PUBLIC ELECTRIC VEHICLE CHARGING INFRASTRUCTURE**

Provisions for electric vehicle (“EV”) charging infrastructure and stations for where parking facilities are provided on-site are regulated in Section 6.5.2. of this Redevelopment Plan.

This Redevelopment Plan anticipates the need for and development of public EV charging infrastructure and stations within the community, but not necessarily within the Project Area.

## **6.7 AFFORDABLE HOUSING**

The Borough does not anticipate the removal of any Uniform Housing Affordability controlled housing units due to the implementation of this Redevelopment Plan. Because it is anticipated that no affordable housing units are to be removed due to the implementation of this Redevelopment Plan, no affordable housing units are anticipated to be replaced.

The provision of affordable housing within the Project Area, where applicable, shall be addressed in accordance with the Borough’s Affordable Housing Ordinance and Housing Element and Fair Share Plan, or, if applicable, in accordance with a Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.

# 7 | GENERAL PROVISIONS

## 7.1 APPLICABILITY

The provisions and development procedures contained in this chapter shall apply to all projects within the Project Area.

## 7.2 DEFINITIONS

The definitions provided in N.J.S.A. 40A:12A-3 are incorporated into this Redevelopment Plan by reference.

## 7.3 REDEVELOPMENT ENTITY

The Borough Council shall act as the “Redevelopment Entity” pursuant to N.J.S.A. 40A:12A-4.c for purposes of carrying out this Redevelopment Plan.

In doing so, the Borough Council shall have the powers as set forth in N.J.S.A. 40A:12A-15 and N.J.S.A. 40A:12A-22, and all other relevant provisions and statutes, to effectuate all of its duties, responsibilities, and all other activities as permitted by law in the execution and implementation of this Redevelopment Plan.

## 7.4 REDEVELOPER SELECTION

The Redevelopment Entity may, pursuant to N.J.S.A. 40A:12A-8 and upon adoption of this Redevelopment Plan, select a single “Redeveloper” or multiple Redevelopers for the rehabilitation and/or redevelopment of the Project Area or portion thereof.

The Redevelopment Entity shall select the Redeveloper(s) based on the entity’s experience, financial capacity, ability to meet deadlines, flexibility in meeting market demands within the framework of this Redevelopment Plan, and any additional criteria that demonstrate the Redeveloper’s ability to implement the Vision and the established Goals and Objectives of this Redevelopment Plan.

## EXCEPTION FOR SINGLE- OR TWO-FAMILY DETACHED DWELLING

In the event that the existing building is demolished and is replaced with a single- or two-family detached dwelling, the Redevelopment Entity shall not be required to select a Redeveloper, and the property owner or any applicant with the property owner's consent shall not be required to be named a Redeveloper in order to make improvements to the property, so long as the property is developed with a single- or two-family detached dwelling.

## **7.5 DEVELOPMENT PROCEDURE**

### **7.5.1 CONCEPT PLAN REVIEW**

Any Redeveloper(s) seeking to utilize the zoning established by this Redevelopment Plan shall make a formal proposal for development to the Redevelopment Director who may defer to the Redevelopment Entity and obtain consent and approval of such proposal, consistent with the terms of this Redevelopment Plan.

### **7.5.2 REDEVELOPMENT AGREEMENT**

Once the concept plan has been reviewed by the Redevelopment Director and/or Redevelopment Entity, the Redeveloper shall enter into a Redevelopment Agreement with the Redevelopment Entity that comports with the requirements of N.J.S.A. 40A:12A-9, along with any other covenants, provisions, and continuing controls as may be deemed necessary to effectuate the purposes of this Redevelopment Plan and the LRHL.

Execution of a Redevelopment Agreement shall be a mandatory checklist item for any Application for Development as the term is defined in N.J.S.A. 40:55D-3 and any such application shall not be deemed complete pursuant to N.J.S.A. 40:55D-10.3 until proof of an executed Redevelopment Agreement has been submitted as part of the application. Only upon execution of a Redevelopment Agreement may the Applicant submit an Application for Development to the Planning Board for completeness review.

### **7.5.3 APPLICATIONS FOR DEVELOPMENT**

Preliminary and final site plan and/or subdivision applications for any property within the Project Area shall be in accordance with the requirements with this Redevelopment Plan, and all applicable provisions of the Ordinance and the MLUL.

Applications shall be accompanied by such maps, documents and materials in accordance with all relevant development application checklists. Applications may be submitted for the entire project or any number of phases, provided that all aspects of any proposed phasing, including phase configuration and location, and the timing and sequencing of phase development, shall be subject to Planning Board review, and will only be allowed if approved by the Redevelopment Entity.

### **7.5.4 PLANNING BOARD REVIEW**

Preliminary and final site plan and/or subdivision review shall be conducted by the Planning Board pursuant to the MLUL. Applicants before the Planning Board shall provide public notice of such site plan and/or subdivision application in accordance with the public notice requirements as set forth in N.J.S.A. 40:55D-12(a) and (b).

## **7.5.5 DEVIATIONS FROM PROVISIONS OF APPROVED REDEVELOPMENT PLAN**

All applications requiring relief for deviations from this Redevelopment Plan or the Ordinance shall be governed by the MLUL or any existing, or to be adopted, redevelopment plan for a specific site within the Project Area, provided that:

- A. No deviations shall be granted that result in: (i) the granting of a variance under N.J.S.A. 40:55D-70(d)1 through (d)6; (ii) deviating from contractual obligations of a Redeveloper to the Redevelopment Entity; or (iii) deviating from any other mandatory component of this Redevelopment Plan. Any such deviations shall require an amendment to this Redevelopment Plan at the option of the Redevelopment Entity.
- B. Variances may be granted from provisions set forth in "Area & Bulk Standards" of this Redevelopment Plan or applicable provisions set forth in Part 4 "Zoning" of the Ordinance. Consideration of such variances shall be undertaken pursuant to N.J.S.A. 40:55D-70.c.
- C. Exceptions may be granted from provisions set forth in "Development & Design Standards" of this Redevelopment Plan or applicable provisions set forth in Part 3 "Performance Standards" of the Ordinance. Consideration of such exceptions shall be undertaken pursuant to N.J.S.A. 40:55D-51.
- D. Consideration of any request for waiver of submission requirements shall be undertaken pursuant to N.J.S.A. 40:55D-10.3.

## **EXCEPTION FOR SINGLE- OR TWO-FAMILY DETACHED DWELLING**

In the event that the existing building is demolished and is replaced with a single- or two-family detached dwelling, the property owner or any applicant with the property owner's consent shall not be required to submit a concept plan or enter into a Redevelopment Agreement with the Redevelopment Entity in order to make improvements to the property, so long as the property is developed with a single- or two-family detached dwelling.

## **7.6 AMENDMENTS TO APPROVED REDEVELOPMENT PLAN**

The Borough may amend, revise or modify this Redevelopment Plan from time to time in accordance with the provisions of the LRHL, as may be amended from time to time.

## **7.7 DURATION OF REDEVELOPMENT PLAN RESTRICTIONS**

This Redevelopment Plan and any modification thereof shall be in full force and effect for a period of thirty (30) years from the date the Borough first approves this Redevelopment Plan.

## **7.8 CERTIFICATES OF COMPLETION**

Upon completion of any project within the Project Area, the Redeveloper shall submit for a Certificate of Completion.

## **7.9 PROPERTY ACQUISITION**

The Project Area has been designated as an “area in need of rehabilitation.” As a result, the LRHL does not authorize property acquisition by eminent domain. Therefore, no eminent domain is anticipated or enabled by this Redevelopment Plan under the LRHL. To the extent property will be acquired, all such property must be acquired by the designated Redeveloper(s) through private negotiation with the property owner(s).

Notwithstanding the above, nothing herein shall preclude any governmental entity, including the Borough, from utilizing eminent domain, in accordance with other applicable laws, to acquire any property for a public purpose.

## **7.10 RELOCATION OF DISPLACED RESIDENTS OR BUSINESSES**

Presently, the existing building is vacant. Therefore, it is anticipated that there will be no displacement of either residents or businesses requiring a Workable Relocation Assistance Plan at this time.

Notwithstanding the above, in the case where any governmental entity, including the Borough, utilizes eminent domain in accordance with other applicable laws, to acquire any property for a public purpose, then a Workable Relocation Assistance Plan may be required.

## **7.11 ADVERSE INFLUENCES**

No use shall be permitted which will produce corrosive, toxic or noxious fumes, offensive noise, vibrations, smoke, dust, odors, heat, glare, and other objectionable influences found to be detrimental to the public health, safety or general welfare.

## **7.12 DISCRIMINATION BAN**

No covenant, lease, conveyance, or other instrument shall be effected or executed by the Redevelopment Entity or any Redeveloper whereby land, structures, occupancy or use of any part of the Project Area upon the basis of race, creed, color, national origin/nationality, ancestry, religion, age, sex, pregnancy, gender identity or expression, affectional or sexual orientation, marital status, familial status, or disability or perceived disability. Appropriate covenants shall prohibit such restrictions and shall be included in all instruments.

## **7.13 SEVERABILITY**

If any portion of this Redevelopment Plan, including any word, phrase, clause, section, or provision, should be judged invalid, illegal, or unconstitutional by a court of competent jurisdiction, such order shall not affect the remaining portions of this Redevelopment Plan which shall remain in full force and effect.

APPENDIX A: BOROUGH COUNCIL RESOLUTION NO. 2-24-67

RESOLUTION NO. 2-24-67
BOROUGH OF HIGHLAND PARK
COUNTY OF MIDDLESEX

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH
LRK FOR PROFESSIONAL PLANNING SERVICES RELATED TO PREPARATION
OF A REDEVELOPMENT PLAN FOR 810 NO. 2ND AVE, BLOCK 503, LOT 24

WHEREAS, the Borough of Highland Park has need of the services of a Planner to provide
redevelopment planning services in connection with 810 No. 2nd Avenue, Block 503, Lot 24; and

WHEREAS, LRK has provided a proposal to the Borough of Highland Park for these
services and has demonstrated that they are a firm of licensed planners in the State of New Jersey
with extensive experience in drafting redevelopment plans; and

WHEREAS, the Borough of Highland Park has solicited these services without a "fair and
open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law," and will require
completion of all necessary Pay-to-Play forms, including the Campaign Contributions Affidavit
and the Certification Regarding Political Contributions, pursuant to N.J.S.A. 19:44A-20.8 and
N.J.S.A. 19:44A-20.26, respectively; and

WHEREAS, a contract for these services may be awarded without public advertising for
bids as the contract is for "Professional Services" as defined by the Local Public Contracts Law,
N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, funds for this purpose are available in the 2024 Temporary Budget, Current
Fund Account No. 4-01-20-170-233 in an amount not to exceed \$7,500.00, and will be provided
for in the 2024 Municipal Budget as adopted, as reflected by the certification of funds by the Chief
Financial Officer no. 2024-30.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the
Borough of Highland Park that:

- 1. The Mayor and Borough Clerk are authorized and directed to execute and attest on behalf
of the Borough an Agreement for professional services with LRK, Inc., 1218 Chestnut
Street, 5th Floor, Philadelphia, PA 19107, a copy attached hereto.
2. Notice of this contract shall be published as required by law and that a copy of executed
Agreement be placed on file in the office of the Borough Clerk.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby
certify the above to be a true copy of a resolution adopted by the Borough Council of said
Borough on February 6, 2024.

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Table with 5 columns: Council Member, Ayes, Nays, Abstain, Absent. Rows include Canavera, George, Hale, Hersh, Kim-Chohan, Postelnik.

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