

**REEXAMINATION REPORT**  
**BOROUGH OF HIGH BRIDGE, NEW JERSEY**  
**Adopted December 13, 2004**

The Municipal Land Use Law requires a general re-examination of the Master Plan. The purpose of this requirement is to compel municipalities to periodically review current information and changing conditions within the municipality.

Specifically, the Municipal Land Use Law states:

The governing body shall, at least every 6 years, provide for a general reexamination of its master plan and development regulations by the planning board which shall prepare a report on the findings of such reexamination, a copy of which shall be sent to the county planning board and the municipal clerks of each adjoining municipality. The 6-year period shall commence with the adoption or termination of the last general reexamination of such plan and regulations. The first such reexamination shall be completed within 6 years after the effective date of this act.

With this background, the Municipal Land Use Law requires that the Borough address the following:

***The major problems and objectives relating to land development in the municipality at the time of the adoption of the last re-examination report.***

The Borough's 1995 Master Plan Update indicated a general satisfaction with the goals and objectives incorporated into the 1985 Master Plan. It also indicated a general satisfaction with the land use designations within the 1985 Master Plan and the Borough's Zoning Ordinance. However, the Master Plan Update did identify several issues associated with non-residential development along County Road 513, including the Borough's downtown area.

The Master Plan Update noted that the businesses within the Borough had changed. The Borough was changing from industrial to service based land uses. It noted that the lack of significant off-street parking had been a continuing detriment to the “downtown area.”

The Master Plan Update also noted concerns about development along the portion of County Road 513 between Route 31 and the “downtown area.” One of the concerns related to the failure of established businesses such as Exact Tool and Level and a nearby automotive use (gasoline station/automotive repair). As of 1995, the redevelopment of Exact Tool and Level had been delayed pending the mitigation of environmental issues. Neither Exact Tool and Level nor the automotive use had been well maintained. The Planning Board, in its Master Plan Update, expressed the opinion that the deferred impact on these properties had influenced investment decisions of other businessmen in the area.

The Planning Board also questioned the viability of the zoning along County Road 513 between Route 31 and the “downtown.” The Planning Board viewed the B-4 zoning that permitted manufacturing and industrial uses to be consistent with the uses that existed at a point in time rather than reflective of the uses that would likely locate in this area of the Borough.

The Board noted that improvements to Route 31 would result in a widened divided highway and would require traffic to use County Road 513 more. It also noted residential development in Clinton Township would add to the traffic that would utilize retail and commercial uses promoted by a change in zoning along County Road 513.

The Planning Board determined that it would be appropriate to rezone the properties along this area of County Road 513 to reflect a shift from manufacturing to service oriented businesses. It recommended office, retail and commercial uses along this section of Route 513. It also recommended that manufacturing and industrial uses be limited to the Taylor Wharton property in the center of the Borough.

The Board also suggested larger lots along County Road 513 to minimize curb cuts. This recommendation was made, in part to promote safer traffic flow by minimizing potential points of traffic conflict.

***The extent to which such problems and objectives have been reduced or have increased subsequent to such date.***

Since the 1995 Master Plan Update, the Borough has provided off-street parking in three (3) locations adjacent to or within the “downtown area.” The Borough has worked with New Jersey Transit to create a commuter parking lot, styled with Victorian lighting, adjacent to the train station. This area was used primarily as a dumping and transfer area for the department of public works. The removal of mulch piles from the entrance to the downtown business area enhanced the village merchant business environment. This is located at the western entrance of the “downtown area” along County Road 513.

The Borough has also created space for approximately 75-80 parking spaces in an area know as the Commons. The Commons was previously known as the “wye” and was a railroad yard used to turn around steam locomotives. The borough removed the tracks in the 8 acre area and graded the land. A parking area was added as well as a large bandstand and gazebo for outdoor events downtown. The area was also landscaped with a large sloping grassy area surrounded by flowering trees. The area renamed the “Commons” supports events, which draw people into the downtown business area. This area is located on the western side of Main Street on Block 101, Lot 9, several lots north of the municipal building.

The Borough previously purchased a parking area on MacDonald Street, adjacent to the post office using Green Acres funding. The Borough leases space within all three parking lots for evening and overnight parking.

The Borough has rezoned the property along Route 513 between its common border with Clinton Township and the “downtown area.” The area is zoned Commercial (C). The

zoning permits service and office type uses as recommended in the Master Plan. The zone does not permit retail uses and it still provides for manufacturing type uses.

The land uses in this area have changed. A property and building utilized as a County garage has been rehabilitated and is now a construction company. The Borough has also purchased approximately 9 acres in this commercial zone and built a new police building and a new rescue squad building.

Within this area of the Borough, Glassman High Voltage Inc., purchased Computer Power Inc. and has added 70 new employees. High Bridge Stone Inc., a leading area supplier of Belgian block also located in this zone, has been successful and also has increased its workforce.

The environmental mitigation of the Exact Tool and Level property is in progress. Consequently, groundwater cleanup has been delayed and may take up to four years with testing and final approvals. Thus, the redevelopment of this key parcel has languished.

Since the 1995 Master Plan Update, the New Jersey Department of Transportation has widened Route 31. Route 31 is now a divided highway, requiring the use of a Route 513 jughandle in order to change direction. There is now a light at the Route 31/513 intersection. The traffic light and the widening of Route 513 have improved traffic flow and traffic safety in the area.

During the 1990s, the State Development and Redevelopment Plan (SDRP) became a more widely used document by municipalities and State agencies. The basic premise of the SDRP is to channel development into specific areas to avoid suburban sprawl. High Bridge has recognized a defined development boundary within the Borough and has actively sought to purchase land outside that development boundary in order to promote smart growth and open space goals that create a “greenway” of contiguous usable open space for the general public.

In addition, State and County agencies have made a great deal of useful environmental data related to slope, wetlands, endangered species, etc. available in digitized format. These data, if made available, to the Borough can assist the Borough in its land use decisions.

*The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials and changes in State, county and municipal policies and objectives.*

### ***The SDRP***

Since the 1995 Master Plan Update, the State Planning Commission has adopted a 2001 State Development and Redevelopment Plan (SDRP). The SDRP is a growth management plan. Its basic thrust is that many of the traffic, air quality, water quality and quality of life issues that New Jersey residents face have been caused through an inefficient use of land, suburban sprawl.

In order to change the status quo, the SDRP, established a very public process including all levels of government. The State Planning Commission established five (5) planning areas with different criteria and objectives. Planning Areas 1 and 2 are areas in which the State has invested in the public infrastructure necessary to support growth.

Planning Area 1 is the Metropolitan Planning Area. New Jersey's central cities and developed adjacent exurban areas are included in Planning Area 1. The SDRP encourages the development and redevelopment of areas within Planning Area 1.

Planning Area 2 is the Suburban Planning Area. The infrastructure necessary to support growth exists or is planned for the Suburban Planning Area. The Suburban Planning Area also has more available vacant land to support growth. Thus, the SDRP characterizes Planning Area 2 as a "key area for accommodating market forces and demand for new development."

Planning Area 3 is the “Fringe Planning Area, so named because it is on the fringe of public water and sewer. The SDRP views Planning Area 3 as the next logical place for much of the State’s growth to occur.

The SDRP’s goals for Planning Areas 4 and 5 are much different than for Planning Areas 1-3. Planning Area 4 is characterized by New Jersey’s finest agricultural soils. Planning Area 5 is characterized by environmentally sensitive lands. Thus, the SDRP policies for Planning Areas 4 and 5 are more conservation or preservation oriented than in the other planning areas.

The SDRP encourages municipalities to create centers as part of a plan endorsement process. Plan endorsement is a process designed to achieve consistency with the SDRP. Centers are discreet areas, with defined boundaries. They are areas to concentrate growth. State agencies have agreed to funding priorities that favor municipalities that receive plan endorsement

High Bridge has been designated as within Planning Area 5. The Borough is being represented in the cross acceptance process associated with the adoption of a revised SDRP (probably in 2005) and is on record as supporting the Planning Area 5 designation.

### ***Natural Resource Inventory***

The Borough prepared a natural resource inventory in 1985 as part of its Master Plan. The natural resource inventory is in paper form and is difficult for the Borough’s boards to use. It is recommended that the Borough authorize the Borough Engineer to coordinate the various mapping overlays available from various sources, including the New Jersey Office of Smart Growth and the Hunterdon County Planning Board so that these environmental data are more available to Borough decision makers.

### *Affordable Housing*

Shortly after the Supreme Court's Mount Laurel II Decision, a developer sued High Bridge for the right to build low and moderate income housing on a site with frontage on Dewey Avenue. The case was ultimately transferred to the newly formed Council on Affordable Housing (COAH).

COAH, pursuant to the New Jersey Fair Housing Act, conducted mediation that resulted in an agreement. The agreement allowed the developer to construct 34 low and moderate income units as part of a 170 unit development.

At the time of the agreement, COAH did not permit credit for affordable housing units constructed after 1980 unless the housing was encumbered by a deed restriction. COAH's regulations regarding the necessity of deed restrictions on affordable housing created prior to COAH's rules were litigated and the Appellate Division overturned these regulations

As a result, COAH adopted a rule that permits credit for housing constructed between 1980 and 1986 if it is: in sound condition; occupied by a low or moderate income household; and is affordable to a low or moderate income household. These credits are commonly referred to as credits without controls. However, COAH has not allowed the Borough to alter the zoning on sites when the zoning is the result of a mediation agreement.

High Bridge performed a credits without controls survey and COAH has determined that High Bridge has addressed most of its housing obligation based on housing constructed between 1980 and 1986 (credits without controls). However, COAH has not permitted the Borough to remove the zoning on the subject property based on COAH's regulations concerning mediated agreements.

In 1995, the Borough adopted a housing element that permitted a private developer to build 34 low and moderate income housing units along Dewey Avenue. The Borough moved to remove the Dewey Avenue site from its plan; but COAH denied the motion. The Borough retained the Dewey Avenue site in its plan under protest.

When the developer sought planning board approval of its development, the Planning Board denied the subdivision/site plan application. The denial has been reversed with conditions by the Superior Court and is subject to challenge.

In August of 2004, COAH approved the Borough's 1995 Housing Element that included the Dewey Avenue parcel over the objection of the Borough. The Borough sought the ability to address its housing obligation without the Dewey Avenue parcel.

In September of 2004, the Borough adopted a plan to address its 1987-1999 housing obligation without the use of the Dewey Avenue parcel. The Housing Element addresses the housing obligation with: a rehabilitation program; a series of credits that have been confirmed by the New Jersey Council on Affordable Housing (COAH) and a zoning change that will permit the construction of accessory apartments.

COAH has proposed a rule that would establish the Borough's 1999-2014 housing obligation. The rule would establish the Borough's future fair share based on: one (1) affordable housing unit for every eight (8) market housing units constructed; and one affordable housing unit for every 25 new jobs created in the Borough. As proposed the housing obligation will be based on the actual growth in housing units and jobs created in the Borough. However, initially, the municipal growth share is based on projections of housing units and jobs that will be developed as part of the SDRP cross acceptance process.

### ***Environmental Changes***

The environmental landscape has changed dramatically over the past few years. The State of New Jersey has legislated sweeping new land use controls in the northwestern

tier of New Jersey in an area known as the Highlands. The purpose of this legislation is to preserve drinking water and limit sprawl in undeveloped natural areas.

There are two components of the Highlands area. Approximately 1/3 of the Highlands has been designated the Preservation area and will have severe limits on development and have most of its open space preserved. Nearly 2/3 of the Highlands will be in the Planning Area and development will be overseen by a state approved council. High Bridge Borough lies in the Highlands' Planning Area.

The Department of Environmental Protection has increased the required transition areas adjacent to wetlands associated with Category 1 waters. It has also amended the State's regulations regarding storm water runoff. The State regulations require the Borough to adopt a storm water management plan by April of 2005.

### ***Transfer of Development Rights Legislation***

New Jersey's Legislature has also adopted transfer of development rights legislation. This legislation allows municipalities to establish land use controls enabling property owners in one area of the community to purchase the development rights of property owners in another area of High Bridge. It is a mechanism for the Borough to concentrate development in specific areas of the Borough and limit development in other areas. The transfer of development rights mechanism provides for the private sector to address the equity issues associated with limiting the development rights of lands designated for preservation.

The transfer of development rights concept usually contemplates the reduction of density in specific areas of the community and the ability to increase density through the purchase of development rights. In High Bridge, the development pattern is well established and the Borough has actively purchased the majority of land as open space. The utility of a transfer of development rights program in most of the Borough seems unwarranted.

### ***The United States Census***

The 2000 United States Census has been released. It indicates that the Borough's population decreased from 3,886 to 3,776 during the 1990s.

The Census shows a marked increase in the "over 55 population" as the "baby boom" generation continues to age. Between 1990 and 2000, the Borough's over 55 population increased five (5) percent. This relatively modest increase was due to a decrease in the over 65 population. The 55-64 age cohort increased by 38.4 percent and the 45-54 age cohort increased by 42.4 percent. Thus, the 2000 Census data reveals that, over the next 10 years, the Borough can expect large increases in the over 55 population.

This increase is similar to increases experienced and anticipated throughout Hunterdon County. From 1990 to 2000, the over 55 population increased from 17.9 percent to 19.9 percent of the County's population. The 45-54 age cohort increased by 46.7 percent. The 55-64 age cohort increased by 32.1 percent; and the population over 65 increased by 19.9 percent.

The New Jersey Department of Labor projects population by age. The Department of Labor projects that, from 2000 to 2010, Hunterdon County's population will increase by 12,311 people. It anticipates that 85.8 percent of the increase in population will be attributable to people over 55. Between 2010 and 2020, the Department of Labor projects an increase in population of 25,711 people. It projects that 93.6 percent of the increase in population will be attributable to people over 55.

The aging of New Jersey's population demonstrates a growing demand for adult housing. This demographic reality has land use implications for the County and Borough.

### ***Land Use Case Law***

The New Jersey Supreme Court has provided new insight as to how municipalities may regulate land. Pursuant to Rumson Estates v. Fair Haven, the Court determined that a

municipality can consider the environmental limitations of a tract to regulate development based on net developable area. This decision allows the Borough to establish set-backs from environmentally sensitive areas instead of property lines.

### ***Open Space Acquisition***

Since the 1995 Master Plan Update, the Borough, consistent with the smart growth principles enunciated in the SDRP and Highlands Legislation, has attempted to focus development within an established center of High Bridge.

In addition, the SDRP has designated High Bridge as Planning Area 5, the Environmentally Sensitive Planning Area. Thus, the Borough has attempted to preserve the environmentally sensitive lands along the South Branch of the Raritan River as well as lands that promote the long term active and passive recreational needs of the general public. The open space acquisition adjacent to the South Branch of the Raritan River also promotes the water quality goals of the Highlands region.

Pursuant to the Borough's May 10, 2001 Open Space Plan, High Bridge has purchased the following properties: Block 40, Lots 211 and 111.01; Block 37, Lot 1; Block 4.07, Lot 1; Block 40, Lot 4; and Block 30.02, Lots 1 and 5. The Borough also assisted State and non for profit agencies with the purchase of other properties for open space. These properties include approximately 540 acres of land.

- Uhlig property 145 acres
- Springside farms 90 acres
- Solitude property 150 acres
- Borough Commons 8 acres
- Trexler property 9 acres
- Grant/Fishcell property 50 acres
- Catanzereti Jericho property 50 acres
- Roger Cain Property 34 acres
- Dennis Ave 2.9 acres

The Borough is also pursuing the purchase of Block 4.06, Lot 34. This is a 28.3 acre tract of land adjacent to the Union Forge Park. This tract includes the original Taylor Wharton Office Building and another building that the Borough is considering using as a community building.

The acquisition of these properties is part of a regional effort, supported by The Department of Green Acres, DEP, the South Branch Watershed and the New Jersey Water Supply Authority. It would create a greenway on both sides of the South Branch of the Raritan River that could connect Round Valley to the Columbia Trail. The Columbia Trail also has the possibility of connecting to the Highlands Trail and the Cross Jersey Trail.

In addition, High Bridge purchased the Uhlig Farm, a property that had been unsuccessfully marketed for commercial development. The Borough realized that the Uhlig Farm had limited utility for many commercial uses due to the lack of available sewer capacity.

Thus, the Borough Economic Development Committee researched various uses for the Uhlig Farm and determined that it was well suited for a municipal golf course. High Bridge Hills Golf Course opened on June 26, 1999. It has helped the Borough preserve open space outside its developed core and has generated tax revenues that have helped stabilize the High Bridge tax rate.

### ***Historic Preservation***

The open space acquisitions also include a number of historic structures that the Borough is attempting to preserve. These structures include the Taylor Wharton Office Building. They include the home and barns of L.H. Taylor on a property known as Springside Farms. Another includes the Solitude House (built around 1725) and Annex (built around

1757). The bottom floor of the Solitude House has been converted into a museum by a non-profit, the Union Forge Heritage Association, for the purpose of identifying and educating residents regarding local history.

There is a dam located across the South Branch of the Raritan River creating Lake Solitude. The Borough is completing a study regarding the rehabilitation of the Lake Solitude Dam and is searching for funding to complete the necessary work.

High Bridge has nominated the Solitude House and the Lake Solitude Dam for the National and State Register of Historic Places. New Jersey's Department of Environmental Protection's Historic Preservation Office issued a certification of eligibility for the Solitude House on October 31, 2003. On November 2, 2004 the Historic Preservation Office issued a letter confirming that the Lake Solitude Dam is a structure that is eligible for listing on the New Jersey and National Registers of Historic Places based on: significant engineering work for its design; and the role the dam played in permitting the expansion of the nearby Taylor-Wharton ironworks. The Historic Preservation Office also suggested that the Solitude House, the dam and the surviving buildings from the Taylor-Wharton complex be considered for possible eligibility as an historic district.

### ***Public Safety***

The Borough has addressed a public safety issue related to four mines on private property that were collapsing. One mine collapse occurred in close proximity to the Borough's Elementary School. In response to the danger associated with a mine collapse, the Borough received a grant from the federal government that it has used to "fill in" the mines.

The Borough continues to be concerned regarding accidents near the confluence of County Road 513, Church and Mill Streets. Much of the concern involves tractor-trailers

traveling down the steep grade of County Road 513 and negotiating the sharp turn at Church Street.

In the past, the Borough has examined the possibility of a by-pass to provide a safer traffic movement. However, any proposed by-pass would dislocate High Bridge residents. It is recommended that the Borough investigate its ability to limit heavy truck traffic within the Borough.

### ***Community Buildings***

The Borough has alleviated the overcrowded condition of the Municipal Building. In 2000, the police and rescue squad were moved into two new buildings on County Road 513.

There are no plans to expand the Municipal Building. The Borough is seeking funding to make the Municipal Building handicapped accessible.

### ***The Spruce Run Initiative***

In 2004, a document entitled the Spruce Run Initiative was completed. The study area included a portion of the commercially zoned Route 513 corridor in High Bridge. The study identifies this area as an underutilized area with a large vacant former manufacturing facility. It recommends a “visioning process to develop a concept for transitional non-residential uses along Route 513 between Route 31 and the downtown business district.”

The Spruce Run Initiative Study recommends light manufacturing, auto/service, nurseries and institutional uses along 513. These uses are recommended in part because they would not compete with land uses in the Borough’s downtown business area.

The Study recommends that the Borough increase lot sizes along Route 513 from 40,000 square feet to three (3) acres. It also envisions very low impervious surface (20 percent),

and building coverage (10 percent) standards. The study also recommends various design standards that could be incorporated into the Borough's site plan ordinance

*The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.*

### **Creation of Useable Yard Areas**

The Supreme Court Decision in Rumson clarifies the Borough's ability to regulate land based on the environmental features of the land. It is recommended that the Borough adopt an ordinance amendment that regulates residential properties to mandate usable yard areas surrounding dwellings. It is suggested that the Borough measure yard areas as the space between environmental sensitive areas and the dwelling.

### ***Open Space***

The Borough should continue to identify and secure areas of open space that address its long range goals of preserving open space and channeling development within a defined development boundary. With regard to the open space the Borough has acquired, the Borough should focus on the possibilities of trail designations, campgrounds and the maintenance of forested areas.

### ***Storm Water***

As discussed in the section regarding changes in Master Plan Assumptions, the state has adopted amended storm water regulations. The regulations require the Borough to adopt a storm water management plan by April of 2005. It is recommended that the Borough adopt the required plan as required by the storm water regulations.

The regulations also require changes in the maintenance of detention basins. It is recommended that the Borough and its Engineer develop a policy regarding the Borough's willingness to accept the responsibility of maintaining detention basins.

### ***Rezoning of Properties***

The Borough entered into an agreement that would have resulted in an affordable housing fee of 8,500 units for every housing unit constructed on Block 30.02, Lot 5. This is a 49.7 acre site with extensive frontage on Jericho Road. The Borough entered into this agreement in the late 1980s to help fund a rehabilitation program for affordable housing.

In the intervening years, there has been no development application associated with Block 30.02, Lot 5. The Borough has developed a new plan to address its housing obligation.

The site does not have access to public water or sewer. The site is heavily impacted by slopes in excess of 15 percent, flood plain and hydric soils. Near the Jericho Road frontage, there are prime agricultural soils and agricultural soils of Statewide importance. Most of the soils have moderate to severe limitations for septic. The site is also constrained by a stream and power easement that bisect the property. In addition, the site has been purchased by the State for open space. It is recommended that this site be rezoned and incorporated in the Borough's Open Space Zone.

The Borough is in ongoing litigation regarding Block 31, Lot 14. This site, with frontage on Dewey Avenue, was the subject of an application to develop the property for 104 single family homes and 34 affordable housing units isolated on the northern end of the tract within two (2) apartment style buildings.

The development application was submitted pursuant to planned residential zoning that permitted a gross density of four (4) units per acre. The development application demonstrated little to no sensitivity to: the steep slopes on the property, the property's relationship to the railroad; and the property's relationship to Dewey Avenue. The development application resulted in a majority of lots with little or no usable yards for future residents. The required open space and recreation was unacceptable; and the isolation of the 34 low and moderate income housing units was undesirable. The

application demonstrated that the site was not suitable for single family homes developed at the four units per acre permitted by the PRD zone.

The site was zoned pursuant to a mediated agreement in order to achieve compliance with the Borough's affordable housing obligation. The Borough has taken the position that there have been a series of violations of this agreement by the developer of this property to warrant voiding the agreement. The Borough has also learned that it had addressed much of its housing obligation through credits that were not available to the Borough when it signed the agreement. Thus, the Borough has adopted a September 2004 Housing Element that addresses the Borough's 1987-1999 Housing Obligation without the subject parcel.

Block 31, Lot 14 is a site that is impacted by a railroad right of way, steep slopes, wetlands and a series of easements. Much of the property would be affected by the Borough's critical environmental resources ordinance. Notwithstanding the ongoing litigation involving this site, it is recommended that the property be rezoned in a manner that requires the majority of any development to occur in a manner that is sensitive to the environmental constraints of the property.

### ***Affordable Housing***

The Council on Affordable Housing (COAH) has adopted rules that would establish the Borough's future (post 1999) housing obligation based on growth that occurs in the Borough subsequent to January 1, 2004. Pursuant to the rules, each New Jersey municipality shall incur a housing obligation of one housing unit: for every eight market housing units constructed; and for every 25 jobs created in High Bridge. Job creation is estimated based on additional non-residential space created in the Borough.

It is recommended that the Borough amend its ordinances to require residential and non-residential developers to address the growth share generated by their development. Every residential and non-residential developer should either create affordable housing or make a monetary contribution toward affordable housing consistent with COAH's rule.

It is recommended that the Borough develop a revised housing element and seek substantive certification for its 1987-2014 housing obligation once COAH adopts its proposed rules. In lieu of substantive certification, the Borough may seek a judgment of repose from the court.

### ***The Route 513 Corridor***

The 1995 Master Plan Update and the Spruce Run Initiative have expressed concerns regarding the Route 513 corridor between Route 513 and the downtown area. Both have discussed increasing lot sizes and creating land uses that do not conflict with the downtown business district. The Spruce Run Initiative also recommends decreasing the amount of non-residential development that can take place in this area of the Borough through building coverage, lot coverage and floor area ratios.

The Borough and the Spruce Run Initiative have found that this area of the Borough is currently underutilized. Part of the underutilization of the Route 513 corridor involves the Exact Level and Tool property. The redevelopment of this property has been delayed, in part, due to an ongoing environmental mitigation effort.

A review of the Route 513 corridor between the Clinton Township border and Arch Street reveals that the lots to the east of Route 513 are very shallow lots (less than 150 feet deep) that abut the South Branch of the Raritan River. Most of the lots have been developed as small homes that have been well maintained. Portions of this area are constrained by floodplain. There is one (1) vacant lot along the east side of Route 513. This lot is constrained by the South Branch of the Raritan River and a power easement.

The Borough has zoned for commercial development along the east side of Route 513 for years. The zone has permitted a floor area ratio of 35 percent and a maximum impervious coverage of 70 percent. These bulk standards should provide a financial incentive for commercial development. Yet, the east side of Route 513 remains primarily single family residential.

The Commercial Zone permits manufacturing uses, office, banks, service stations, laboratories, commercial greenhouses and public buildings. It does not permit residential uses. Thus, the dominant use in this area is non-conforming. The Borough may choose to recognize the existing development pattern and permit single family homes in this area of High Bridge.

In the alternative, the Borough may provide a financial incentive for the private sector to purchase the properties on the east side of Route 513 and transfer the development potential of the purchased sites to the west side of Route 513. Thus, a developer could receive an increase in floor area ratio and lot coverage by purchasing a property along the east side of Route 513 and clearing the property as permanent open space. This development scheme could open a desirable “viewshed” for the South Branch of the Raritan River and result in more intense development on the west side of 513, where the lots are larger and deeper.

If the Borough is interested in a transfer of development potential, there are three possible approaches. The first is to implement a planned development district pursuant to Section 65 of the Municipal Land Use Law. The second approach is to implement the approach through a redevelopment plan pursuant to the “Local Redevelopment and Housing Law. A third approach would be to pursue it through the recent “Transfer of Development Rights” Legislation.

### ***Plan Endorsement***

It is also recommended that the Borough investigate pursuing Plan Endorsement from the Office of Smart Growth. The Borough has developed in a manner that is consistent with smart growth principles. It has created a discreet development area and has been aggressive in preserving open space along the developed area of the Borough. It has developed in a manner that is consistent with the “smart growth principles” enunciated by the SDRP.

The State offers financial incentives for plan endorsement. It is quite possible that the Borough can receive money for a Main Street program or to promote the redevelopment of the Route 513 Corridor.

***The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the Local Redevelopment and Housing Law,” P.L. 1992, c. 79(C.40A:12A-1et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.***

The Local Redevelopment and Housing Law is a much more powerful tool in promoting redevelopment than the Municipal Land Use Law. The “redevelopment statute” allows a municipality to designate a redeveloper of an area and prepare a specific redevelopment plan for the area. It allows the municipality to use its eminent domain powers if necessary to promote redevelopment and allows the Borough to enter into financial agreements to promote the desired redevelopment. The “redevelopment statute” also provides more flexibility in justifying development standards than the Municipal Land Use Law. For example, it, unlike the Municipal Land Use Law, allows a municipality to consider the cost of redevelopment in drafting standards for redevelopment.

The Redevelopment Law requires several steps before a municipality can exercise the powers granted by the Redevelopment Law. The process requires the Planning Board, the author of the Master Plan, to coordinate the redevelopment process within the community’s overall planning goals and objectives. To this end, the following steps are required by the statute:

- a. The municipal governing body must direct the Planning Board to undertake an investigation of the area in question to determine whether it meets the criteria established (by N.J.S.A. 40A:12A-5) for an area in need of redevelopment.
- b. The Planning Board must prepare a map showing the boundaries of the area in question and the location of the various parcels therein. This map must include a statement setting forth the basis for the municipality’s investigation.
- c. The Planning Board must conduct an investigation and hold a (duly noticed) public hearing in order to discuss the findings of the investigation and to hear persons who are interested in or would be affected by the contemplated action. The results and recommendations of said hearing are then referred to the

municipal governing body for formal action.

- d. Upon receipt of the recommendation from the Planning Board, the municipal governing body may act to adopt a resolution designating the area in question (or any part thereof) as an area in need of redevelopment.
- e. Upon a redevelopment area designation and direction by the municipal governing body, the Planning Board is then required to prepare a Redevelopment Plan, which establishes the goals and objectives of the municipality in designating the area in need of redevelopment and further outlines the actions to be taken to accomplish these goals and objectives. The Redevelopment Plan is then referred to the municipal governing body for formal action. In the alternative, the Borough can draft a Redevelopment Plan which would be sent to the Planning Board for review and recommendation.
- f. Upon receipt of the Redevelopment Plan from the Planning Board, the municipal governing body may act to adopt the Redevelopment Plan by Ordinance. The Redevelopment Plan then becomes an explicit amendment to the Borough's Zoning District Map and Zoning Ordinance.

Section 5 of the Redevelopment Law states, in part, that: "a delineated area may be determined to be in need of redevelopment if, after investigation, notice and hearing, the governing body of the municipality, by resolution, concludes that within the delineated area any one (1) of the following eight (8) conditions is found to be applicable:

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

deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contribution to and serving the public health, safety and welfare.

f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

g. In any municipality in which an enterprise zone has been designated pursuant to the “New Jersey Enterprise Zones Act,” P.L. 1983, c.303 (C.52:27H-60 et. seq.) the execution of the actions prescribed in that act or the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 6 and 6 of P.L. 1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L. 1991, c.144 (C.40A:21-1 et. seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L. 1992, c.79 (C.40A:12A-1 et. seq.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

In addition, section 3 of the Redevelopment Law provides that “a redevelopment area may include lands, buildings for improvements which of themselves, are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition for the effective redevelopment of the area of which they are a part.”

It is recommended that the Exact Level and Tool property and the surrounding Commercial area be considered as an area in need of redevelopment. Such a determination would allow the Borough to work with the private sector in promoting a specific reuse for the property and area.