

Appendix C:
Municipal Information Request Letters



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MEMORANDUM

To: Brian Chabarek, Borough Attorney
Borough of Highlands

From: Paul Grygiel, AICP, PP

Date: September 15, 2020

Re: **Initial Review, Analysis and Recommendations
Central Business District/Bay Avenue Corridor**

Introduction

This memorandum provides an overview of our work to date evaluating background information and existing conditions in the Borough of Highlands' Central Business District (CBD) zone district, with the intention of turning to potential changes in land use regulations and/or redevelopment area designation for this section of the municipality.

In terms of tasks completed to date, our office has compiled GIS mapping data for the Borough, including land use, ownership, zoning, assessment and other information; obtained tax maps and records, existing zoning regulations, the Borough's Master Plan documents, and other studies for the area; reviewed these documents; analyzed aerial and street level photography; and visited the CBD zone and walked the entire zone district with Mayor Broullon.

Area Description

The CBD zone encompasses nearly the entire Bay Avenue corridor, from its intersection with Shrewsbury Avenue and South Street at its eastern end to just west of Ocean Avenue at its western end. There is a break in the CBD zone for the Multifamily (MF) zone at Marina Drive and Marina Bay Court. The CBD also includes some properties along Shore Drive and South Second Street as well as portions of side streets perpendicular to Bay Avenue. The zone encompasses portions of 35 tax blocks and includes 154 tax lots, with a total area of 19.94 acres. Of the 154 lots, 12 are owned by the Borough of Highlands. A wide mix of land uses and property conditions are found in the zone. Twenty-one lots in the CBD zone are classified as vacant.

Attached are three maps documenting existing conditions. Figure 1 highlights vacant lots and public properties. Figure 2 includes all existing land uses. Figure 3 shows lots in common ownership.



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Potential Study Area for Non-Condemnation Redevelopment Area Designation

It is my understanding the Borough is seeking to utilize redevelopment powers for the Central Business District zone. Specifically this would be an investigation to determine whether all, some or none of the properties in a designated area qualify as a non-condemnation “area in need of redevelopment” pursuant to the New Jersey Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12A-5. The Mayor and Council will need to adopt a resolution identifying one or more areas for consideration and authorizing the Borough’s Land Use Board to undertake a preliminary investigation to determine whether the proposed area meets the criteria for redevelopment area designation. I have included the applicable criteria in Appendix 1 of this memorandum.

A decision needs to be made as to whether the redevelopment study area includes all properties in the CBD zone, or only certain properties or sections of the zone at this point. As noted, there are over 150 tax parcels in the CBD zone. There are several properties that almost certainly would not meet any of the applicable criteria, based on my initial review and analysis. Excluding those properties from the study area would focus the analysis on areas that warrant redevelopment area designation. It would lower the number of property owners who need to be notified their property is being considered for redevelopment designation and avoid unnecessary expense as well as potential opposition.

I have compiled a list of lots in the CBD zone that I recommend for inclusion in a redevelopment study area. This list includes 95 tax lots and is attached as Appendix 2. The recommended study area boundaries are shown on Figures 4, along with the vacant lots and public properties from Figure 1.

Please note it is possible several of the lots in the study area may not individually meet any of the criteria for redevelopment area designation. However, I have included some such parcels due to their proximity to other lots which may qualify for redevelopment area designation, as it may be possible to include a non-qualifying parcel in a redevelopment area if its inclusion is necessary “for the effective redevelopment of the area,” per the discussion of “Section 3” in the Appendix. It is also easier to exclude parcels included in a study area later in the process than to expand the area.

Information Required for Investigation

Once the study area is determined, we will need to obtain additional information in order to compile “substantial evidence” to support a potential redevelopment area designation, pursuant to case law. I would request the following information for all of the study area properties/addresses in order to complete our investigation:

- 1) Property tax records, including individual tax cards;
- 2) Current tax delinquencies/arrearages;



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- 3) Police reports over the last 5 years;
- 4) Health, maintenance, fire and related code violations over the last 5 years;
- 5) Building/demolition permits over the last 5 years;
- 6) Certificates of Occupancy over the last 5 years; and
- 7) Planning/Zoning Board applications/approvals over the last 5 years.

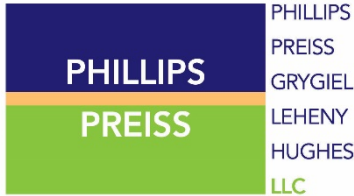
Between the information we have gathered to date and this additional information, we would be able to complete the redevelopment study. The criteria for designating a redevelopment area are discussed below.

Redevelopment Plan

Assuming there is a basis to designate one or more redevelopment areas, a redevelopment plan can be adopted for the area. It is noted that this redevelopment plan could include the entire CBD, as areas within a rehabilitation area may be included and it is my understanding the entire Borough has previously been designated as an “area in need of rehabilitation.” However, only those properties designated as in need of redevelopment are eligible for long-term tax abatements. There are a number of sites that present significant redevelopment opportunities. Assuming the decision is made to prepare a redevelopment study for all or part of the CBD zone, I believe it would be premature to discuss potential redevelopment ideas prior to the commencement of the redevelopment study process.

I would be happy to discuss any of the above information with you, as well as with Mayor and Council, at one of their upcoming meetings.

20221



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October 27, 2020

Kim Gonzales
Borough Administrator
Borough of Highlands
42 Shore Drive
Highlands, NJ 07732

**RE: Request for Information – Area in Need of Redevelopment Investigation
Central Business District/Bay Avenue Corridor Phase 1 Study Area**

VIA ELECTRONIC MAIL - kgonzales@highlandsborough.org

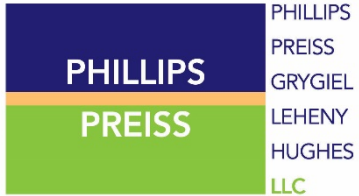
Dear Ms. Gonzales:

As you are aware, Phillips Preiss Grygiel Leheny Hughes LLC has been retained to prepare a study for the Borough of Highlands to determine if all or part of an area located in the Central Business District zone flanking Bay Avenue, comprised of the parcels below, qualifies as “an area in need of redevelopment” pursuant to the State’s Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12A et seq.:

- Block 40.01, Lots 21.01, 22.01
- Block 41, Lots 9, 10, 13.01
- Block 42, Lots 1, 10, 12.01, 13, 14, 15
- Block 45, Lots 4.01, 6.01, 7
- Block 46, Lots 1, 2, 3, 4, 5, 6, 7, 8
- Block 47, Lot 10
- Block 53, Lots 1, 3, 4, 5, 6, 7, 8, 9
- Block 54, Lots 1, 3.01, 4, 5, 7.01
- Block 58, Lots 1, 3.01, 17.01, 18, 19, 20, 23.01, 24, 25, 26
- Block 59, Lots 5, 6, 8, 9, 10, 11.01, 11.02, 13.01, 14, 16.01
- Block 64, Lots 1, 2, 24, 25, 28.01
- Block 69, Lots 1, 2, 4.01, 5, 6

A study of this type requires the provision of “substantial evidence” in support of a redevelopment area designation, pursuant to case law. In order to address this requirement, can you coordinate this request the following information for all of the study area properties/addresses in order to complete our investigation:

- 1) Property tax records, including individual tax cards;
- 2) Current tax delinquencies/arrearages;
- 3) Police reports over the last 5 years;
- 4) Health, maintenance, fire and related code violations over the last 5 years;
- 5) Building/demolition permits over the last 5 years;
- 6) Certificates of Occupancy over the last 5 years;
- 7) Planning/Zoning Board applications/approvals over the last 5 years;
- 8) Inspection records related to flood damage; and
- 9) Any properties deemed by the local Construction Code Official to constitute an “imminent hazard.”



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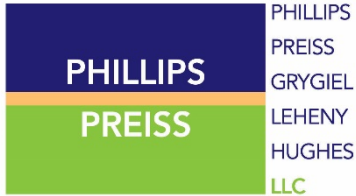
Please let me know if you have any questions or comments, or require additional information.

Sincerely yours,

Paul Grygiel, AICP, PP

cc: Brian Chabarek, Borough Attorney

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PHILLIPS
PREISS
GRYGIEL
LEHENY
HUGHES
LLC

Planning & Real Estate Consultants

February 25, 2021

Michael Muscillo
Borough Administrator
Borough of Highlands
42 Shore Drive
Highlands, NJ 07732

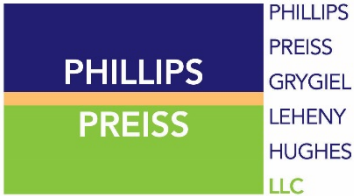
**RE: Request for Information – Area in Need of Redevelopment Investigation
Expanded Central Business District/Bay Avenue Corridor Study Area**

VIA ELECTRONIC MAIL - mmuscillo@highlandsborough.org

Dear Mr. Muscillo:

As you are aware, Phillips Preiss Grygiel Leheny Hughes LLC has been retained to prepare a study for the Borough of Highlands to determine if all or part of the Central Business District zone district flanking Bay Avenue, comprised of the parcels below, qualifies as “an area in need of redevelopment” pursuant to the State’s Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12A et seq. Resolution 21-62 expanded the initial study area to include the following additional properties:

- Block 40.01, Lots 21.01, 22.01
- Block 41, Lots 9, 10, 13.01
- Block 42, Lots 1, 10, 12.01, 13, 14, 15
- Block 45, Lots 4.01, 6.01, 7
- Block 46, Lots 1, 2, 3, 4, 5, 6, 7, 8
- Block 47, Lot 10
- Block 53, Lots 1, 3, 4, 5, 6, 7, 8, 9
- Block 54, Lots 1, 3.01, 4, 5, 7.01
- Block 58, Lots 1, 3.01, 17.01, 18, 19, 20, 23.01, 24, 25, 26
- Block 59, Lots 5, 6, 8, 9, 10, 11.01, 11.02, 13.01, 14, 16.01
- Block 64, Lots 1, 2, 24, 25, 28.01
- Block 69, Lots 1, 2, 4.01, 5, 6
- Block 70, Lots 1, 2, 3, 15, 16, 17
- Block 71, Lots 4, 5, 6
- Block 72, Lots 1, 2, 11.01, 12
- Block 73, Lot 2
- Block 74, Lots 1, 8.01, 9
- Block 75, Lots 1, 17, 18
- Block 80, Lots 1, 2, 20, 21, 22
- Block 81, Lots 1, 2, 10.01, 12
- Block 82, Lots 1.01, 6.01
- Block 83, Lots 1, 14
- Block 88, Lots 1.01, 5
- Block 89, Lots 1, 2, 13.01
- Block 94, Lots 1, 15, 16
- Block 95, Lot 1
- Block 96, Lots 1, 2.01
- Block 96.01, Lots 2.01, 3
- Block 97, Lot 2



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- Block 99, Lots 1, 31.01
- Block 100, Lot 1.

A study of this type requires the provision of “substantial evidence” in support of a redevelopment area designation, pursuant to case law. In order to address this requirement, can you coordinate to request the following information for *all* of the study area properties/addresses, listed below in order of importance:

- 1) Inspection or other records indicating flood damage and its extent, at least since October 2012;
- 2) Any properties deemed by the local Construction Code Official to constitute an “imminent hazard” over the last 5 years;
- 3) Health, maintenance, fire and related code violations over the last 5 years;
- 4) Police reports over the last 5 years (for the expanded study area only);
- 5) Property tax records, including individual tax cards; and
- 6) Current tax delinquencies/arrearages.

Please let me know if you have any questions or comments, or require additional information.

Sincerely yours,

Paul Grygiel, AICP, PP

cc: Brian Chabarek, Borough Attorney
Joseph P. Baumann Jr., Redevelopment Attorney

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