**ORDINANCE NO. 26-2133**
**BOROUGH OF HIGHLAND PARK**
**COUNTY OF MIDDLESEX, NJ**

**AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, ADOPTING THE 400-440 RARITAN AVENUE AMENDED REDEVELOPMENT PLAN WHICH EXPANDS, AMENDS AND SUPERSEDES THE 420-424 RARITAN AVENUE REDEVELOPMENT PLAN**

**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/or an area in need of redevelopment; and

**WHEREAS**, by Ordinance No. 16-1921, adopted on December 20, 2016, the Council of the Borough (the "**Council**") designated the entire area within the Borough as an area in need of rehabilitation; and

**WHEREAS,** by Resolution No. 9-22-221, adopted on September 6, 2022, the Council authorized and directed the Planning Board of the Borough (the "**Planning Board**") to undertake a preliminary investigation to determine whether Block 3002, Lots 1, 2, 3, 4, 5, 6, 7, 8, 30, 34, 35, 36 and 37, together with all streets and rights-of-way appurtenant thereto, constitute a non-condemnation area in need of redevelopment; and

**WHEREAS**, by Resolution No. 9-22-222, adopted on September 6, 2022, the Council authorized and directed the Borough Planner, LRK, Inc. (the "**Planner**"), to conduct the preliminary investigation and prepare a redevelopment plan on behalf of the Borough; and

**WHEREAS**, by Resolution No. 12-22-289, adopted on December 20, 2022, the Council designated Block 3002, Lots 1, 2, 3, 4, 5, 6, 7, 8, 30, 34, 35, 36 and 37, together with all streets and rights-of-way appurtenant thereto, as a non-condemnation area in need of redevelopment; and

**WHEREAS,** on May 16, 2023, the Council adopted Ordinance No. 23-2071 adopting the "420-424 Raritan Avenue Redevelopment Plan" (the "**Redevelopment Plan**"), all in accordance with the Redevelopment Law; and

**WHEREAS**, the Planner prepared an amended redevelopment plan entitled the "400-440 Raritan Avenue Amended Redevelopment Plan" (the "**Amended Redevelopment Plan**"), which, among other changes, provides updated zoning standards and expands the Redevelopment Plan to include additional properties; and

**WHEREAS**, by Resolution No. 7-26-174, adopted on July 7, 2026, the Council referred the Amended Redevelopment Plan to the Planning Board for its review and comment; and

**WHEREAS**, on August 13, 2026, the Planning Board reviewed the Amended Redevelopment Plan and determined that it was substantially consistent with the Borough's Master Plan; and

**WHEREAS,** following such review the Planning Board has rendered its report and recommendations to the Council and by resolution recommended the adoption of the Amended Redevelopment Plan pursuant to *N.J.S.A.* 40A:12A-7(e); and

**WHEREAS,** the Council hereby finds it appropriate for the Amended Redevelopment Plan to be adopted and that the Amended Redevelopment Plan is substantially consistent with the Master Plan for the Borough; and

**WHEREAS**, the Council now desires to adopt the Amended 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 Amended Redevelopment Plan, as and to the extent set forth therein.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL 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 recommendations of the Planning Board are hereby accepted, and the Amended 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 Amended Redevelopment Plan, and, to the extent provided in the Amended 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 Amended 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 and Passed on First Reading: July 7, 2026

Adopted: _____, 2026 Approved: _____, 2026

Attest:

Jennifer Santiago, Borough Clerk

Elsie Foster, Mayor

**Exhibit A**

**Amended Redevelopment Plan**

# 400-440 RARITAN AVENUE
# AMENDED REDEVELOPMENT PLAN

Block 3002, Lots 1, 2, 3, 4, 5, 6, 7, 8, 30, 34, 35, 36 & 37

Borough of Highland Park, Middlesex County, New Jersey

Prepared by **LRK, Inc.** | July 1, 2026 **DRAFT**

HIGH
LAND
PARK

# 400-440 Raritan Avenue
# Amended Redevelopment Plan

Block 3002, Lots 1, 2, 3, 4, 5, 6, 7, 8, 30, 34, 35, 36 & 37

Borough of Highland Park, Middlesex County, New Jersey

Endorsed by the Planning Board on Month ##, 2026

Adopted by the Borough Council by Ordinance ##-#### on Month ##, 2026

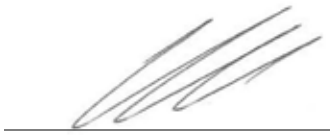

Prepared on behalf of:

**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 with N.J.S.A. 45:14A-1 et seq.




Chris S. Cosenza, AICP, PP, LEED AP
NJPP License No. 6344

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# ACKNOWLEDGMENTS

## MAYOR & BOROUGH COUNCIL

| | | | |
|---|---|---|---|
| **Mayor** | *Elsie Foster* | **Council Member** | *Matthew Hersh* |
| **Council President** | *Stephany Kim Chohan* | **Council Member** | *Jason Postelnik* |
| **Council Member** | *Philip George* | **Council Member** | *Norma Iris Vargas* |
| **Council Member** | *Matthew Hale* | | |

| | |
|---|---|
| **Borough Attorney** | *Aaron L. Rainone, Esq., Rainone Coughlin Minchello, LLC* |
| **Borough Administrator** | *Teri Jover* |
| **Borough Clerk** | *Jennifer Santiago. RMC, CMR* |

## PLANNING BOARD

| | | | |
|---|---|---|---|
| **Class I Member** | *Elsie Foster* | **Class IV Member** | *Alvin Chin* |
| **Designee, Vice Chair** | *Padraic Millet* | **Class IV Member** | *Khalidra Hadhazy* |
| **Class II Member** | *Scott Brescher* | **Class IV Member** | *Paul Lanaris* |
| **Class III Member, Liaison** | *Matthew Hale* | **Class IV Member** | *Jeff Perlman* |
| **Class IV Member, Chair** | *Rebecca Hand* | **Alternate I** | *Dan Stern Cardinale* |
| **Class IV Member, Secretary** | *Allan Williams* | **Alternate II** | *Ken Ho* |

| | |
|---|---|
| **Board Attorney** | *Roger W. Thomas, Esq., Dolan and Dolan, P.A.* |
| **Board Engineer** | *R. Eric Robinson, PE, CME, CME Associates* |
| **Board Planner** | *Chris S. Cosenza, AICP, PP, LEED AP, LRK, Inc.* |
| **Board Coordinator** | *Jennifer Santiago, RMC, CMR* |
| **Recording Secretary** | *Maureen Pampinto* |

## BOROUGH PROFESSIONALS

| | |
|---|---|
| **Redevelopment Attorney** | *Joseph P. Baumann, Jr., Esq., McManimon, Scotland & Baumann, LLC* |
| **Borough Engineer** | *R. Eric Robinson, PE, CME, CME Associates* |
| **Borough Planner** | *Jim Constantine, PP, LRK, Inc.* |

## BOROUGH STAFF

| | |
|---|---|
| **Construction Official** | *Scott Brescher* |
| **Zoning Official** | *Mike Mullin* |

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# 1 INTRODUCTION

## 1.1 OVERVIEW

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

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

Among numerous redevelopment actions taken to date, the Borough Council has designated the entire municipality as an "area in need of rehabilitation," conducted several preliminary investigations, designated certain properties as "areas in need of redevelopment," and prepared several redevelopment plans throughout the Borough.

Concurrently, the Borough has recognized a need for significant and continued attention to the downtown area, acknowledging that past revitalization efforts have had limited impact for a variety of reasons and previous redevelopment efforts had never gotten off the ground.

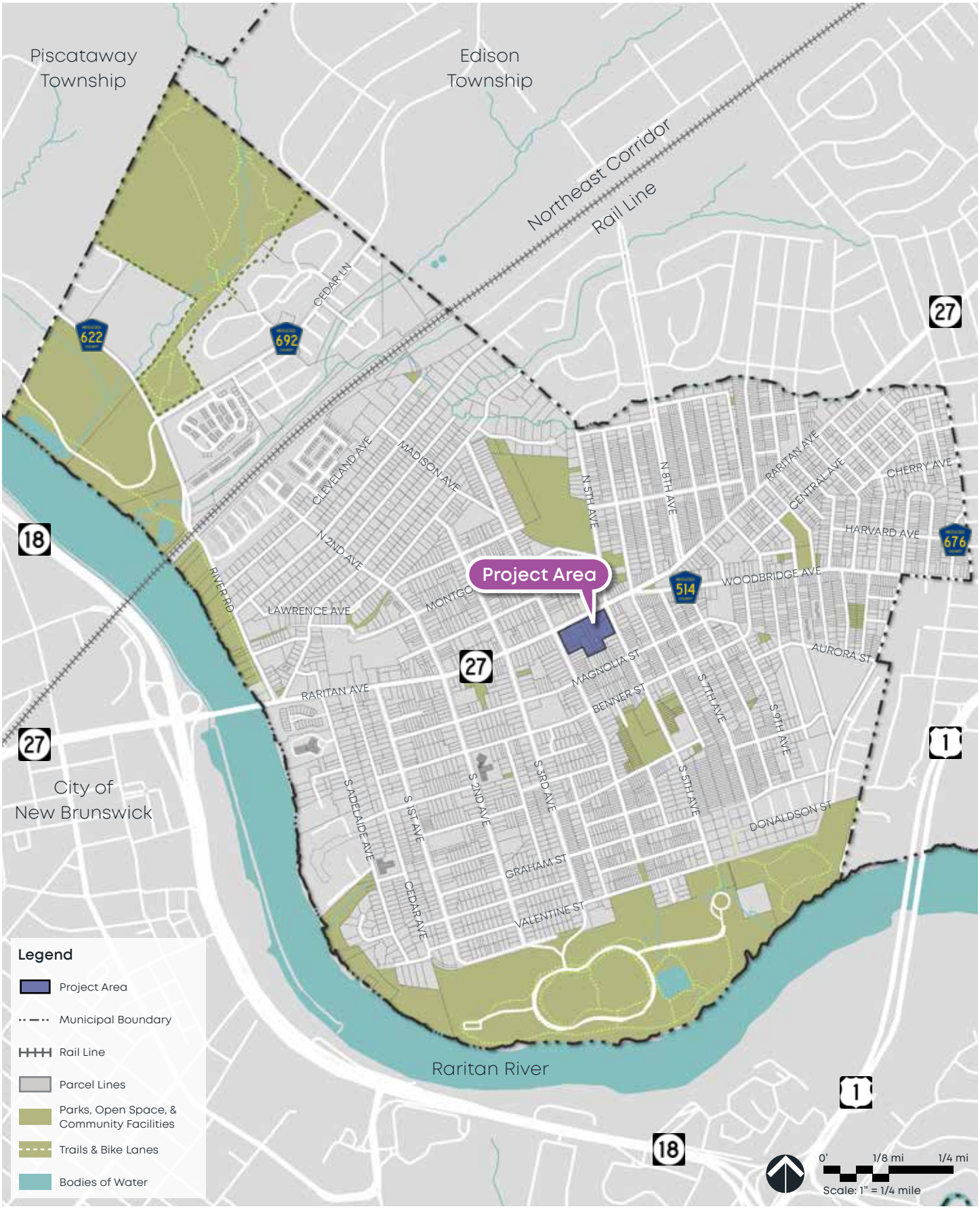
Ultimately, the Borough seeks to implement the Borough of Highland Park 2019 Master Plan (the "Master Plan"), concentrating on the specific strategies identified for the downtown area in the Land Use Plan Element of the Master Plan. During the extensive public engagement process for the Master Plan, only 9% of survey respondents stated that they would like the downtown area to "remain the same," demonstrating a strong community desire for the revitalization of the downtown area.

The Land Use Plan Element of the Master Plan provides a vision statement for the downtown area, which reads as follows:

### DOWNTOWN AREA VISION

*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.*

## Map 1. Context Map



## 1.2 PURPOSE OF THIS REDEVELOPMENT PLAN

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 not fully materialized.

In recent years, the Borough has undertaken a more focused approach to address the apparent lack of reinvestment in the community, including the preparation and adoption of a redevelopment plan for several non-contiguous tracts (now known as Tracts A-D) in the downtown area, with the goal to "jump start" downtown redevelopment coming out of the COVID-19 pandemic.

In 2022, after learning that the Stop & Shop grocery store along Raritan Avenue would not renew its lease and would be closing, the Borough Council informed the public of its intent to take a proactive role in facilitating the rehabilitation and/or redevelopment of the grocery store property and, if appropriate, adjacent commercial properties, while also addressing 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 as an "area in need of rehabilitation" (or "rehabilitation area"), the Borough Council sought the ability to pursue all of the tools under an "area in need of redevelopment" (or "redevelopment area") designation (excluding the use of eminent domain), pursuant to the LRHL.

To that end, the Borough Council authorized the Planning Board to conduct a preliminary investigation (the "Study") of the grocery store property and adjacent commercial properties along Raritan Avenue. Upon favorable review of the Study by the Planning Board, the Borough Council formally designated the aforementioned properties as a "non-condemnation area in need of redevelopment."

At the same time, the Borough engaged in discussions with the property owner regarding potential rehabilitation and/or redevelopment of the grocery store property. The property owner expressed a strong interest in collaborating with the Borough and acknowledged the importance of maintaining a grocery store use in the downtown area.

To address the temporary absence of a grocery store, the Borough prepared a detailed Frequently Asked Questions (the "FAQ") worksheet and held a Community Meeting on February 28, 2023.

During the meeting, Mayor Elsie Foster expressed that the loss of the grocery store was significant to the community and was an issue that the Mayor and Borough Council took very seriously. Borough officials also acknowledged that they understood that the absence of a grocery store would create a hardship for many residents and 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.

Regarding the future of the grocery store property, Borough officials explained that the redevelopment approach would provide several tools to address community concerns. These

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

included greater flexibility in zoning to require a grocery store use, the creation of a site-specific plan to address long-standing deficiencies identified in the Study, the establishment of detailed development and design standards, and the availability of financial incentives.

The Borough outlined two (2) potential redevelopment scenarios. One would involve attracting a new grocery store tenant to the existing building, including rehabilitation of the existing building and some site improvements, with the option for an infill mixed-use building along Raritan Avenue. The second would allow for full redevelopment of the property, incorporating a grocery store as an anchor use in a new mixed-use building fronting Raritan Avenue.

Within weeks of the Community Meeting, the Borough Council introduced a redevelopment plan and referred it to the Planning Board for consistency review with the Master Plan. Upon favorable review of the redevelopment plan by the Planning Board, the Borough Council formally adopted the redevelopment plan, entitled "420-424 Raritan Avenue Redevelopment Plan" on May 16, 2023.

In late November, the Mayor announced that a grocery store would be returning to the Borough. In March 2024, the Borough Council adopted an ordinance approving a long-term tax exemption and authorizing a financial agreement with the property owner. Following completion of renovations and tenant improvements, the grocery store reopened to the public in September of that year, restoring a critical neighborhood amenity and marking a significant milestone in the Borough's revitalization efforts.

*SuperFresh store undergoing renovations, in September 2024.*

In the meantime, Wells Fargo Bank announced it would be closing several branches, including its Highland Park location, part of a broader nationwide trend that has included the closure of numerous branches in New Jersey. The branch closed in July 2023 and since that time, the former bank space has been reoccupied by a new tenant providing pediatric physical therapy and behavioral analysis services, reflecting a shift toward service-oriented uses in the downtown area. More recently, as of March 2026, the Landmark Supply Inc. building has been placed on the market, presenting another opportunity for reinvestment and adaptive reuse, or potential redevelopment.

Given the opportunity presented by potential infill redevelopment and ongoing changes within and around the SuperFresh property, the Borough Council determined that it was in the community's best interest to prepare an amended redevelopment plan. This effort takes a broader view of the overall block by considering not only the grocery store site, but also the adjacent commercial properties along the Raritan Avenue corridor. The intent is to establish a cohesive redevelopment framework for the block that supports reinvestment and long-term vitality, while providing a coordinated approach to land use, site design, and future development.

In light of these recent events and in order to stimulate private investment, promote community benefits, prevent further deterioration, and advance desirable rehabilitation and/or redevelopment within the Borough, consistent with the vision, goals, and objectives of the Master Plan, the Borough Council seeks to rehabilitate and/or redevelop Block 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 "Project Area") in accordance with this amended redevelopment plan entitled "400-440 Raritan Avenue Redevelopment Plan" (the "Redevelopment Plan"), which expands, amends, and supersedes the 420-424 Raritan Avenue Redevelopment Plan.

Map 2. Project Area Map

# 2 REDEVELOPMENT STATUTE

## 2.1 PURPOSE OF THE REDEVELOPMENT STATUTE

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

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

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

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

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

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

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

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

# 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 lot 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 and one (1) affordable unit.

## 2.2 ADVANTAGES OF A REDEVELOPMENT PLAN

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

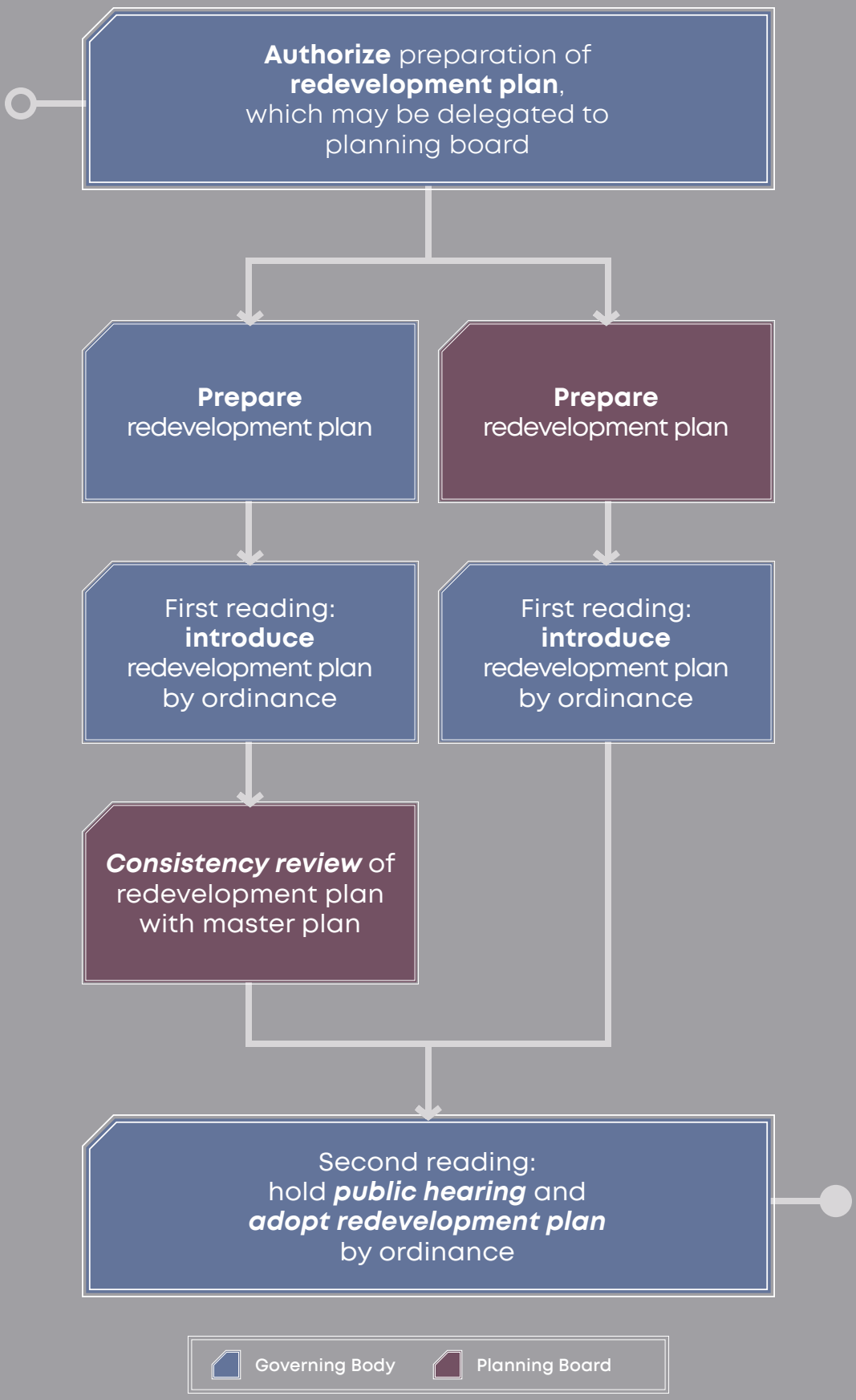
- Offers more flexibility than conventional zoning which is not limited to redevelopment involving the built form, and can include specific structures to be preserved, specific areas to be up-zoned or down-zoned, and specific areas to be preserved as open space and improved as public gathering spaces or parks, as well as the provision for off-tract infrastructure improvements and community benefits.
- The preparation of a site-specific conceptual plan that can prescribe specific land uses, area requirements, intensity of use, residential density, build-to lines, setbacks, coverage requirements, height, scale, massing, form, and site layout including the location of new structures and parking areas, pedestrian improvements, and streetscape improvements, as well as the provision for 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, and universal design features and strategies to 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 the redeveloper / property owner to work in a productive 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 more fully described on the following pages.

## REDEVELOPMENT PLAN 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

### 2016 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, as 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.

### 2022 NON-CONDEMNATION REDEVELOPMENT STUDY (ENTIRE PROJECT AREA)

On September 6, 2022, the Borough Council adopted Resolution No. 9-22-221, authorizing and directing the Planning Board to undertake a preliminary investigation to determine whether 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, constitute a "non-condemnation area in need of redevelopment" as defined in the LRHL.

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

On December 8, 2022, the Planning Board conducted a public hearing at which it reviewed a report entitled "Preliminary Investigation of a Non-Condemnation Area in Need of Redevelopment - Stop & Shop Site and Adjacent Commercial Properties," prepared by LRK, Inc., dated November 23, 2022. This report concluded that the delineated area, as defined above, met the criteria for redevelopment designation pursuant to N.J.S.A. 40A:12A-3 and various subsection(s) of N.J.S.A. 40A:12A-5. Following the duly noticed hearing, the Planning Board accepted the report, and recommended the Borough Council designate the delineated area as a "non-condemnation area in need of redevelopment."

On December 20, 2022, based upon the Planning Board's recommendations, the Borough Council adopted Resolution No. 12-22-289, formally designating the delineated area as a "non-condemnation area in need or redevelopment" in accordance with the LRHL.

### 2023 REDEVELOPMENT PLAN (PORTION OF PROJECT AREA)

As previously noted, the Borough sought to implement rehabilitation and/or redevelopment of a portion of the delineated area - that is, the grocery store property and adjoining parking area on the adjacent property along South 4th Avenue - through a flexible redevelopment plan, but one in which where a grocery store use would be a required use.

Therefore, in order to appropriately effectuate the rehabilitation and/or redevelopment of such properties as envisioned above, the Borough Council began the preparation of redevelopment plan including 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 Borough Council referred a redevelopment plan entitled "420-424 Raritan Avenue Redevelopment Plan," prepared by LRK, Inc., dated March 31, 2023 (the "2023 Redevelopment Plan"), to the Planning Board for its review and recommendations. The Planning Board subsequently reviewed the plan and reported its recommendations to the Borough Council in its written report.

On May 16, 2023, the Borough Council adopted Ordinance No. 23-2071, formally adopting the 2023 Redevelopment Plan. The adopted ordinance indicates that the redevelopment plan supersedes the existing zoning regulations affecting the delineated area.

The 2023 Redevelopment Plan was adopted in response to the closure of Stop & Shop and outlines a flexible strategy to re-establish a grocery store in the downtown while advancing broader Master Plan goals. The plan includes three (3) illustrative redevelopment concepts, ranging from rehabilitation of the existing store to partial or full mixed-use redevelopment of the site.

### 2023 AUTHORIZATION FOR THIS REDEVELOPMENT PLAN (ENTIRE PROJECT AREA)

Following the opening of SuperFresh and in recognition of ongoing changes surrounding the grocery store, the Borough determined that an amended redevelopment plan was warranted to consider the overall block, including the grocery store site and adjacent commercial properties. This updated approach maintains the three (3) concepts established in the 2023 Redevelopment Plan for the grocery store property, while establishing a cohesive framework to support coordinated reinvestment, potential infill development, and long-term vitality across the entire block.

On September 19, 2023, the Borough Council adopted Resolution No. 9-23-207, authorizing a professional services agreement with LRK, Inc. for redevelopment planning services, including amending the 2023 Redevelopment Plan to cover the entire Project Area. The amended area includes Block 3002, Lot 1 (the former “Wells Fargo Bank” property), Lot 2 (the “Park Town Center” property), and Lot 7 (the “Landmark Supply Inc.” property), in addition to the grocery store property and adjoining parking area on the adjacent property along South 4th Avenue

## 2.5 STATUTORY CRITERIA

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

## 3.1 EXISTING CONDITIONS

The Project Area is situated in the central region of the Borough, south of Raritan Avenue (New Jersey State Route 27) and north of Magnolia Street. The Project Area is bounded by South 5th Avenue to the east and South 4th Avenue to the west. Presently, the Project Area is developed with one- and two-story buildings, associated paved surface parking and loading areas, and limited landscaped or buffer areas.

The Project Area comprises six (6) properties containing thirteen (13) tax lots within Block 3002. Lots 3, 4, 5, 6, 8, 30, and 37 (commonly known as 420-424 Raritan Avenue) contain the SuperFresh grocery store and associated parking area. Lot 1 (400 Raritan Avenue), the former bank property, is now occupied by Circle Care Services; Lot 2 (406-418 Raritan Avenue) contains the Park Town Center, including a U.S. Post Office branch; and Lot 7 (438-440 Raritan Avenue) contains the Landmark Supply Inc. building.

To the west of the SuperFresh property is a stub public right-of-way, along with Lots 34, 35, and 36, which together are developed as a surface parking area accessible from South 4th Avenue. This parking area historically served the former bank property and also provides access to the rear parking area of the Park Town Center.

The Project Area is designated as both an "area in need of rehabilitation" and a "non-condemnation area in need of redevelopment," and is situated within multiple zoning districts. The following pages provide a summary of property ownership, assessments, land use information, and applicable zoning within the area.

### Bird's Eye View of Existing Conditions

## Ground-Level Views of Existing Conditions

1

2

3

4

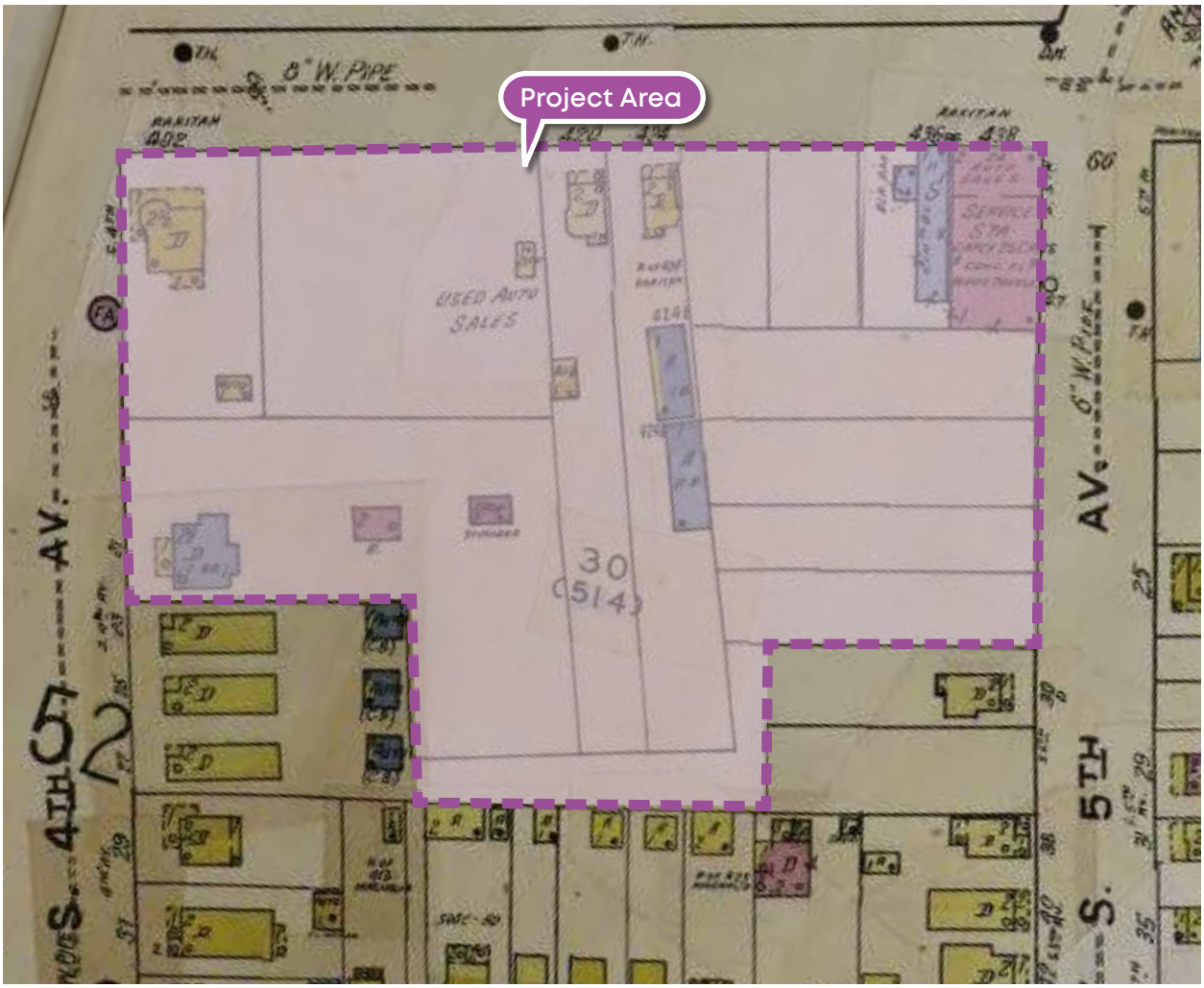
5

## 3.2 DEVELOPMENT HISTORY

The historic development pattern of Highland Park is typical of many smaller, older suburbs. Raritan Avenue, serving as the Borough's "main street," has generally retained much of its compact built form, originally developed with frame dwellings and modest front yard areas. Over time, one- and two-story additions were constructed in front of the dwellings, and together with existing and infill masonry buildings, an active street front evolved, containing a variety of retail storefronts and service businesses. This pattern of development extended throughout the Raritan Avenue corridor, including within the Project Area.

The 1936 Sanborn map below depicts multiple frame dwellings (in yellow) with one-story porches and small detached garages in the rear yards, a large used auto sales lot, one-story cinder block buildings (in blue), and a one-story brick building (in red) which was utilized for auto sales and service.

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




*1936 Sanborn Map.*

***Block 3002, Lot 1 -*** The Circle Care Services property was originally developed with a 21/2-story frame dwelling with a wrap-around porch situated at the corner of Raritan Avenue and South 4th Avenue. Following site plan approval in 1971, the dwelling was demolished and the property was redeveloped with a one-story masonry bank building for New Brunswick Savings Bank, together with a small surface parking area and a drive-through facility. In 1983, site plan approval was granted to expand the building and drive-through facility. The addition took the place of the small surface parking area, which was relocated onto the adjoining stub public right-of-way and Lots 34 & 36, and Lot 35. Over the ensuing years, New Brunswick Savings Bank was acquired by and/or re-branded as Constellation Bank, CoreStates Bank, First Union Bank, Wachovia Bank and, finally, Wells Fargo Bank, receiving site plan approval and/or sign variances. Following its closure in July 2023, the former bank building has been converted to Circle Care Services, a provider of pediatric physical therapy and behavioral analysis services.

***Block 3002, Lot 2*** - The Park Town Center property remained generally unimproved until the late 1940s or early 1950s, when the used auto sales lot was redeveloped with a small one-story masonry building situated at the northeast corner of the property, together with a paved L-shaped parking area accessible from Raritan Avenue. In the late 1950s or early 1960s, the building was expanded to fill up the remainder of the property's frontage along Raritan Avenue. The parking and loading area was reorganized and limited to the rear of the property, accessible only through the stub public right-of-way, which was created by ordinance in 1961.

Since the 1960's, the building has largely remained unchanged, with the exception of substantial facade renovations that received site plan approval in 1997. Otherwise, individual tenants have obtained permits for various interior renovations, awnings and signage, generally whenever there was a change of occupancy.

*View of streetscape along Raritan Avenue, in front of the Park Town Center.*

***Block 3002, Lots 3, 4, 5, 6, 8, 30 & 37*** - The SuperFresh property comprises several lots. Among them, Lots 3 and 4 were 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.

*Photograph of the Food Fair Building along 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, Stop & Shop, and, finally, SuperFresh.

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 lot to improve circulation and provide additional landscaping.

More recently, in response to the closure of the Stop & Shop, the Borough undertook a proactive planning effort to maintain the grocery store use, including designating the Project Area as a non-condemnation redevelopment area, adopting the 2023 Redevelopment Plan, and coordinating with the property owner to facilitate reinvestment, culminating in the opening of SuperFresh in 2024.

Lot 6 was originally developed with a one-story cinder block building that was utilized as a laundromat for a number of years. In 1988, the property owner sought to replace the building with a new two-story commercial/office building and certain improvements to the surface parking area. While the application was approved by the Planning Board, the project never moved forward. One year later in 1989, the existing building was demolished and this lot was paved and striped, apparently without having received site plan approval. The property owner eventually obtained site plan approval the following year in 1990.

***Block 3002, Lot 7*** - The Landmark Supply Inc. property was originally developed as a one-story brick building with a partial second floor situated at the front of the building. Once the original automotive use vacated, the building has been used by a mix of uses over the years, including retail businesses, personal services establishments, and processing / supply businesses. It is noted that the building that remains standing appears to be that shown on the 1936 Sanborn map while all other properties in the Project Area have been redeveloped.

***Block 3002, Lots 34 & 36*** - This property was originally developed with a 2½-story masonry dwelling, which was demolished in the 1980s to accommodate an expanded parking area for the prior bank uses. It is now currently used for parking serving both Circle Care Services and SuperFresh.

***Block 3002, Lot 35*** - This property was originally part of the side yard area associated with the dwelling on Lots 34 and 36. It was improved in the 1980s to support the expanded parking area for the prior bank uses, and is currently used for parking serving both Circle Care Services and SuperFresh.

## 3.3 PROPERTY OWNERSHIP

The Project Area has diverse ownership, and all six (6) properties, together with a stub public right-of-way, comprise approximately 3.61 acres, as summarized in the table below.

**Table 1. Property Ownership**

| Block | Lot | Class | Address | Owner | Acreage[1] |
|---|---|---|---|---|---|
| 3002 | 1 | 4A | 400 Raritan Avenue | DLAB LLC c/o David Landa #1015 | 0.33 |
| 3002 | 2 | 4A | 406-418 Raritan Avenue | Park Town Center LLC | 0.51 |
| 3002 | 3-6, 8, 30 & 37 | 4A | 420-424 Raritan Avenue | Nassau Wd Ind c/o David Landa | 2.28 |
| 3002 | 7 | 4A | 438-440 Raritan Avenue | Equipcare Limited Liability Co. | 0.11 |
| 3002 | 34 & 36 | 1 | 21 South 4th Avenue | DLAB LLC c/o David Landa #1015 | 0.19 |
| 3002 | 35 | 1 | 21 South 4th Avenue | DLAB LLC c/o David Landa #1015 | 0.12 |
| Right-of-Way | | | | Borough of Highland Park | 0.07 |
| | | | | **Total** | **3.61** |

*Note 1: The acreage values listed are approximate and were derived by calculating the area utilizing available online GIS mapping tools provided by the New Jersey Department of Environmental Protection. Therefore, the acreage values listed in the table above may not match the acreage values found in property tax records.*

## 3.4 PROPERTY ASSESSMENT

Property tax records from the Middlesex County Property Assessment Hub were reviewed to determine the land, improvement, and net assessed value of each property within the Project Area as of April 2026, as summarized in the table below. It is noted that the Project Area has a improvement ratio of approximately 0.90, meaning that, given that it is less than 1.00, the assessed improvement value is less than the assessed land value.

**Table 2. Property Assessment**

| Block | Lot | Assessed Land Value | Assessed Improvement Value | Net Assessed Value |
|---|---|---|---|---|
| 3002 | 1 | $1,098,400 | $275,200 | $1,373,600 |
| 3002 | 2 | $555,500 | $1,044,400 | $1,599,900 |
| 3002 | 3-6, 8, 30 & 37 | $1,995,900 | $1,826,700 | $3,822,600 |
| 3002 | 7 | $400,000 | $716,000 | $1,116,000 |
| 3002 | 34 & 36 | $219,500 | $0 | $219,500 |
| 3002 | 35 | $37,700 | $0 | $37,700 |
| **Totals** | | **$4,307,000** | **$3,862,300** | **$8,169,300** |

Map 3. Borough of Highland Park Tax Map Sheet 30

## 3.5 EXISTING LAND USE

***Sites & Facilities*** - The Project Area contains several sites that are enumerated through the New Jersey Department of Environmental Protection ("NJDEP") New Jersey Environmental Management System ("NJEMS"), as summarized in the table below. Sites that are listed on the NJEMS may be regulated by the NJDEP under one or more of its regulatory permitting or enforcement programs, or they may otherwise be of some interest to a NJDEP program.

**Table 3. NJEMS List**

| Site ID | P[1] | PI ID | Site Name | Active | Address |
|---|---|---|---|---|---|
| 5797 | Air | L1509 | EMBI Corp dba Highland Park Cleaners | Yes | 412 Raritan Avenue |
| | HW | NJX000268185 | Highland Park Cleaners | No | |
| | RtK | 64122100000 | Highland Park Cleaners Inc. | Yes | |
| 227625 | RtK | 00000011142 | Lily Bakery Inc | Yes | 416 Raritan Avenue |
| 291942 | HW | NJD982188484 | Highland Park Laundry & Dry Cleaning | No | 440 Raritan Avenue** |
| 318568 | HW | NJP000789008 | PSE&G | No | N 5th & Raritan |
| 485678 | P | NL003002 | Dollar City | Yes | 408 Raritan Avenue |

*Note 1: Program Names: Air = Air; HW = Hazardous Waste; P: Pesticides; RtK = Pollution Prevention / Right to Know*

*** The NJDEP DataMiner report detail for Site ID 291942 refers to 65 Woodbridge Avenue*

***Land*** - There are no wetlands as identified by the NJDEP and no high risk (1.0% chance of flooding) or low-to-moderate risk (0.2% chance of flooding) flood hazard areas as identified by the Federal Emergency Management Agency ("FEMA") within the Project Area.

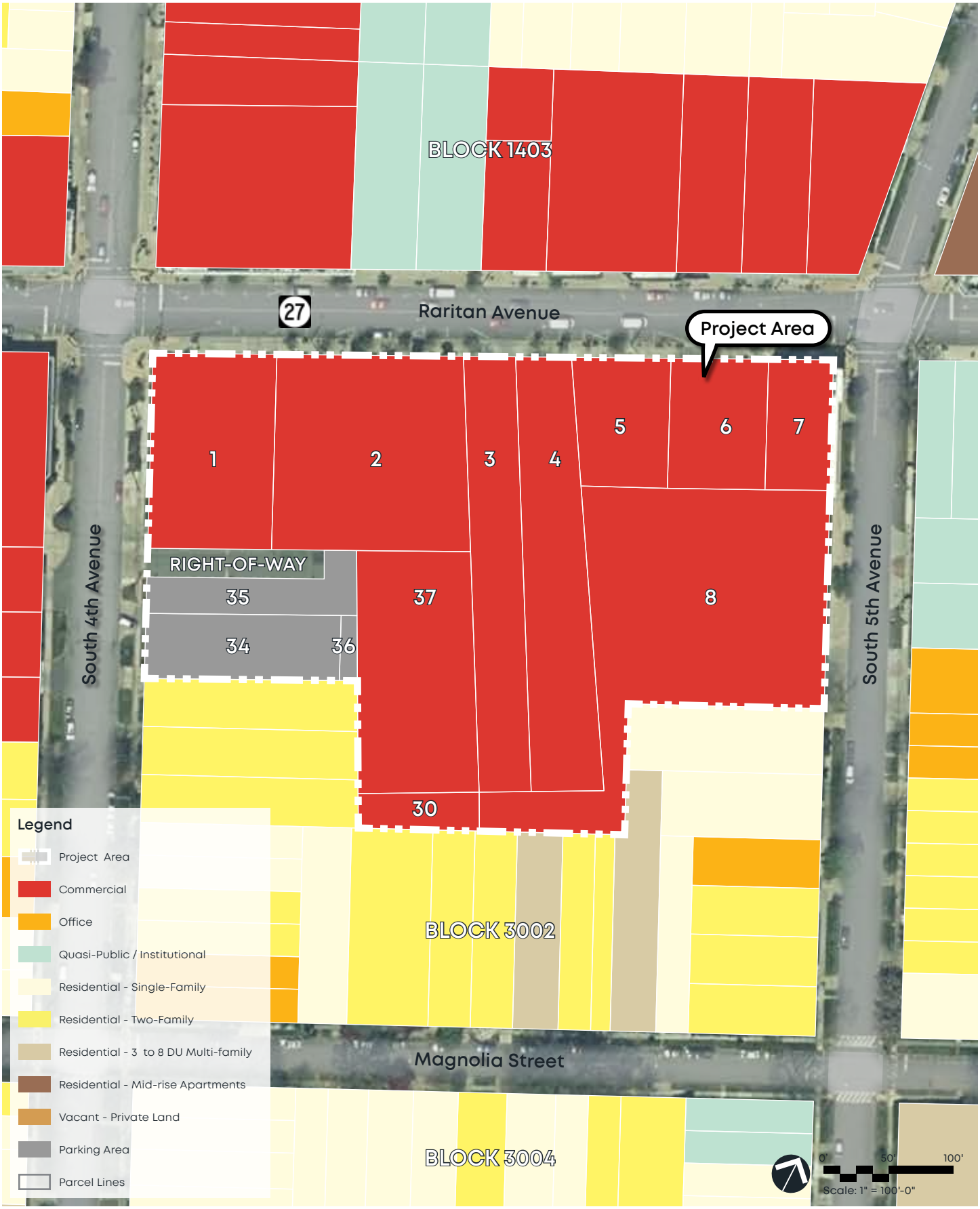
***Utilities*** - The Project Area is serviced by PSE&G for electric utilities, PSE&G for gas utilities, and is located within a sewer service area.

***Historic Preservation*** - The Project Area does not contain any properties listed in the New Jersey and National Registers of Historic Places.

***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. All of the Project Area sits atop the Passaic Formation (reddish-brown shale, siltstone and mudstone) bedrock and two crossing cycles of the Passaic Formation Gray bed bedrock (gray to black silty mudstone and others).

***Land Use*** - The Project Area primarily contains commercial uses and associated parking areas, with no residential uses. The land use map, shown on the following page, is generally based on the 2019 Master Plan with minor updates, but may not accurately reflect specific land uses, particularly where a mix of uses exists.

## Map 4. Existing Land Use Map



## 3.6 EXISTING ZONING

As previously noted, the Project Area is designated as both an "area in need of rehabilitation" and a "non-condemnation area in need of redevelopment," and is situated within multiple zoning districts. Lots 3, 4, 5, 6, 8, 30, 34, 35, 36, and 37 are located within the 2023 Redevelopment Plan area and, by extension, this amended Redevelopment Plan, while Lots 1, 2, and 7 are located within the CBD Central Business District Zone. Properties surrounding the Project Area that front on side streets are generally located within the PO Professional Office Zone, while those fronting Magnolia Street are located within the RB Two-Family Residential Zone.

The CBD Zone permits traditional downtown retail and office uses, with limited residential uses, and typical bulk standards found in smaller, older downtowns. Setback requirements are minimal, and building heights range from a minimum of two (2) stories to a maximum of four (4) stories.

The PO Zone serves as a transitional area between the CBD Zone and residential zones, and permits offices, professional offices, laboratories, and single-family dwellings, with apartments permitted as an accessory use above professional offices. Bulk standards are generally consistent with those found in residential zones throughout the Borough. The RB Zone permits both single- and two-family dwellings.

In addition to use and bulk standards, Article XVII of the Highland Park Land Development Ordinance establishes urban design and architecture guidelines applicable to the CBD and PO Zones, intended to ensure that development is sensitive to the area's context and unique character. The guidelines address pedestrian linkages, parking lot landscaping, parking structures, streetscape elements, facade composition, storefront design, and related features.

As to the 2023 Redevelopment Plan, it establishes a flexible framework intended to facilitate the rehabilitation and/or redevelopment of the grocery store property in response to the closure of the Stop & Shop. The plan permits a range of development outcomes and is not limited to a single site layout or building configuration, but instead provides multiple approaches to re-establish a grocery store and support mixed-use development consistent with the Borough's Master Plan goals.

To that end, the plan presents three (3) illustrative redevelopment scenarios, ranging from rehabilitation of the existing grocery store to partial or full redevelopment with a mixed-use building incorporating a grocery store and residential uses. The plan is supported by enabling zoning regulations and detailed development and design standards addressing site layout, circulation, pedestrian connectivity, parking, streetscape improvements, and building form, all intended to enhance the pedestrian environment, improve site functionality, and ensure compatibility with the surrounding context.

A summary of the specific zoning requirements including permitted uses and bulk regulations for the 2023 Redevelopment Plan area and the CBD Zone are outlined in the tables on the following pages.

Map 5. Existing Zoning Map

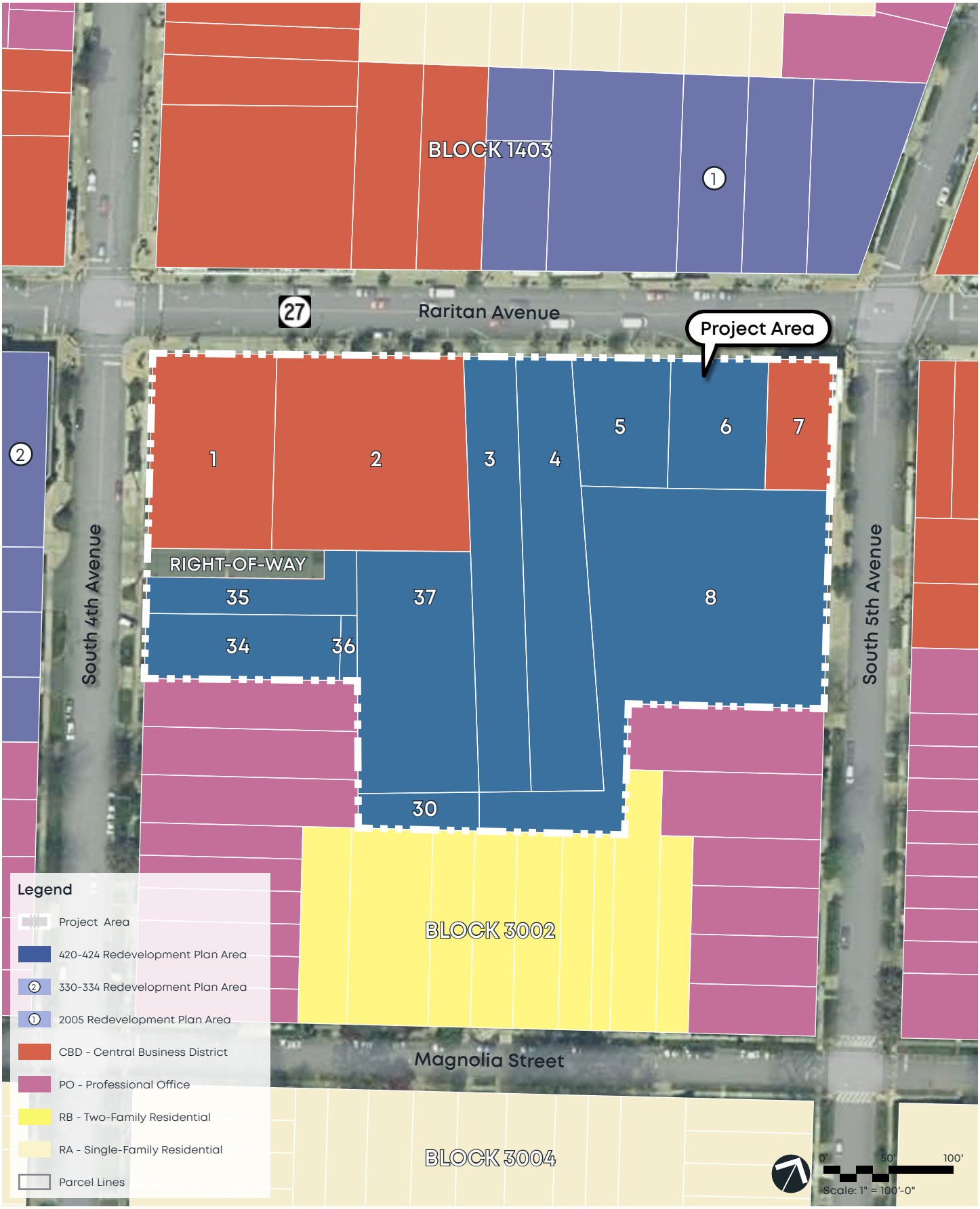


**Table 4. Zoning Chart for the 2023 Redevelopment Plan**

| Applicability | | | |
|---|---|---|---|
| Block 3002, Lots 3, 4, 5, 6, 8, 30, 34, 35, 36, and 37 | | | |
| **Permitted Principal Uses** | | | |
| Grocery stores (subject to conditions); Retail businesses; Personal service businesses; Indoor amusement businesses; Indoor recreation facilities; Spas, massage, and somatic therapy establishment; Banks and fiduciary institutions (except drive-through banks); Food and beverage establishments (except drive-through restaurants); Package stores, taverns, limited breweries, and brew pubs; Artists, artisan and crafts-person studios and workshops; Studios for the visual and performing arts; Museums and other cultural and civic facilities; Public assembly facilities and spaces, theaters and cinemas (subject to conditions); Offices (subject to conditions); Nursery schools and day-care centers; Residential uses (except on the ground floor); Live/Work units (except the "Live" portion on the ground floor; Pocket parks, plazas, and courtyards; and any other principal use and structure permitted in the underlying CBD Zone. | | | |
| **Permitted Accessory Uses** | | | |
| Off-street parking; Off-street loading; Plazas, courtyards, gardens, patios, pedestrian walkways, ramps, stairways, and alleys; Kiosks; Street furniture, planters, and streetlights; Fences, walls, retaining walls, and hedges; Open trellis; Outdoor cafes and outdoor dining structures; Sidewalk displays; Active and passive recreation facilities; Property management and leasing offices; Refuse and recycling enclosures; Signage; Murals, banners, public art, community signage, and digital display screens; and other uses and structures deemed to be ancillary and customarily incidental accessory uses and structures with respect to uses permitted hereunder. | | | |
| **Conditional Uses** | | | |
| Public utility facilities (subject to conditions); and any other conditional use and structure permitted in the underlying CBD Zone. | | | |
| **Bulk Regulations** | | | |
| **Lot** | | **Height** | |
| Min. Lot Area (SF) | N/A | Max. Height (Stories) | Varies |
| | | Max. Height (Ft) | Varies |
| **Yards/Setbacks** | | **Coverage** | |
| Yards | Varies | Max. Lot Coverage | Varies |
| | | Max. Impervious Coverage | Varies |

**Table 5. Zoning Chart for the CBD Zone**

| Applicability | | | |
|---|---|---|---|
| Block 3002, Lots 1, 2, and 7 | | | |
| **Permitted Principal Uses** | | | |
| Retail businesses; Personal service establishments; Banks and financial institutions (except on the ground floor); Food consumption establishments (except drive-in and/or fast-food restaurants); Package stores and taverns; Artist studios and artistic instruction space (except on the ground floor); Outdoor cafes including temporary outdoor dining; Public assembly facilities and spaces (subject to conditions); Carry-out restaurants (subject to conditions); Medical cannabis dispensaries; and Class 5 cannabis retailers and Class 6 cannabis delivery services (subject to requirements set forth in Chapter 136). | | | |
| **Permitted Accessory Uses** | | | |
| Off-street parking spaces; Off-street loading spaces; Business, professional, and governmental offices (except on the ground floor); Residential uses (except on the ground floor); Fences, walls, and hedges; Satellite dish antenna (receive only); Outdoor cafes; Sidewalk displays; and Artist studios and artistic instruction space (subject to conditions). | | | |
| **Conditional Uses** | | | |
| Public utility facilities (subject to conditions). | | | |
| **Bulk Regulations** | | | |
| **Lot** | | **Height** | |
| Min. Lot Area (SF) | 5,000 | Min. Height (Stories) | 2 |
| Min. Lot Width (Ft) | 50 | Max. Height (Stories) | 4 |
| Min. Lot Depth (Ft) | 100 | Max. Height (Ft) | 50 |
| **Yards/Setbacks** | | **Coverage** | |
| Min. Front Yard (Ft) | N/A | Max. Lot Coverage | 75% |
| Min. 1 Side Yard (Ft) | N/A | Max. Impervious Coverage | 90% |
| Min. 2 Side Yards (Ft) | N/A | **Density** | |
| Min. Rear Yard (Ft) | 20 | Min. GFA (SF) | 1,000 |
| | | Max. Dwelling Units / Building | N/A |

# 4 RELATIONSHIP TO OTHER PLANS

## 4.1 RELATIONSHIP TO BOROUGH'S LAND DEVELOPMENT ORDINANCE

As further elaborated in Section 6, the zoning regulations set forth in this Redevelopment Plan shall supersede the underlying zoning within the Project Area, and all Applications for Development shall be permitted only upon execution of a Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.

## 4.2 RELATIONSHIP TO BOROUGH'S MASTER PLAN

### 2019 MASTER PLAN & LAND USE PLAN ELEMENT

The 2019 Master Plan Reexamination Report discusses the Borough's desire to create a desirable living and working environment, to protect its environmental resources, and to promote sound land development. As such, the overall goals of the Master Plan 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 two (2) Community "Open House" Meetings, the Arts in the Park event, and a comprehensive online survey that allowed nearly 600 people to participate in the process, offering thousands of responses and comments.

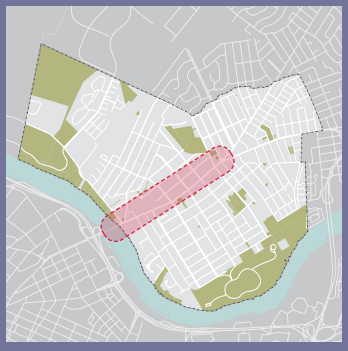
Based on public input, only 9% of survey respondents said they would like to see the downtown area to "remain the same," demonstrating the community's support for change in the downtown area. During the master planning process, common issues and concerns pertaining to the downtown area raised by the community included:

- Create mixed-use development with higher density housing, including multi-family and affordable units;
- There is a lack of a proper mix/diversity of retail and activities; and
- Too many exposed parking lots create gaps in the streetscape along Raritan Avenue.

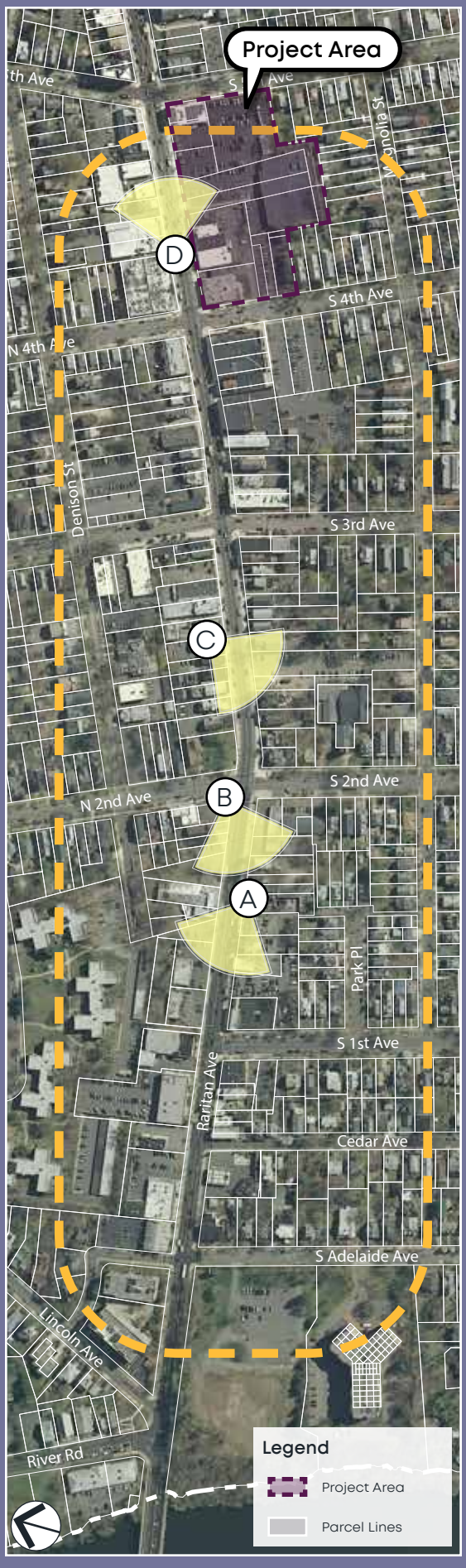
Additionally, comments were made specifically regarding the SuperFresh property. Given its centralized location within the community along Raritan Avenue, the grocery store is walkable and serves as an anchor for the downtown area; however, the community indicated that the area needed to be upgraded.

# DOWNTOWN AREA

*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 enhance the streetscape and pedestrian environment along Raritan Avenue. .*

Prior master plan documents were comprehensively reevaluated, resulting in the establishment of 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 **create a gateway to the community** and **transform outdated commercial corridors**.

To do so, the Master Plan recommends taking advantage of redevelopment tools, expanding the range of permitted uses, reinforcing distinctive place-making, incorporating context-sensitive design standards, improving the aesthetics and functionality of the streetscape, and better manage parking.

Drawing from community feedback, the Land Use Plan Element of the Master Plan provides a vision statement for the downtown area, which reads 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.

Therefore, it is anticipated that this Redevelopment Plan will advance the goals of the Borough's Master Plan.

# **DOWNTOWN AREA** STRATEGIES

The following strategies are specific to the downtown area and help advance the goals of 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 area 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 area.

» **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.

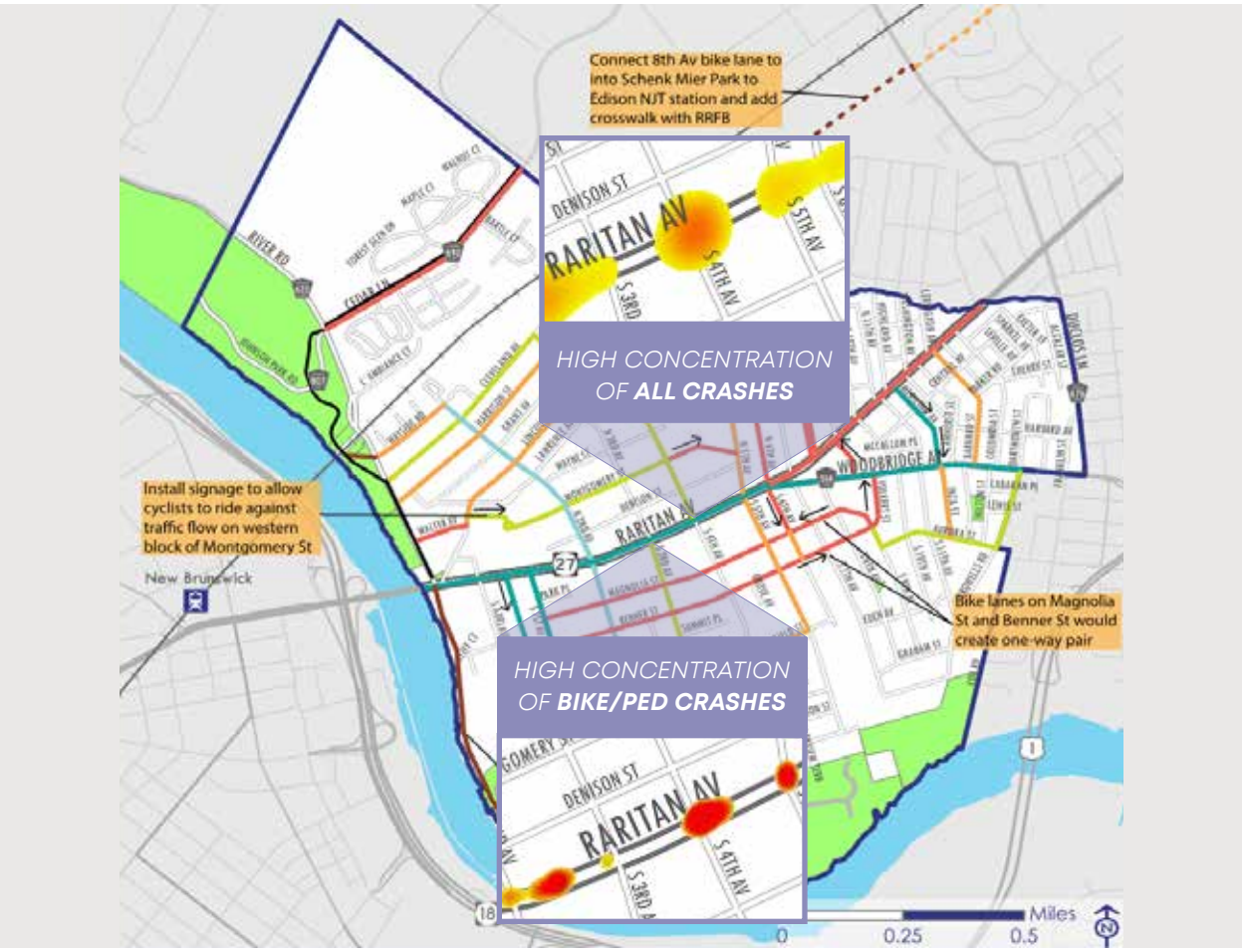
» **Encourage any level of upgrade and reinvestment** by working with programs such as Main Street Facade Improvement and Awning Assistance to maintain and enhance the look of the Central Business District.

## 2019 HIGHLAND PARK BICYCLE & PEDESTRIAN PLAN

The 2019 Highland Park Bicycle & Pedestrian Plan (the "Bike-Ped Plan") identifies strategies and improvements to promote active transportation - such as bicycling and walking - as safe, comfortable, and attractive modes of travel that serve residents, support local businesses, and encourage economic investment into the downtown area and commercial corridors. The Bike-Ped Plan seeks to improve mobility, safety, accessibility, and equity for all road users and is grounded on the "4 E's": Engineering, Education, Enforcement, and Encouragement.

The Bike-Ped Plan is fundamental to how this Redevelopment Plan is conceptualized and advanced in the following ways:

- Leveraging private development activity to advance planned improvements and preferred design standards such as: i. streetscape improvements; ii. filling sidewalk gaps; iii. repairing existing sidewalks; iv. driveway access modifications (particularly along Raritan Avenue); and v. installing bicycle parking.
- Establishing preferred design standards for covered bicycle parking.
- Ensuring the incorporation of appropriate bicycle and pedestrian accommodations.




*The Bike-Ped Plan notes a high concentration of both vehicle and pedestrian/bicycle crashes within the downtown area, including areas directly along the frontage of the Project Area.*

# Raritan Ave (River Rd to S 6th Ave)

## Recommendations

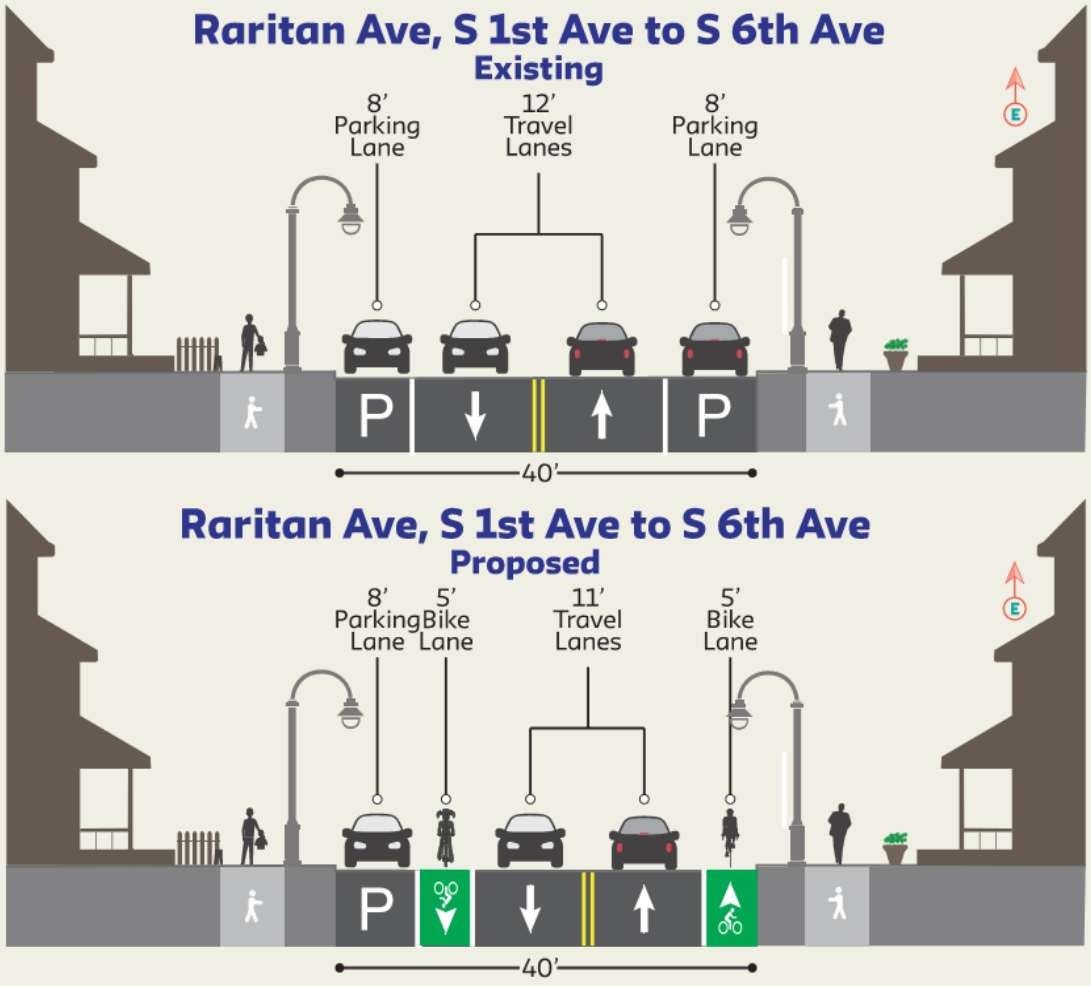
- Install curbside standard bike lane along south curb and standard bike lane on north side of Raritan Ave

The best option for bike facilities along this portion of Raritan Ave is to remove parking along the south curb of Raritan Ave, resulting in the loss of 62 parking spaces with no parking loss along the north curb.

Two westbound travel lanes would be maintained west of S 1st Ave. The remainder of the corridor would have one travel lane in each direction. Presently, the block between S 5th Ave and S 6th Ave has two eastbound lanes. To accommodate the bike lane, this would be reduced to one lane with a short right turn bay. The maintenance of one travel lane here aligns it with blocks westward which also has one eastbound lane.

This treatment would minimize the parking loss while providing dedicated bicycle facilities for the plethora of riders wishing to traverse Raritan Ave. The Albany Street Bridge presents an additional challenge as the existing two lanes in each direction are necessary for the high volumes. Presently, cyclists can ride along the bridge's sidewalk.

Streets perpindicular and parallel to Raritan Ave have sufficient available on-street parking to offset the loss of 62 spots. Before implementing such a change, the Borough should work with stakeholders along these side streets to elicit feedback. Additionally, several large parking lots along Raritan Ave can be better utilized for visitor parking. These lots include those at the Reformed Church of Highland Park, the Rite Aid and Stop & Shop Lots and the lot on N 3rd Ave.




*The Bike-Ped Plan recommends the implementation of a road diet, removing one lane of on street parking, and provide for separated bike lanes on both sides of Raritan Avenue.*

## 4.3 RELATIONSHIP TO CONTIGUOUS MUNICIPALITIES

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

In the Edison Township's Roadway Classifications Map, Route 27 is considered a "principal arterial" and is characterized as a roadway with significant hazards and impediments to support pedestrian and bicycle movement. Additionally, the Circulation Plan Element included recommendations to upgrade or redevelop underutilized properties and take meaningful steps towards improving pedestrian infrastructure. The proposed site improvements such as improved access and circulation within and surrounding the Project Area as required in this Redevelopment Plan would support improved pedestrian movement within this high-speed, high-traffic area along Route 27.

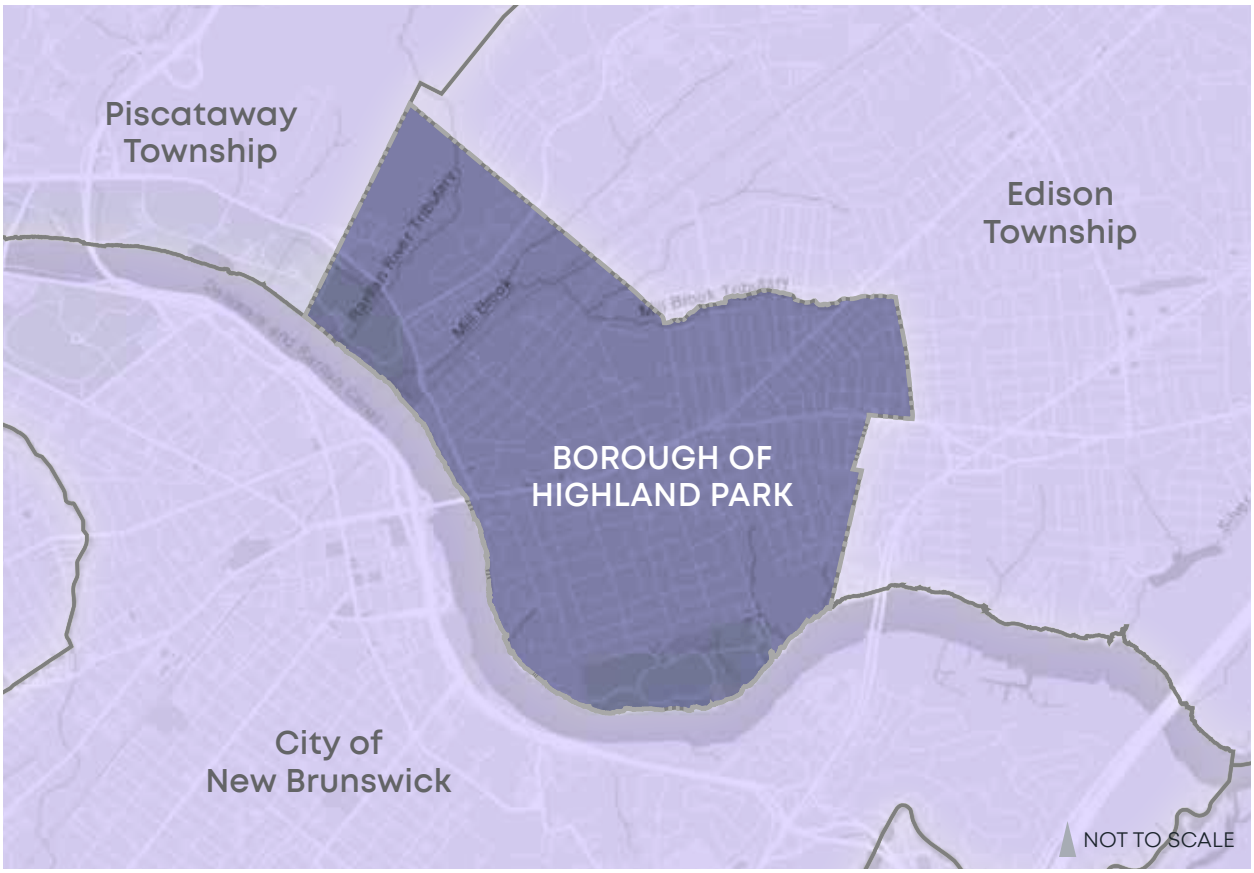
Therefore, it is anticipated that this Redevelopment Plan will not conflict with the master plans of the City of New Brunswick, Edison Township, and Piscataway Township.

## 4.4 RELATIONSHIP TO MIDDLESEX COUNTY

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

According to the Middlesex County Transportation Master Plan, Route 27 is identified as one of the most congested routes in the County. The proposed site improvements such as improved access and circulation within and surrounding the Project Area as required in this Redevelopment Plan align with the overall goals and strategies for transportation including promoting safety, improving mobility, and reducing traffic congestion. Additionally, this Redevelopment Plan aligns with the goals of the Middlesex County Open Space & Recreation plan by adhering to and promoting the community's health and resiliency, preservation of natural resources, and the enhancement of social and physical environments.

Therefore, it is anticipated that this Redevelopment Plan will not conflict with the Middlesex County Comprehensive Plan.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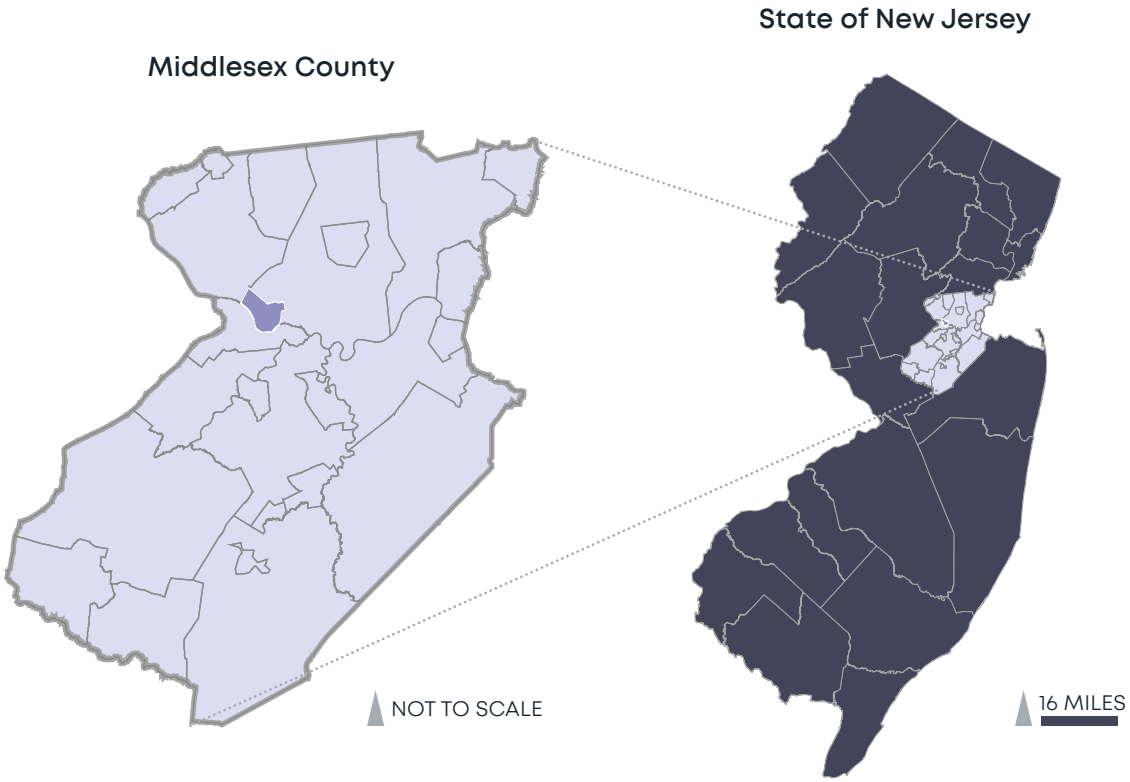
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## 4.5 RELATIONSHIP TO THE STATE PLAN

### STATE DEVELOPMENT & REDEVELOPMENT PLAN

On December 17, 2025, the State Planning Commission adopted the State Development and Redevelopment Plan (the "State Plan"), including the Infrastructure Needs Assessment. In accordance with N.J.S.A. 52:18A-200, the State Plan is intended to be designed to represent a balance of development and conservation objectives best suited to meet the needs of the State of New Jersey. Among other things, the State Plan shall:

> *"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 State Plan serves as an advisory framework for sound planning across all levels of government, guided by ten statewide Goals that reflect enduring planning principles and support a sustainable and resilient future for the State. These Goals are to be achieved through flexible application in response to local context and conditions of the community.

The State Plan's ten statewide Goals are as follows:

Goal 1: Promote Economic Growth that Benefits all Residents of New Jersey

Goal 2: Provide an Adequate Supply of Housing For Residents of All Ages and Incomes in Communities of Their Choosing That Meet Their Needs and Offer Ready Access to the Full Range of Supportive Goods and Services

Goal 3: Economic Opportunity Through nation-leading Infrastructure

Goal 4: Revitalize and Recenter the State's Underutilized Developed Areas

Goal 5: Effectively Address the Adverse Impacts of Global Climate Change

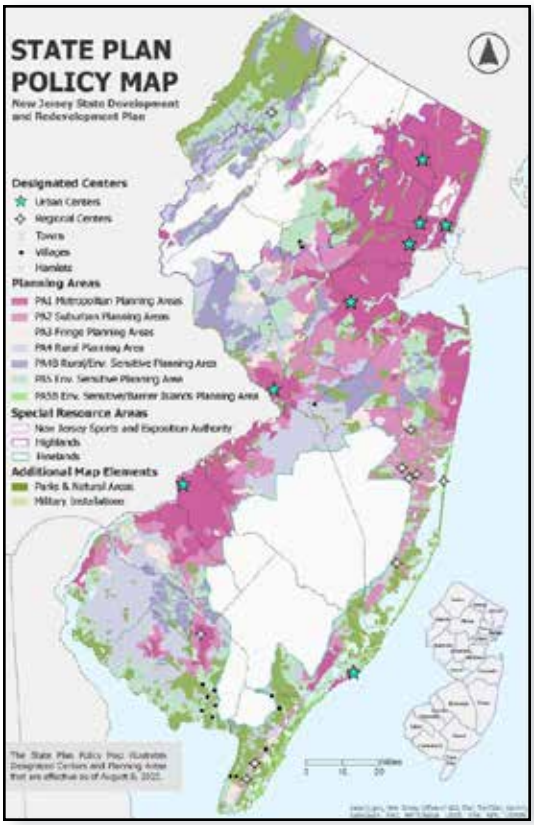
Goal 6: Protect, Maintain, and Restore the State's Natural and Water Resources and Ecosystems

Goal 7: Protect the Environment; Prevent and Clean Up Pollution

Goal 8: Protect, Enhance, and Improve Access to Areas with Exceptional Archaeological, Historic, Cultural, Scenic, Open Space, and Recreational Value

Goal 9: Implement Equitable Planning Practices to Promote Thriving Communities for all New Jerseyans

Goal 10: Foster Sound and Integrated Planning and Implementation at all Levels Statewide

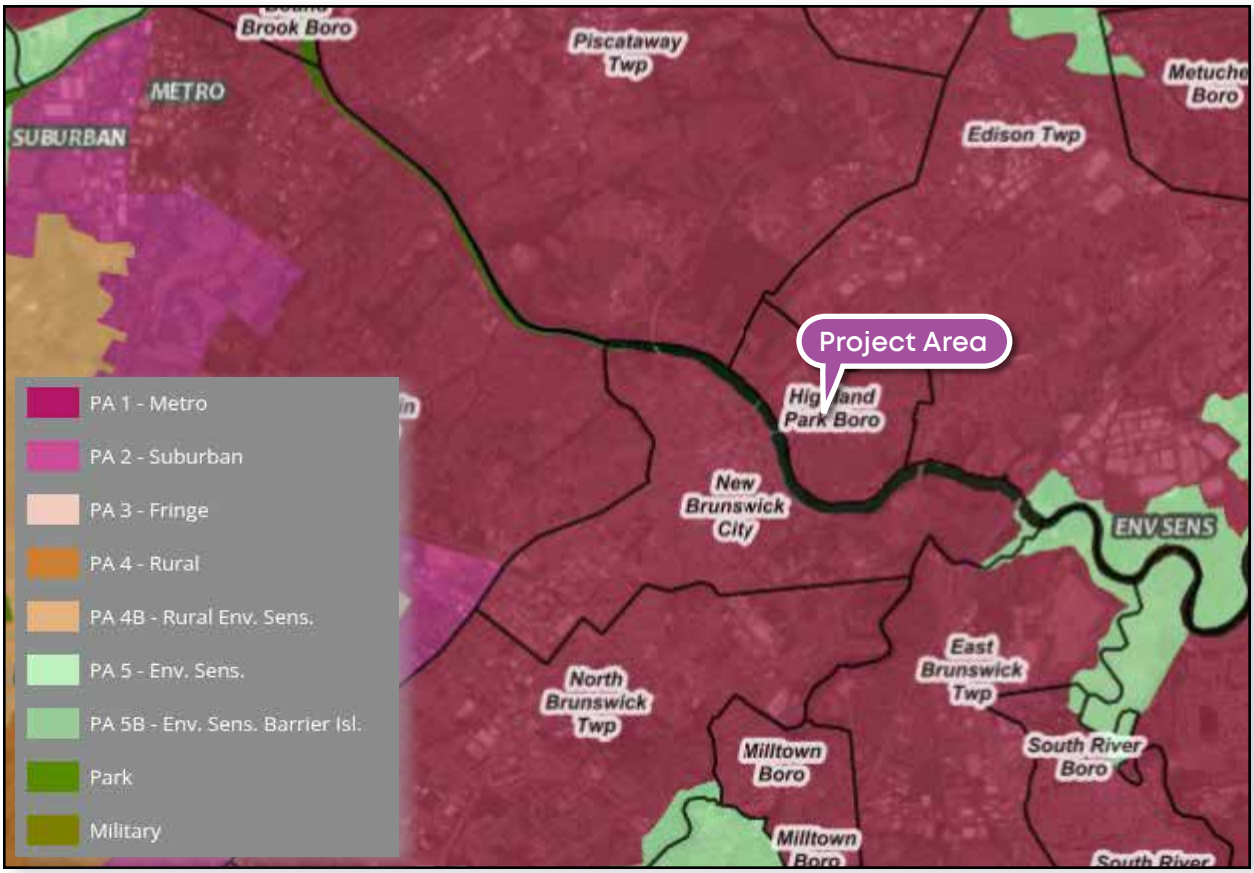



## STATE PLAN POLICY MAP

The State Plan includes a State Plan Policy Map that integrates three key spatial concepts—Planning Areas, Centers/Nodes, and Environs—to provide a framework for implementing the State Plan's goals and statewide priorities.

Planning Areas define broad areas with similar characteristics and guide where development or conservation should occur. Centers focus growth or manage activity within these areas and serve surrounding Environs outside their boundaries. Together, they direct growth first to Metropolitan and Suburban areas while generally limiting development in Fringe, Rural, and Environmentally Sensitive areas across most of the State.

According to State Plan Policy Map via NJ MAP - an interactive atlas of New Jersey developed by Rowan University - the Borough of Highland Park, including the entire Project Area, is situated within the Metropolitan Planning Area (PA1).



## POLICY OBJECTIVES

Relative to the State Plan Policy Map, the State Plan provides a series of policy objectives intended as guidelines for planning activities throughout the State, summarized as follows:

**Land Use**: Plan and zone to promote balanced, mixed-use communities; guide development and redevelopment in or near Centers; preserve agricultural land, soils, open space, environmentally sensitive areas; and protect and enhance Environs through context-sensitive densities that avoid environmental features and areas.

**Housing**: Promote a full range of housing choices by directing development in or near Centers at suitable densities through various construction techniques and diverse housing types; maintain community character outside Centers; and avoid development of housing in vulnerable areas.

**Economic Development**: Encourage new businesses, private investment, and tourism consistent with Smart Growth principles; revise outdated zoning restrictions to adapt to contemporary workplaces; and ensure development outside Centers enhance the area's qualities and minimize impact on sensitive areas.

**Transportation**: Promote a multimodal transportation system that prioritizes public transit, walking, bicycling, and micro-mobility over single-occupancy vehicles; implement traffic calming and maximize circulation and mobility options; encourage significant redevelopment and intensification around rail and ferry stations.

**Natural Resource Conservation**: Conserve continuous natural systems, strategically locate open space, and buffer critical sites; reinforce community identity through open space; minimize conflicts between the built environment and sensitive resources; and prioritize conservation and compatible development in sensitive and coastal areas.

**Agriculture and Farmland Preservation**: Guide development and redevelopment to meet the needs of the agricultural industry and support other industries; promote urban farming; guide development away from farmland and prioritize farmland preservation; and promote diversified farming operations and agri-tourism.

**Recreation**: Promote active and passive recreational and tourism opportunities at all scales; prioritize rehabilitation and development of parks as well as acquisition of and improvements to parkland; create public access along waterfronts; and convert obsolete rail corridors and canal pathways into multi-purpose recreational trails.

**Redevelopment**: Encourage redevelopment by directing growth to existing and emerging Centers; redevelopment a mix of use and at transit-supportive densities; enhance walkability and safety; repurpose obsolete commercial buildings; amend zoning provisions to eliminate barriers; and reduce hazard risks in flood-prone areas.

**Historic Preservation**: Encourage historic preservation by protecting and adaptively reusing significant buildings, sites, neighborhoods, and districts; Coordinate preservation needs with open space and farmland efforts; and link historic resources with tourism efforts.

**Public Facilities & Services**: Program and phase public facilities to support development in appropriate areas while protecting farmland and open space; locate central facilities relative to population; encourage public–private partnerships; and strengthen infrastructure to withstand climate hazards.

**Intergovernmental Coordination**: Coordinate planning across all levels of government; foster public–private partnerships for development and redevelopment; and align policies and financial tools to support economic development and environmental protection.

**Climate Change**: Direct development and redevelopment to low-risk areas with existing infrastructure; support climate adaptation by discouraging growth in vulnerable areas; invest in resilient infrastructure and mitigation strategies; and require resilient design and hazard mitigation initiatives, particularly in high-risk, already developed areas.

## METROPOLITAN PLANNING AREA (PA1)

The State Plan indicates that the Metropolitan Planning Area (PA1) classification denotes a State Smart Growth Area, and it generally includes developed communities that range from large urban centers to post-war suburbs.

The State Plan's intent for the Metropolitan Planning Area (PA1) is to:

- Provide for much of the state's future growth in compact development and redevelopment;
- Revitalize cities, towns, and neighborhoods, and in particular overburdened neighborhoods;
- Address existing legacy issues such as air pollution, urban heat islands, lead contamination, Brownfields, urban highways, and combined sewer systems;
- Prevent displacement and gentrification;
- Promote growth that occurs in Centers, other appropriate areas that are pedestrian friendly, and in compact transit-oriented forms;
- Rebalance urbanization with natural systems;
- Promote increased biodiversity and habitat restoration;
- Stabilize and enhance older inner ring suburbs;
- Redesign and revitalize auto oriented areas; and
- Protect and enhance the character of existing stable communities.

Therefore, it is anticipated that this Redevelopment Plan will advance the purpose, goals, and objectives of the State Plan.

# 5 VISION

## 5.1 VISION FOR THE PROJECT AREA

This Redevelopment Plan reaffirms and builds upon the initial vision established in the 2023 Redevelopment Plan, which was originally focused on the grocery store property and adjoining parking area on the adjacent property along South 4th Avenue. That effort was undertaken in direct response to the closure of the Stop & Shop grocery store and sought to create a shared vision and implementation strategy for reintroducing a grocery store use at the heart of the downtown Highland Park.

Through this updated planning effort, that vision is being reconfirmed and expanded to apply to the broader Project Area, while maintaining its core objective of facilitating the rehabilitation and/or redevelopment of the area in a manner that continues to support the SuperFresh grocery store and surrounding properties.

Additionally, this Redevelopment Plan continues to advance the goals and recommendations of the 2019 Master Plan Reexamination Report and Land Use Plan Element. These include 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.

Consistent with the Master Plan, this Redevelopment Plan advances the following strategies:

- 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 directed that this Redevelopment Plan remain flexible, allowing for a range of rehabilitation and redevelopment scenarios that reinforce the long-term viability of the existing grocery store while facilitating reinvestment within the property and surrounding area. These efforts are intended to attract complementary development, strengthen the downtown, and deliver meaningful public benefits and site improvements.

Multiple preliminary concepts were developed and presented at a Community Meeting in February 2023 as part of the earlier planning effort focused on the grocery store property and adjoining parking area. These concepts - identified as Scenarios A, B, and C - are carried forward in this Redevelopment Plan, with minor adjustments to reflect the expanded Project Area, and continue to serve as illustrative examples of the numerous ways that the Project Area can be rehabilitated and/or redeveloped.

## SCENARIO A

**Scenario A** represents an investment approach in which targeted site improvements can be implemented over time in coordination with the Borough, without requiring site plan approval. The concept includes improvements such as vehicular circulation, pedestrian connectivity, parking areas, stormwater management, and streetscape treatment along Raritan Avenue.

Potential strategies include modifications to vehicular circulation, such as closing the existing egress driveway to Raritan Avenue and narrowing the ingress drive, transitioning into a textured and/or raised shared space at the store entrance with curb bump-outs, bollards, and enhanced crosswalks to improve pedestrian safety.

Additional strategies may address pedestrian access and parking, including a continuous walkway from South 5th Avenue to the store entrance, with the potential to extend through the adjoining parking area on the adjacent property along South 4th Avenue. The parking layout could also be reconfigured as a one-way loop with angled parking spaces and added landscape buffers to better separate pedestrian and vehicular movements.

Streetscape improvements may include a short masonry wall and/or decorative metal fence, together with landscaping and a regular rhythm of street furniture. A monument sign can be provided near the ingress, in place of up to two (2) parking spaces. These improvements can be implemented without requiring site plan approval, provided that streetscape improvements and the closure of the egress driveway are coordinated with and approved by the Borough prior to construction..

## SCENARIO B

**Scenario B** represents an investment approach that introduces a new multi-story infill/liner mixed-use building along Raritan Avenue, as envisioned in the Master Plan. The building should be set back to align with the prevailing front setback of the adjacent Park Town Center, maintaining a consistent streetwall and reinforcing the established development pattern along the corridor. If the opportunity arises, the building could also expand onto an adjacent lot to further strengthen the street presence and contribute to a more cohesive block frontage.

The building would include ground-floor commercial space activated by retail, service, or dining uses, with potential residential amenity space at grade and residential units above. By reinforcing the street frontage with active uses, the building would strengthen the pedestrian experience along Raritan Avenue and support the vitality of the surrounding downtown area, including adjacent shops and the grocery store.

This scenario may also incorporate the vehicular circulation, pedestrian connectivity, parking, and stormwater management improvements outlined in Scenario A. Together, these measures would improve the overall function and organization of the Project Area while supporting a more walkable and connected environment.

Alternative approaches to site circulation and pedestrian movement could include a revised continuous walkway from South 5th Avenue to South 4th Avenue through the adjoining parking area on the adjacent property, consolidation of two drive aisles into a single drive aisle with walkways on both sides, and a defined driveway connection serving the Park Town Center. Collectively, these strategies would enhance walkability, improve site organization, and strengthen the overall sense of place.

## SCENARIO C

**Scenario C** envisions redevelopment of the entire Project Area with one or more new mixed-use buildings containing a grocery store and expanded downtown residential opportunities. The permitted building envelope is defined by setback, step-back, and height provisions designed to respond sensitively to the surrounding context, ensuring appropriate separation between new construction and any existing buildings that remain. To facilitate consolidation of the Project Area, the Borough may consider vacating the stub public right-of-way..

Buildings would front Raritan Avenue with a grocery store at grade and residential units above, rising up to five (5) stories with step-backs to reduce perceived height, transitioning to no greater than three (3) stories toward the rear to maintain compatibility with the adjacent 2½- to 3-story residential properties.

Parking may be accommodated through surface spaces, a podium garage, and/or underground parking. Site access could include a narrow ingress from Raritan Avenue with additional access points from South 5th Avenue and South 4th Avenue. Any existing or new driveway connection to Raritan Avenue shall require a redevelopment agreement.

Design and programming should prioritize pedestrian connectivity, with a cross-block connection linking Raritan Avenue to the rear of the site. Outdoor gathering areas are encouraged in front of and between buildings, including the potential reuse of existing driveways as pedestrian space or plazas. Where such spaces are created, additional setback area could be incorporated to support active frontage and an inviting streetscape. A minimum building separation of five (5) feet should be maintained between new and existing buildings to ensure adequate light, air, and access.

## 5.2 STATEMENT OF GOALS & OBJECTIVES

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

A. The primary goal of this Redevelopment Plan is to eliminate those conditions that cause the Project Area to be considered an "area in need of rehabilitation" and, where applicable, an "area in need of redevelopment."

B. The stimulation of private investment in the Project Area by assembling sites and assisting as necessary and appropriate to support such rehabilitation and, where applicable, 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 revitalize the Project Area in a manner that serves community needs, strengthens the local economy, attracts residents and small businesses, and supports the Borough's continued vitality.

Additionally, 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 continues to be a required use.

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, if it were to be reconstructed 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 along the entire block face of the Project Area.

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 PROPOSED ZONING REGULATIONS

## 6.1 PURPOSE & OVERVIEW

All 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 LRHL. Additionally, it is necessary to establish the following:

A. The development, rehabilitation, or redevelopment of the Project Area shall effectuate the Vision and the established Goals and Objectives of this Redevelopment Plan.

B. The zoning regulations set forth in this Redevelopment Plan shall supersede the underlying zoning within the Project Area as provided for in N.J.S.A. 40A:12A-7c., and all Applications for Development shall be permitted only upon execution of a Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper. In the case of a change of occupancy that does not require an Application for Development, a Redevelopment Agreement shall not be required.

C. It is intended and expressly understood that any zoning regulations and development and design standards not specifically addressed in this Redevelopment Plan shall continue to apply as set forth in the Highland Park Land Development Ordinance (the "Ordinance") and all other codes and regulations as set forth in the Code of the Borough of Highland Park (the "Code") not contravened in this Redevelopment Plan

D. Unless otherwise provided herein, all words and phrases used herein shall have the same definitions provided in the Ordinance and the Code.

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:

A. Parcel A: Block 3002, Lots 3, 4, 5, 6, 7, 8, 30, and 37.

B. Parcel B: Block 3002, Lots 1, 2, 34, 35, and 36, as well as the stub public right-of-way.

The zoning regulations set forth herein shall apply to the boundaries of each Parcel. Accordingly, the zoning regulations set forth herein shall apply to each Parcel as a whole, and shall not apply independently to any existing individual lot within the boundaries of any such Parcel or to any individual lot created through consolidation and/or subdivision.

In the event of any discrepancy between the boundaries of any Parcel and any individual lot created through consolidation and/or subdivision, the boundaries established by such consolidation and/or subdivision shall control, provided that the consolidation and/or subdivision does not substantially deviate from the general boundaries of such Parcel and the consolidation and/or subdivision plan is approved by the Borough Administrator / Economic Development Director and/or Redevelopment Entity prior to being filed with the Planning Board.

Map 6. Proposed Zoning Map

## 6.2 LAND USE REGULATIONS

The provisions pertaining to land use regulations contained herein shall apply to all development within the Project Area. Variances shall not be granted from any of the uses set forth in Section 6.2.1. to 6.2.3. as these land use regulations constitute mandatory components of this Redevelopment Plan; all deviations from the uses set forth in Section 6.2.1. to 6.2.3. shall be accomplished solely by amendment to this Redevelopment Plan.

More than one principal use shall be permitted on any individual lot within the Project Area.

### 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 within Parcel A.
2. Retail businesses, including, but not limited to, boutiques, gift shops, specialty stores, and other similar shops and stores.
3. Personal service establishments.
4. Indoor amusement businesses, including, but not limited to, arcades, axe-throwing, virtual reality, escape rooms, and other similar activities.
5. Indoor recreational facilities, including, but not limited to, dance studios, yoga studios, physical fitness studios, fitness centers, and other similar facilities and studios.
6. Spas, massage, bodywork, and somatic therapy establishments.
7. Banks and fiduciary institutions, including walk-up automated teller machines (ATM), except 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. Artist, artisan, and crafts-person studios and workshops, and other similar creative workspaces and maker spaces.
11. Studios for the visual and performing arts, including, but not limited to, performance space, gallery space, artistic instructional space, and other similar spaces.
12. Museums and other cultural and civic facilities.
13. Public assembly facilities and spaces, including, but not limited to, theaters, cinemas, meeting halls, and other similar spaces.

14. Flex spaces, including, but not limited to, demonstration kitchens, event rental space, party rental space, and other similar spaces.

15. Offices, except individual office space on the ground floor directly fronting on Raritan Avenue. Such uses may include, but are not limited to, professional offices (e.g., physicians, lawyers, financial advisors, or architects); commercial offices (e.g., realtors or travel agencies); governmental offices (e.g., post office branch); and shared and co-working spaces.

16. Nursery schools and day-care centers.

17. Public and private preschools.

18. Residential uses, except dwelling units located on the ground floor directly fronting on Raritan Avenue. Such uses may include ancillary and customarily incidental common spaces for residents, such as lobbies, active and passive recreational facilities, collaboration and/or shared spaces, and other similar amenities and services, which may be located on the ground floor.

19. Live/Work units, except that the "Live" portion of the unit shall not be located on the ground floor directly fronting on Raritan Avenue.

20. Pocket parks, plazas, and courtyards.

21. Public facilities.

22. Any other principal use and structure permitted in the 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. Active and passive recreational facilities, including physical fitness studios, pools, courtyards, gardens, roof top terraces, and other similar amenities.

4. Plazas, courtyards, gardens, patios, pedestrian walkways, ramps, stairways, alleys, and other similar public and semi-public spaces.

5. Fences, walls, retaining walls, hedges, and other similar landscape elements.

6. Open trellis and other similar overhead shade/landscape structures.

7. Outdoor cafes and outdoor dining structures.

8. Benches, bicycle racks, planters, and other similar street furniture.

9. Sidewalk displays.

10. Signage for uses on the site.

11. Murals, banners, community signage, kiosks, digital display screens, and public art installations.

12. Property management and leasing offices serving the uses in the Project Area.

13. Refuse and recycling enclosures.

14. Other uses and structures deemed to be ancillary and customarily incidental to the 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 CBD Central Business District Zone, as may be amended from time to time.

### 6.2.4. TEMPORARY USES.

A. Temporary uses and events may be permitted on an interim basis within the Project Area, in accordance with a Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper..

## 6.3 AREA & BULK REGULATIONS

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

### 6.3.1. AREA & BULK REGULATIONS.

A. The following area and bulk regulations shall apply to Parcel A, where the existing grocery store is retained and may be renovated, 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 dimensional requirements.

Building Setback Requirements for the Existing Grocery Story

2. Existing yard 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(s)

3. Front yard setback from Raritan Avenue: prevailing setback of the existing building on Lot 2.

4. Front yard setback from South 5th Avenue, where Lot 7 is integrated into the project: 5 feet minimum; prevailing setback of the existing building on Lot 9 where within 50 feet of Lot 9.

5. Minimum yard setback from the westerly property line of Lot 7, where Lot 7 is not integrated into the project: 5 feet.

6. Minimum yard setback from the easterly property line of Lot 2: 15 feet where an ingress driveway is not provided; 30 feet where an ingress driveway is provided.

7. Minimum yard setback from all other Parcel boundary lines: 5 feet where the adjacent property does not contain a residential use; 10 feet where the adjacent property contains a residential use.

Coverage Requirements

8. Maximum building coverage: 50%.

9. Maximum impervious coverage: 90%.

Height* Requirements

10. 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 and South 5th Avenue.

11. Maximum building height in feet: 60 feet; 75 feet where a fifth story is permitted in accordance with Section 6.3.1.A.10.

**Height is defined in Section 6.4.1.*

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

Area Requirements

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

Building Setback Requirements

2. Front yard setback from Raritan Avenue: prevailing setback of the existing building on Lot 2.

3. Front yard setback from South 4th Avenue: 5 feet minimum; prevailing setback of the existing building on Lot 33 where within 50 feet of Lot 33.

4. Minimum yard setback from all other Parcel boundary lines: 5 feet where the adjacent property does not contain a residential use; 10 feet where the adjacent

property contains a residential use.

Coverage Requirements

5. Maximum building coverage: 50% excluding parking structures or underground parking; 80% including parking structures or underground parking.

6. Maximum impervious coverage: 90%.

Height* Requirements

7. Maximum building height in stories: 3 stories, except a fourth story fronting Raritan Avenue shall be permitted, provided that the fourth-floor façade is set back a minimum of 10 feet from the façade of the third floor below, as measured from Raritan Avenue and South 4th Avenue.

8. Maximum building height in feet: 45 feet; 60 feet where a fourth story is permitted in accordance with Section 6.3.1.B.7.

**Height is defined in Section 6.4.1.*

C. The following area and bulk regulations shall apply to the Project Area where the existing grocery store is demolished and reconstructed:

Area Requirements

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

Building Setback Requirements

2. Minimum front yard setback from Raritan Avenue: 5 feet.

3. Minimum front yard setback from South 5th Avenue: 5 feet.

4. Minimum front yard setback from South 4th Avenue: 5 feet.

5. Minimum yard setback from all other Project Area boundary lines: 5 feet where the adjacent property does not contain a residential use; 10 feet where the adjacent property contains a residential use.

Coverage Requirements

6. Maximum building coverage: 50% excluding parking structures or underground parking; 80% including parking structures or underground parking.

7. Maximum impervious coverage: 90%.

Height* Requirements

8. 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 facades are set back a minimum of 5 feet from the façade of the third floor below, as measured from all streets, and provided that the fourth- and

fifth-floor facades are set back a minimum of 50 feet from Lots 9 and 33, and a minimum of 125 feet from Lots 16, 17, 18, 20, 21, and 22.

9. Maximum building height in feet: 45 feet; 75 feet where a fourth and fifth story are permitted in accordance with Section 6.3.1.C.8.

**Height is defined in Section 6.4.1.*

D. Building Separation Requirements.

1. The minimum separation between any two (2) principal buildings within the Project Area shall be five (5) feet, measured from the nearest exterior wall of each building, or as otherwise required by the New Jersey Uniform Construction Code, whichever is greater. This requirement shall not apply to buildings sharing a common wall, nor to accessory structures regulated under Section 6.3.1.E.

E. The following bulk regulations shall apply to all accessory structures, including A/C condenser units, oil tanks, generators, hot box enclosures, transformers, and other similar ground-mounted mechanical equipment:

Location Requirements

1. No accessory structure shall be located in a front yard area along Raritan Avenue, unless otherwise specified herein.

Setback Requirements

2. Minimum yard setback from all Project Area boundary lines: 3 feet.

Height* Requirements

3. Maximum height in stories: 1 1/2 stories.

4. Maximum height in feet: 20 feet.

** Height is defined in Section 6.4.1.*

## 6.4 SUPPLEMENTARY REGULATIONS

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

### 6.4.1. 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. Grade plane shall be defined as a reference plane representing the average of finished ground level adjoining the building at exterior walls along Raritan Avenue, 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 four (4) feet above the allowable building height.

C. Mezzanines and lofts - areas or spaces within a dwelling unit or non-residential space not greater than two-thirds of the floor area or space below - shall not constitute a story or half story and shall be considered part of the story below.

### 6.4.2. PERMITTED PROJECTIONS.

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

B. Non-enclosed one-story porches, porticos, stoops, entrance platforms, elevated walkways, and uncovered decks leading to an entrance in the basement or the ground floor shall be permitted to project not more than four (4) feet into a required side or rear yard setback.

C. Ramps and stairways leading to an entrance in the basement or on the ground floor shall be permitted to project into any required yard setback, without limitation, provided that they do not encroach into any public right-of-way.

D. Cornices, eaves, other roof overhangs, chimneys, gutters, downspouts, balconies, and bay windows shall be permitted to project not more than four (4) feet into any required yard setback and, where applicable, into any public right-of-way.

E. Water tables, belt courses, windowsills, lintels, pilasters, and other similar ornamental features shall be permitted to project not more than one (1) foot into any required yard setback and, where applicable, into any public right-of-way.

F. Awnings and structural canopies shall be permitted to project not more than eight (8) feet into any required yard setback and, where applicable, into any public right-of-way, provided that they have a minimum vertical clearance of eight (8) feet and are set back a minimum of four (4) feet from the curbline or edge of pavement along a parking area, driveway, or street.

G. Nothing herein shall preclude an applicant from applying for and obtaining an encroachment agreement or license authorizing any permitted projection to encroach into the public right-of-way; provided, however, that any such encroachment shall be subject to the review and approval of the Borough Council and any other governmental agency or entity having jurisdiction.

### 6.4.3. FENCES, WALLS & RETAINING WALLS.

A. Fences and walls shall be regulated in accordance with the Ordinance.

B. Retaining walls shall be regulated in accordance with the Ordinance; however, such walls shall be exempt from the setback and height limitations imposed by the Ordinance.

## 6.5 DEVELOPMENT & DESIGN STANDARDS

The provisions pertaining to development and design standards contained herein shall apply to all development in Project Area. Unless specifically superseded below, all other regulations contained in Part 3 Performance Standards of the Ordinance shall apply. Exceptions may be granted 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 and all other streets shall be designed to enhance the public realm by prioritizing pedestrian safety, accessibility, and connectivity, consistent with the Borough's Master Plan.

B. Within Parcel A, the existing curb cut and driveway providing egress to Raritan Avenue shall be removed. The existing curb cut and driveway providing ingress from Raritan Avenue, if retained, is encouraged to be narrowed to a maximum width of 12 feet, or such additional width as may be required by any agency having jurisdiction.

C. Within Parcel B, the existing curb cut and driveway providing egress to Raritan Avenue shall be removed. The existing driveway may be repurposed as a pedestrian alley and/or outdoor space.

D. Any existing driveway access from Raritan Avenue proposed to be retained, and any new driveway access to Raritan Avenue, shall be permitted only upon execution of a Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.

E. Any development that retains the existing grocery store within Parcel A is encouraged to provide a textured and/or raised shared space at the store's front entry, incorporating traffic-calming features such as curb bump-outs, bollards, and enhanced crosswalks.

F. Any development that demolishes the existing grocery store shall include a new grocery store that primarily fronts on and relates 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 any street. Service areas for loading and refuse/recycling shall be located at the rear of the grocery store, with access provided from South 4th Avenue and/or South 5th Avenue, and shall not be permitted to be accessed from Raritan Avenue.

G. To accommodate potential redevelopment of Parcel B, the Borough may vacate the

stub public right-of-way. In such event, appropriate easements shall be provided to ensure continued access to public utilities and maintain public access.

H. Loading zones on the street may be established on Raritan Avenue and all other streets, where permitted by law.

I. A cross-block vehicular and pedestrian connection shall be provided between South 5th Avenue and South 4th Avenue through the Project Area to promote internal circulation, reduce reliance on Raritan Avenue for access, and support service and emergency vehicle access. A public access easement shall be provided for any portion of such connection located on private property. The design and implementation of such connection may be addressed in accordance with a Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.

### 6.5.2. STREETS & SIDEWALKS.

A. All disturbed street surfaces shall be restored to their original and proper condition, including the repair of existing deficiencies and areas impacted during construction.

B. A public sidewalk shall be provided along all street frontages within the Project Area. Where a sidewalk extends beyond the public right-of-way onto private property, a public access easement shall be provided for the portion of the sidewalk located on private property.

C. Where sidewalks intersect driveways within the public right-of-way and front yard areas, sidewalks shall continue uninterrupted across driveways, with driveway aprons designed to accommodate a continuous sidewalk. Detectable warning surfaces shall be provided in accordance with applicable standards.

D. Along Raritan Avenue, sidewalks shall be constructed of materials, colors, and/or patterns consistent with existing infrastructure and/or other treatments designed in collaboration with the Borough. Sidewalks shall extend from the curbline to the building façade and shall include areas to accommodate a regular rhythm of benches, bicycle racks, planters, and other similar street furniture, streetlights, and street trees located within the furnishing zone between the curbline and sidewalk and/or within the frontage zone between the sidewalk and the building façade.

E. Along all other streets, the location and width of sidewalks shall be consistent with the location and width of existing sidewalks adjacent to or near the Project Area, but in no case shall the sidewalk be less than five (5) feet in width.

F. Planting strips located within the furnishing zone between the curbline and sidewalk shall be designed as landscaped, permeable areas that contribute to stormwater management, pedestrian comfort, and streetscape enhancement. These areas shall incorporate bioretention swales, enhanced tree pits, permeable pavement, and/or other Green Infrastructure elements, to the extent practicable. Planting strips shall remain vegetated and permeable, and shall not be covered with asphalt or loose stone of any kind.

G. Landscaping beds located within the frontage zone between the sidewalk and building

façade shall provide a planted buffer that softens the building façade, enhances building entrances, and contributes to the public realm. Where feasible, these areas may incorporate bioretention planter boxes, rain gardens, permeable paving, and/or other Green Infrastructure elements.

### 6.5.3. PEDESTRIAN WALKWAYS.

A. Walkways shall be provided in order to provide a pedestrian connection between sidewalks and building entrances.

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

### 6.5.4. OPEN SPACE & PUBLIC GATHERING AREAS.

A. The creation of outdoor open spaces and public gathering areas within the Project Area is encouraged, including plazas, courtyards, and pedestrian spaces located in front of buildings, between buildings, and along driveways proposed to be repurposed for pedestrian use. Such spaces shall be designed to be accessible, activated, and visually engaging, and shall incorporate seating, landscaping, and other amenities consistent with the standards set forth in Section 6.5.2 and Section 6.5.9.

B. The design and implementation of outdoor open spaces and public gathering areas may be addressed in accordance with a Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.

### 6.5.5. PARKING REQUIREMENTS.

The parking requirements set forth herein shall apply only to new buildings and to additions to existing buildings. Changes of occupancy or changes of use that do not involve additional floor area shall not be required to comply with the parking requirements set forth herein.

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 the maximum number of parking spaces required under the New

Jersey Residential Site Improvement Standards ("RSIS") at N.J.A.C. 5:21-1 et seq.

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

4. Tandem parking shall be permitted, provided that both parking spaces are associated with the same dwelling unit.

5. Lease agreements shall include clauses such that tenants are required to primarily park their vehicles within the assigned parking area and may not park on nearby streets or adjacent private parking lots.

C. 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.

D. 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.

E. Parking requirements may be satisfied through shared parking between Parcel A and Parcel B within the Project Area, as well as through off-site shared parking, provided such spaces are located within 1,000 feet of the Project Area and are established in accordance with a Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.

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: i. indoor bicycle storage rooms; ii. appropriately sized storage areas within the building; iii. on wall-mounted hooks, ceiling hooks, or closets within a dwelling unit; and/or iv. bicycle rack(s). A minimum of 10% of bicycle parking required for residential uses shall be provided for guests. A minimum of 50% of bicycle parking required for residential uses shall be installed prior to the issuance of any Certificate of Occupancy, with future bicycle parking to be provided upon request by tenants.

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 property within the Project Area or on adjacent property outside the Project Area.

### 6.5.6. PARKING AREAS.

A. Parking areas shall be located to the rear of a building and/or within the interior of the property where their visual impact to adjacent properties and the public right-of-way is minimized. Parking areas shall be prohibited within all front yard areas; however, any development that retains existing parking areas within front yard areas shall be required to provide buffering and screening in accordance with Subsection B.

B. Parking areas shall be suitably buffered and screened from public view. The required screening shall consist of either: i. a low masonry wall and/or decorative fence, not exceeding 4 feet in height, with landscaping and a rhythm of benches and other street furniture placed in front of the wall and/or fence facing the street; or ii. an enhanced landscape buffer. Where a low masonry wall and/or decorative fence is provided, it shall be composed of materials, colors, finishes, and/or design elements that are consistent with the architecture of the associated building and compatible with and complementary to the design, style, and character of other improvements within the Project Area. Where an enhanced landscape buffer is provided, it shall include layered groundcover, shrubs, evergreen trees, flowering trees, and shade trees, and may incorporate bio-retention swales and/or other green infrastructure elements, to the extent practicable.

C. The minimum setback for parking areas from all Project Area boundaries shall be five (5) feet. This requirement shall not apply to existing parking areas that are retained as part of the development.

D. The minimum setback for parking areas from all buildings shall be 10 feet. This requirement shall not apply to existing parking areas that are retained as part of the development, parking areas integrated into structured parking, or areas necessary for access to parking structures, off-street loading areas, and refuse and recycling service areas.

E. The minimum parking stall size for standard parking spaces shall be nine (9) feet wide by 18 feet long, except for accessible spaces and associated access aisles, which shall comply with standards promulgated by the Americans with Disabilities Act ("ADA").

F. The minimum parking stall size for compact parking spaces shall be eight (8) feet wide by 16 feet long. Compact parking spaces shall be permitted, provided that they do not exceed 10% of the total number of parking spaces provided within the Project Area.

G. The minimum parking stall size for parallel parking spaces shall be seven (7) feet wide by 23 feet long, where such spaces are provided.

### 6.5.7. PARKING STRUCTURES.

A. All street-facing facades of parking structures shall provide visual interest through the use of one or more of the following treatments: i. composed of materials, colors, finishes, and/or design elements that are consistent with the architecture of adjacent buildings and compatible with and complementary to the design, style, and character of other improvements within the Project Area; ii. a regular rhythm of individual

openings designed to resemble storefront bays and/or window treatments, creating the appearance of a predominantly glazed street-facing facade; iii. exterior cladding incorporating vine-covered trellises; and/or iv. landscape screening.

B. A combination of flowering and evergreen trees shall be planted at intervals not to exceed 20 feet on-center, together with foundation landscaping consisting of shrub plantings, lawn, and other vegetative ground cover, along all exposed facades of parking structures.

C. Vehicular access to parking structures, including podium parking structures and parking structures or parking areas accessed through a building, shall not be permitted from Raritan Avenue and shall be limited to other streets within the Project Area.

D. All vehicular access openings shall be designed in a manner that does not negatively affect pedestrian circulation along public streets and within the Project Area.

E. All vehicular access openings shall be designed to minimize visual prominence. Openings shall be recessed from the primary façade and shall be clearly subordinate in scale, width, and appearance to building entrances and storefronts.

F. All vehicular access openings shall be designed to be compatible with and complementary to the architectural character of the building. Openings shall be articulated with detailing consistent with other building openings, including, but not limited to, archways, lintels, and complementary materials and finishes.

G. Garage doors, sliding or swinging vehicular gates, roll-down security grilles, and other similar solid or opaque vehicular barriers visible from any street shall not be permitted. This prohibition shall not apply to electronic access-control arms or similar open-bar mechanisms. Any permitted security features shall be integrated into the building and site design and shall not detract from the pedestrian-oriented streetscape.

### 6.5.8. REFUSE & RECYCLING.

A. Refuse and recycling facilities shall be provided to adequately accommodate each use and may be located within the building being served and/or in exterior areas on the property.

B. Shared refuse and recycling 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.

C. Refuse and recycling receptacles shall be covered and equipped with clearly visible signage indicating the materials to be placed therein.

D. Refuse and recycling materials shall be collected, disposed of, recycled, and transported by private carters and shall be performed in accordance with the Code.

E. Where refuse and recycling areas for the collection and pickup of refuse and recyclable materials are provided in a permanent exterior area, the following standards shall apply:

1. Exterior refuse and recycling areas shall be located to the rear of a building and/or the interior of the property where their visual impact to adjacent properties and the public right-of-way is minimized. Exterior refuse and recycling areas shall be prohibited within all front yard areas.

2. Exterior refuse and recycling areas shall be suitably buffered and screened from public view. Screening shall consist of a combination of landscaping and a three-walled masonry enclosure with a self-closing, self-latching gate. The enclosure and gate shall be composed of materials, colors, finishes, and/or design elements that are consistent with the architecture of the associated building and compatible with and complementary to the design, style, and character of other improvements within the Project Area.

3. The minimum setback for masonry enclosures from all Project Area boundaries shall be five (5) feet.

4. Exterior refuse and recycling areas shall be adequately lit and safely accessible by users and recycling personnel and/or collection vehicles.

F. Where refuse and recycling areas for the collection and pickup of refuse and recyclable materials are permitted to be provided in a temporary staging area, the following standards shall apply:

1. Temporary refuse and recycling staging areas shall be located and managed to minimize visibility from public view.

2. Temporary refuse and recycling staging areas shall not require landscaping or masonry enclosure and gate.

3. The utilization of temporary refuse and recycling staging areas shall be limited to the duration necessary for collection activities and shall not function as permanent refuse or recycling storage areas.

4. Temporary refuse and recycling staging areas shall be safely accessible and adequately managed to ensure orderly collection and minimal impact on pedestrian circulation and adjacent uses.

### 6.5.9. LANDSCAPING.

A. Street trees shall be provided at intervals of approximately 25 to 40 feet along all street frontages within the Project Area. Existing street trees that meet the intent of this standard shall count toward the required spacing where retained. All new street trees shall have a minimum caliper of two and one-half (2½) inches at the time of planting.

B. Shade trees shall be provided, to the extent practicable, within yard areas, along the perimeter of parking areas, and within landscape islands in parking areas. Existing shade trees shall count toward the required landscaping where retained. All new shade trees shall have a minimum caliper of two (2) inches at the time of planting.

C. Flowering trees shall be provided, to the extent practicable, within yard areas, along

the perimeter of parking areas, and within landscape islands in parking areas. Existing flowering trees shall count toward the required landscaping where retained. All new flowering trees shall have a minimum caliper of one and one-half (1½) inches or a minimum height of ten (10) feet at the time of planting.

D. All portions of the Project Area not utilized by structures or paved areas shall be landscaped, utilizing combinations of tree and shrub plantings, lawn and other vegetative ground covers in order to maintain or reestablish vegetation in the area and lessen the visual impact and climatic effects of structures and paved areas. The use of native plant species that are tolerant of drought and urban conditions shall be prioritized. To avoid monocultures, not more than 1/4 of the required plantings shall be of any one species.

E. Where dwelling units are located on the ground floor, such shall be suitably buffered and screened from public view, and may have direct access to small, semi-private landscaped terraces designed as an urban patio garden. Such treatments shall be delineated and screened with a combination of enhanced landscape buffer, including hedging and landscape edging, as well as a low masonry wall and/or decorative fencing. Where provided, the terrace shall be suitably integrated into the patio landscaping treatment to provide full visual screening from passersby to a height of four (4) feet above grade and may provide for partial screening above four (4) feet.

### 6.5.10. LIGHTING.

A. Street lighting shall be provided at intervals consistent with existing street lighting along all street frontages within the Project Area. The type of light fixtures shall be consistent with existing light fixtures utilized elsewhere within the downtown area to ensure visual continuity.

B All parking areas and pedestrian circulation areas shall be provided with pedestrian-scale light fixtures designed to enhance safety and visibility.

C. Decorative and/or ambient lighting may be incorporated through the use of one or more of the following methods: i. ground-recessed lighting; ii. bollard lighting; iii. wall-mounted sconces, and/or iv. recessed architectural lighting.

D. All light fixtures shall be appropriately shielded to prevent glare and light spill onto adjacent properties and public rights-of-way.

E. All exterior light fixtures shall be LED, non-glare, and full cut-off, and shall not exceed a correlated color temperature of 3,300 Kelvin (K).

### 6.5.11. SIGNAGE.

A. All signage within the Project Area shall be regulated in accordance with the signage regulations of the Ordinance, as may be amended from time to time, except as modified herein. In addition to the signage permitted under the underlying zoning, the following overlay signage shall be permitted within the Project Area, subject to execution of a Redevelopment Agreement entered into between the Redevelopment Entity and the

Redeveloper:

B. Freestanding Monument Sign. A maximum of one (1) freestanding monument sign shall be permitted on the premises of the grocery store. Such sign shall be permitted only where the existing parking area fronting Raritan Avenue is screened in accordance with Section 6.5.6.B, and shall be subject to the following standards:

   1. Maximum size of sign face shall not exceed 24 square feet in area.
   2. Maximum height of overall sign structure shall not exceed four (4) feet.
   3. Maximum width of overall sign structure shall not exceed 12 feet.
   4. Maximum height of sign face shall not exceed four (4) feet.
   5. Maximum width of sign face shall not exceed eight (8) feet.
   6. Maximum height of letters, numbers, symbols, other characters, logos, or graphics on such sign shall not exceed three (3) feet.
   7. Minimum setback from any lot line: two (2) feet.
   8. Such sign may be externally illuminated but shall not be internally illuminated. Such illumination shall be permitted only during hours of operation.
   9. Such sign shall be provided with a landscaping bed at the base of the sign at a rate of two (2) square feet of landscaping for each one (1) square foot of sign area, extending a minimum of one (1) foot from the base of the sign on at least two (2) sides, and containing shrubs, perennials, or other live ground cover.
   10. Such sign shall be composed of materials, colors, finishes, and/or design elements that are consistent with the architecture of the associated building and compatible with and complementary to the design, style, and character of other improvements within the Project Area.

## 6.5.12. STORMWATER MANAGEMENT & GREEN INFRASTRUCTURE.

A. All development within the Project Area shall incorporate decentralized, small-scale Green Infrastructure elements, as required by N.J.A.C. 7:8, to maximize on-site stormwater treatment for water quality, enhance groundwater recharge to the extent practicable, and reduce and manage stormwater runoff volumes prior to discharge into the Borough's stormwater sewer system.

B. All development within the Project Area shall incorporate multiple elements from the following Green Infrastructure strategies or features. Such elements may be addressed in accordance with a Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.

   At the Building Scale

   1. Green roofs are partly or fully vegetated roof systems designed to capture and retain stormwater runoff on flat or sloped roof surfaces. Green roofs range in

size from small areas, such an exterior door overhangs, to entire roof surfaces, and are used to improve air and water quality, reduce the urban heat island effect, and extend the life of roofing materials. Green roofs may consist of shallow planting systems (extensive green roofs) or deeper soil profiles with more elaborate plantings (intensive green roofs).

2. Blue roofs are non-vegetated roof systems designed to temporarily store and detain stormwater runoff on flat or low-slope roof surfaces. Blue roofs range in size from small roof areas to entire roof surfaces, and are used to manage stormwater quantity by reducing peak runoff rates, delaying discharge to the stormwater system, and promoting controlled release through drains or outlets. Blue roof systems may incorporate flow restrictors, weirs, or detention layers and can be used alone or in combination with green roofs to enhance overall stormwater management performance.

3. Rain barrels and cisterns are storage tanks fed by downspouts from buildings that can capture and store stormwater runoff, which can then be used for watering of landscaping, therefore reducing demand for potable water for irrigation, or can be used for other non-potable uses.

4. 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

5. 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.

6. 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.

7. 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

8. 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.

9. 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.

10. 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 within the Project Area shall address the following building design elements. Such building design elements may be addressed in accordance with a Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.

Overall Building Design & Massing

1. The architectural design of buildings shall provide visual interest through articulation and variation in massing, and shall relieve the negative visual effect of a single, long wall or roof.

2. Along all street frontages, buildings shall not include any wall or roof plane extending greater than 100 feet in length. Wall or roof planes exceeding 100 feet may be permitted where the building footprint steps inward or outward with offsets having a minimum depth of four (4) feet.

3. Along all non-street frontages, buildings shall not include any wall or roof plane extending greater than 150 in length. Wall or roof planes exceeding 150 feet may be permitted where the building footprint steps inward or outward with offsets having a minimum depth of two (2) feet.

4. Buildings shall be composed of an articulated base, body, and cap across all facades. Each element shall be traditionally proportioned relative to the overall horizontal and vertical dimensions of the façade. Where buildings are articulated into smaller building forms, each individual building form shall be similarly articulated.

Facade Consistency & Architectural Treatment

5. The architectural treatment of all facades and roof elements shall incorporate a consistent palette of materials across all visibly exposed sides of buildings. All facades shall be designed to be consistent in architectural style, materials, colors, finishes, and details with the primary street-facing façade. Where buildings are articulated into smaller building forms, each individual building form shall be similarly treated. Material transitions shall occur at inside corners.

6. All materials, colors, finishes, and details used on all facades and roof elements shall be architecturally compatible with the selected architectural style.

Buildings designed in an architectural style that traditionally includes specific integral features, materials, colors, finishes, or details shall incorporate such elements into the design.

7. Permitted materials for all street-facing facades shall primarily consist of dimensional brick and/or fiber cement siding or panels, and may include smooth-finished stucco and metal panels. Decorative features may consist of precast stone, wood, fiber cement, and PVC. Cultured stone, EIFS, and vinyl shall be prohibited.

Ground-Floor Facade Design

8. For portions of buildings containing non-residential uses on the ground floor, the ground-floor facade shall include a regular rhythm of storefront bays and window treatments such that street-facing facades are predominately glazed. Glazing materials shall be highly transparent and low-reflectivity. The area above the storefronts shall be articulated with a cornice, lintel, and/or sign band composed of layered detailing to create depth and shadow.

9. For portions of buildings containing dwelling units on the ground floor, the ground-floor facade shall incorporate individual windows and doors, and may include varied architectural embellishments to express the identity, individuality, and attractiveness of individual dwelling units or groups of dwelling units.

Building Systems & Screening

10. All HVAC units and other mechanical equipment serving buildings shall be located on the ground within side or rear yard areas or on the roof, and shall be screened from public view. Screening devices shall be architecturally compatible with the building's materials, colors, finishes, and details. Screening of ground-mounted utility equipment shall be coordinated with the requirements of the respective utility companies.

11. Through-the-wall HVAC units may be permitted, provided that units on street-facing facades are designed so that associated louvers are centered beneath a window opening and/or integrated into a design element that simulates a window opening. Through-the-window and exterior wall-mounted HVAC units on street-facing facades shall be prohibited.

12. All louvers on facades shall be finished to match the color of the facade material in which they are located.

Dwelling Unit Sizes

13. Minimum dwelling unit floor areas shall be as follows:

| Type | Minimum | Average Minimum |
|---|---|---|
| Studio / efficiency units | 400 SF | 500 SF |
| One-bedroom units | 700 SF | 850 SF |

| | | |
|---|---|---|
| Two-bedroom units | 850 SF | 1,000 SF |
| Three-bedroom units | 1,000 SF | 1,150 SF |

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

### 6.5.14. SUSTAINABLE DESIGN.

A. All development within the Project Area shall incorporate multiple elements from the following sustainable design strategies or features. Such elements may be addressed in accordance with a Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.

Renewable Energy

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

Passive Design

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

Energy Efficiency

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

Water Efficiency

10. Reduced or No Irrigation
11. WaterSense Rated Fixtures

Indoor Air Quality

12. Air Tightness Verification by ASTM Testing
13. Protection/Flushing of HVAC Equipment & Ductwork
14. MERV 8+ Air Filters During Construction; MERV 13+ Air Filters for Occupancy
15. Prohibition of Indoor Combustion Devices

16. Low VOC Interior Paints, Finishes, Adhesives & Sealants

17. Formaldehyde-Free Casework, Cabinetry & Composite Wood Finishes

18. Smoke-Free Building Policy (in Common Areas)

Materials & Resources

19. FSC Certified Wood Products

20. Material Reuse During Construction & Demolition

### 6.5.15. ACCESSIBILITY & UNIVERSAL DESIGN.

A. All development within the Project Area shall comply with federal, state, and local accessibility requirements and is encouraged to incorporate Universal Design techniques and strategies to create public and private spaces that are accessible to all people, regardless of age or ability. Universal Design is intended to promote equitable design that is flexible, simple, intuitive, perceptible, tolerant of error, and appropriate for the intended use while requiring minimal physical effort.

B. All development within the Project Area shall incorporate multiple elements from the following Universal Design techniques and strategies. Such elements may be addressed in accordance with a Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.

1. At least one (1) elevator shall be sized to accommodate an open ambulance stretcher.

2. Accessible ramps, where necessary, should be integrated in the site layout and building design to create a dignified, non-discernible, and inclusive access point that facilitates mobility for all users.

3. Accessible on-street parking spaces, where provided, should be located to minimize travel distances to public spaces and building access points.

4. At least one (1) automated door (via pushpad or other means of activation) to a main access point should be provided.

5. No-step (¼ to ½ inch thresholds) access to access points, patios, balconies, and terraces should be provided to the extent practicable.

6. 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.

7. 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.

8. Counters and kitchen areas, where provided, shall be designed to accommodate users at different heights and include cabinetry or work areas that allow for use 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 EV charging infrastructure and stations for where parking facilities are provided on-site are regulated in Section 6.5.5. 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 on-site parking facilities is shared with the public, those shared parking spaces are encouraged to include public EV charging infrastructure and stations.

Provisions for the development of public EV charging infrastructure and stations within the Project Area, where applicable, shall be addressed in accordance with a 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 within the Project Area. Because it is anticipated that no affordable housing units are to be removed, no affordable housing units are anticipated to be replaced.

Provisions for 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 in accordance with a Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.

# 7 GENERAL PROVISIONS

## 7.1 APPLICABILITY

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

## 7.2 DEFINITIONS

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

## 7.3 REDEVELOPMENT ENTITY

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

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

## 7.4 REDEVELOPER SELECTION

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

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

### EXCEPTIONS

In the case of an application involving a change of occupancy not requiring an Application for Development, the Redevelopment Entity shall not be required to select a Redeveloper, and the property owner, or applicant with the property owner's consent, shall not be required to be named as a Redeveloper in order to make improvements to the property; provided, however, that where this Redevelopment Plan expressly requires a Redevelopment Agreement as a condition of a specific improvement, use, or overlay standard, such requirement shall continue to apply notwithstanding the foregoing.

## 7.5 DEVELOPMENT PROCEDURE

### 7.5.1. CONCEPT PLAN REVIEW

Any property owner, applicant with the property owner's consent, or Conditional Redeveloper seeking to utilize the zoning established by this Redevelopment Plan shall submit a formal proposal for concept plan review to the Borough Administrator / Economic Development Director, who may defer to the Redevelopment Entity, and obtain consent and approval of such proposal, consistent with the terms of this Redevelopment Plan.

### 7.5.2. REDEVELOPMENT AGREEMENT

Upon the approval of the concept plan by the Borough Administrator / Economic Development Director and/or Redevelopment Entity, the property owner, applicant with the property owner's consent, or Conditional Redeveloper shall enter into a Redevelopment Agreement with the Redevelopment Entity, thereby officially being designated the Redeveloper.

The Redevelopment Agreement shall comport with the requirements of N.J.S.A. 40A:12A-9, and may incorporate any other covenants, provisions, and continuing controls as may be deemed necessary to effectuate the purposes of this Redevelopment Plan and the LRHL.

### 7.5.3. APPLICATION FOR DEVELOPMENT

Upon the execution of the Redevelopment Agreement, the Redeveloper shall submit an Application for Development in accordance with the requirements as set forth in this Redevelopment Plan, and all applicable provisions of the Ordinance and the MLUL.

All applications shall be accompanied by such maps, documents, and materials in accordance with all relevant development application checklists. Additionally, the execution of a Redevelopment Agreement shall be a mandatory checklist item for any application 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.

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 Borough Administrator / Economic Development Director and/or Redevelopment Entity.

### 7.5.4. PLANNING BOARD REVIEW

All applications shall be reviewed by the Planning Board pursuant to the MLUL. Applicants before the Planning Board shall provide public notice of such application in accordance with the public notice requirements as set forth in N.J.S.A. 40:55D-12(a) and (b).

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

All applications seeking relief for deviations from this Redevelopment Plan and/or the Ordinance shall be governed by the MLUL, and shall be subject to the review by the Planning Board, provided that:

A. No deviations shall be granted that would result in: (i) the granting of a variance pursuant to N.J.S.A. 40:55D-70(d)(1) through (d)(6); (ii) any deviation from the affordable housing requirements set forth herein; (iii) any deviation from the requirement to execute a Redevelopment Agreement in order to utilize the zoning regulations set forth herein; (iv) any deviation from the contractual obligations of the Redeveloper to the Redevelopment Entity as set forth in the Redevelopment Agreement; or (v) any deviation from any other mandatory component of this Redevelopment Plan. Any such deviation shall require an amendment to this Redevelopment Plan, at the option and sole discretion of the Redevelopment Entity.

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

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

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

### EXCEPTIONS

In the case of an application involving a change of occupancy not requiring an Application for Development, the property owner, or applicant with the property owner's consent, shall not be required to enter into a Redevelopment Agreement with the Redevelopment Entity, nor be subject to Planning Board review; provided, however, that where this Redevelopment Plan expressly requires a Redevelopment Agreement as a condition of a specific improvement, use, or overlay standard, such requirement shall continue to apply notwithstanding the foregoing.

## 7.6 AMENDMENTS TO APPROVED REDEVELOPMENT PLAN

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

## 7.7 DURATION OF REDEVELOPMENT PLAN RESTRICTIONS

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

## 7.8 CERTIFICATES OF COMPLETION

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

## 7.9 PROPERTY ACQUISITION

The Project Area has been designated as a "non-condemnation area in need of redevelopment" and all properties within the municipality, including the Project Area, have been designated as an “area in need of rehabilitation.”

The LRHL does not authorize property acquisition by eminent domain of properties designated as either an “area in need of rehabilitation” or a "non-condemnation area in need of redevelopment." Therefore, eminent domain is not anticipated nor is it enabled by this Redevelopment Plan for those properties. To the extent that any such property will be acquired, they must be acquired by the Borough or designated Redeveloper(s) through private negotiation with the property owner(s).

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

## 7.10 RELOCATION OF DISPLACED RESIDENTS OR BUSINESSES

Presently, there are no residents within the Project Area. There are, however, several existing businesses located within the Project Area, which will be permitted to remain for the foreseeable future and/or have been incorporated into this Redevelopment Plan. Accordingly, it is anticipated that there will be no displacement of residents or businesses requiring the preparation of a Workable Relocation Assistance Plan at this time.

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

## 7.11 DISCRIMINATION BAN

No covenant, lease, conveyance, or other instrument shall be effected or executed by the Redevelopment Entity or any Redeveloper whereby the land, structures, occupancy, or use of any part of the Project Area is restricted on the basis of race, color, religion, creed, national origin, nationality, ancestry, English-speaking ability, pregnancy or breastfeeding status, sexual orientation, physical handicap, perceived disability or genetic information, age, marital status, family status or domestic partnership/civil union status, affectional preference, gender, gender identity or expression, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 through 50, as may be amended and supplemented, the Federal Fair Housing Act, 42 U.S.C. 3601 et seq., as may be amended and supplemented, or Title VII of the Civil Rights Act of 1964, as may be amended and supplemented. Appropriate covenants prohibiting and such restrictions shall be included in all instruments.

## 7.12 SEVERABILITY

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

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