

**ORDINANCE NO. 23-2071**  
**BOROUGH OF HIGHLAND PARK**  
**COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

**ORDINANCE OF THE BOROUGH COUNCIL OF THE  
BOROUGH OF HIGHLAND PARK, COUNTY OF  
MIDDLESEX, NEW JERSEY, AUTHORIZING THE  
ADOPTION OF THE “420-424 RARITAN AVENUE  
REDEVELOPMENT PLAN” PURSUANT TO THE LOCAL  
REDEVELOPMENT AND HOUSING LAW, N.J.S.A.  
40A:12A-1, et seq.**

**WHEREAS**, the Borough of Highland Park, a public body corporate and politic of the State of New Jersey (the “**Borough**”) is authorized pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the “**Redevelopment Law**”) to determine whether certain parcels of land within the Borough constitute an area in need of rehabilitation; and

**WHEREAS**, as described in the Redevelopment Plan (defined below) the properties identified as Block 3002, Lots 1, 2, 3, 4, 5, 6, 7, 8, 30, 34, 35, 36 and 37 on the Official Tax Map of the Borough (the “**Study Area**”) are a “non-condemnation area in need of rehabilitation; and

**WHEREAS**, pursuant to the Redevelopment Law the Borough Council caused a redevelopment plan to be prepared for the Property, entitled the “420-424 Raritan Avenue Redevelopment Plan” (the “**Redevelopment Plan**”), attached hereto as *Exhibit A*; and

**WHEREAS**, on September 6, 2022, the Borough Council adopted Resolution No. 9-22-221 authorizing the Borough Planning Board (the “**Planning Board**”) to conduct a preliminary investigation of the Study Area to determine whether it met the statutory criteria for designation as a non-condemnation area in need of redevelopment pursuant to the requirements and criteria set forth by the LRHL; and

**WHEREAS**, the Planning Board received a report from LRK, Inc., (“**LRK**”), the Borough’s planning consultant, setting forth the basis for the investigation, entitled, “Preliminary Investigation of a Non-Condemnation Area in Need of Redevelopment Stop & Shop Site” dated November 2022, concerning the determination of the Study Area, as an area in need of redevelopment (the “**Study**”); an

**WHEREAS**, on December 8, 2022, the Planning Board reviewed the Study, heard testimony, conducted a public hearing during which members of the general public were given an opportunity to present their own evidence and/or to cross-examine representatives from LRK, and to address questions to the Planning Board and its representatives, concerning the potential designation of the Study Area as an area in need of redevelopment; and

**WHEREAS**, after the conclusion of the public hearing described above, the Planning Board voted to adopt and accept the recommendation contained in the Study, and to recommend that the Study Area be declared a non-condemnation area in need of redevelopment, in accordance with the Redevelopment Law, and for the reasons set forth in the Study; and

**WHEREAS**, upon favorable review of the Study by the Planning Board, on December 20, 2022, the Borough Council adopted Resolution No. 12-22-289, accepting the findings and recommendations of the Planning Board, and formally designated the Study Area as a “non-condemnation area in need of redevelopment”; and

**WHEREAS**, pursuant to *N.J.S.A. 40A:12A-4(a)(3)* and *N.J.S.A. 40A:12A-7* the Borough Council is empowered to adopt a redevelopment plan pursuant to which redevelopment projects are to be undertaken or carried out within an ‘area in need of redevelopment; and

**WHEREAS**, the Borough Council has referred the Redevelopment Plan to the Planning Board for its review and recommendation pursuant to *N.J.S.A. 40A:12A-7(e)* and the Planning Board’s recommendation will be reviewed prior to final passage; and

**WHEREAS**, following Borough Council’s review of the Planning Board’s review and recommendation, the Borough Council desires to adopt the Redevelopment Plan and to direct that the applicable provisions of the Borough’s Zoning Ordinance and Map be amended and superseded to reflect the provisions of the Redevelopment Plan, as and to the extent set forth therein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLAND PARK AS FOLLOWS:**

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

Section 2. The report and recommendations from the Planning Board are hereby accepted, and the Redevelopment Plan, attached hereto as *Exhibit A*, is hereby adopted pursuant to the terms of the Redevelopment Law.

Section 3. The zoning district map and the zoning ordinance of the Borough are hereby amended to incorporate and reflect the Redevelopment Plan, and, to the extent provided in the Redevelopment Plan, are superseded thereby.

Section 4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 5. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Borough Clerk during regular business hours.

Section 6. This Ordinance shall take effect in accordance with all applicable laws.

Introduced on first reading by title: April 4, 2023

ADOPTED:

ATTEST:

APPROVED:

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Jennifer Santiago  
Borough Clerk

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Elsie Foster  
Mayor

# 420-424 Raritan Avenue Redevelopment Plan

Block 3002, Lots 3, 4, 5, 6, 8, 30, 34, 35, 36 & 37

Borough of Highland Park, Middlesex County, New Jersey

Prepared by **LRK, Inc.** | March 31, 2023



HIGHLAND  
PARK

# 420-424 Raritan Avenue Redevelopment Plan

Block 3002, Lots 3, 4, 5, 6, 8, 30, 34, 35, 36 & 37  
Borough of Highland Park, Middlesex County, New Jersey

Endorsed by the Planning Board on MONTH ##, 2023

Adopted by the Borough Council on MONTH ##, 2023



Prepared on behalf of:

**Highland Park Borough Council**

Borough Hall  
221 South 5th Avenue  
Highland Park, NJ 08904



Prepared by:

**LRK, Inc.**

1218 Chestnut Street, 5th Floor  
Philadelphia, PA 19107

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

Handwritten signature of James P. Constantine in black ink.

James P. Constantine, PP  
NJPP License No. 3982

Handwritten signature of Chris S. Cosenza in black ink.

Chris S. Cosenza, AICP, PP, LEED AP  
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HIGHLAND  
PARK

# ACKNOWLEDGMENTS

## Mayor & Borough Council

<b>Mayor</b>	<i>Elsie Foster</i>	<b>Councilmember</b>	<i>Matthew Hale</i>
<b>Council President</b>	<i>Matthew Hersh</i>	<b>Councilmember</b>	<i>Stephany Kim-Chohan</i>
<b>Councilmember</b>	<i>Tara Canavera</i>	<b>Councilmember</b>	<i>Jason Postelnik</i>
<b>Councilmember</b>	<i>Philip George</i>		
<b>Borough Attorney</b>	<i>Edwin W. Schmierer, Esq., Mason, Griffin &amp; Pierson, P.C.</i>		
<b>Borough Administrator</b>	<i>Josephine "Teri" Jover</i>		
<b>Borough Clerk</b>	<i>Jennifer Santiago</i>		

## Planning Board

<b>Class I Member</b>	<i>Elsie Foster</i>	<b>Class IV Member</b>	<i>Alvin Chin</i>
<b>Designee, Vice Chair</b>	<i>Padraic Millet</i>	<b>Class IV Member</b>	<i>Khalidra Hadhazy</i>
<b>Class II Member</b>	<i>Scott Brescher</i>	<b>Class IV Member</b>	<i>Paul Lanaris</i>
<b>Class III Member, Liaison</b>	<i>Matthew Hale</i>	<b>Class IV Member</b>	<i>Jeff Perlman</i>
<b>Class IV Member, Chair</b>	<i>Rebecca Hand</i>	<b>Alternate I</b>	<i>Dan Stern Cardinale</i>
<b>Class IV Member, Secretary</b>	<i>Allan Williams</i>	<b>Alternate II</b>	<i>(Vacant)</i>
<b>Board Attorney</b>	<i>Roger W. Thomas, Esq., Dolan and Dolan, P.A.</i>		
<b>Board Engineer</b>	<i>Bruce M. Koch, PE, PP, CME, CME Associates</i>		
<b>Board Planner</b>	<i>Chris S. Cosenza, AICP, PP, LEED AP, LRK, Inc.</i>		
<b>Board Clerk</b>	<i>Tania Valera</i>		

## Borough Professionals

<b>Redevelopment Attorney</b>	<i>Joseph P. Baumann, Jr., Esq., McManimon, Scotland &amp; Baumann, LLC</i> <i>J. Nicholas Strasser, Esq., McManimon, Scotland &amp; Baumann, LLC</i>		
<b>Borough Engineer</b>	<i>Bruce M. Koch, PE, PP, CME, CME Associates</i>		
<b>Borough Planner</b>	<i>Jim Constantine, PP, LRK, Inc.</i>		

## Borough Staff

<b>Construction Official</b>	<i>Scott Brescher</i>
<b>Zoning Official</b>	<i>Mike Mullin</i>

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## 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, more than half of whom are affiliated with Rutgers University, making the Borough a part of the college community across the Raritan River. These key amenities are sought after by both Millennial 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. In order to address conditions within the Borough and stimulate private investment, the Mayor and Council (the "Borough Council") have determined that the appropriate course of action is to rehabilitate and redevelop the Borough in accordance with the New Jersey Local Redevelopment and Housing Law (the "LRHL") at N.J.S.A. 40A:12A-1 et seq.

In 2022, after learning that the Stop & Shop grocery store would be closing its doors in the coming months, the Borough Council determined that it was in the best interest of the community that a preliminary investigation be conducted, and a redevelopment plan be prepared with respect to the grocery store property and adjacent commercial properties along Raritan Avenue. By doing so, the Borough Council is undertaking a proactive role in facilitating the rehabilitation and/or redevelopment of the site, including attracting a new grocery store in the heart of the downtown area.

The purpose of the 420-424 Raritan Avenue Redevelopment Plan (the "Redevelopment Plan" or "Plan") is to create a shared vision and implementation plan for the rehabilitation and/or redevelopment of the existing grocery store property and, potentially, the adjoining parking area on the adjacent property (the "Project Area").

The Borough established that this Redevelopment Plan be flexible so as to permit a range of possible scenarios, from rehabilitating the existing grocery store and including certain streetscape and site improvements to facilitating the "right-sized" redevelopment of the properties more appropriately than what is permitted by underlying zoning. These scenarios seek to provide an attractive opportunity to bring a grocery store operator to the community as soon as possible, together with a series of public benefits and improvements with the principal goal of supporting a thriving downtown, as set forth in the Master Plan.

# Map 1. Context Map



## 1.2 OVERVIEW

For several decades, Highland Park has recognized a need for significant and sustained attention to the downtown business district. However, revitalization efforts have had limited impact for a variety of reasons and redevelopment efforts have never gotten off the ground. Over the past few years, the Borough has undertaken a more focused approach to address the apparent lack of reinvestment in the community.

Among several redevelopment actions taken to date, in 2016, the Borough 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,” prepared several site-specific redevelopment plans, including a redevelopment plan for several non-contiguous tracts in the downtown area with the goal to “jump start” downtown redevelopment coming out of the COVID-19 pandemic.

Meanwhile, after recently learning that the Stop & Shop grocery store along Raritan Avenue will soon be closing, the Borough Council communicated to the public that it sought to take a proactive role in facilitating the rehabilitation and/or redevelopment of the grocery store property and, if appropriate, adjacent commercial properties, and to address the absence of the grocery store use in the meantime.

While the entirety of the Borough, including the grocery store property and adjacent commercial properties along Raritan Avenue, is currently designated an “area in need of rehabilitation” (or “rehabilitation area”), the Borough Council sought the ability to pursue all of the tools under the “area in need of redevelopment” (or “redevelopment area”) designation, except for the power of eminent domain, pursuant to the LRHL.

To that end, the Borough Council adopted Resolution No. 9-22-221 on September 6, 2022, authorizing the Planning Board to conduct a preliminary investigation (or “Study”) of the properties identified on the Borough Tax Maps as Block 3002, Lots 1, 2, 3, 4, 5, 6, 7, 8, 30, 34, 35, 36 and 37 (the “Study Area”) to determine whether the Study Area met the statutory criteria for designation as a “non-condemnation area in need of redevelopment” pursuant to the requirements and criteria set forth by the LRHL.

Upon favorable review of the Study by the Planning Board held at a public hearing on December 8, 2022, the Borough Council adopted Resolution No. 12-22-289 on December 20, 2022, accepting the findings and recommendations of the Planning Board, and formally designated the Study Area as a “non-condemnation area in need or redevelopment.”

Concurrently, the Borough has engaged in active discussions with the property owner of the grocery store property regarding the potential rehabilitation and/or redevelopment of the property and its relationship to the parking area on the adjacent property. The property owner has expressed a strong desire to collaborate with the Borough and understands the importance of maintaining a grocery store use on the property at the heart of downtown.

The Borough prepared a detailed Frequently Asked Questions (the “FAQ”) worksheet and subsequently held a Community Meeting on February 28, 2023, in an effort to provide information and facilitate a community conversation regarding the Borough’s efforts to address the pending closure of the Stop & Shop grocery store. These efforts include the Borough addressing the real prospect that there will be a period of time during which the community would be without a local grocery store.

During the Community Meeting, Mayor Elsie Foster expressed that the loss of the grocery store is significant to the community and is an issue that the Mayor and Borough Council take very seriously. The Borough acknowledged that it understands that the absence of a grocery store may create a hardship for many residents, particularly those without reliable transportation options, older residents, as well as individuals and families with limited income. The Borough indicated that it was actively exploring several strategies, including shuttle buses, other transportation options, expanding access to existing food stores and programs, and providing assistance to access and utilize online delivery platforms.



*Mayor Elsie Foster speaking at the February 28, 2023 Community Meeting, which had approximately 120 attendees.*

With regards to the future of the grocery store property, the Borough explained that it is utilizing the redevelopment approach because it provides for several tools that can help address community concerns related to the grocery store closure. This includes more flexibility in zoning in which a grocery store use can be a required use, a site-specific plan that can target long-standing deficiencies as identified in the Study, provide for detailed development & design standards, and make available a range of financial incentives.

Through a redevelopment plan, the Borough is exploring rehabilitation and/or redevelopment of the grocery store property through two (2) parallel tracks:

- **TRACK ONE** focuses on attracting a new grocery store tenant to the existing facility, which would require various upgrades and significant renovation to the building and the overall property. This may potentially include an infill, liner mixed-use building fronting on Raritan Avenue. The Borough has been working with the property owner and others to develop a list of potential grocery operators, and is coordinating with Middlesex County and State officials to identify programs and financial incentives that could be utilized to attract such grocery operators.
- **TRACK TWO** would enable redevelopment of the entire site, incorporating a grocery store as an anchor use in a new mixed-use building fronting on Raritan Avenue. The Borough acknowledges that while this track would incorporate a new grocery store, reconfigured parking, residential housing and, potentially, other uses, this would be a more complex project that would take more time to construct and, therefore, extend the time that the community would be without an active grocery store use serving the community.

In light of these recent events and to stimulate private investment, promote community benefits, prevent further deterioration, and advance desirable rehabilitation and/or redevelopment within the Borough, consistent with the goals and objectives of the Master Plan, the Borough seeks to rehabilitate and/or redevelop a portion of the Study Area, that is, those properties identified on the Borough Tax Maps as Block 3002, Lots 3, 4, 5, 6, 8, 30, 34, 35, 36 and 37, along with all streets and rights-of-way appurtenant thereto (the “Project Area”) in accordance with this Redevelopment Plan.

## Map 2. Project Area Map



## 2.1 PURPOSE OF THE REDEVELOPMENT STATUTE

In 1992, the New Jersey State Legislature enacted the Local Redevelopment and Housing Law (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, and prescribing the powers, duties, and functions of those governments with respect to redevelopment and housing functions.

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 of its redevelopment powers and before any redevelopment project is undertaken, 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 prior to 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 in order to utilize various planning and financial tools to, primarily, eliminate those conditions that cause the area to be considered a rehabilitation and/or redevelopment area, make redevelopment projects more feasible by utilizing financial subsidies or other incentive programs offered by various agencies, and foster public-private partnerships to facilitate the desired redevelopment of the area.



## REDEVELOPMENT IN HIGHLAND PARK



### 31 River Road

The Redevelopment Area is located in the western portion of the Borough, and is directly opposite the Environmental Education Center and the Raritan River Greenway. The one-acre lot contained a one-story medical office building containing approximately 11,000 SF of floor area, which stood isolated within a primarily residential area.

The plan promoted multi-family housing in order to attract new markets like empty-nesters and millennials to the community. The Borough incorporated neighborhood input into the plan, including goals and objectives that maintained the existing rear parking area and vegetation as well as improved existing pedestrian and bicycling issues.

The ultimate redevelopment, now known as "The Frederick," was completed with 34 market-rate and six (6) affordable units.



### 137-139 Raritan Avenue

A small one-story commercial building with limited parking facilities originally stood at 137-139 Raritan Ave. The 2005 Downtown Redevelopment Plan was amended in 2017 to permit residential uses on the ground floor at the rear of the building, providing for needed accessible and affordable housing.

The plan also permitted off-site parking (set at one (1) parking space within 1,000 feet of the property for each residential unit and prohibiting curb cuts along Raritan Avenue), which allowed for the project to move forward after delays.

The redevelopment project culminated in a mixed-use building that expanded the first floor and added a second story to accommodate 2,860 SF of commercial space, four (4) market-rate units and one (1) affordable unit.



When a redevelopment plan is being considered for a designated rehabilitation and/or redevelopment area, the redevelopment plan must indicate, among other things, its relationship to definite municipal objectives as to appropriate land uses, public transportation and utilities, recreational and municipal facilities, and other public improvements; and indicate proposed land uses and building requirements in the designated rehabilitation and/or redevelopment 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:

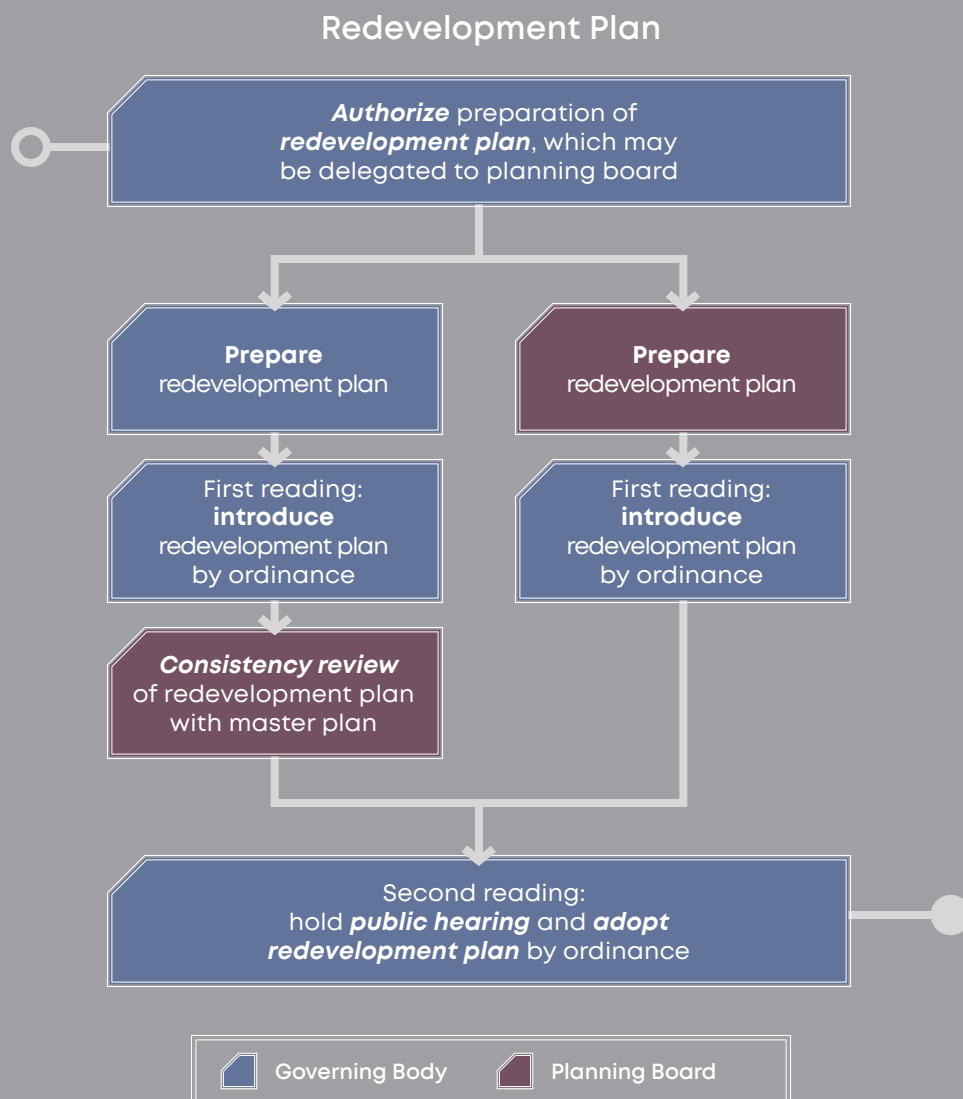
- The ability to require certain use(s), such as a grocery store use, to be a required element of the redevelopment plan and associated development application.
- Offers more flexibility than conventional zoning which is not limited to redevelopment involving the built form, and can include specific 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 certain 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. A summary of the process is provided below, and is more fully described on the following pages.

### REDEVELOPMENT PROCEDURE SUMMARY



## REDEVELOPMENT PLAN

Following the designation of a delineated area as a rehabilitation or redevelopment area, a redevelopment plan, or an amendment or revision to an existing redevelopment plan, may be prepared. The following is a summary of N.J.S.A. 40A:12A-7, concerning the procedure for adoption of a redevelopment plan as well as related public hearing requirements:

- Either the governing body can prepare a redevelopment plan, or it can direct the planning board prepare a redevelopment plan, setting forth the goals, objectives, and specific actions to be taken with regard to the designated rehabilitation or redevelopment area in accordance with the criteria established under N.J.S.A. 40A:12A-7.
  - If the governing body prepares the redevelopment plan, the governing body introduces the redevelopment plan via ordinance for first reading and adopts a resolution referring the proposed redevelopment plan to the planning board for review and recommendation to the governing body, in the same manner as adoption of land development ordinances.
    - The planning board, within 45 days after referral, reviews the proposed redevelopment plan and adopts a resolution containing a report and recommendations to governing body. The report shall include an identification of any provisions in the proposed redevelopment plan which are inconsistent with the master plan and recommendations concerning the inconsistencies and other appropriate matters.
    - The governing body holds a public hearing on the redevelopment plan ordinance and, taking into consideration the recommendations of the planning board, may then act on the redevelopment plan by passing the ordinance adopting the redevelopment plan.
  - If the planning board prepares the redevelopment plan, the governing body is relieved of the referral requirements contained above. After the redevelopment plan is prepared, the governing body introduces the redevelopment plan via ordinance for first reading and thereafter holds a public hearing on the redevelopment plan ordinance, in the same manner as adoption of other municipal ordinances.
- In either case, where the redevelopment plan supersedes the existing zoning ordinance, rather than constituting an overlay zoning, the governing body also adopts an amendment to the zoning map.

## **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.

### **DESIGNATION OF THE STUDY AREA AS A REDEVELOPMENT AREA**

On September 6, 2022, the Borough Council adopted Resolution No. 9-22-221, authorizing the Planning Board to conduct a preliminary investigation (or “Study”) of the properties identified on the Borough Tax Maps as Block 3002, Lots 1, 2, 3, 4, 5, 6, 7, 8, 30, 34, 35, 36 and 37, along with all streets and rights-of-way appurtenant thereto (the “Study Area”) to determine whether all or a portion of the Study Area met the statutory criteria for designation as a “non-condemnation area in need of redevelopment” pursuant to the requirements and criteria set forth by the LRHL.

At the same meeting, the Borough Council adopted Resolution No. 9-22-222 (see Appendix A), authorizing and directing the Borough Planner, LRK, Inc., to conduct the Study as well as to prepare a redevelopment plan on behalf of the Borough.

The Planning Board, at its meeting on December 8, 2022, conducted a public hearing at which it reviewed a report (the “Study”) entitled “Preliminary Investigation of a Non-Condemnation Area in Need of Redevelopment [for the] Stop & Shop Site and Adjacent Commercial Properties,” prepared by LRK, Inc., dated November 23, 2022. This report concluded that the Study Area met the criteria for redevelopment designation pursuant to subsections “a,” “d,” and “h” of N.J.S.A. 4A:12A-5 as well as the so-called Section 3 Criteria. At the conclusion of the hearing, the Planning Board accepted the report, and recommended the Borough Council designate the Study Area as a “non-condemnation area in need of redevelopment.”

On December 20, 2022, based upon the Planning Board’s recommendation, the Borough Council adopted Resolution No. 12-22-289, formally designating the entire Study Area as a “non-condemnation area in need or redevelopment” in accordance with the LRHL.

## **2.5 AUTHORIZATION FOR THIS REDEVELOPMENT PLAN**

As noted in the prior section, when the Borough Council authorized the Borough Planner, LRK, Inc., to conduct the study, it also simultaneously authorized the preparation of a redevelopment plan.

## **2.6 STATUTORY REQUIREMENTS OF A REDEVELOPMENT PLAN**

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 on the following page.

## STATUTORY REQUIREMENTS OF A REDEVELOPMENT PLAN

The redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

- 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.

### 3.1 EXISTING CONDITIONS

The Project Area is irregularly shaped, with approximately 234 feet of frontage along the south side of Raritan Avenue, 100 feet of frontage along the east side of South 4th Avenue, approximately 170 feet of frontage along the west side of South 5th Avenue, and abuts residential dwellings to the south that front on South 4th Avenue, Magnolia Street and South 5th Avenue. Presently, the Project Area is developed with a one-story building, associated paved surface parking and loading areas, and limited landscaped or buffer areas.

The Project Area predominantly consists of a single property comprising of Lots 3, 4, 5, 6, 8, 30 and 37 within Block 3002, which is developed with the one-story Stop & Shop grocery store situated at the rear of the property, and a large surface parking area at the front of the property. The surface parking area is accessible by a two-way driveway from South 5th Avenue, a one-way ingress driveway from Raritan Avenue, a one-way egress driveway to Raritan Avenue and a two-way driveway that serves as an extension of the stub public right-of-way from South 4th Avenue.

To the west of the grocery store property is a stub public right-of-way as well as Lots 34 & 36, and Lot 35 within Block 3002; taken together, they are developed with a surface parking area that is accessible from South 4th Avenue and provides the parking needs for Wells Fargo Bank at the southeast corner of South 4th Avenue and Raritan Avenue. The stub public right-of-way also provides access to the rear parking area of Park Town Center at 406-418 Raritan Avenue.

### PRELIMINARY INVESTIGATION FINDINGS

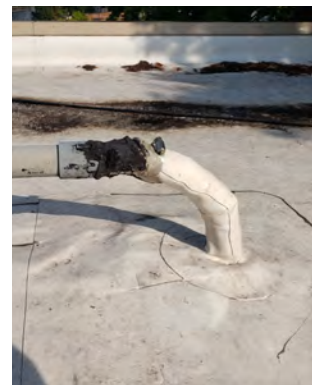
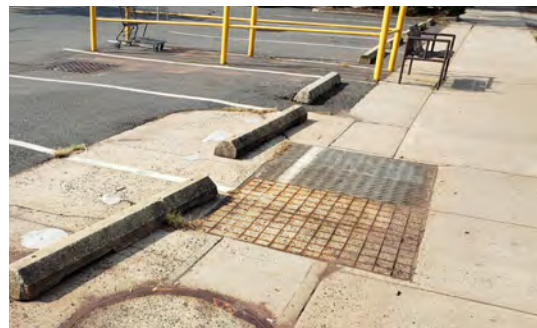
Each property included in the original Study Area was previously evaluated in the Study to determine whether they met at least one of the statutory criteria for designation as a non-condemnation area in need of redevelopment. The lot by lot evaluations were based on site inspections of the buildings and grounds, as well as a review of each property's physical characteristics and conditions, occupancy, ownership status, and a review of other relevant data.

The Study found that the Project Area is generally characterized by challenges related to dilapidation, faulty arrangement or design, and/or obsolete layout and lack of maintenance or deteriorating conditions exhibited throughout the Stop & Shop grocery store and related site improvements. In particular, there were potential structural issues, foundation cracking, loose and/or damage flashing on the roof, water infiltration and water damage, and inaccessible, inefficient, and obsolete layout of various back-of-house areas.

Additionally, the parking areas exhibited faulty arrangement and design including a lack of a protective buffer, particularly along Raritan Avenue, as well as a lack of a coherent pedestrian circulation network for users, particularly those with a mobility disability, to be able to safely traverse from the parking area to the main entrance of the grocery store.



Current Tenants



As noted on available tax assessment resources, the record details contained within the database are as of March 28, 2023.

**Table 1: Property Ownership & Acreage**

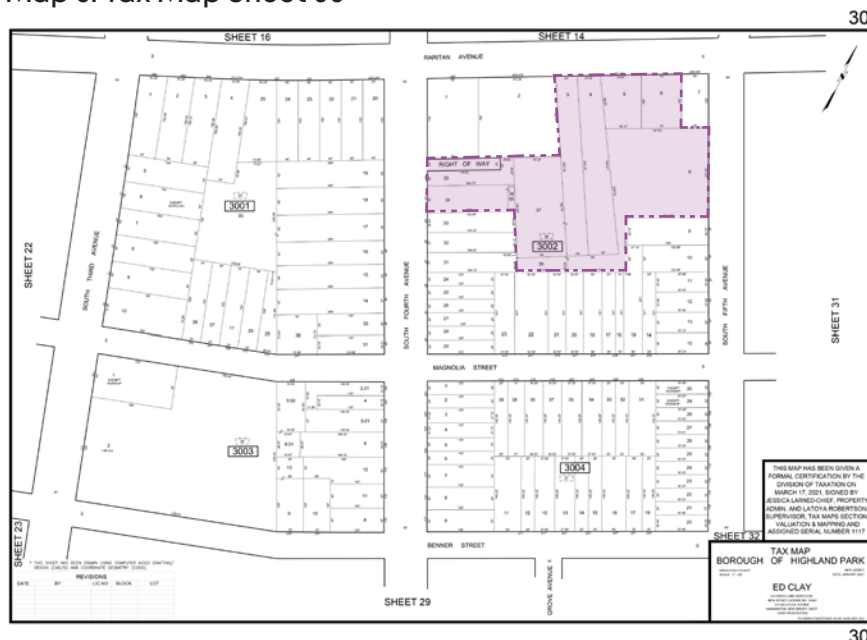
Block	Lot(s)	Class	Address	Owner	Acreage*
3002	3-6, 8, 30 & 37	4A	420-424 Raritan Avenue	Nassau Wd Ind c/o Engie Insight Ms7186	2.2802
3002	34 & 36	1	21 South 4th Avenue	Wachovia Corporation c/o T Reuters	0.1872
3002	35	1	21 South 4th Avenue	Wachovia Corporation c/o T Reuters	0.1165
			Right-of-Way	Borough of Highland Park	0.0689
<b>Total</b>					<b>2.6528</b>

Note: The acreage values listed in the table above are approximate and were derived by calculating the area utilizing available online GIS mapping tools provided by the New Jersey Department of Environmental Protection (“NJDEP”). Therefore, the acreage values listed in the table above may not match the acreage values found in property tax records.

**Table 2: Property Assessment**

Block	Lot(s)	Assessed Land Value	Assessed Improvement Value	Net Assessed Value
3002	3-6, 8, 30 & 37	\$1,995,900	\$1,826,700	\$3,822,600
3002	34 & 36	\$219,500	\$0	\$219,500
3002	35	\$37,700	\$0	\$37,700
Right-of-Way		\$0	\$0	\$0
<b>Totals</b>		<b>\$2,253,100</b>	<b>\$1,826,700</b>	<b>\$4,079,800</b>

**Map 3. Tax Map Sheet 30**



## ENVIRONMENTAL ASSESSMENT

**Sites & Facilities** - While other properties within the Study Area contained various sites listed in New Jersey Environmental Management System (“NJEMS”), none are presently within the Project Area.

**Land** - There are no wetlands as identified by the New Jersey Department of Environmental Protection (“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.

**Utilities** - The Project Area is serviced by PSE&G for electric utilities, PSE&G for gas utilities, and is located within a sewer service area.

**Soils & Geology** - Upon review of the Web Soil Survey provided by the Natural Resources Conservation Service (“NRCS”), an agency of the United States Department of Agriculture (“USDA”), the Project Area contains a single map unit identified as “KkuB—Klinesville-Urban land complex, 0 to 6 percent slopes.” This soil map unit is characterized as shallow, somewhat excessively drained soils, typically with a depth to bedrock ranging from 10 to 20 inches.

The Project Area is generally situated over the Passaic Formation (reddish-brown shale, siltstone and mudstone) bedrock and two crossing cycles of the Passaic Formation Gray bedrock (gray to black silty mudstone and others).

### 3.2 DEVELOPMENT HISTORY

The Project Area has been developed and redeveloped several times over the past several decades, as evidenced through research of Sanborn and historic aerial maps, development approvals, permits and other records.

The grocery store property was originally developed with two (2) two-story frame dwellings with front porches on deep, narrow lots situated in the middle of the block. By the late 1940s or early 1950s, the dwellings were demolished and the property was redeveloped with a one-story, approximately 16,000 square foot grocery store, known then as the Food Fair building, that fronted directly on Raritan Avenue. At the northwest corner of the property was a one-story cinder block building that was utilized as a laundromat for a number of years until it was demolished in 1989.

The Wells Fargo Bank parking area was originally developed with a 2½-story masonry dwelling, which was eventually demolished in the 1980s to accommodate the expanded parking area for Wells Fargo Bank.



1936 SANBORN MAP



*PHOTO OF FOOD FAIR BUILDING ON RARITAN AVENUE, IN THE 1960S*

Between 1969 and 1971, the Food Fair building was demolished and permits were issued for the construction of a larger one-story, approximately 26,000 square foot grocery store situated at the extreme rear of the property and a large exposed surface parking area at the front of the property along Raritan Avenue. Initially opened as Pantry Pride, the grocery store was acquired and/or re-branded as Food Town, Edwards Super Food Store and, finally, Stop & Shop.

In 1996, following reorganization from Food Town to Edwards Super Food Store, and in coordination with Borough officials, site plan approval and various sign variances were granted, which approval also permitted the reconfiguration of the existing surface parking area to improve circulation and provide additional landscaping.

### 3.3 EXISTING LAND USE

Given the Project Area's location in the heart of the downtown area, there is a concentration of commercial uses along Raritan Avenue traditionally found in walkable downtown areas, such as retail shops and stores, personal service businesses, and restaurants.

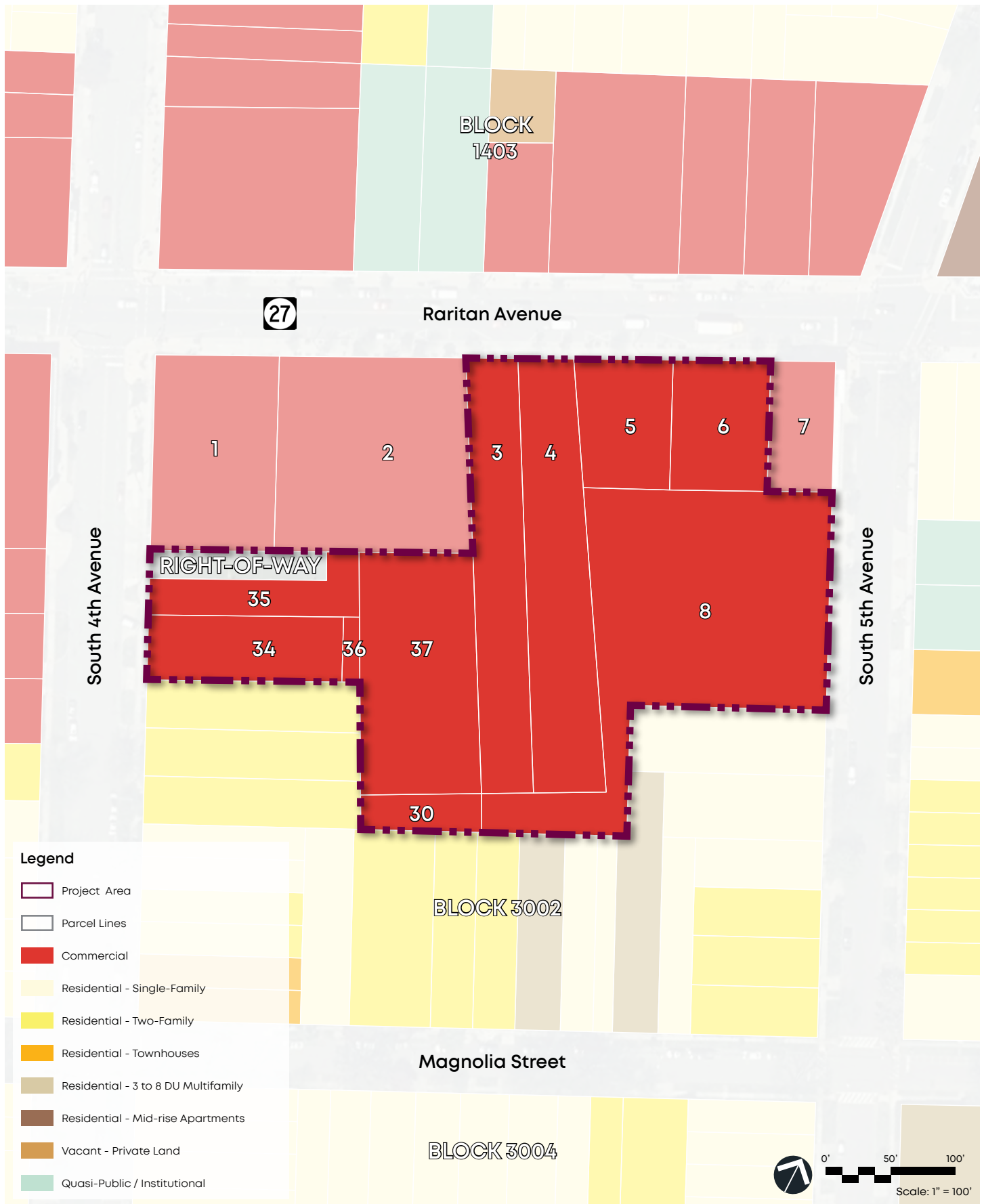
In addition to the grocery store use within the Project Area, other uses along Raritan Avenue including the Wells Fargo Bank on Lot 1, a multi-tenanted building known as Park Town Center, including the Highland Park branch of the United States Post Office and six (6) other storefront businesses, on Lot 2, and the Landmark Supply building, containing a pharmaceutical and medical supply distributor business and upper-floor boutique hair salon, on Lot 7.

The remainder of the block contains a mix of residential uses that vary in intensity, including single- or two-family dwellings, small multi-family buildings, and townhomes. Surrounding the block are similarly mixed-use blocks, including institutional uses, professional office uses, and a mid-rise apartment building.



*VIEW OF STREETScape ALONG RARITAN AVENUE, IN FRONT OF THE PARK TOWN CENTER.*

Map 4. Existing Land Use Map



### 3.4 EXISTING ZONING

The Study Area is located in the Central Business District (“CBD”) Zone. The remainder of the lots within the block are situated in the Professional Office (“PO”) Zone, where fronting on South 4th and South 5th Avenues, and the Two-Family Residential (“RB”) Zone, where fronting on Magnolia Street. The PO and RB zones serve as a transition between the CBD Zone and the large Single-Family Residential (“RA”) Zone.

The CBD Zone generally permits traditional downtown retail and office uses, with limited residential uses, and typical bulk standards generally found in smaller, older suburbs, as outlined in the table below.

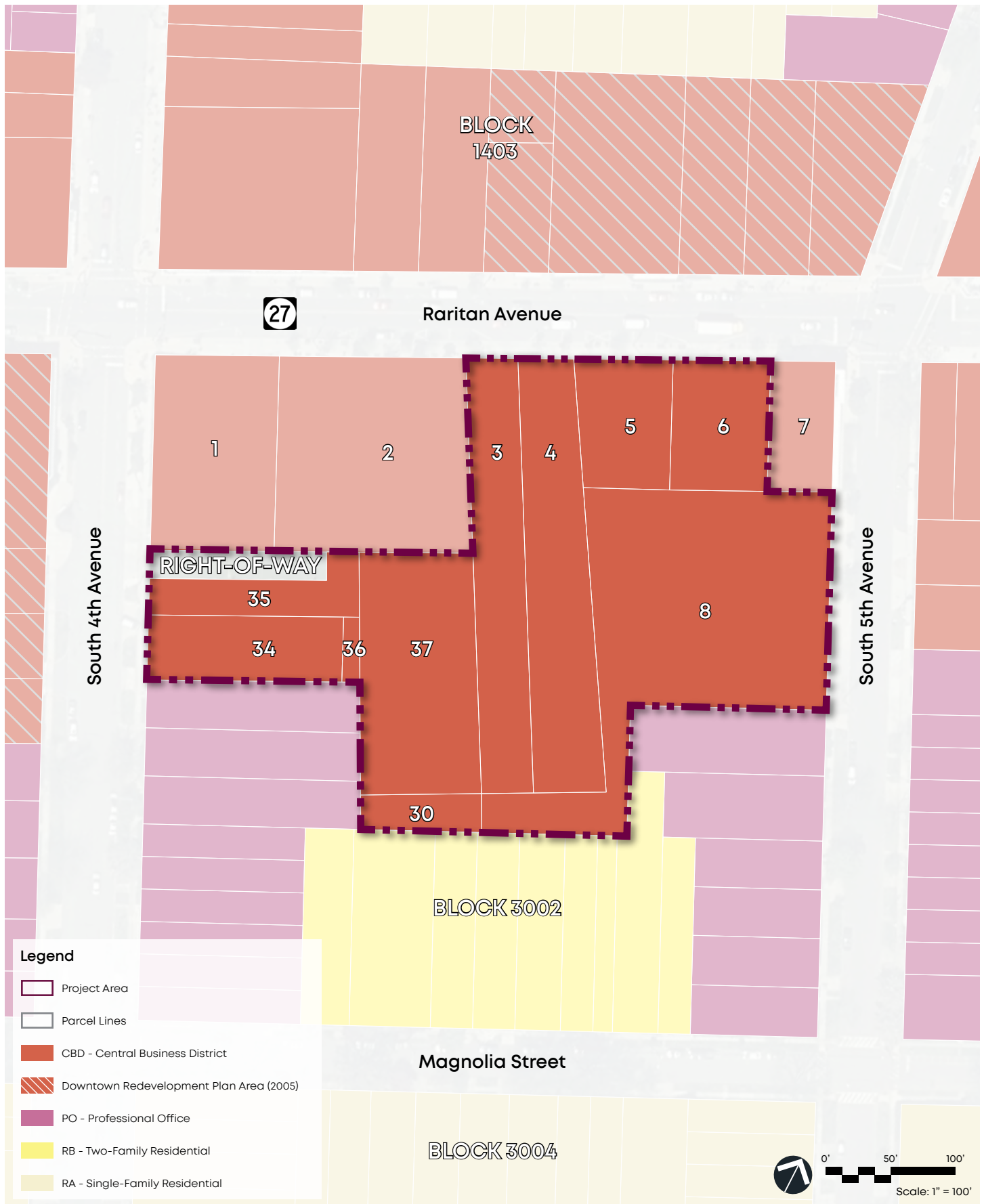
**Table 3. CBD Central Business District Zone**

Permitted Principal Uses			
Retail businesses; Personal service establishments; Banks and financial institutions on second floor or above; Food consumption establishments (except drive-in and/or fast-food restaurants); Package stores and taverns; Artist studios and artistic instruction space are permitted as principal uses on all floors except for the ground, street-level floor; Outdoor cafes including temporary outdoor dining on the public sidewalk, provided said outdoor dining does not inhibit pedestrian traffic; Public assembly facilities and spaces, including but not limited to theaters and cinemas, where the use is integrated into a mixed-use building with retail frontage along an arterial road; and, Carry-out restaurants (with certain conditions).			
Permitted Accessory Uses			
Off-street parking spaces; Off-street loading spaces; Business, professional and governmental offices located above commercial uses, not occupying the ground floor; Residential uses shall be permitted only on the second floor and above and may be located on the same floor with other permitted uses; Fences, walls and hedges; Satellite dish antenna (receive only); Outdoor cafes; Sidewalk displays; and, Artist studios and artistic instruction space are permitted accessory uses to art galleries, art supplies stores and other arts-related retail uses, provided they do not occupy more than 33% of the total area of the ground floor, and provided that all windows facing Raritan Avenue or any side street are maintained with a retail display focus.			
Conditional Uses			
Public utility facilities required to provide the direct service of the utility to the consumers, such as transformers and pumping stations, but excluding warehouses, service or storage and treatment yards.			
Bulk Regulations			
Lot		Height	
Min. Lot Area (SF)	5,000	Min. Height (Stories)	2
Min. Lot Width (Feet)	50	Max. Height (Stories)	4
Min. Lot Depth (Feet)	100	Max. Height (Feet)	50
Yards		Coverage	
Min. Front Yard (Feet)	N/A	Max. Lot Coverage	75%
Min. 1 Side Yard (Feet)	N/A	Max. Impervious Coverage	90%
Min. 2 Side Yards (Feet)	N/A	Density	
Min. Rear Yard (Feet)	20	Min. GFA (SF)	1,000
Min. Distance between Buildings	N/A	Max. Dwelling Units / Building	33% of GFA

In addition to use and bulk standards, Article XVII of the Highland Park Land Development Ordinance (the “Ordinance”) lays out urban design and architecture guidelines aimed at ensuring development in the CBD Zone that is sensitive to the area’s context and unique qualities. The guidelines outline considerations for pedestrian linkages, parking area landscaping, parking structures, streetscape elements, facade composition, storefront design, among and features.



Map 5. Existing Zoning Map



# 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 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 (the “Master Plan”) discusses the Borough’s desire to create a desirable living and working environment, to protect its environmental resources, and to promote sound land development. To that end, the most recently expressed master plan goals are as follows:

*To preserve and enhance the character and small town feel of the community;*  
*To ensure a vibrant downtown and commercial corridors;*  
*To protect the Borough’s environmentally sensitive areas; and,*  
*To promote a high quality of life for all residents.*

The development of the 2019 update to the Master Plan (and, simultaneously, a strategic update of the Land Use Plan Element) involved extensive community participation including hundreds of people who attended community workshops and took part in an online survey in which only 9% of respondents said they would like to see the downtown area “remain the same.”

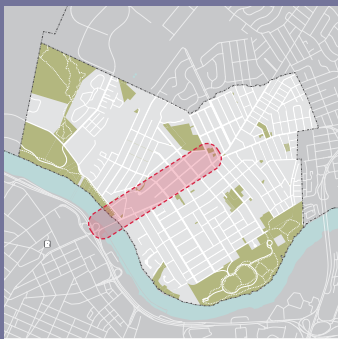
During the master plan process, common issues/concerns pertaining to the downtown area raised by the community included:

- Create mixed-use development with higher density housing, including multi-family and affordable units;
- Address the high number of vacant properties, empty storefronts, and high turnover of businesses that make the streetscape unpleasant and presenting a sense of neglect;
- There is a lack of a proper mix/diversity of retail and activities;
- Too many exposed parking lots create gaps in the streetscape along Raritan Avenue;

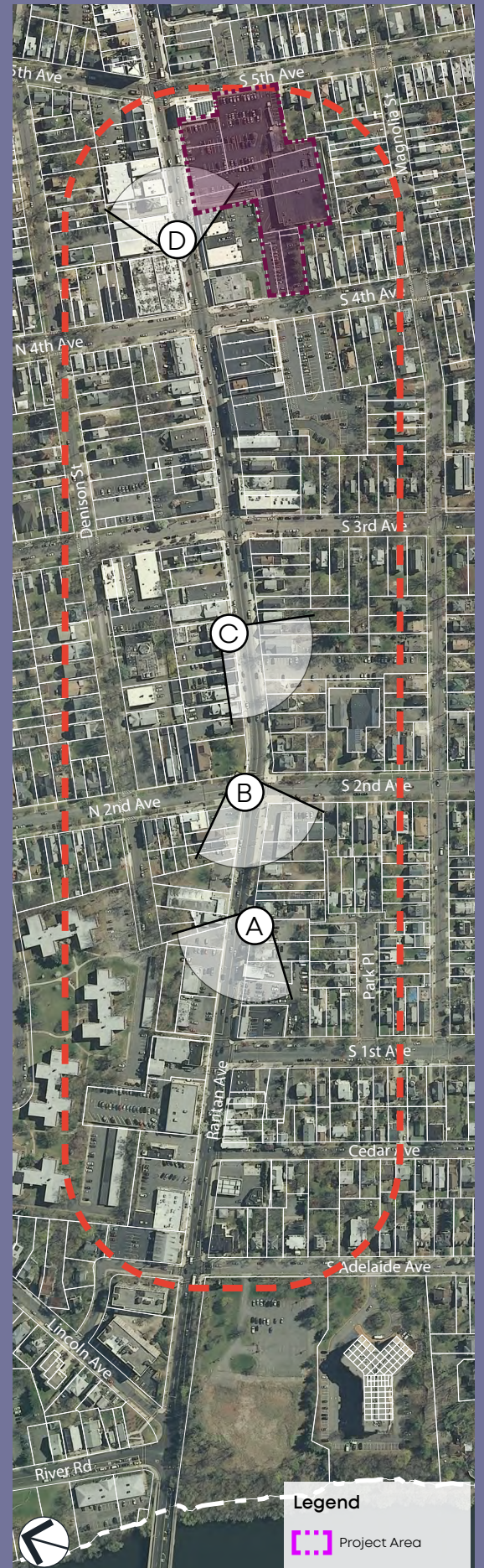
Additionally, comments were made specifically regarding the Stop & Shop grocery store. Given its centralized location within the community along Raritan Avenue, the grocery store is walkable and serves as an anchor for the downtown area; however, the community indicated that it needed to be upgraded.

# RARITAN AVENUE EXISTING CONDITIONS

## LAND USE PLAN ELEMENT



Existing conditions along Raritan Avenue in the **downtown area** include numerous “gaps” in the streetscape created by vacant properties and exposed parking lots.





*From the Land Use Plan Element of the Master Plan, the above sketch depicts the possibility of infill development to fill in the gap in the streetscape, along the frontage of the Project Area.*

Drawing from community feedback as expressed above, prior master plan documents were comprehensively reevaluated, resulting in the establishment in a consolidated set of goals and recommendations for the various plan elements contained in the Master Plan. A common theme that emerges from these established goals and recommendations is the community's desire to **support a thriving downtown** and **transform outdated commercial corridors**.

To do so, and to achieve other goals such as facilitating rehabilitation, reinvestment and revitalization, activation of corridors, expansion of living opportunities, and improved mobility, the Master Plan recommends taking advantage of redevelopment tools, expand the range of permitted uses, reinforce distinctive place-making, incorporate context-sensitive design standards, improve the aesthetics and functionality of the streetscape (including creating safer Complete Streets), and better manage parking.

The Land Use Plan Element provides a vision statement for the Downtown Sub-Area & Corridor, within which the Study Area is a part, as follows:

*“Leverage reinvestment, revitalization, infill, and redevelopment to expand opportunities for mixed-use development and support a walkable community with a vibrant, thriving downtown that recognizes the challenges of an e-commerce era..”*

To implement the vision for downtown development, the series of specific strategies on the following page were developed based on key issues identified during the master planning process as well as public input from the online survey and community open houses.

## DOWNTOWN STRATEGIES

The following strategies are specific to the Downtown and help advance the Goals for the Land Use Plan Element of the Master Plan.

- » **Custom-tailor infill/re-development** by utilizing site-specific Redevelopment Plans for uses desired by residents and to address varying property assemblages on a range of different block conditions.
- » **Expand the variety of active ground floor uses** to diversify the mix of retail, service, and entertainment uses including creative “maker spaces”, artist/crafts-person studios and real estate offices to better activate the Downtown throughout all hours and add vitality in this challenging age of online retailing and e-commerce.
- » **Expand the Downtown resident customer base** for local businesses, encourage mixed use development and expand the range of residential living opportunities, including ground floor apartments on side streets and in courtyards in the Downtown.
- » **Establish a public gathering space**, like a town square, in order to bring people together at a special place, add activity for nearby businesses, provide a venue to promote the arts and host special events.
- » **Prepare a Parking Management Plan** that evaluates parking needs in relation to leveraging revitalization, infill, and redevelopment by better managing on-street parking, “right-sizing” parking requirements to actual demand, encouraging cooperative and shared parking arrangements, and permitting off-site parking as a strategy to develop smaller properties.
- » **Create a Mixed-Use Transition Zone** that consolidates/expands the Professional Office and Two-Family Housing Zones to better accommodate a mix of uses and small-scale “missing middle” multi-family uses on blocks that transition from the Central Business District to single-family neighborhoods.
- » **Encourage any level of upgrade and reinvestment** by working with programs such as Main Street Facade Improvement and Awning Assistance to maintain and enhance the look of the Central Business District.

## **2019 HIGHLAND PARK BICYCLE AND PEDESTRIAN PLAN**

The 2019 Highland Park Bicycle and Pedestrian Plan identified strategies and improvements to promote active transportation (like bicycling and walking) as safe, comfortable, and attractive modes of transportation that serve residents, support local business, and draw economic investment into the Downtown. The Master Plan intends to improve mobility, safety, accessibility, and equity for all road users and provides recommendations based on Engineering, Education, Enforcement, and Encouragement.

This Redevelopment Plan seeks to reactivate the streetscape by providing for long-needed improvements such as repairing existing sidewalks, modifying / eliminating existing curb cuts along Raritan Avenue, installing bicycle parking and intersection/roadway improvements that calm traffic and make for a safer pedestrian and cycling environment.

### **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 central 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. As such, the redevelopment of this area is generally consistent with the land uses or the Master Plan of City of New Brunswick, Edison Township and Piscataway Township.

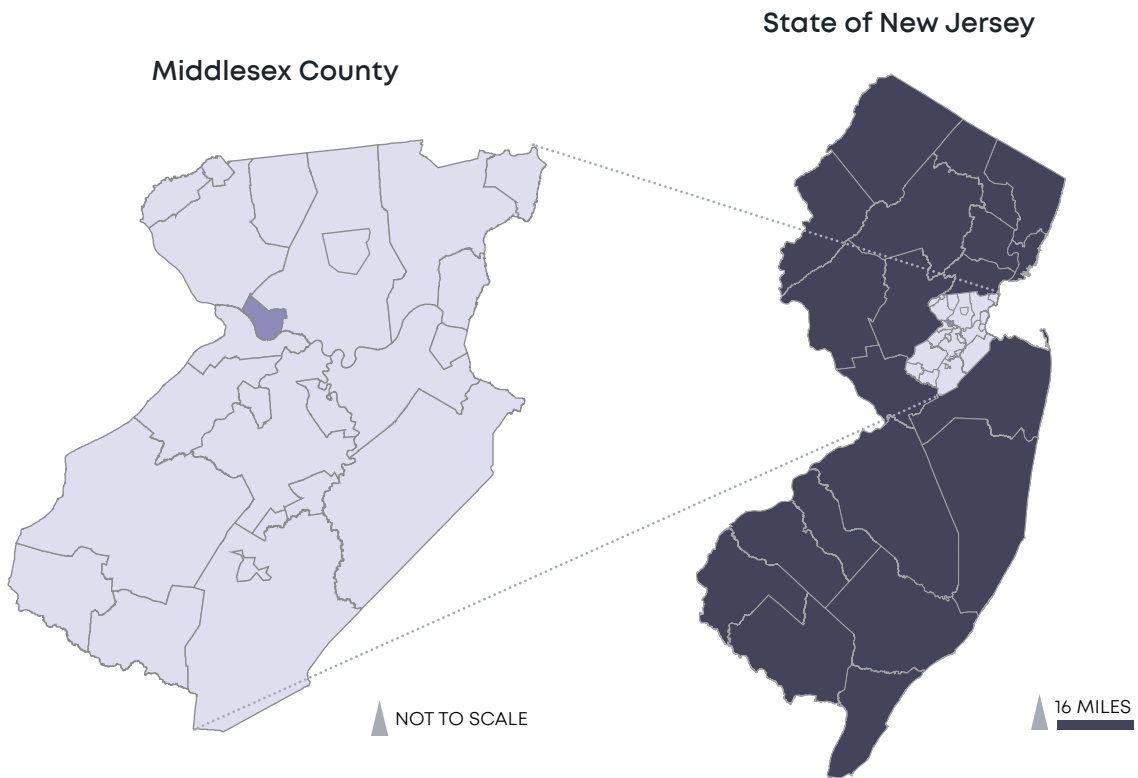
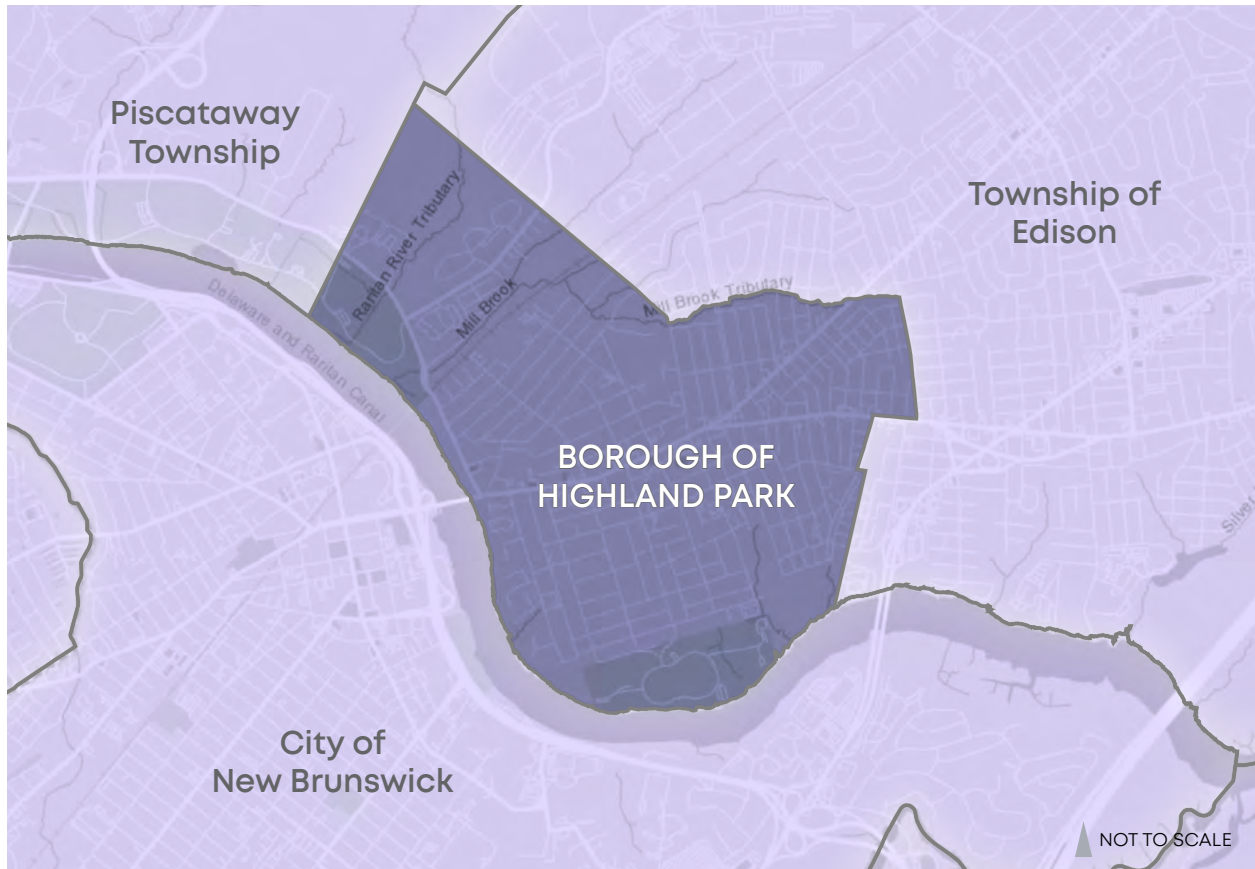
In the Township of Edison's Circulation Plan Element, Route 27, is considered a "principal arterial" and is characterized as a roadway with significant hazards and impediments for pedestrians and bicyclists. Route 27 is similarly identified as a corridor of interest in the Edison 2011 Master Plan Reexamination Report, which recommended utilizing the redevelopment planning process on underutilized properties to take steps towards improving related infrastructure.

### **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.

According to the Middlesex County Transportation Master Plan, Route 27 is one of the most congested areas of the County. The proposed site improvements such as improved access and circulation within and surrounding the Project Area align with the overall goals and strategies of the County, including to promote safety, improve mobility, and reduce traffic congestion.

Map 6. Contiguous Municipalities



## 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 the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.”*

The SDRP promotes Smart Growth in New Jersey by guiding State-level development and redevelopment policy as well as local and regional planning efforts to centers and areas where infrastructure is available or could be extended to developed or developing suburbs and urban areas.

According to the SDRP, statewide goals are to be achieved through the flexible application of SDRP’s statewide policies, 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.

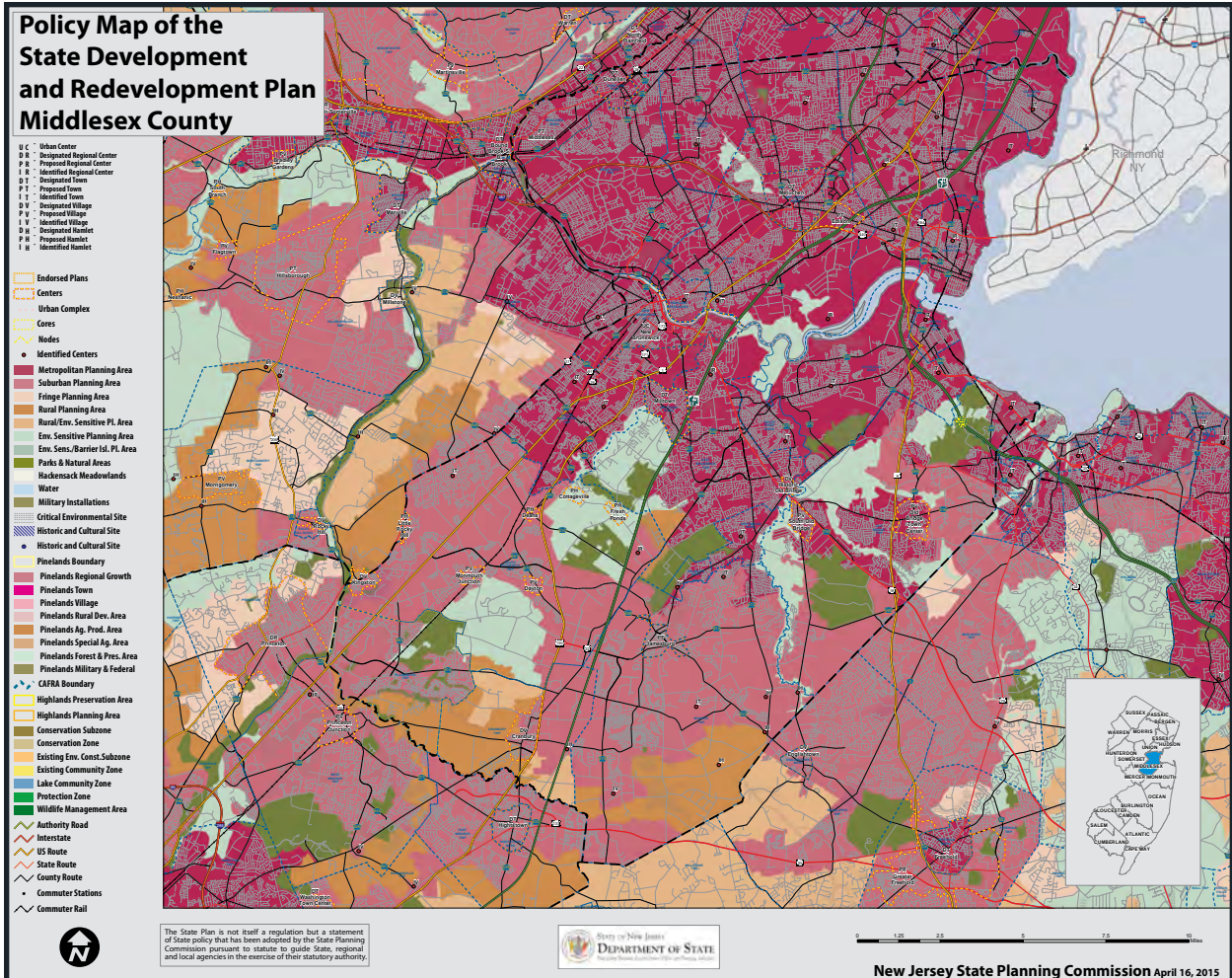
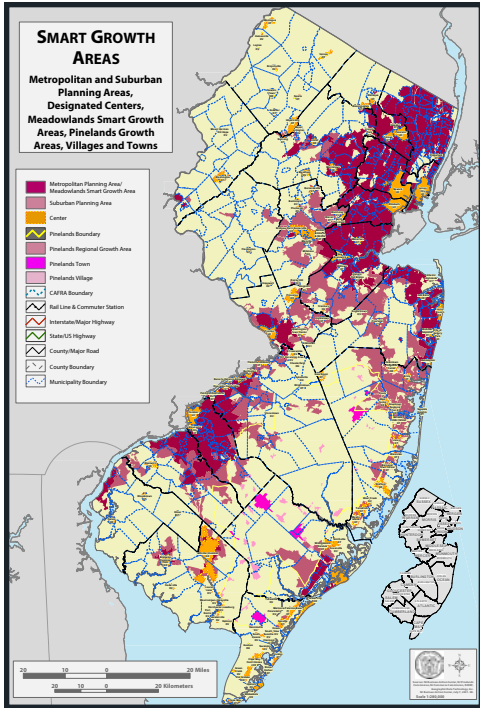


## STATE PLAN POLICY MAP

The SDRP also provides a State Plan Policy Map, which divides the State into several planning areas as well as the identification of “centers” and “environs”. Planning areas serve a critical role in the SDRP by setting forth policy objectives that guide implementation of the SDRP’s statewide polices within each area, guide local planning on the location and size of centers within the planning area, and protect or enhance the environs of these centers.

It is noted that the Borough of Highland Park is identified as an “Identified Town” as depicted below on the [State Plan] Policy Map of the State Development and Redevelopment Plan [for] Middlesex County.

The Master Plan indicates that the Borough meets all of the criteria for a Town Center as outlined by the SDRP.



According to the State Plan Policy Map, the Borough of Highland Park is contained entirely within the Metropolitan Planning Area (“PA1”), 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.

## **DRAFT STRATEGIC STATE PLAN**

In October, 2011, the draft State Strategic Plan was proposed as an update to the SDRP. The plan was designed to provide the framework for the State to “focus its policies and investments on vibrant regions by fostering targeted job growth, supporting effective regional planning and preserving the State’s critical resources.”

The plan outlined four (4) specific goals to guide planning at the State level:

Goal 1: **Targeted Economic Growth:** Enhance opportunities to attract and grow industries of statewide, regional and international importance.

Goal 2: **Effective Regional Planning:** Guide and inform regional planning enabling each region of the State to experience appropriate growth based on its desires and assets.

Goal 3: **Preservation, Protection and Enhancement of Critical State Resources:** Ensure that strategies for growth include preservation, protection and enhancement of the State's critical natural, agricultural, scenic, recreation, and historic resources, recognizing their role in economic growth and the quality of life for New Jersey residents.

Goal 4: **Tactical Alignment of Government:** Prioritize effective resource allocation, coordination, cooperation and communication among entities that play a role in meeting the mission of this Plan.

To address the statutory requirement of the State Planning Act relative to coordinating planning activities, the State established a series of the following "Garden State Values" that are intended to advise the criteria for identification of "Priority Growth Investment Areas" throughout the State:

Value 1: Concentrate Development and Mix Uses

Value 2: Prioritize Redevelopment, Infill, and Existing Infrastructure

Value 3: Increase Job and Business Opportunities in Priority Growth Investment Areas

Value 4: Create High-Quality, Livable Places

Value 5: Provide Transportation Choice & Efficient Mobility of Goods

Value 6: Advance Equity

Value 7: Diversify Housing Opportunities

Value 8: Provide for Healthy Communities through Environmental Protection and Enhancement

Value 9: Protect, Restore and Enhance Agricultural, Recreational and Heritage Lands

Value 10: Make Decisions within a Regional Framework

The draft plan and the draft Infrastructure Needs Assessment was released for public comments and hearings later in 2011 and throughout 2012. Several public hearings were held and a vote had been scheduled in November, 2012 to adopt the plan; however, in light of the significant impact of Superstorm Sandy had on the State, the vote was postponed and, to this day, the State has not acted on the plan.

### 5.1 VISION FOR THE PROJECT AREA

This Redevelopment Plan seeks to respond to the closure of the Stop & Shop grocery store and to create a shared vision and implementation plan for the rehabilitation and/or redevelopment of the Project Area that would result in a new grocery store in the heart of Downtown Highland Park.

Additionally, this Redevelopment Plan seeks to implement the 2019 Master Plan Reexamination Report and Land Use Plan Element, which includes Land Use Goals to **Support a Thriving Downtown** and, if the opportunity arises, **Promote Housing Diversity** as well as a vision for the downtown area that seeks to leverage reinvestment, revitalization, infill, and redevelopment to expand opportunities for mixed-use development, support a walkable community with a vibrant, thriving downtown that recognizes the challenges of an e-commerce era. Furthermore, this Redevelopment Plan will assist in the community's continuing recovery from the COVID-19 pandemic.

As such, this Redevelopment Plan advances the above Master Plan Land Use Goals and vision for the downtown area by preparing a redevelopment plan utilizing the following strategies from the Master Plan:

- Custom-tailor infill/redevelopment;
- Expand the variety of active ground floor uses;
- Expand the Downtown resident customer base; and
- Encourage any level of upgrade and reinvestment.

To that end, the Borough has requested that this Redevelopment Plan be flexible so as to permit a range of possible rehabilitation and/or redevelopment scenarios that would be attractive to a wide range of potential grocery store operators and the local development community, together with a series of public benefits and improvements. Multiple preliminary concepts were prepared and shared at the Community Meeting in February, 2023, and have been incorporated into this Redevelopment Plan.

It should be noted that the preliminary concepts depicted on the following pages as Scenarios A, B and C are provided as illustrations of three (3) examples of the numerous ways that the Project Area can be rehabilitated and/or redeveloped.

## SCENARIO A



**Scenario A** contemplates the minimum level of investment in which the existing grocery store is rehabilitated, and may be altered and/or expanded to respond to a future store operator's needs. The concept includes and requires much-needed improvements to the vehicular circulation, pedestrian connectivity, parking areas, stormwater management, and the streetscape treatment along Raritan Avenue.

Improvements to vehicular circulation would include closure of the egress driveway exiting to Raritan Avenue, and the narrowing of the existing ingress driveway from Raritan Avenue. The driveway would lead to a texture-paved and/or raised shared space at the store's front entry, with curb bump-outs, bollards, and enhanced crosswalks, all of which would dramatically improve pedestrian safety. A continuous, uninterrupted walkway would be provided from South 5th Avenue, to the front of the grocery store and potentially through the Wells Fargo Bank parking area to South 4th Avenue. The parking area can be redesigned to be a one-way loop with angled parking and provided with improved buffer landscaping. By introducing the walkway crossing the site, patrons would be better protected from vehicular movements and allow them to safely navigate to both Wells Fargo Bank and the grocery store.

Finally, the parking area in front of the grocery store would be provided with an enhanced buffer along Raritan Avenue, separating the public sidewalk from the parking spaces. The enhanced buffer would consist of rain gardens, bioswales, and/or other Green Infrastructure, along with a low, decorative masonry wall and additional street furniture and landscaping compatible with the streetscape in front of the Park Town Center. The row of parking spaces closest to Raritan Avenue can incorporate Green Infrastructure by utilizing pervious paving and underground detention. Ultimately, these Green Infrastructure features can serve to alleviate the effects of stormwater runoff, reduce the urban heat island affect and buffer pedestrians utilizing the public sidewalk from parked vehicles.

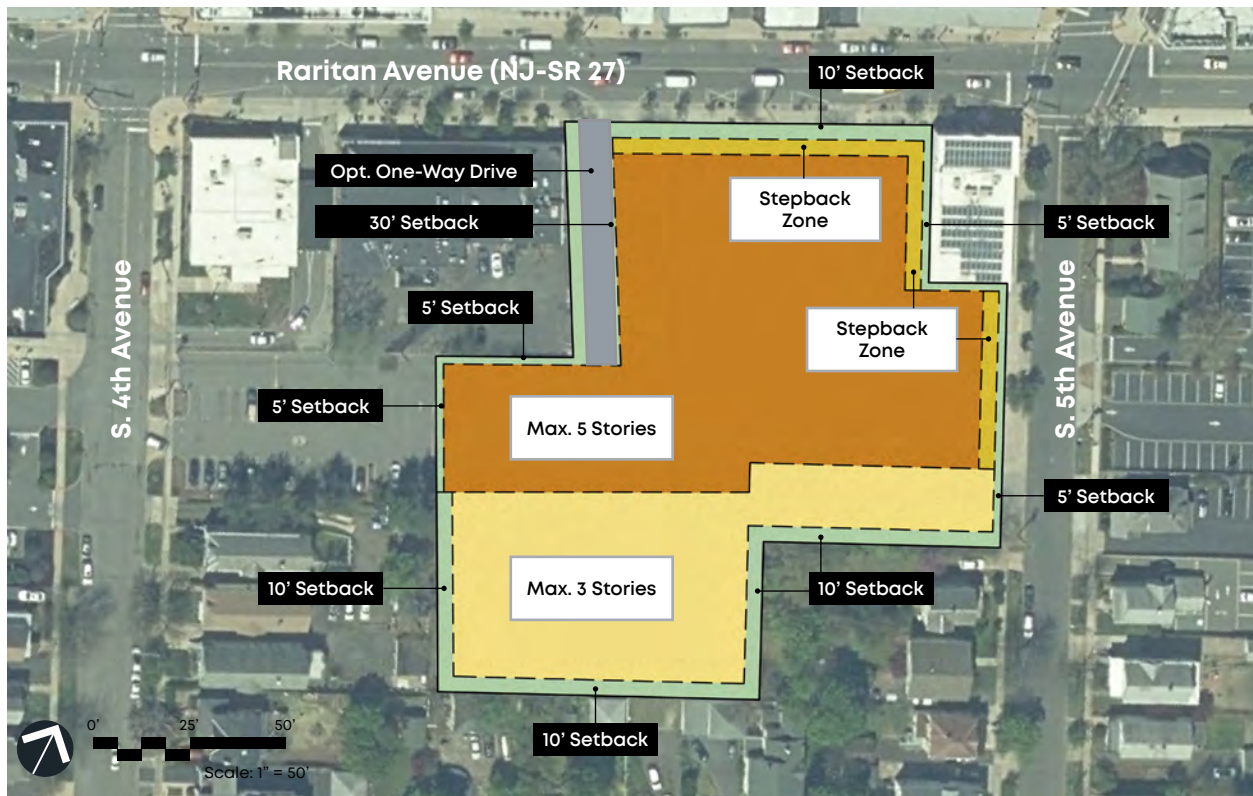
## SCENARIO B



**Scenario B** contemplates the rehabilitation of the grocery store and the construction of a new multi-story infill / liner mixed-use building along Raritan Avenue, as initially envisioned in the Master Plan. The new building consists of ground-floor commercial space and may include ground-floor residential amenity space, with residential units above. The new building “fills in” the street frontage along Raritan Avenue with businesses and residences in close proximity to adjacent shops, the grocery store, and everything the downtown area has to offer.

This scenario also incorporates the various vehicular circulation, pedestrian connectivity, parking areas, and stormwater management improvements contemplated in Possible Scenario A, with an alternative approach to the continuous pedestrian walkway crossing the site from South 5th Avenue to South 4th Avenue and the Wells Fargo Bank parking area, including consolidating two (2) drive aisles with a single drive aisle with walkways on both sides, and a defined driveway to serve the Park Town Center, which will enhance walkability in and around the site, and will add to a sense of place that the Project Area currently lacks. Generally speaking, the approach to Lots 34, 35, and 36 is interchangeable between Scenarios A and B, and may be applied to Scenario C.

## SCENARIO C



**Scenario C** contemplates a customized approach that would involve redevelopment of the entire grocery store property with a new mixed-use building containing a grocery store and expanded opportunities to live in the downtown area. The illustration above provides for a diagrammatic representation of the permitted building envelope, which is further defined by specific setback, step-back and height provisions that sensitively respond to the surrounding context, in comparison to the underlying zoning.

This scenario anticipates a new mixed-use building containing a new grocery store as a required use. The building would be required to front on Raritan Avenue, with multiple floors of residential units above and be permitted to be up to five (5) stories in height with a required step back to reduce the visual effect of the building's height along the streetscape. The rear of the building would be required to step down to no greater than three (3) stories in height, which is compatible with the 2 1/2 to 3 story residences adjacent to the rear of the site.

Parking would generally be provided in some form of a surface parking area, podium garage and/or underground parking, possibly in combination, of sufficient size to accommodate the needs of the grocery store use and residences. The building would be accessible by a narrow ingress driveway from Raritan Avenue, which may incorporate a drop off area or short-term parking, as well as from South 5th Avenue and South 4th Avenue. Loading for the grocery store use would be accessed from South 5th Avenue.

## 5.2 STATEMENT OF GOALS & OBJECTIVES

The Borough seeks to alleviate the conditions found in the Project Area and support use of property in the area which will better serve the public health, safety and welfare of the community and the region. To achieve this overall goal, the following general goals and objectives have been established:

- 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” and “area in need of rehabilitation.”
- B. The stimulation of private investment in the Project Area by assembling sites and assisting as necessary and appropriate to support such rehabilitation and redevelopment.
- C. The making available of the full range of benefits and inducements for the Project Area, including, federal, state, county and local government funding.
- D. 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, at-tracts residents to the area, and contributes to the continuing vitality of the Borough.

This Redevelopment Plan is also intended to advance the following specific goals and objectives as it relates to the Project Area:

- A. Support a thriving downtown by implementing a measured, flexible approach to ensure that the grocery store use can be reactivated as soon as possible.
- B. Explore expanding the customer base for the grocery store use and nearby businesses including providing for residential living opportunities in a mixed-use building in front of the existing grocery store, or on top of a proposed grocery store building, along the street.
- C. Facilitate the revitalization of the frontage condition surrounding the Project Area, including closing one or more driveways along Raritan Avenue, and generally improve the aesthetics and functionality of the streetscape, including creating Complete Streets.
- D. Improve driveway connectivity and the pedestrian experience, including context-sensitive driveway improvements, pedestrian connectivity such as a continuous sidewalk and crosswalks, and other potential traffic calming measures within the Project Area.
- E. Mitigate long-standing issues associated with and improve existing stormwater infrastructure and, to the extent practical, utilize stormwater best management practices, including green infrastructure and other sustainable design elements, within the Project Area.



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### 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:

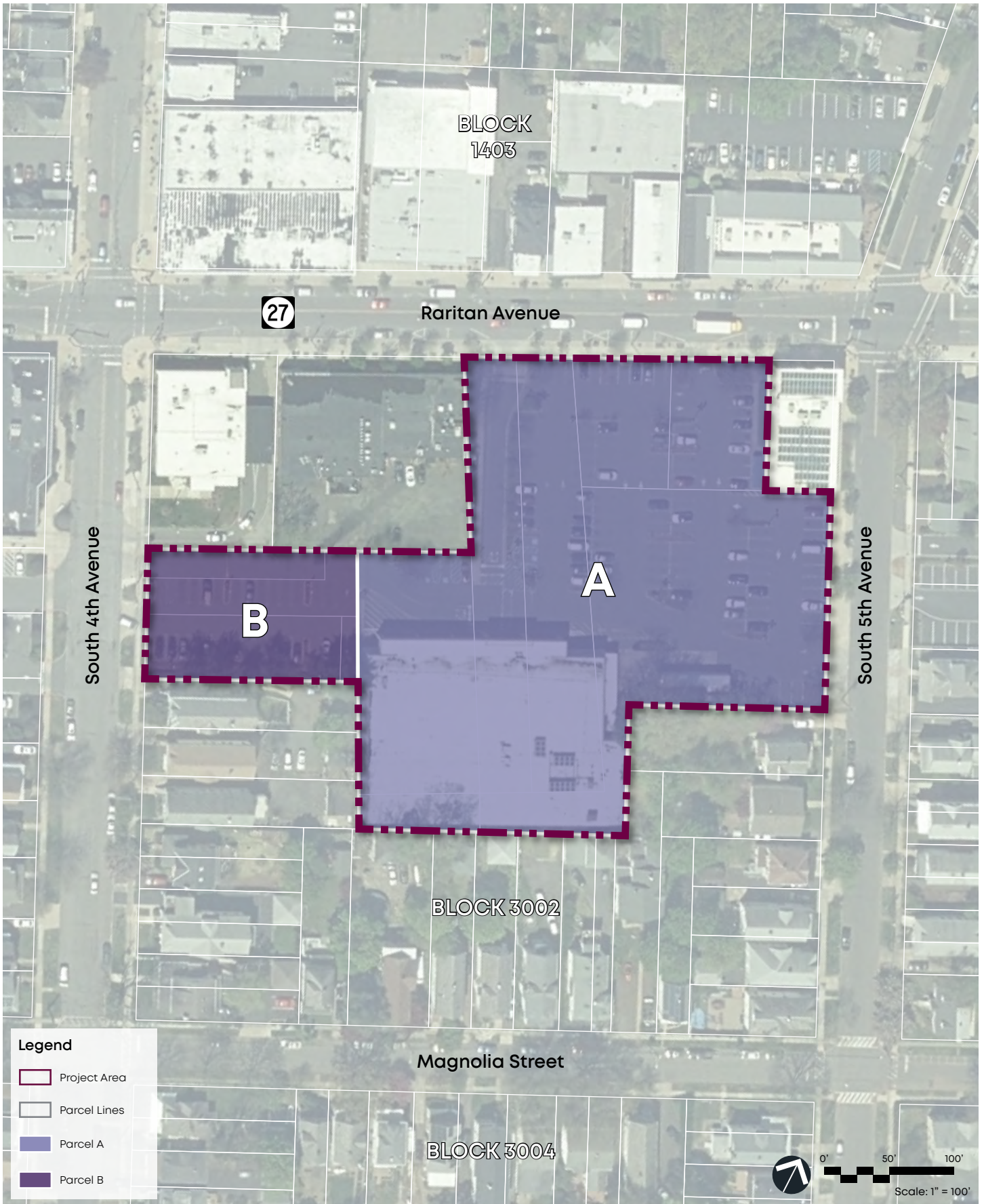
- A. The development, rehabilitation or redevelopment of the Project Area shall effectuate the Goals and Objectives of this Redevelopment Plan.
- B. The zoning standards as set forth in this Redevelopment Plan shall supersede the underlying zoning within the Project Area as provided for in N.J.S.A. 40A:12A-7c., and shall require the execution of a redevelopment agreement in order to apply.
- C. It is intended and expressly understood that any zoning regulations and any 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.

This Redevelopment Plan addresses multiple areas within the overall Project Area, each exhibiting differences in planned intensity and nature of development. As such, the Project Area is divided into the following areas (see Map 7):

- A. Parcel A: Block 3002, Lots 3, 4, 5, 6, 8, 30 and 37 pertaining to the rehabilitation of the existing building and/or redevelopment of the entire Parcel, and any associated parking area and pedestrian / bicycle infrastructure improvements.
- B. Parcel B: Block 3002, Lots 34, 35 and 36 as well as the stub public right-of-way pertaining to the potential parking area and pedestrian / bicycle infrastructure improvements..

Additionally, the regulations as prescribed herein shall apply to the boundaries of the above-defined Parcels as generally shown on Map 7, and not to individual lots that may be created as a result of a consolidation and/or subdivision. In the event there is any discrepancy between the boundaries of the Parcels as depicted on Map 7 and individual lots that may be created as a result of a consolidation and/or subdivision, the consolidation and/or subdivision shall control so long as the consolidation and/or subdivision does not substantially deviate from the general boundaries of each Parcel depicted on Map 7 and such consolidation and/or subdivision plan is approved by the Redevelopment Director and/or Redevelopment Entity prior to being filed with the Planning Board.

Map 7. Proposed Zoning Map



## 6.2 LAND USE REGULATIONS

The regulations 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:

1. Grocery stores with a gross floor area of at least 15,000 square feet, which shall be a required use in the Project Area.
2. Retail businesses, including, but not limited to, specialty and gift shops and boutiques.
3. Personal service establishments.
4. Indoor amusement businesses, including, but not limited to, arcades, axe-throwing, virtual reality, escape rooms and other activities.
5. Indoor recreation facilities, including dance studios, yoga studios, other instructional studios, physical fitness studios and fitness centers.
6. Spas, massage and somatic therapy establishments.
7. Banks and fiduciary institutions, including walk-up automated teller machines (“ATM”), but excluding drive-through banks.
8. Food and beverage consumption establishments, carry-out restaurants, luncheonettes and delicatessens, including outdoor dining and walk-up services, except drive-through restaurants.
9. Package stores, taverns, limited breweries, and brew pubs, including outdoor dining.
10. Artists, artisan and crafts-person studios and workshops, and similar creative workspaces and maker spaces.
11. Studios for the visual and performing arts, including, but not limited to, performance and gallery spaces, and artistic instruction space.
12. Museums and other cultural and civic facilities.
13. Public assembly facilities and spaces, theaters and cinemas, where the use is integrated into mixed-use buildings with another permitted use on the ground floor fronting on Raritan Avenue.
14. Offices, including, but not limited to, professional offices (e.g., physicians, lawyers, financial advisors or architects); commercial offices (e.g., realtors or travel agencies); and governmental offices (e.g., post office branch); and shared and co-working spaces, except individual office space on the ground floor directly fronting on Raritan Avenue.

15. Nursery schools and day-care centers.
16. Residential uses, except dwellings 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 be located on the ground floor.
17. Live/Work units, except that the “Live” portion of the unit shall not be located on the ground floor.
18. Pocket parks, plazas and courtyards.
19. Any other principal use and structure permitted in the underlying CBD Central Business District Zone, as may be amended from time to time.

### **6.2.2. Permitted Accessory Uses.**

- A. The following accessory uses and structures shall be permitted in the Project Area:
  1. Off-street parking, including parking structures under or attached to a permitted principal use, for residents, employees, customers, and/or the general public.
  2. Off-street loading.
  3. Plazas, courtyards, gardens, patios, pedestrian walkways, ramps, stairways, alleys and other similar type of public and semi-public spaces.
  4. Kiosks, including digital display screens.
  5. Street furniture, planters, and streetlights.
  6. Fences, walls, retaining walls, hedges and other landscape elements.
  7. Open trellis and other similar overhead shade/landscape structures.
  8. Outdoor cafes and outdoor dining structures.
  9. Sidewalk displays.
  10. Active and passive recreation facilities including fitness/recreation facilities, pools, courtyards, gardens, roof top terrace and other amenities for residents and/or hotel users.
  11. Property management and leasing offices services the uses in the Project Area.
  12. Refuse and recycling enclosures.
  13. Signage for uses on the site.
  14. Murals, banners, public art, community signage and digital display screens.

15. Other uses and structures deemed to be ancillary and customarily incidental accessory uses and structures with respect to uses permitted hereunder.

### **6.2.3. Permitted Conditional Uses.**

- A. The following conditional uses and structures shall be permitted in the Project Area:
  - 1.. Public utility facilities required to provide direct service of the utility to the consumers, such as transformers and pumping stations, but excluding warehouses, service or storage and treatment yards.
  2. Any other conditional use and structure permitted in the underlying CBD Central Business District Zone, as may be amended from time to time.

### **6.2.4. Temporary Uses.**

Temporary uses and events shall be permitted on an interim basis within the Project Area, subject to all of the terms in accordance with a Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.

## **6.3 AREA & BULK REGULATIONS**

The regulations 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 standards shall apply to Parcel A where the existing grocery store is renovated and may be altered and/or expanded, and where an infill liner building along Raritan Avenue may be constructed:

#### Area Requirements

1. There shall be no minimum lot area or lot dimension requirements.

#### Building Setback Requirements for Existing Grocery Store

2. Existing setbacks may be maintained; however, any alterations and/or additions to the existing building shall not be less than 10 feet from any property line.

#### Building Setback Requirements for Infill Liner Building

3. Minimum setback from Raritan Avenue: 0 feet.
4. Maximum setback from Raritan Avenue: 10 feet.
5. Minimum setback from easterly property line of Lot 2: 15 feet (if an ingress driveway is not utilized); 30 feet (if an ingress driveway is utilized).

6. Minimum setback from all other property lines: 5 feet.

Coverage Requirements

7. Maximum building coverage: 45%
8. Maximum impervious coverage: 90%

Height\* Requirements

9. Maximum building height in stories: 4 stories, except a fifth story fronting Raritan Avenue shall be permitted, provided that the fifth-floor façade is set back a minimum of 10 feet from the façade of the fourth floor below, as measured from Raritan Avenue.
10. Maximum building height in feet: 60 feet; 75 feet where a fifth story is provided in accordance with Section 6.3.1.A.9 above.

\*Height is defined in Section 6.4.2 below.

- B. The following area and bulk standards shall apply to Parcel A where the existing grocery store is demolished, and the entire Parcel is redeveloped:

Area Requirements

1. There shall be no minimum lot area or lot dimension requirements.

Building Setback Requirements

2. Minimum setback from Raritan Avenue: 10 feet, except all upper floors above the ground floor shall be set back a minimum of 20 feet.
3. Minimum setback from South 5th Avenue: 5 feet, except all upper floors above the ground floor shall be set back a minimum of 15 feet.
4. Minimum setback from easterly property line of Lot 2: 30 feet.
5. Minimum setback from westerly property line of Lot 7: 5 feet, except all upper floors above the ground floor shall be set back a minimum of 15 feet.
6. Minimum setback from all other property lines: 5 feet (if adjacent property does not contain a residential use); 10 feet (if adjacent property contains a residential use).

Coverage Requirements

7. Maximum building coverage: 85% (including parking structures or underground parking); 55% (excluding parking structures or underground parking).
8. Maximum impervious coverage: 90%

Height\* Requirements

9. Maximum building height in stories: 3 stories, except a fourth and fifth story fronting Raritan Avenue shall be permitted, provided that the fourth- and fifth-floor façades are set back a minimum of 50 feet from Lot 9 and a minimum of 125 feet from Lots 16, 17, 18, 20, 21, and 22.
10. Maximum building height in feet: 75 feet (as measured at the front of the building along Raritan Avenue); 45 feet (as measured at the rear of the building adjacent to Lots 9, 16, 17, 18, 20, 21, and 22).

\*Height is defined in Section 6.4.2 below.

C. The following area and bulk standards shall apply to Parcel B:

Area Requirements

1. There shall be no minimum lot area or lot dimension requirements.

Building Setback Requirements

2. Minimum setback from South 4th Avenue: match existing setback of Lot 33.
3. Minimum setback from northerly property line of Lot 33: 10 feet.
4. Minimum setback from all other property lines: 5 feet.

Coverage Requirements

5. Maximum building coverage: 65%
6. Maximum impervious coverage: 85% (for existing condition); 80% (for any application for development with proposed site improvements)

Height\* Requirements

7. Maximum building height in stories: 3 stories.
8. Maximum building height in feet: 45 feet.

\*Height is defined in Section 6.4.2 below.

## 6.4 SUPPLEMENTARY REGULATIONS

The regulations 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 four (4) feet into a side or rear yard setback.
- C. Cornices, eaves, chimneys, gutters, downspouts, cantilevered roofs, balconies and bay windows shall be permitted to project not more than three (3) feet from the building into any yard setback.
- D. Belt courses, windowsills and other similar ornamental features may project not more than one (1) foot into any yard setback.
- E. Ramps and stairways leading to a building entrance may project into any yard setback, provided that they do not encroach into the public right-of-way.
- F. Awnings and canopies may project not more than eight (8) feet into any yard setback, provided that they have a minimum vertical clearance of eight (8) feet and are set back a minimum of four (4) feet from the curb line along the parking area, driveway or street.

#### **6.4.2. 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 regulations 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.

### 6.5.1. Overall Circulation & Off-Site Improvements.

- A. The overall streetscape along Raritan Avenue, South 4th Avenue and South 5th Avenue shall be designed to enhance the public realm, by emphasizing pedestrian safety, accessibility, and connectivity throughout the Project Area, as envisioned by the Borough's Master Plan. The existing egress driveway exiting to Raritan Avenue shall be eliminated and the ingress driveway from Raritan Avenue, if utilized, shall be narrowed to not more than 12 feet in width (or additional width as may be required by any agency having jurisdiction).
- B. Any development that utilizes the existing grocery store shall provide for a texture-paved and/or raised shared space at the store's front entry, and shall include the following traffic-calming features: curb bump-outs, bollards and enhanced crosswalks. A continuous, uninterrupted walkway, not less than five (5) feet in width shall be provided from South 5th Avenue, to the front of the existing grocery store, to Parcel B, at which point, such walkway may be extended to South 4th Avenue.
  - 1. In the case where an infill building is not proposed, the existing parking area may continue to front along Raritan Avenue, provided that such parking area is suitably buffered and screened from public view. Such buffer shall be no less than 15 feet in width, consisting of an enhanced landscape buffer and may feature a low, decorative masonry wall and additional street furniture. Where an enhanced landscape buffer is utilized, such buffer shall contain multiple rows and/or layers of ground-level landscaping and shade trees, and shall include, to the extent practical, rain gardens, bio-retention swales and/or other Green Infrastructure elements. Where a low masonry wall is utilized, such shall be composed of materials, colors, finishes and/or design elements that are consistent with the architecture of the building and in accordance with the design vocabulary that is compatible and/or complementary of the design, style and character of other improvements within the downtown area. Parking spaces abutting the buffer shall include, to the extent practical, pervious paving and underground detention facilities.
  - 2. In the case where an infill liner building is proposed, all sides of the building shall be provided with intensive and extensive landscaping and/or layers of ground-level landscaping and shade trees, and shall include, to the extent practical, rain gardens, bio-retention swales, stormwater planter boxes, rain cisterns and/or other Green Infrastructure elements. Parking spaces abutting the infill liner building shall include, to the extent practical, pervious paving and underground detention facilities.
- C. Any development that redevelops the entire Parcel A shall provide for a new grocery store which shall primarily front and relate to Raritan Avenue. Underground, podium and/or above-grade parking structures shall be permitted, provided that any portion of the parking structure that is above grade is "wrapped" with a liner building to screen such structure from Raritan Avenue and South 5th Avenue. The existing egress driveway exiting to Raritan Avenue shall be eliminated and

the ingress driveway from Raritan Avenue, if utilized, shall be narrowed to not more than 12 feet in width (or additional width as may be required by any agency having jurisdiction). A limited number of reserved short-term parking/loading and/or accessible spaces may be provided along Raritan Avenue, South 5th Avenue and/or along an ingress driveway from Raritan Avenue to accommodate the daily needs of the grocery store use, other business uses and/or residents. Loading services including deliveries and trash/recycling shall be located at the rear of the grocery store, accessed from South 5th Avenue, the parking structure or rear parking/service area.

### 6.5.2. Parking Requirements.

- A. Parking requirements for non-residential uses shall be regulated as follows:
  - 1. The minimum parking requirement for a grocery store shall be one (1) parking space for each 400 square feet of gross floor area.
  - 2. The minimum parking requirement for office uses shall be one (1) parking space for each 500 square feet of gross floor area.
  - 3. The minimum parking requirement for all other non-residential uses shall be one (1) parking space for each 1,000 square feet of gross floor area.
- B. Parking requirements for residential uses shall be regulated as follows:
  - 1. The minimum parking requirement for residential uses shall be 1.33 parking spaces per dwelling unit, inclusive of live/work units.
  - 2. It is recognized that the residential parking requirements established herein are less than that 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 household characteristics, availability of mass transit, urban versus suburban location, and available off-site parking resources.
  - 3. Residential lease agreements shall include clauses such that tenants are required to park their vehicles within their assigned parking lot and may not park on nearby streets or adjacent private parking lots.
- C. Parking requirements may be reduced where it can be demonstrated to the satisfaction of the Planning Board that such reductions are justified by reason of the mix of uses, parking demands of specific uses, proximity public transportation and/or documented arrangements for shared parking supported by analyses consistent with the Urban Land Institute’s Shared Parking Analysis or other generally accepted standards applicable to shared parking.
- D. A portion of the total parking requirement for Parcel A may be satisfied off-site (including on Parcel B), provided that such parking spaces are located within 1,000

feet of the Project Area, and in accordance with a Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.

- E. Provisions for electric vehicle (“EV”) charging infrastructure and/or stations shall be provided on each Parcel 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.
- F. Provisions for bicycle parking shall be provided to accommodate a minimum of one (1) bicycle for every 10 parking spaces for non-residential uses and a minimum of one (1) bicycle for every dwelling unit for residential uses, with one or more of the following: indoor bicycle storage rooms, appropriately sized storage areas within the building, or on wall-mounted hooks, ceiling hooks or closets within a residential unit, and/or covered exterior bicycle rack(s). A minimum of 5% of bicycle parking for residential uses shall be provided on the exterior for guests.
- G. Bicycle parking requirements may be reduced where it can be demonstrated to the satisfaction of the Planning Board that use will not generate a need for such facilities, or where the anticipated need is less than what would be required under this section or can be accommodated on an adjacent Parcel within the Project Area or on adjacent property outside the Project Area.

### **6.5.3. Off-Street Parking Areas.**

- A. The following standards shall apply to Parcel A:
  - 1. An off-street parking area shall be permitted to be located between the existing grocery store and Raritan Avenue, provided that the parking area is set back a minimum of 15 feet from the property line along Raritan Avenue.
  - 2. An off-street parking area shall be permitted to be located between the existing grocery store and South 5th Avenue, provided that the parking area is suitably buffered and screened from public view along South 5th Avenue.
- B. The following standards shall apply to Parcel B:
  - 1. An off-street parking area shall be permitted to be located between the existing grocery store or a new building on Parcel A and South 4th Avenue, provided that the parking area is suitably buffered and screened from public view along South 4th Avenue.
- C. The following standards shall apply to all Parcels:
  - 1. The minimum parking stall size for parallel parking spaces, where provided, shall be 8’ wide by 23’ long.
  - 2. The minimum parking stall size for all other parking spaces shall be 9’ wide by 18’ long, except for accessible parking stalls and associated access aisles which shall be subject to standards promulgated by the Americans with Disabilities Act (“ADA”).

3. Parking stalls designated for compact cars, which shall be no less than 8' wide and no less than 16' long, shall be permitted provided that the total number of compact parking spaces does not exceed 10% of the total number of parking spaces provided on each Parcel.
4. The minimum driveway and parking area setback from any buildings, except for those areas necessary for off-street loading areas and servicing refuse and recycling areas, shall be 10 feet. Existing conditions along South 5th Avenue and adjacent to Lot 7 shall be permitted to remain at less than 10 feet.

#### **6.5.4. Parking Structures.**

- A. Vehicular access to parking structures shall be designed in a manner that does not negatively affect pedestrian circulation along a public street and/or within the Project Area.
- B. All facades of parking structures shall provide visual interest by utilizing one or more of the following treatments: compatible and/or complementary materials, colors, finishes and details as found on a primary façade or on surrounding buildings; exterior cladding in a vine-covered trellis; or landscape screening.

#### **6.5.5. Streets, Sidewalks & Crosswalks.**

- A. The Redeveloper shall restore the surface of the street to its original and proper condition to address existing conditions and those areas disturbed during construction.
- B. In order to accommodate potential redevelopment on Parcel B, the Borough may vacate the stub public right-of-way and, in such case, shall provide the necessary easements to maintain adequate public utilities and public access.
- C. A public sidewalk shall be provided within all street frontages within the Project Area. Where such sidewalk along the street extends beyond the public right-of-way onto private property, the Redeveloper shall be required to provide a public access easement for the portion of the sidewalk located on private property.
- D. Sidewalks shall be constructed of materials, colors and/or patterns consistent with the existing infrastructure. The sidewalk shall extend from the curb line to the building façade, with an area to accommodate a regular rhythm of street furniture, benches, bicycle racks, planters and/or other landscape features and street trees within the furnishing zone along the curb line and/or landscaping beds along the building façade.
- E. Planting strips between the curb line and the sidewalk and landscaping beds along the building façade, may, to the extent practical, be improved with Green Infrastructure elements. In no instance, however, shall a planting strip be permitted

to be covered with asphalt, concrete, other paving or loose stones of any variety.

- F. Where sidewalks intersect at driveways within any public right-of-way, sidewalks shall continue uninterrupted across driveways, and the associated driveway aprons shall be designed to accommodate a continuous sidewalk.
- G. Where sidewalks intersect at driveways within the Project Area, accessible ramps and detectable warning surface pads shall be provided. Pedestrian crosswalks shall be provided across the streets with “continental” or ladder striping, which shall be two (2) feet in width and a minimum of eight (8) feet in length, spaced two (2) feet apart.

#### **6.5.6. Pedestrian Walkways.**

- A. Walkways shall be provided in order to provide a pedestrian connection between sidewalks and entrances of buildings.
- B. Walkways shall be provided in order to provide a pedestrian connection between entrances of buildings and parking areas, outdoor amenity spaces and other pedestrian accessible locations.

#### **6.5.7. 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 nearby locations outside the building on the Parcel.
- B. Collection vehicles shall be able to access refuse and recycling facilities without interference from parked vehicles or other obstacles.
- C. Any exterior areas provided for the collection and pickup of refuse and recyclable materials shall be suitably buffered and screened from public view within or outside the Parcel. Such screening shall consist of a combination of landscaping and a three-walled masonry structure with a self-closing and self-latching gate. Such masonry structure and gate shall be composed of materials, colors, finishes, and/or design elements that are consistent with the architecture of the building and in accordance with the design vocabulary that is compatible and/or complementary of the design, style and character of other improvements within the Project Area.
- D. Any exterior areas provided for the collection and pickup of refuse and recyclable materials shall be adequately lit and shall be safely and easily accessible by users and recycling personnel and/or collection vehicles.
- E. Any receptacles or dumpsters located in exterior areas shall be covered and equipped with signage indicating the materials to be placed therein.
- F. Shared facilities shall be permitted, whether located on-site to accommodate off-site uses, or located off-site on adjacent property to accommodate on-site uses.
- G. The collection, disposal, recycling and transportation of solid waste shall be by private carters and shall be performed in accordance with the Code.

#### **6.5.8. Landscaping.**

- A. Street trees shall be provided at intervals of approximately 30 to 50 feet along Raritan Avenue and South 5th Avenue, whether existing or proposed. Any new street tree shall be a minimum size of three (3) inches in caliper at time of planting.
- B. Shade trees shall be provided within yard areas, along the perimeter of parking areas, and within landscape islands within 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. 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.
- D. Bollards, planters and/or other landscape features may be provided, where feasible, along pedestrian walkways adjacent to surface parking areas. Such bollards shall be spaced between three (3) to five (5) feet apart and shall be architecturally compatible with the style of the building.

#### **6.5.9. Lighting.**

- A. Street lighting shall be provided along Raritan Avenue and South 5th Avenue, whether existing or proposed. The type of fixture shall be consistent with the other fixtures utilized elsewhere in the downtown area.
- B. All parking and pedestrian areas shall be provided with pedestrian-scale light fixtures.
- C. 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.
- D. All fixtures shall be appropriately shielded and, where attached to a building, such shall be focused downward.
- E. All fixtures shall be LED, non-glare, full cut-off and shall not exceed a color temperature of 3,300K.

#### **6.5.10. Signage.**

- A. All signage shall be indicated in a comprehensive sign package, including, but not limited to, free-standing or building-mounted vertical landmark signage along Raritan Avenue, wall-mounted, blade, canopy, awning, directional and all other contemplated signage, which shall be addressed in accordance with any Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.

### 6.5.11. Utilities.

- A. All development shall be serviced with public, potable water and sanitary sewer, along with electric, natural gas, telephone, and cable service; all utilities shall be placed underground to the extent practical.
- B. Any existing infrastructure or utilities servicing the Project Area that are in need of repair or replacement shall be addressed in accordance with any Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.

### 6.5.12. 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 any 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.

### **6.5.13. Building Design.**

- A. All development shall address the following building design standards in accordance with any 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.
  2. The building shall be composed of an articulated base, body, and cap across the entire façade. Each element shall be traditionally proportionate to the overall horizontal and vertical dimensions of the façade.
  3. The ground floor shall be comprised of a regular rhythm of storefront bays and window treatments such that the ground floor façade along the street is predominately glazed. The glazing materials shall be highly transparent,

with low reflectivity. The area above the storefronts shall be articulated with an articulated lintel composed of detailed layers of relief that create depth and shadow.

4. The architectural treatment of a facade or roof shall be completely continued around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with the style, materials, colors and details of the front façade.
5. All materials, colors, finishes and/or details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with adjacent buildings within the Project Area. A building designed of an architectural style that normally includes certain integral features, materials, colors, finishes and/or details shall have such incorporated into the design of such building.
6. Permitted building materials for street-facing exterior wall surfaces shall primarily consist of dimensional brick and/or fiber cement siding and may include smooth finished stucco and metal. Trim materials may consist of precast stone, wood, fiber cement and PVC. Vinyl, cultured stone and EIFS are not permitted building materials.
7. Any mechanical equipment and HVAC units shall be located either on the ground in the side or rear yard area or 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.

#### **6.5.14. Sustainable Design.**

The following standards shall be addressed in accordance with a Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.

- A. All development shall incorporate multiple elements from the following Sustainable Design strategies or features, which shall be addressed in accordance with any 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

#### **6.5.15. Accessibility & Universal Design.**

- A. All development within the Project Area shall comply with federal, state and local requirements regarding accessibility.
- B. All development within the Project Area is encouraged to utilize Universal Design techniques and strategies to create public and private spaces that are equally accessible to all people, regardless of age and abilities. This approach is intended to facilitate equitable design that is flexible, simple, intuitive, perceptible, has tolerance for error, utilizes low physical effort and appropriate for the intended use.
- C. All development shall incorporate multiple elements from the following Universal Design techniques and strategies, which shall be addressed in accordance with

any Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper:

1. Handicap-accessible ramps, where necessary, should be integrated in the site and building design to create a dignified, non-discernable and inclusive access point that facilitates mobility for all users.
2. Handicap-accessible on-street parking spaces, where provided, should be located to minimize travel distances to public spaces and building access points.
3. At least one automated door (via pushpad or other means of activation) to a main access point should be provided.
4. No-step ( $\frac{1}{4}$  to  $\frac{1}{2}$  inch thresholds) access to access points, patios, balconies and terraces should be provided to the extent practical.
5. Doorways should be specified to have at least 34-inch-wide clear openings, with door handles located between 34 and 38 inches above the floor.
6. Hallways should be designed to have at least 42-inch-wide clearances, with all controls, switches and outlets within the comfortable reach zone of between 24 and 48 inches above the floor.
7. Counters, where provided, should be designed at different heights.
8. Kitchen areas, where provided, should include cabinetry or areas that allow for a user to work in a seated position.
9. Laundry appliances, where provided, should be front-loaded.
10. Signage should be provided throughout, within sight lines and in alternate languages, in addition to English.

## **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 Project Area. Where a portion of the on-site parking facilities are anticipated to be shared with the public, those parking spaces to be shared with the public are encouraged to be provided with public EV charging infrastructure and stations.

Provisions for the development of public EV charging infrastructure and stations shall be addressed in accordance with any Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.

## **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 any Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.

### 7.1 DEFINITIONS

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

### 7.2 REDEVELOPMENT ENTITY

The Borough Council shall act as the “Redevelopment Entity” pursuant to N.J.S.A. 40A:12A-4.c for purposes of implementing and carrying out this Redevelopment Plan. In doing so, the Borough Council shall have the powers set forth in N.J.S.A. 40A:12A-15 and N.J.S.A. 40A:12A-22, and all other relevant statutes and regulations to effectuate all of its duties and responsibilities in the execution and implementation of this Redevelopment Plan.

### 7.3 REDEVELOPER SELECTION

Pursuant to N.J.S.A. 40A:12A-8 and upon adoption of this Redevelopment Plan, the Redevelopment Entity may select a single “Redeveloper” or multiple Redevelopers for the rehabilitation and/or redevelopment of the Project Area or portion thereof. Any private Redeveloper(s) wishing to avail itself of the opportunities set forth in the LRHL will be required to contact the Redevelopment Entity to present its proposal.

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 additional criteria that demonstrate the Redeveloper’s ability to implement the goals and objective of this Redevelopment Plan.

### 7.4 REDEVELOPMENT AGREEMENT

Once a Redeveloper has been selected, the Redevelopment Entity shall enter into a “Redevelopment Agreement” with the Redeveloper 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 the LRHL and this Redevelopment Plan.

### 7.5 OBLIGATIONS OF THE REDEVELOPER

All property within the Project Area must be developed in accordance with the requirements of this Redevelopment Plan, and all applicable provisions of the Ordinance and the MLUL.

### 7.6 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.

## **7.7 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.

## **7.8 PROPERTY ACQUISITION**

The Project Area has been designated as an “area in need of rehabilitation” and a “non-condemnation area in need of redevelopment.” 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). 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.

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

This Redevelopment Plan does not anticipate any property will be acquired by any government entity or utilizing government funds, by eminent domain or otherwise. Additionally, there are no residents that presently reside within the Project Area and the only existing business is voluntarily leaving the premises. Therefore, it is anticipated that there will be no displacement of either residents or businesses requiring a Workable Relocation Assistance Plan.

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.

## **7.10 DISCRIMINATION BAN**

No covenant, lease conveyance or other instrument shall be executed by the Redevelopment Entity or any Redeveloper whereby land or structures within the Project Area is restricted upon the basis of race, creed, color, gender, marital status, age, disability, familial status or national origin.

The termination of this Redevelopment Plan shall in no way permit the land or structures of the Project Area to be restricted on the basis of race, creed, color, gender, marital status, age, disability, familial status or national origin.

## **7.11 REPEAL & SEVERABILITY STATEMENTS**

All ordinances or parts of ordinances inconsistent with this Redevelopment Plan are repealed to the extent of such inconsistency only. If any provision or regulation of this Redevelopment Plan should be judged invalid by a court of competent jurisdiction, such order or plan shall not affect the remaining portions of this Redevelopment Plan which shall remain in full force and effect.

# 8

# DEVELOPMENT PLAN REVIEW

## 8.1 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.

## 8.2 APPLICATIONS FOR DEVELOPMENT

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. 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.

Preliminary and final site plan and/or subdivision applications for 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.

## 8.3 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 or subdivision application in accordance with the public notice requirements set forth in N.J.S.A. 40:55D-12(a) and (b).



## 8.4 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:

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.

Variances may be granted from applicable “Area and Bulk Standards” of this Redevelopment Plan or applicable provisions contained in Part 4 Zoning of the Ordinance. Consideration of such variances shall be undertaken pursuant to N.J.S.A. 40:55D-70.c.

Exceptions may be granted from applicable “Development and Design Standards” of this Redevelopment Plan or applicable provisions contained in Part 3 Performance Standards of the Ordinance. Consideration of such exceptions shall be undertaken pursuant to N.J.S.A. 40:55D-51.

Consideration of any request for waiver of submission requirements shall be undertaken pursuant to N.J.S.A. 40:55D-10.3.

## APPENDIX A: RESOLUTION 9-22-222

**BOROUGH OF HIGHLAND PARK  
NO. 9-22-222**

RESOLUTION AUTHORIZING LRK TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE IF BLOCK 3002, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 30, 34, 35, AND 37 ON THE BOROUGH'S TAX MAP SATISFIES THE LOCAL REDEVELOPMENT AND HOUSING LAW 'IN NEED' CRITERIA AND SHOULD BE DECLARED IN NEED OF REDEVELOPMENT WITHOUT CONDEMNATION POWERS AND PREPARE A REDEVELOPMENT PLAN FOR SUCH AREA

**WHEREAS**, the Local Redevelopment and Housing Law (the "**LRHL**"), N.J.S.A. 40A:12A-1 et seq., as amended and supplemented authorizes municipalities to determine whether certain parcels of land within the municipality constitute an area in need of redevelopment; and

**WHEREAS**, the Borough Council has determined to authorize the Highland Park Planning Board (the "**Planning Board**") to conduct a preliminary investigation of the grocery store property and certain other parcels adjacent to same identified on the Borough Tax Maps as BLOCK 3002, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 30, 34, 35, and 37, along with all streets and rights of way appurtenant thereto (collectively, the "**Study Area**") to determine whether all or a portion of the Study Area meets the criteria set forth in the LRHL, and whether all or a portion of said Study Area should be designated as an area in need of redevelopment; and

**WHEREAS**, the Study Area is currently designated as an "area in need of rehabilitation"; and

**WHEREAS**, because the Study Area is currently in an "area in need of rehabilitation" the Borough Council also authorized the preparation of a redevelopment plan; and

**WHEREAS**, LRK provided the Borough with a proposal, attached hereto as Exhibit A (the "**Area in Need Study Proposal**"), setting forth the manner and costs of the preparation of an area in need study for the Study Area; and

**WHEREAS**, LRK provided the Borough with a proposal, attached hereto as Exhibit B (the "**Redevelopment Plan Proposal**"), setting forth the manner and costs of the preparation of a redevelopment plan for the Study Area; and

**WHEREAS**, the Borough wishes to enter into an agreement with LRK for a term to expire either within one (1) year after the effective date of such agreement, or upon the completion the area in need study for the Study Area, whichever is earlier, and for a contract amount not to exceed Seventeen Thousand Dollars (\$17,000.00), to be paid in accordance with the rates set forth in the Area in Need Study Proposal; and

**WHEREAS**, the Borough wishes to enter into an agreement with LRK for a term to expire either within one (1) year after the effective date of such agreement, or upon the completion of a redevelopment plan for the Study Area, whichever is earlier, and for a contract amount not to exceed Thirty-Six Thousand Dollars (\$36,000.00), to be paid in accordance with the rates set forth in the Redevelopment Plan Proposal; and

**WHEREAS**, the Borough hereby certifies that it has funds available to compensate LRK for the preparation of an area in need study and the preparation of a redevelopment plan for the Study Area in Account No. C-04-55-814-001 for an amount not to exceed \$53,000, as reflected by the certification of funds by the Chief Financial Officer, no. 2022-33; and

**WHEREAS**, said services are of a professional nature as to come within the purview of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., as being contracts for rendition of professional services that do not require competitive bidding; and

**WHEREAS**, notice of the award of these contracts shall be published in a newspaper of general circulation in accordance with N.J.S.A. 40A:11-5(1)(a)(i),

**NOW THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Highland Park, New Jersey:

**Section 1.** The foregoing recitals are hereby incorporated by reference as if fully repeated herein.

**Section 2.** The Borough Council hereby authorizes a professional services contract with LRK for a term to expire either within one (1) year after the effective date of such agreement, or upon the completion of the area in need study for the Study Area, whichever is earlier, and for a contract amount not to exceed Seventeen Thousand Dollars (\$17,000.00), to be paid in accordance with the rates set forth in the Area in Need Study Proposal, all subject to the terms and conditions of the Borough's form professional services agreement.

**Section 3.** The Borough Council hereby authorizes a professional services contract with LRK for a term to expire either within one (1) year after the effective date of such agreement, or upon the completion of a redevelopment plan for the Study Area, whichever is earlier, and for a contract amount not to exceed Thirty-Six Thousand Dollars (\$36,000.00), to be paid in accordance with the rates set forth in the Redevelopment Plan Proposal, all subject to the terms and conditions of the Borough's form professional services agreement.

**Section 4.** The Mayor is hereby authorized and directed to execute professional services contracts in the form of the Area in Need Study Proposal and Redevelopment Plan Proposal attached hereto as Exhibit A and Exhibit B, with such changes, omissions or amendments as the Mayor deems appropriate in consultation with the Borough's counsel and professionals.

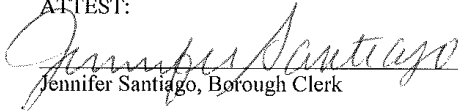
**Section 5.** The Borough Clerk is hereby authorized and directed, upon execution of the Area in Need Study Proposal and Redevelopment Plan Proposal in accordance with Section 4 hereof, to attest to the signature of the Mayor upon such documents and is hereby further authorized and directed to affix the corporate seal of the Borough upon such documents.

**Section 6.** This Resolution shall take effect immediately.

**Section 7.** A copy of this resolution shall be filed in the Office of the Borough Clerk.

ADOPTED: September 6, 2022

ATTEST:

  
Jennifer Santiago, 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 the 6<sup>th</sup> day of September 2022.

\_\_\_\_\_  
Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				✓
Foster	✓			
George	✓			
Hale	✓			
Hersh	✓			
Kim-Chohan				✓

