



The Borough of Hightstown Planning Board

156 Bank Street, Hightstown, New Jersey 08520
609-490-5100, extension 617

PLANNING BOARD MEETING AGENDA

December 9, 2019 – 7:30 P.M.

Meeting called to order by Chairman Fred Montferrat

PLEASE TURN OFF ALL CELL PHONES DURING YOUR ATTENDANCE AT THIS MEETING TO AVOID SOUNDS/RINGING OR CONVERSATIONS THAT MAY INTERFERE WITH THE RECORDING OR THE ABILITY OF ATTENDEES TO HEAR THE PROCEEDINGS. THANK YOU FOR YOUR COOPERATION.

STATEMENT: Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Laws 1975, Chapter 231. Said notice was advertised in the Trenton Times and Windsor-Hights Herald as required by law and is posted in the Borough Clerk's Office.

Flag Salute

Roll Call – Planning Board

Approval of Agenda

Approval of Minutes November 12, 2019 Regular Meeting

Public Comment

HEARINGS:

- 1) Application #2019-05 – Americana Hospitality Group, Block 7, Lots 40.02 and 41 – Preliminary & Final Site Plan Approval
- 2) Application #2019-07 – JKAMQSR, LLC – Amendment to Approved Site Plan, Block 26, Lot 22.01, 119 Franklin Street
- 3) Proposed Condemnation Redevelopment Area: Bank Street Redevelopment Expansion II

Old Business

New Business

Committee and Professional Reports

Chairman and Board Member Comments

Adjournment

Hightstown Planning Board
Regular Meeting
November 12, 2019, 7:30 p.m.

OPEN SESSION

Fred Montferrat, Chairman, called the meeting to order at 7:32 p.m. and read the Open Public Meetings Act statement: "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the Trenton Times and the Windsor-Hights Herald and is posted in the Borough Clerk's office."

Flag Salute

Roll Call

	PRESENT	ABSENT	LATE ARRIVAL
Mr. Montferrat, Chairman	X		
Mayor Quattrone	X		
Councilman Misiura	X		
Ms. Asselstine	X		
Ms. Colavecchio		X	
Ms. Jackson	X		
Mr. Rosenberg	X		
Mr. Searing	X		
Mr. Cicalese	X		
Mr. Balcewicz, Alt. #1		X	
Mr. Cabot, Alt. #2		X	

Also in attendance: Sandy Belan, Planning Board Secretary, Jolanta Maziarz, Planning Board Attorney Carmela Roberts, Planning Board Engineer and Brian Slaugh, Planning Board Planner.

APPROVAL OF AGENDA

Mr. Montferrat asked for a motion to approve the agenda. Motion made by Mayor Quattrone and seconded by Ms. Jackson to approve the agenda.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr. Rosenberg, Mr. Searing, and Mr. Cicalese. Mr. Balcewicz, Ms. Colavecchio and Mr. Cabot were absent. Motion passed 8-0.

APPROVAL OF MINUTES

Mr. Montferrat asked if there were any corrections or comments to the minutes of the October 15, 2019, Regular Meeting.

Motion made by Mr. Cicalese and seconded by Mr. Rosenberg to approve the October 15, 2019, Planning Board minutes.

Roll Call Vote: Mr. Montferrat, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr. Rosenberg, Mr. Searing and Mr. Cicalese. Mayor Quattrone abstained. Mr. Balcewicz, Ms. Colavecchio and Mr. Cabot were absent. Motion passed 7-0, one abstention.

PUBLIC COMMENT

Mr. Montferrat opened the floor for any public comments.

There being no comments, Mr. Montferrat closed the public comments.

MEMORIALIZE RESOLUTIONS

- 1) Resolution #2019-11 – Minor Subdivision with Variances, 421 North Main St., Block 12, Lot 8, Application #2019-03

No additional comments or discussion.

Motion made by Mr. Misiura and seconded by Mr. Cicalese to adopt Resolution #2019-11 – Minor Subdivision with Variances, 421 North Main St., Block 12, Lot 8, Application #2019-03.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr. Rosenberg, Mr. Searing, and Mr. Cicalese. Mr. Balcewicz, Ms. Colavecchio and Mr. Cabot were absent. Motion passed 8-0.

- 2) Resolution #2019-12 - Preliminary & Final Site Plan Application, with Variances and Waivers, Peddie School, Swig Arts Center Addition, South Main St., Block 53, Lot 1.02, Application #2019-06

No additional comments or discussion.

Motion made by Mayor Quattrone and seconded by Mr. Searing to approve Resolution #2019-12 - Preliminary & Final Site Plan Application, with Variances and Waivers, Peddie School, Swig Arts Center Addition, South Main St., Block 53, Lot 1.02, Application #2019-06

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Ms. Asselstine, Ms. Jackson, Mr. Rosenberg, Mr. Searing, and Mr. Cicalese. Mr. Misiura abstained. Mr. Balcewicz, Ms. Colavecchio and Mr. Cabot were absent. Motion passed 7-0, one abstention.

OLD BUSINESS – NONE

NEW BUSINESS

- 1) Draft Preliminary Investigation of An Area in Need of Redevelopment – Main Street Redevelopment Bank Street Sub-Area 1, Second Expansion, Block 8, Lots 12, 13 and 14; Block 18, Lots 8-12

Brian Slauch reviewed the draft which the Planning Board received via email prior to the meeting (attached).

Overview – This pertains to the new developer for the Rug Mill property and their plans for redevelopment. Current owners, PRC Group, have also purchased the house on the corner of Academy and Bank St. (Block 8, Lot 12) – which they plan to use as a community center. Also considering townhouses on one side (Bank St.) which would face across Bank St. to the other townhouses previously approved with the prior developer.

We are also looking at the criteria that might apply to this municipal property, which is five lots – Area in Need of Condemnation Redevelopment. The Borough is moving ahead with the development of the YMCA for municipal offices.

The Historic Society property would be a logical place to have additional redevelopment which goes along with the Phase II of the Rug Mill. The Historic Society needs additional space (storage, etc.).

First Aid Squad Building is obsolete – many different levels which are not handicap accessible, lack of storage and funds to improve the building. It would be better served by a new facility. Deed for this property – was originally JCP&L property used for servicing power grid in the area. Property does not meet modern EMS standards. If the first aid squad vacates that property, it reverts back to JCP&L. There is a title issue that impedes the ability to put redevelopment in place there. The redevelopment attorney is reviewing the question of whether municipalities can condemn public utility land.

Municipal properties are eligible based on Criterion C – Land that is owned by the municipality, the county, a local housing authority...”

Hightstown Borough is also in a “smart growth” area, which was identified in the State plan. We are under a number of different criteria in the local redevelopment housing law. In my opinion the additional land to be added to the Bank Street Subarea would qualify.

A Public Hearing will be scheduled for the December 9, 2019 Meeting. Notices of the Hearing will run in the newspapers twice (November 22 and November 29) and all property owners (Hightstown Borough, PRC Group and First Aid Squad) will be mailed a certified and regular Notice of Hearing at least ten days prior to the December 9th Meeting.

Mr. Slaugh reviewed the hearing process – sworn testimony by Mr. Slaugh followed by questions from the public and the Planning Board. Finding of facts will be forwarded to the Borough Council for their action

There is a resolution with Council to add the additional properties. The resolution will be acted upon by the time we have the public hearing. The current Resolution #2019-122 dated June 17, 2019, does not include the additional municipal properties.

Ms. Roberts and Mr. Slaugh will review Sub Area 3 for accuracy.

Mr. Slaugh reviewed the benefits of designating areas as redevelopment and/or condemnation. Provides the municipality with tools to control what a developer does specifically. Also, allow municipality to give tax benefits to developers as an incentive to build.

- 2) Zoning Map – Extend zone per 2014 Master Plan Re-Examination Report (8/11/2014) - Expansion of the proposed new DTC and DTG lots. September 2019 Revised Zoning Map is based on

Ordinance 2019-15 – An Ordinance of the Borough of Hightstown Re-Zoning Certain Properties, Adopting an Updated Zoning Map, and Amending and Supplementing Chapter 28, “Zoning,” of the “Revised General Ordinances of the Borough of Hightstown adopted October 21, 2019.

The consensus of the Planning Board is that a new ordinance be adopted by the Borough Council that would be consistent with the 2014 Proposed Zoning Map extending the DTC and DTG as noted in the 2014 Master Plan Re-Examination Report and remove the GR zone, which is no longer applicable.

Brief discussion of formed based zoning and Route 33 Corridor – possible discussion next year.

3) Undersized Vacant Lots

Mr. Slaugh – as currently written, it does not have a lot threshold. This theoretically could apply to any size lot.

Mr. Montferrat noted that would be determined by Zoning Officer.

Ms. Maziarz informed the Board that there is a theory of merger – if two lots are in common ownership and they are not buildable lots (undersized lots), they merge by operation of law. Unless they were subdivided at some point, where it was legal to have tiny lots and after the map filing law was in effect. Subdivisions that were done by plat, do not merge. The old lots that were created, if they are in common ownership the law says they merge, and it is up to the property owner to show that they have not merged for some reason.

Mr. Misiura – George Chin, Zoning Office, was seeing small lots scattered throughout the Borough not under common ownership. Undersized lots – R-4 Lincoln, Hutchinson, Morrison, Mercer and Academy Streets; R-3 Stockton – lots that do not meet the bulk size requirement. Provide some relief for these homeowners.

Proposed Ordinance Change for Undersized Vacant Lot, Subsection 28-28-2 Continuation; Enlargement; Rebuilding; Change of Use – Planning Board suggested the following minor changes to the ordinance:

- a) k. Owners of existing undersized vacant lots, as of the date of the adoption of this ordinance, can avoid appearing before the Planning Board for a Bulk Variance to build a new house if they meet all of the following conditions...
- b) #6. The proposed house and accessory structure will be reviewed ~~is approved~~ by the Planning Board Architectural Review Committee.
- c) #7. The proposed house and accessory structure will be reviewed ~~is approved~~ by the Hightstown Historic Preservation Commission.

Committee and Professional Reports

Mr. Slaugh informed the Board that the Habitat for Humanity two townhouses on South Academy Street – require street trees to be planted between the sidewalk and curb. This is a narrow planting strip which cannot accommodate trees in that strip. Instead the trees (ornamental or medium-sized trees) will be

planted in the front yard. The Environmental Commission has approved. This was a condition by the prior Planner.

Ms. Maziarz - Governor Murphy signed a new law which to encourage municipalities to plan for electric vehicle infrastructure. The law amends the Municipal Land Use Law (MLUL) to include as a required land use element of the municipal master plan, "showing the existing and proposed location of public electric vehicle charging infrastructure."

Mr. Cicalese – The Complete Street Committee will be meet with Ms. Roberts on Wed., November 13, to discuss 2020 projects. Borough received Silver Certification for Safe Routes to School. Mr. Cicalese was elected to the Borough Council. This will be his last Planning Board meeting.

Ms. Asselstine – A Mobility Plan Kick Off will be held next month.

Chairman and Board Member Comments

Ms. Asselstine – properties on Franklin Street to the Borough line over to Maxwell are being sold. These properties are in the downtown gateway and these properties should be maintained.

There being no further business Mr. Montferrat asked for a motion to adjourn. Motion made by Ms. Asselstine and seconded by Mr. Cicalese. All ayes. Meeting adjourned at 8:56 p.m.

Respectfully submitted,

Sandra Belan
Planning Board Secretary

BOROUGH OF HIGHTSTOWN
156 BANK STREET
HIGHTSTOWN, NJ 08520
609-490-5100, ext. 617

PLANNING BOARD APPLICATION



The applicant must submit 21 copies of the completed application and plans; see checklist for sizes.

The application, with supporting documentation, must be filed with the Planning Board Secretary no less than 31 days prior to the meeting at which the application is to be considered.

NOTE: Some applications may be subject to additional fees, please refer to Chapter 26, Section 10, "Land Use" in the Revised General Ordinances of the Borough of Hightstown

To be completed by Borough Staff

Dated Filed: 7/3/19 Application Number: 2019-05
Application Fees: None Escrow Deposit: None
Scheduled for: \$750 #2728 \$6,000 #3185 9/30/19
Review for Completeness: _____
Hearing Date: 12/9/19

1. APPLICANT

Name: Americana Hospitality Group
Address: 359 US Route 130 North
East Windsor, NJ 08520
Telephone: 609-273-6406
Fax: 609-371-8361
E-mail: _____
Mailing Address: same as above

Applicant is a: ☐ Corporation ☐ Partnership ☐ Individual ☒ Limited Liability Corp.

Corporations must be represented by an attorney

Attorney's Name: Mark S. Shane, Esq. of Shane and White, LLC
Address: 1676 Route 27
Edison, NJ 08817
Telephone: 732-819-9100

If the applicant is a corporation or partnership, please attach a list of the names and address of all persons having a 10% interest or more in the corporation or partnership.

2. The relationship of the Applicant to the property in question is:

☐ Owner ☒ Lessee ☐ Purchaser (under contract) ☐ Other, specify

3. If owner is other than applicant, provide the following information:

Owner: Borough of Hightstown
Owner's Address: 148 N. Main Street
Hightstown, NJ 08520
Telephone: 609-443-5100

4. Type of Application (check all that apply)

A. ☒ SITE PLAN

☐ Waiver ☒ Preliminary ☒ Final
☐ Amendment to an Approved Site Plan

B. ☐ MINOR SUBDIVISION

☐ Preliminary ☐ Final

Number of lots to be created including remainder lot _____

C. ☐ MAJOR SUBDIVISION

☐ Preliminary ☐ Final

Number of lots to be created including remainder lot _____

D. ☒ VARIANCE

☐ Hardship ☐ Use ☒ Substantial Benefit

Section(s) of Ordinance from which a variance is requested:

E. ☐ Conditional Use

F. ☐ Conceptual Review

G. ☐ Appeal decision of an Administrative Officer

H. ☐ Interpretation of Map or Ordinance

I. ☒ Other

Please specify: Amended Final Site Plan: 1) Reconfigured island within the
parking lot to save the existing 36" maple tree. The island also allowed the
existing transformer which services the diner to remain, 2) Minor circulation
change due to the reconfigured island mentioned in #1.

East Windsor has already approved the Amended Final Site Plan.

5. Explain in detail the exact nature of application: Client is seeking to develop the property adjacent to
the Americana Diner for a day care, offices, restaurant, fitness center, etc. Applicant seeks to utilize the
parking on the Borough property for parking.

6. Waivers requested of Development Standards and/or Checklist Requirements: None

7. Subject PROPERTY

A. Address: _____

B. Block 7 Lot(s) 40.02 & 41

C. Zoning District R-3

D. Is the subject located on a:

☐ County Road ☐ State Road

☒ Within 200 feet of a Municipal Boundary

E. Use of Property:

Existing: for parking

Proposed: _____

F. Are there any existing or proposed deed restrictions, easements, right-of-ways or other dedication? ☒ NO ☐ YES (Attach Copies)

G. List all maps and other exhibits accompanying this application.

Set of plans consisting of cover sheet, existing conditions sheet, 200' surrounding areas plan, overall plan, geometry plan, grading and utility plan, landscaping plan, lighting plan, soil erosion & sediment control plan, woodlands management plan, utility profile and detail sheets.

8. Applicant's PROFESSIONALS

A. ENGINEER Menlo Engineering Associates, Inc.

Address 261 Cleveland Avenue

Highland Park, NJ 08904

Telephone 732-846-8585

Email _____

Fax _____

- B. PLANNING CONSULTANT Christopher J. Zehnder – Zen Architecture and Engineering of Southern NJ
 Address 617 Stokes Road, Suite 4-180
Medford, NJ 08055
 Telephone 908-578-7609
 Email _____
 Fax _____
- C. TRAFFIC ENGINEER N/A
 Address _____

 Telephone _____
 Email _____
 Fax _____
- D. ARCHITECT Ricardo Perez, AIA, Perez & Radosti, Associates, PC
 Address 379 Princeton Hightstown Road, Suite 309
Cranbury, NJ 08512
 Telephone 609-308-7706
 Email _____
 Fax _____
- E. List any other expert who will submit a report or who will testify for the Applicant.
 Name: _____
 Field of Expertise: _____
 Address _____

 Telephone _____
 Email _____
 Fax _____

9. The Applicant hereby requests that copies of the reports of the professional staff reviewing the application be provided to the following of the Applicant's professionals:

APPLICANT'S PROFESSIONALS

Mark S. Shane
Greg Oman or Chris Szalay
of Menlo Engineering

REPORTS NEEDED

ALL
ALL
ALL

10. ☐ Certification from the Tax Collector that all taxes, water, sewer rents due on the subject property have been paid is provided.

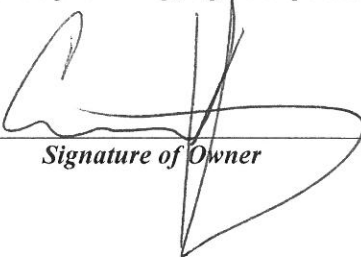
11. Attach a copy of the Notice that will appear in the official newspaper of the municipality and that will be mailed to owners of all real property, as shown on the current tax duplicate, located within 200 feet in all directions of the property which is subject of this application. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable.

THE PUBLICATION AND SERVICE OF THE AFFECTED OWNERS MUST BE ACCOMPLISHED **AT LEAST 10 DAYS PRIOR** TO THE DATE SCHEDULED BY THE ADMINISTRATIVE OFFICER FOR THE HEARING.

An affidavit of service on all property owners and proof of publication must be filed before the application will be complete and a hearing can proceed.

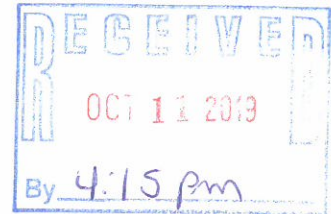
CERTIFICATION

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership applicant. (If the applicant is a corporation an authorized corporate officer must sign this. If the applicant is a partnership, a general partner must sign this.)



Signature of Owner

BOROUGH OF HIGHTSTOWN
156 BANK STREET
HIGHTSTOWN, NJ 08520
609-490-5100, ext. 617



PLANNING BOARD APPLICATION

The applicant must submit 21 copies of the completed application and plans; see checklist for sizes.

The application, with supporting documentation, must be filed with the Planning Board Secretary no less than 31 days prior to the meeting at which the application is to be considered.

NOTE: Some applications may be subject to additional fees, please refer to Chapter 26, Section 10, "Land Use" in the Revised General Ordinances of the Borough of Hightstown

To be completed by Borough Staff

Dated Filed: 10/11/19 Application Number: 2019-07
Application Fees: \$500 #1852 Escrow Deposit: \$500 #1853
Scheduled for:
Review for Completeness: _____
Hearing Date: 12/9/19

1. APPLICANT

Name: JKAMQSR, LLC
Address: 838 Green Street, Iselin, NJ 08830
Telephone: 908-930-9869
Fax: _____
E-mail: kaushik.patel@amqsr.com
Mailing Address: 838 Green Street, Iselin, NJ 08830

Applicant is a: ☒ Corporation ☐ Partnership ☐ Individual

Corporations must be represented by an attorney

Attorney's Name: George S. White
Address: 170 South Main Street
Hightstown, NJ 08520
Telephone: 609-448-0016

If the applicant is a corporation or partnership, please attach a list of the names and address of all persons having a 10% interest or more in the corporation or partnership.

2. The relationship of the Applicant to the property in question is:

☐ Owner ☒ Lessee ☐ Purchaser (under contract) ☐ Other, specify

3. If owner is other than applicant, provide the following information:

Owner: Hightstown Village Center, LLC

Owner's Address: 61 Bounty Lane, Key Largo, FL 33037

Telephone: _____

4. Type of Application (check all that apply)

A. ☒ SITE PLAN

☐ Waiver ☐ Preliminary ☐ Final

☒ Amendment to an Approved Site Plan

B. ☐ MINOR SUBDIVISION

☐ Preliminary ☐ Final

Number of lots to be created including remainder lot _____

C. ☐ MAJOR SUBDIVISION

☐ Preliminary ☐ Final

Number of lots to be created including remainder lot _____

D. ☐ VARIANCE

☐ Hardship ☐ Use ☐ Substantial Benefit

Section(s) of Ordinance from which a variance is requested:

E. ☐ Conditional Use

F. ☐ Conceptual Review

G. ☐ Appeal decision of an Administrative Officer

H. ☐ Interpretation of Map or Ordinance

I. ☐ Other

Please specify: _____

5. Explain in detail the exact nature of application: Amended Site Plan for exterior improvements and signage, including variance for signage. Variance requested for quantity of signs on a facade facing Broad Street.

6. Waivers requested of Development Standards and/or Checklist Requirements: checklist items 16, 17, 18, 19, 21, 22, 23, 24, 25, 27, 28, 29, 31, 32, 33, 36, 37, 42 – SEE CHECKLIST ATTACHED

7. Subject PROPERTY

A. Address: 119 Franklin Street, Hightstown, NJ

B. Block 26 Lot(s) 22.01

C. Zoning District CC-1

D. Is the subject located on a:

☐ County Road ☐ State Road

☐ Within 200 feet of a Municipal Boundary

E. Use of Property:

Existing: Krausers Convenience Store

Proposed: Convenience store with Dunkin Donuts Coffee, Donut and Baked
Goods Store

F. Are there any existing or proposed deed restrictions, easements, right-of-ways or other dedication? ☐ NO ☐ YES (Attach Copies)

G. List all maps and other exhibits accompanying this application.

Proposed Site Plan for Convenience Store and Dunkin – Tenant Fit Out at 119 Franklin
Street, Block 26, Lot 22.01, Hightstown, NJ prepared by gk+a Architects

Boundary & Topographic Survey Part of Lot 22.01, Block 26 prepared by
Gallas Surveying Group, Gregory S. Gallas, professional land surveyor

8. Applicant's PROFESSIONALS

A. ENGINEER _____
Address _____

Telephone _____
Email _____
Fax _____

B. PLANNING CONSULTANT_____

Address_____

Telephone_____

Email_____

Fax_____

C. TRAFFIC ENGINEER_____

Address_____

Telephone_____

Email_____

Fax_____

D. ARCHITECT gk+a Architects

Address 36 Ames Avenue, Rutherford, NJ 07070

Telephone 201-896-0333

Email_____

Fax 201-896-9469

E. List any other expert who will submit a report or who will testify for the Applicant.

Name:_____

Field of Expertise:_____

Address_____

Telephone_____

Email_____

Fax_____

9. The Applicant hereby requests that copies of the reports of the professional staff reviewing the application be provided to the following of the Applicant's professionals:

APPLICANT'S PROFESSIONALS

REPORTS NEEDED

10. ☒ Certification from the Tax Collector that all taxes, water, sewer rents due on the subject property have been paid is provided.

11. Attach a copy of the Notice that will appear in the official newspaper of the municipality and that will be mailed to owners of all real property, as shown on the current tax duplicate, located within 200 feet

in all directions of the property which is subject of this application. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable.

THE PUBLICATION AND SERVICE OF THE AFFECTED OWNERS MUST BE ACCOMPLISHED **AT LEAST 10 DAYS PRIOR** TO THE DATE SCHEDULED BY THE ADMINISTRATIVE OFFICER FOR THE HEARING.

An affidavit of service on all property owners and proof of publication must be filed before the application will be complete and a hearing can proceed.

CERTIFICATION

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership applicant. (If the applicant is a corporation an authorized corporate officer must sign this. If the applicant is a partnership, a general partner must sign this.)



Signature of Owner



DRAFT

Preliminary Investigation of
An Area in Need of Redevelopment

Main Street Redevelopment

Bank Street Sub-Area 1

Second Expansion

Block 8, Lots 12, 13 & 14

Block 18 Lots 8 - 12

Hightstown Borough, Mercer County, New Jersey

_____, 2019

Prepared by:

Clarke Caton Hintz | 100 BARRACK STREET | TRENTON, NJ | 08608



Preliminary Investigation of an Area in Need of Redevelopment

Second Expansion of the Bank Street Sub-Area 1 of the Main Street Redevelopment Area

Block 8, Lots 12 - 14

Block 18, Lots 8 - 12

Hightstown Borough, Mercer County, New Jersey

Adopted pursuant to N.J.S.A. 40A:12A-1, *The New Jersey Local Redevelopment and
Housing Law*, as a Preliminary Investigation by the Planning Board on
_____, 2019

Implemented by the Borough Council by Resolution _____, adopted on _____,
2019.

Prepared for Hightstown Borough by

Clarke Caton Hintz, P.C.

Brian M. Slaugh, PP, AICP
Principal-in-Charge
NJPP License 3743

A signed and sealed original is on file in the Office of the Planning Board Secretary



Planning Board

Fred Montferrat, *Chair*

Lawrence Quattrone, *Mayor*

Steve Misiura, *Councilman*

Beverly Asselstine

Dodie Colavecchio

Ryan Rosenberg

Joanna Jackson

William Searing

Joseph Cicalese

Joseph F. Balcewicz, *Alt. 1*

Raymond Cabot, *Alt. 2*

Staff

Sandy Belan, *Board Secretary*

Jolanta Maziarz, Esq., *Board Attorney*

Carmela Roberts, PE, CME, *Borough
and Board Engineer*

Brian Slaugh, PP, AICP, *Borough and
Board Planner*

Clarke Caton Hintz

Brian Slaugh, PP, AICP, *Principal in
Charge*

Donna Miller, PP, AICP, CFM

Melissa McMullen

Christian Kuhn, LLA, ASLA



TABLE OF CONTENTS

Introduction and Executive Summary	1
Statutory Authority and Process	2
Study Area Description	2
Tax Lots: Bank Street Sub-Area 1 Redevelopment Area Map.....	3
Environmental Constraints	4
Environmental Constraints: Bank Street Redevelopment Sub-Area 1 Area Map.....	5
Redevelopment Defined.....	6
Application of Redevelopment Criteria to the Study Area	6
Criterion “C”	7
Criterion “D”	9
Criterion “E”	11
Criterion “H”	11
Redevelopment Area Designation in the Alternative.....	13
Recommendation	13
Subsequent Procedural Steps	14
Public Hearing.....	14
Planning Board Recommendation to Borough Council.....	14
Redevelopment Plan.....	14
Appendix A: Resolution 2019-122	15
Appendix B: Resolution 2019-____	16
Appendix C: Resolution 2019-____	17



INTRODUCTION AND EXECUTIVE SUMMARY

The Borough Council of Hightstown directed the Planning Board in Resolution 2019-122, adopted on June 17, 2019, to conduct a preliminary investigation to determine whether the area known as Block 8, Lots 12, 13 and 14 qualifies as an *Area in Need of Condemnation Redevelopment* (ANCR), pursuant to the criteria established at N.J.S.A. 40A:12A-1 *et seq.*, known as the “*Local Redevelopment and Housing Law*” (LRHL). Subsequently, on November 18, 2019, the Borough Council directed the Planning Board to investigate additional properties, identified in Resolution 2019-___ as Block 18; Lots 8-12, for conditions that would qualify them as an *Area in Need of Condemnation Redevelopment*. The resolutions are found in Appendix A.

The Borough Council, in accordance with the requirements of the LRHL, indicated in its resolution to the Planning Board the Study Area was being considered a “condemnation redevelopment area”, meaning that the use of the power of eminent domain could be used within the ANCR should it be so designated. Subsequent to the Borough Council resolution, the Planning Board directed this office to undertake such a study.

This report, which constitutes a *Preliminary Investigation* of the identified properties, is the statutorily enabled vehicle by which the Planning Board may respond to the Borough Council’s request to study the area in question. It provides an examination of the existing conditions of the study area, written descriptions and data analysis. The information gathered is compared to the criteria contained within the LRHL and, based on that comparison, a recommendation is made as to whether it should be formally identified as an ANCR.

The Study Area is being investigated as an expansion of Sub-Area 1 of the Bank Street Redevelopment Area within the Main Street Redevelopment Area, which had previously been established by the Hightstown Borough Council. The Study Area is comprised of a series of lots located on the north side of Bank Street between Academy Street and Mechanic Street, which is directly adjacent to the properties identified in the Bank Street Redevelopment Area.

Block 8, Lot 12 contains a single-family dwelling at the corner of Bank Street and N. Academy Street. Block 8, Lots 13 and 14 adjoin Lot 12 to the east and are developed with the Hightstown First Aid Squad’s building and a small parking area. The building houses ambulances and a

NJ LHRL: *Redevelopment Process*

- Borough Council directs the Planning Board to undertake a preliminary investigation to determine whether or not an identified area requires redevelopment.
- Planning Board conducts an investigation and holds a public hearing on the proposed redevelopment-area designation.
- Based on the Planning Board’s recommendation, Borough Council may designate all or some of the study area as an “area in need of redevelopment”.
- The Borough Council either prepares a redevelopment plan for the area, or directs the Planning Board to prepare the plan.
- The Borough Council adopts the redevelopment plan.
- The Borough Council or other public agency / authority is designated as the “redevelopment entity” to oversee the implementation of the redevelopment plan.
- The redevelopment entity selects a redeveloper(s) to undertake a project(s) that implements the plan.



responder's car, storage, dispatch and training facilities, bunk rooms, kitchen and a multi-purpose room for rent. Block 18, Lots 8-12 are located at the northwest corner of Bank Street and Mechanic Street and are currently developed with the Borough of Hightstown's Public Works facility and the temporary location of the Borough's administrative offices (*see* Study Area map, p. 3).

This report concludes that the Study Area meets the criteria for designation as an Area in Need of Redevelopment. Using the eligibility standards in N.J.S.A. 40A:12A-5, the Study Area meets Criteria "c", "d", "e" and "h" of the Local Housing and Redevelopment Law. Even if none of the criteria could be met, it would still qualify to be part of the expanded Bank Street Redevelopment Area since these properties are necessary for the effective redevelopment of the former rug mill buildings into new residential and commercial uses.

STATUTORY AUTHORITY AND PROCESS

Under the LHRL, municipalities are empowered to determine whether an area is in need of redevelopment, to adopt a redevelopment plan, and to implement and carry out redevelopment projects by following the statutorily defined process set forth in the LHRL (*see sidebar*, prior page). This process may result in the adoption of a redevelopment plan, which is a new set of development concepts, land use and potentially specific development regulations, along with the ability to offer enhanced fiscal tools that may act as incentives to prospective redevelopers. Ultimately, it is a means to lay the groundwork for redevelopment that benefits both the public and private interests.

STUDY AREA DESCRIPTION

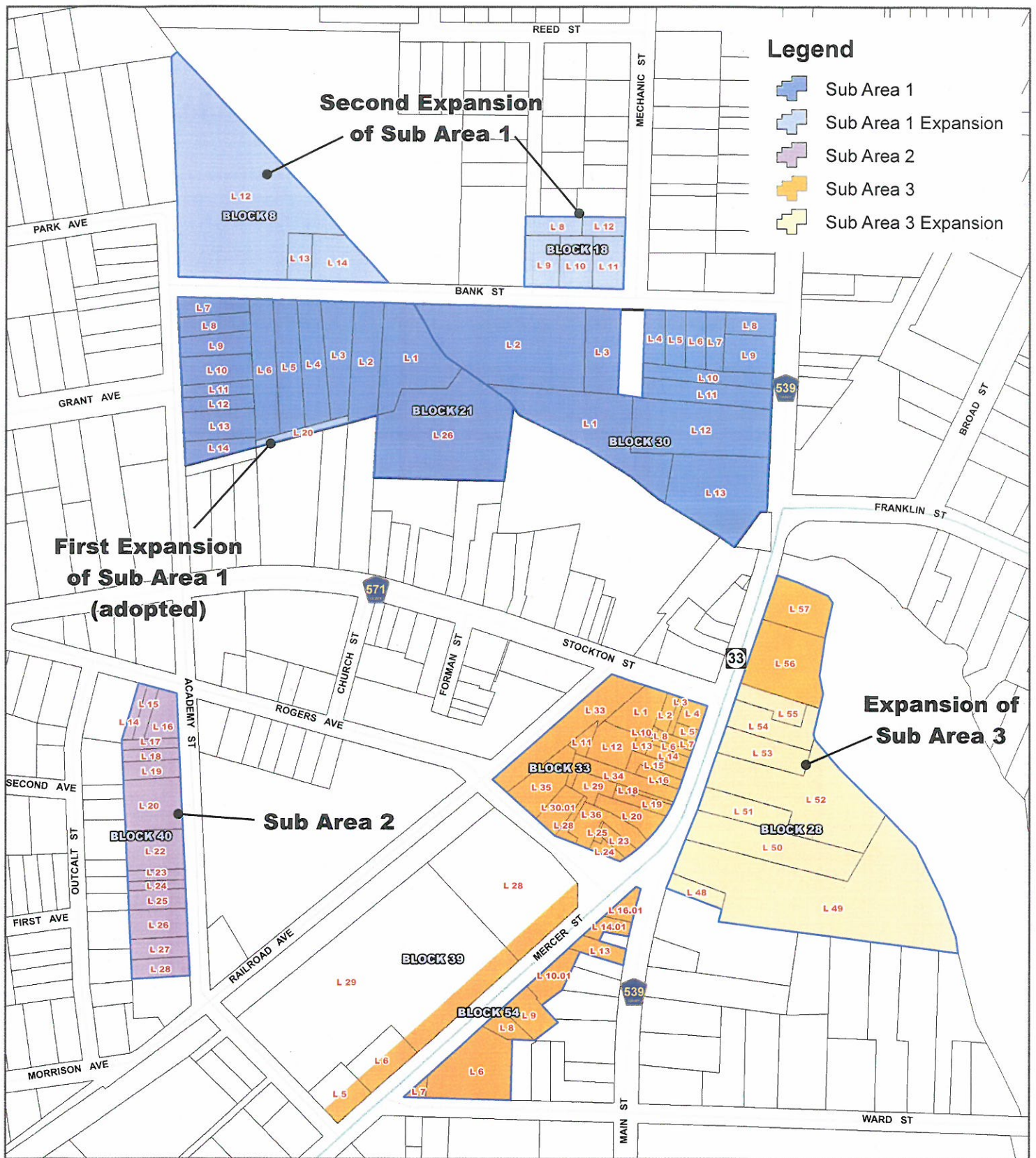
The Study Area contains approximately 3 acres of land located on the north side of Sub-Area 1 of the Bank Street Redevelopment Area. Bank Street itself lies between the existing redevelopment area and the lots in this study. The Study Area consists of land and buildings located on the north side of Bank Street between N. Academy Street and Mechanic Street. The Study Area boundaries are depicted on the map on the following page.

The Study Area is located in the Borough's Residential 3 (R-3) zoning district. Surrounding land uses are generally single-family dwellings, with the Main Street Redevelopment Bank Street Redevelopment Area located immediately to the south and the Borough's Rocky Brook Park and water treatment plant to the east. The south side of the street in the existing redevelopment area is slated for multi-family dwellings, townhouses and retail development. All of the properties within the Study Area have access and frontage on public streets.

Block 8, Lots 12-14 and Block 18 Lots 8-12 Study Area: Preliminary Investigation

HIGHTSTOWN BOROUGH, MERCER COUNTY, NJ

PAGE 2



0 100 200 Feet

PRELIMINARY INVESTIGATION OF STUDY AREA

Clarke Caton Hintz
 Architecture
 Planning
 Landscape Architecture

Study Area

LOCATION:
 Hightstown Borough, Mercer County, NJ

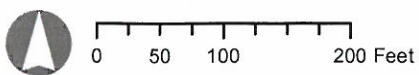
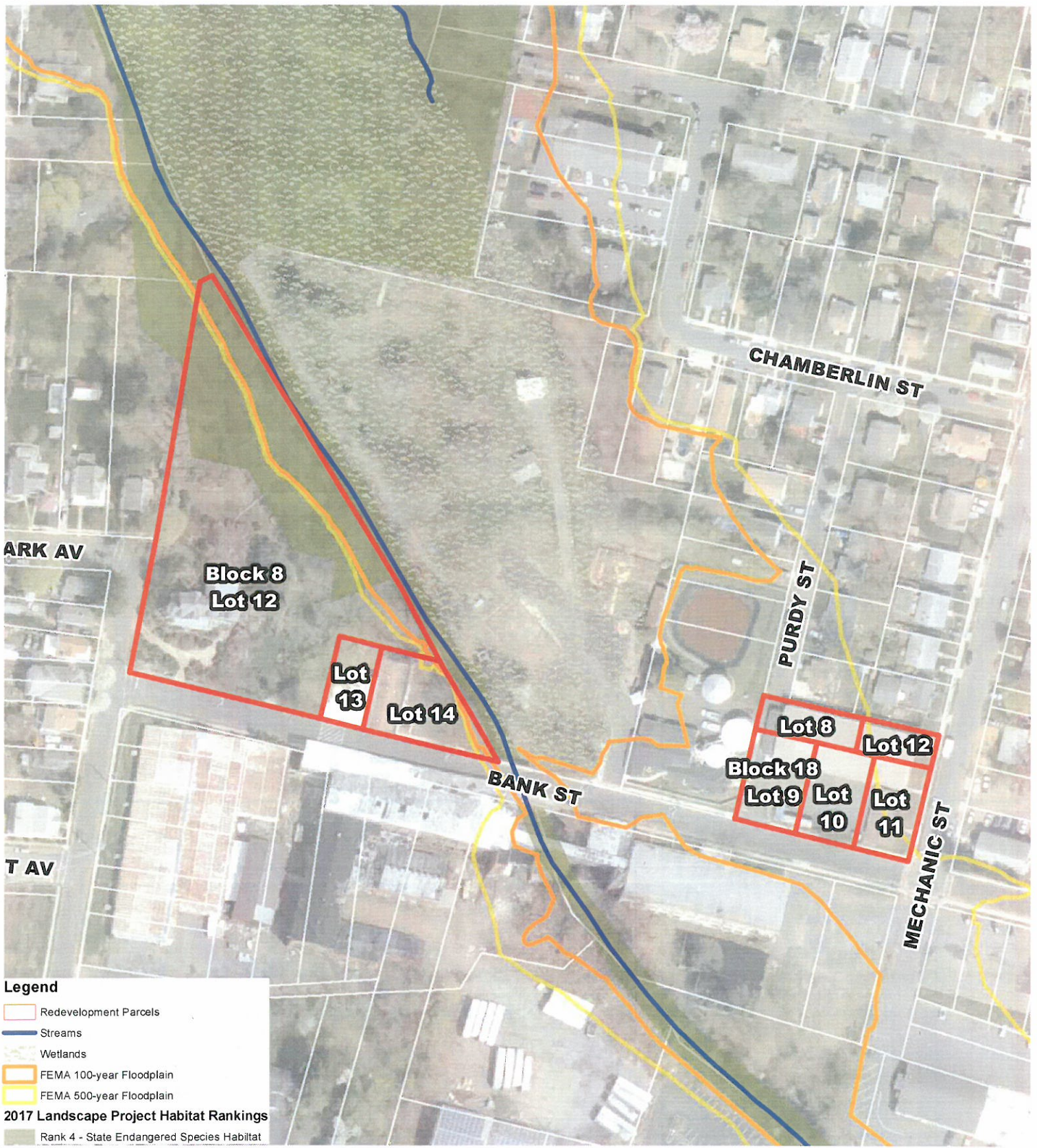
DATE:
 December 2019



ENVIRONMENTAL CONSTRAINTS

The properties in the Study Area are affected by flood hazard areas and riparian buffers associated with Rocky Brook, which runs along the eastern edge of Lots 12 and 14 in Block 8. Additionally, a State endangered species habitat is identified along Rocky Brook and within the wooded areas adjacent to it. Because of the steep bank from the First Aid Squad down to the Rocky Brook, the flood hazard areas have little impact on the property. Most of the Department of Public Works property between Purdy Street and Mechanic Street is located in the 500-year flood plain, but not the 100-year floodplain. Lot 12 in Block 8 is mostly located on a rise similar to the First Aid Squad, but because the streambed itself wanders onto the lot, it is slightly more affected by flood plain. Lot 12 in Block 8 is more affected by the presence of endangered species habitat, which affects approximately one-third of the property. Vegetation disturbance will be regulated by NJDEP in the 150-foot wide riparian buffer associated with Rocky Brook.

See the *Environmental Constraints: Bank Street Redevelopment Sub-Area 1 Expansion* map, p. 5.



MAIN STREET REDEVELOPMENT: BANK STREET SUB AREA 1 EXPANSION STUDY

Environmental Constraints

Clarke Caton Hintz
 Architecture
 Planning
 Landscape Architecture

LOCATION:
 Borough of Hightstown, Mercer County, New Jersey

DATE:
 November 5, 2019



REDEVELOPMENT DEFINED

Redevelopment is defined in the LHRL as:

Clearance, replanning [sic], development and redevelopment; the conservation and rehabilitation of any structure or improvement, the construction and provision for construction of residential, commercial, industrial, public or other structures and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public purposes, including recreational and other facilities incidental or appurtenant thereto, in accordance with a redevelopment plan.
[N.J.S.A. 40A:12A-3]

APPLICATION OF REDEVELOPMENT CRITERIA TO THE STUDY AREA

Criteria set forth in the LRHL at N.J.S.A. 40A:12A-5 provides the basis for the determination of an Area in Need of Redevelopment. Although there are a variety of factors that could apply to particular properties in a study area, an area qualifies as being in need of redevelopment if it meets at least one of the eight statutory criteria, listed in the sidebar to the right and the following page. These criteria are commonly identified by the letter (a-h) corresponding to the paragraphs of Section 5 of the LRHL. They relate to the impact of a particular area on public health, safety and welfare, primarily through conditions of deterioration, obsolescence, vacancy, title, ownership, destruction by fire or natural disaster and long-standing unimproved conditions not amenable to private sector investment. The absence of

Redevelopment Criteria “a” through “d” (N.J.S.A. 40A:12A-5)

- a. The generality of buildings is substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency, or redevelopment entity, or unimproved land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

any use of the land and an area's relationship to an Urban Enterprise Zone or "smart growth" regions are also addressed in the criteria.

The various lots within the Study Area exhibit conditions that meet a number of the statutory criteria as described below:

CRITERION "C"

The properties in Block 18 Lots 8 – 12 are owned by the Borough of Hightstown and may be considered eligible for designation under criterion 'c'. Criterion C is reprinted below:

Land that is owned by the municipality, the county, a local housing authority, redevelopment agency, or redevelopment entity, or unimproved land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

On its face, the wording could be interpreted to mean that notwithstanding the public ownership of Block 18, the other provisions of the criterion pertaining to location and the physical characteristics of the property must also be met (as a trial court judge found in Camden County). However, it is instructive to compare this portion of the LHRL with the prior law, the Blighted Area Act (N.J.S.A. 40:55-21.1(c), repealed), which reads as follows:

Unimproved vacant land, which has remained so for a period of ten years prior to the determination hereinafter referred to, and which land by reason of its location, or remoteness from developed sections or portions of such municipality, or lack of means of

Redevelopment Criteria "e" through "h" (N.J.S.A. 40A:12A-5)

- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of real property therein or other conditions, resulting in the stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.
- f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L. 1983, c.303 (C.52:27H-60 et seq.) (subject to limited redevelopment powers)
- h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.



access to such other parts thereof, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

In adapting the regulation to the LHRL, the phrase “Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity” was added to the beginning of the earlier law and this criterion.

If one were to apply the language in the statute to mean that only governmentally owned land that is poorly located, remote, lacking access, or having topographic or poor soil conditions to the degree that it could not feasibly be developed by private capital, it would lead to absurd conclusions. For example, a municipal government obtains a vacant lot through the *in rem* tax foreclosure process and deeds it to the redevelopment agency. Unless the property was remote, lacking access, or there were soil or topographic problems, the redevelopment agency – precisely the governmental entity specifically designed to tackle abandoned property - would be unable to use the tools of redevelopment. A declaration of an area in need of redevelopment allows a redevelopment agency to craft specific financial incentives in an attempt to correct a market failure. In the example of tax foreclosures, that failure occurs when a property owner, the person or legal entity most intensely interested in the property, abandons that property because the risks are too high to offset the cost of holding the property; that an adequate market return will be realized is so remote, that the most rational economic decision is to walk away from the property.

Likewise, it is unreasonable to presume that a private entity using private funds could expect to redevelop land that is in public ownership, regardless of condition. Land in public ownership is not available for development by the private sector without some form of dedication or equitable transfer. The provisions in the redevelopment law – declaring an area in need of redevelopment, creating a redevelopment plan and issuing a Request for Proposal for redevelopment – are precisely the mechanisms needed for municipalities to leverage private investment for the improvement and reintegration of publicly owned land onto the tax rolls.

The criterion describes two different classes of land, either governmentally owned or vacant and compromised.

Based on the analysis in this document, ownership by the municipality supports the finding that criterion ‘c’ is met.



CRITERION “D”

Block 8 specifically meets the “d” criterion since, “*Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.*”

BLOCK 8, LOTS 13 AND 14

Lots 13 and 14 in Block 8 are developed with a building used by the Hightstown First Aid Squad. The property was formerly used as a JCP&L service facility and was built in sections. The property contains approximately 0.36 acres in area and is irregularly shaped. The easterly property boundary comprises the westerly bank of Rocky Brook and its floodway. Part of the property is compromised by the Special Flood Hazard Area, lying in Zone AE with a Base Flood Elevation of 81. The property slopes down, away from the street toward Rocky Brook. Based on the topography, it would appear that part of the existing building may lie within the base flood elevation.

The property is also developed with a small, parking lot that is irregularly shaped and does not provide conforming parking spaces with adequate maneuvering area for turning.

There are three structures, which date to approximately 1930, that have been modified and connected to create one building. The First Aid Squad stores its emergency vehicles and equipment in the westernmost part of the building, while meeting rooms, sleeping quarters and bathing facilities for emergency personnel are arranged on an upper level. A large multi-purpose room that can be rented out occupies the ground floor in the easternmost part of the building. The building is functionally obsolete. Upon inspection of the premises, numerous health and safety violations were apparent. While some are minor, easily correctable infractions, others are more serious and point to the fact that the building has reached the end of its useful life.

- The floors within the building are not at a consistent elevation. Between the ambulance bays, there is an approximately six-inch step, which creates a tripping hazard for unloading and stocking the ambulances. Within the rest of the building, there are rooms where the squad meets and sleeping quarters and bathing facilities on upper levels that are not available on the ground level. No lift or elevator is provided for access to these facilities by mobility impaired patrons or squad members. This makes the facility non-compliant with the Americans with Disabilities Act and the NJ Barrier Free Code. Substantial investment would be required in order to alter or rebuild the facilities to achieve compliance.



- There was noted the widespread use of extension cords and power strips surface-mounted on walls and across floors, including within the utility room housing the electric circuit panel and within the ambulance bay in use with a supplemental battery charger. Although the building may be supplied with an adequate level of power at the electrical panel, it is not distributed throughout the building in a manner that can be deemed safe and compliant.
- There is evidence of roof leaks throughout the building, but particularly in the kitchen over food storage and prep areas. As access to the roof was unavailable during the inspection, the condition of the roof could not be assessed. Aerial photographs do indicate ponding of water and water damage to the building's roof.
- There is a significant lack of storage space for the First Aid Squad's equipment. There are items on floors and other horizontal surfaces throughout the building, including stairwells. Storage of compressed gas cylinders, including oxygen cylinders, were noted in close proximity to gasoline storage containers and ignition sources within the ambulance bays.
- The parking lot has inadequate maneuvering area in the parking aisle and does not have a conforming barrier free parking space.

Given the design, construction and layout of the buildings there is little remedy to these problems short of wholly renovating the entire building or replacing the facility. Consequently, the building exhibits at least substandard and obsolete characteristics sufficient to satisfy criterion 'd'.

BLOCK 8, LOT 12

Lot 12 in Block 8 is developed with a single-family detached dwelling, part of which dates to 1889. Over the years, the building has been added to and expanded, to create an eclectic Victorian-era house. Unfortunately, during these many alterations, the structure has become compromised. The internal arrangement of rooms does not follow normal conventions. The nature of additions and alterations that have occurred make structural repairs extremely complicated and cost prohibitive, particularly for use as a single-family dwelling. This illustrates it has a faulty arrangement or design, making its use as a dwelling concerning and making the building problematic to renovate for an adaptive reuse. These characteristics indicate satisfaction of criterion 'd'.



CRITERION “E”

As noted above, Criterion “e”, provides for a determination of an area in need of redevelopment as it relates to ownership, or title issues, and *“A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of real property therein or other conditions, resulting in the stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.”*

Criterion ‘e’ affects Block 8, Lots 13 and 14, which are encumbered by a deed restriction that causes the ownership of the lots to revert to Jersey Central Power and Light (JCP&L) in the event the property is no longer used as the headquarters of the Hightstown First Aid Squad. This reversion clause is a direct obstacle to the land being used for any other purpose. The First Aid Squad, due to its success, has outgrown the existing building yet does not have the means to improve the building to meet modern standards for emergency services. This inaction has caused the property to meet Criterion ‘d’; however, upon cessation of the First Aid Squad use and occupancy, ownership of the property would then pass back to JCP&L, which would employ an unknown process for disposition or reuse of the land and building. This prevents timely improvement of the property, *“...resulting in the stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare”* satisfying criterion “e”.

CRITERION “H”

“Smart Growth” principles are embodied in the New Jersey State Development and Redevelopment Plan adopted on March 1, 2001 by the State Planning Commission pursuant to the State Planning Act (N.J.S.A. 52:18A-196 *et seq.*). Hightstown Borough has been a designated town center placed within Planning Area 2. Centers have been designated by the State Planning Commission as “Smart Growth Areas”. Smart Growth Areas have been codified in the lending criteria for the NJ Housing Mortgage Finance Agency, infrastructure development by the Board of Public Utilities and in the expedited permit review allowed under the NJ Department of Environmental Protection in smart growth areas (N.J.S.A. 13:1D-144).

The State Plan contains policies that are related to redevelopment and this study. For example, Policy 1: Revitalize the State’s Cities and Towns, recommends to, “Leverage private investments in jobs and housing.”¹ Policy 3: Promote Economic Growth, Development and Renewal for All, suggests, “Retain and expand businesses, and

¹ - NJ State Development and Redevelopment Plan, p. 25



encourage new, environmentally sustainable businesses in Centers and areas with infrastructure.”² These policies can be implemented best through the redevelopment plan process.

The State Planning Commission recommends that the response to these policy objectives lies with:

*Capitaliz[ing] on the opportunities for redevelopment in Centers afforded by redevelopment laws and brownfield redevelopment programs. Establish and maintain a publicly accessible inventory of sites recommended for redevelopment.*³

The designation of this Study Area as an area in need of redevelopment is consistent with the State Development and Redevelopment Plan’s objectives.

The Office of Planning Advocacy, staff to the State Planning Commission, describes Smart Growth as follows:

*Smart Growth is the term used to describe well-planned, well-managed growth that adds new homes and creates new jobs, while preserving open space, farmland, and environmental resources. Smart Growth supports livable neighborhoods with a variety of housing types, price ranges and multi-modal forms of transportation. Smart Growth is an approach to land-use planning that targets the State’s resources and funding in ways that enhance the quality of life for residents in New Jersey. Smart Growth principles include mixed-use development, walkable town centers and neighborhoods, mass transit accessibility, sustainable economic and social development and preserved green space.*⁴

Redevelopment of this Study Area as well as the existing Sub-Area provides the opportunity to further the following smart growth principles: (1) future development directed to Centers with existing infrastructure; (2), creation of livable and walkable neighborhoods with a variety of housing types and price ranges; and (3), community and stakeholder collaboration in development decision making.

The designation of the Study Area to expand the boundaries of the Bank Street Sub-Area 1 of the Main Street Redevelopment project demonstrates that positive outcomes can occur from its redevelopment. These parcels can contribute in important ways to the larger redevelopment potential of other areas in downtown Hightstown. Consequently, the redevelopment of this parcel will support an allowed use within the

² - *ibid.* p. 51

³ - *ibid.* p. 194

⁴ - www.nj.gov/dca/osg/smart/index.shtml



Bank Street Redevelopment Area which will further the objectives of Smart Growth development, which is supported by many policies at the state and local level.

While Criterion “H” is not by itself sufficient to designate the Study Area as an Area in Need of Redevelopment, it provides a supporting role to the LRHL definition of a “redevelopment area” or an “area in need of redevelopment”.

REDEVELOPMENT AREA DESIGNATION IN THE ALTERNATIVE

Even if Lots 12, 13 and 14 in Block 8 and Lots 8-12 in Block 18 did not meet any criteria of the LRHL for designation, the properties are fundamentally necessary to meet the objectives of the Bank Street Redevelopment Area. Property is permitted to be included in a redevelopment area if:

“...lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.” (N.J.S.A. 40A:12A-3)

The properties within the Study Area are necessary for the effective redevelopment of the Bank Street Redevelopment Sub-Area of the Main Street Redevelopment Area.

RECOMMENDATION

This report and appendices constitutes the preparation of a preliminary investigation for determining an Area in Need of Condemnation Redevelopment as directed by the Borough Council of Hightstown Borough. It is the conclusion of this preliminary investigation that all of the properties within the Study Area qualify under the criteria set forth at N.J.S.A. 40A:12A-1 *et seq.*, to be designated as an Area in Need of Redevelopment. The Study Area satisfies criteria “c”, “d”, “e” and “h” for many reasons and its necessary inclusion in the Main Street Redevelopment: Bank Street Sub-Area 1 -Redevelopment Area, in order to ensure that the Borough’s goals and objectives for redevelopment may be met.



SUBSEQUENT PROCEDURAL STEPS

PUBLIC HEARING

Upon receipt of this preliminary investigation, the Planning Board is required to hold a public hearing. Notices for the hearing are required to be published in the newspaper of record in the municipality once each week for two consecutive weeks, with the last publication no sooner than 10 days from the hearing. A copy of the notice is required to be mailed to the last owner of record of each property within the proposed Redevelopment Area. The newspaper notice must be published in the official newspaper of the municipality.

PLANNING BOARD RECOMMENDATION TO BOROUGH COUNCIL

Once the hearing has been completed, the Planning Board makes a recommendation to the Borough Council that the delineated area, or any part of such an area, should or should not be determined to be an Area in Need of Redevelopment. The Borough Council may then adopt a resolution determining that the delineated area, or portion, is a Redevelopment Area. Notice of such determination is then sent to each objector who has sent in a written objection and the Commissioner of the NJ Department of Community Affairs.

REDEVELOPMENT PLAN

If so designated by the Borough, the next action would be the addition of the parcel to the existing Bank Street Redevelopment Plan. An amendment to the Redevelopment Plan is adopted by ordinance by the Borough Council before any project is initiated. The Redevelopment Plan should be either substantially consistent with the municipal master plan or designed to effectuate the master plan.

Redevelopment Plan: Required Elements (N.J.S.A. 40A:12A-7.a)

- The plan's 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.
- Proposed land uses and building requirements in the project area.
- 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.
- An identification of any property within the redevelopment area that is proposed to be acquired in accordance with the redevelopment plan.
- The relationship of the plan to the master plans of contiguous municipalities, the master plan of the county in which the municipality is located, and the State Development and Redevelopment Plan.
- Pursuant to N.J.S.A. 40A:12A-7.c., the Redevelopment Plan must also describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law", N.J.S.A. 40:55D-1 *et seq.*

Resolution 2019-122

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

RESOLUTION OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, AUTHORIZING AND DIRECTING THE BOROUGH PLANNING BOARD TO DETERMINE WHETHER CERTAIN PROPERTY CONSTITUTES AN AREA IN NEED OF REDEVELOPMENT

WHEREAS, pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*, by Resolution 2003-19 duly adopted on December 1, 2003, as amended by Resolution 2018-72, adopted on March 19, 2018, the Borough Council ("Borough Council") of the Borough of Hightstown (the "Borough") designated the properties known as Tax Block 54, Lots 6-10, 13, 14.01, 16.01 & 23; Block 40, Lots 14-28; Block 33, Lots 1-30 & 32-36; Block 30, Lots 1-13; Block 28, Lots 56 & 57; and Block 21, Lots 1-14, 20 & 26 on the Borough's official tax map (collectively, the "Redevelopment Area"), as an "area in need of redevelopment"; and

WHEREAS, a revised redevelopment plan ("Redevelopment Plan") containing development standards for that portion of the Redevelopment Area which is known as Sub-Area I (Bank Street) was adopted by Ordinance Number 2015-04 of the Borough Council on April 20, 2015, which revised those redevelopment plans for the Redevelopment Area previously adopted by the Borough on September 7, 2004, October 2, 2006 and October 6, 2008, and which was subsequently further amended by ordinances adopted March 6, 2017 and April 2, 2018; and

WHEREAS, on March 10, 2017, the Borough and RBG Hightstown, LLC ("RBG") entered into that certain Amended and Restated Redevelopment Agreement (the "Redevelopment Agreement"), pursuant to which, among other things, RBG agreed to redevelop the portion of the Redevelopment Area consisting of Block 30, Lots 1-7, Block 30, Lots 10-13, and Block 21, Lots 1-13, 20 & 26 on the Borough's official tax map (collectively, the "Original Project Area"), which constitutes part of Sub-Area I (Bank Street), by constructing thereon a project including approximately 47,500 square feet of retail space, approximately 266 residential units, and associated parking and other infrastructure improvements, consistent with the Concept and Phasing Plan attached as Exhibit 2 to the Redevelopment Agreement (the "Original Project"); and

WHEREAS, RBG subsequently transferred its rights and obligations under the Redevelopment Agreement to the PRC Group ("PRC"),

WHEREAS, PRC has expressed a desire to also redevelop the parcels designated on the Borough's tax map as Block 8, Lots 12-14, Block 28, Lots 32-40 and 48-55, and Block 30, Lot 14 (collectively, the "Additional Property"), located adjacent to the Original Project Area, to more effectively redevelop the area; and

WHEREAS, the Borough desires to authorize and direct the Borough's Planning Board (the "Planning Board") to undertake a preliminary investigation to determine whether the Additional Property meets criteria for designation as an area in need of redevelopment; and

WHEREAS, if the Additional Property is determined to meet the criteria for designation as an area in need of redevelopment and the Township so designates the Additional Property, then the Township shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, including the power of eminent domain.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Council of Borough of Hightstown, in the County of Mercer and the State of New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Planning Board is authorized and directed to undertake a preliminary investigation and conduct a public hearing(s) to determine whether the Additional Property meets criteria necessary for designation as an area in need of redevelopment under the Redevelopment Law and, if the Additional Property so qualifies, to recommend whether it should be so designated and should be incorporated into the Redevelopment Plan.

Section 3. In the event the governing body shall designate the Additional Property as a redevelopment area, the Township shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, including the power of eminent domain.

Section 4. A copy of this resolution shall be forwarded to the Secretary of the Planning Board for action consistent herewith.

Section 5. This resolution shall take effect immediately.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 17, 2019.

Debra L. Sopronyi
Borough Clerk



APPENDIX B: RESOLUTION 2019-___

Resolution of findings by the Planning Board and recommendation to Borough Council



APPENDIX C: RESOLUTION 2019-___

Resolution of the Borough Council on the recommendation of Planning Board and establishment of the redevelopment area.