

HIGHLANDS BOROUGH



CAPTAIN'S COVE REDEVELOPMENT PLAN



JULY 2018



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INTRODUCTION AND PROCESS

The low-lying portions of Highlands Borough are continuing to deal with the aftermath of Superstorm Sandy over five years after it made landfall. One Bayfront property impacted by Sandy is the "Captain's Cove" Marina site. This long, narrow marina property saw significant damage and it has yet to be restored to its pre-storm condition.

In order to address the condition of the Captain's Cove site, the Highlands Borough Council adopted a resolution on December 7, 2016, which directed the Borough Land Use Board to conduct a preliminary investigation and hold a public hearing to determine if the property qualifies as an area in need of redevelopment in accordance with the standards in the Local Redevelopment and Housing Law ("LRHL").

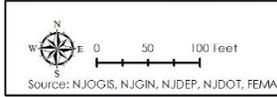
Heyer, Gruel, and Associates prepared a preliminary investigation report entitled "Captain's Cove Area in Need of Redevelopment Investigation Report", dated November 2017.

The report was filed with the Borough and a public hearing, noticed per the requirements of the LRHL, was conducted by the Borough Land Use Board on January 31, 2018. The Board recommended that the Borough Council designate the property as a non-condemnation area in need of redevelopment. The Borough Council took action at its March 21, 2018 meeting based on the recommendation of the Land Use Board. The Captain's Cove Redevelopment Area ("Area") was formally designated as a non-condemnation area in need of redevelopment by Council Resolution 18-070.

This Redevelopment Plan is the next step in the process. It contains the elements required by the LRHL, sets forth goals and objectives for the area, and provides use and design standards to govern the redevelopment of the Area in a manner consistent with the Borough's goals.



Figure 1



Captains Cove
Aerial
Highlands Borough, New Jersey



STATUTORY REQUIREMENTS

According to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1, et seq.), 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 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, C398 (C52:18A-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.

This redevelopment plan includes each of these required sections, as applicable, serving as a guide for the redevelopment of the Captain's Cove property.

EXISTING CONDITIONS**Location and Description**

The Area is located in the north-central portion of the Borough along Sandy Hook Bay. The property is nearly entirely water with the exception of small pieces of land at the intersection of Cheerful Place and Washington Avenue in the southern portion of the site, and where Marine Place and Washington Avenue intersect at the northeast corner of the site. The western boundary of the site borders the side and rear yard of homes that front on Huddy Avenue, Bedle Place, and Recreation Place. The eastern boundary of the site borders Washington Avenue. Half of the site sits in a 100-year floodplain and storm wave hazard area. The other half sits in just a 100 year floodplain, as can be seen in figure 2.

Existing Zoning and Land Use

The Area is in the R-2.03 Single-Family Residence Zone District. That district permits single-family dwellings, existing bungalow colonies, public uses, religious institutions, and schools. The surrounding properties are also in the R-2.03 zone (see figure 3). The current use of the property, as a marina, is not permitted in the R-2.03 zone. However, historic use of the property as a marina predates the Borough's zoning. The Sanborn map of the area from 1922 shows that the property was used as a boat slip at that time, the bulkhead along both sides of the channel was in place, and the Water Witch Society Club was located at the

intersection of Cheerful Place and Washington Avenue on what is now the vacant portion of the property (see figure 3).

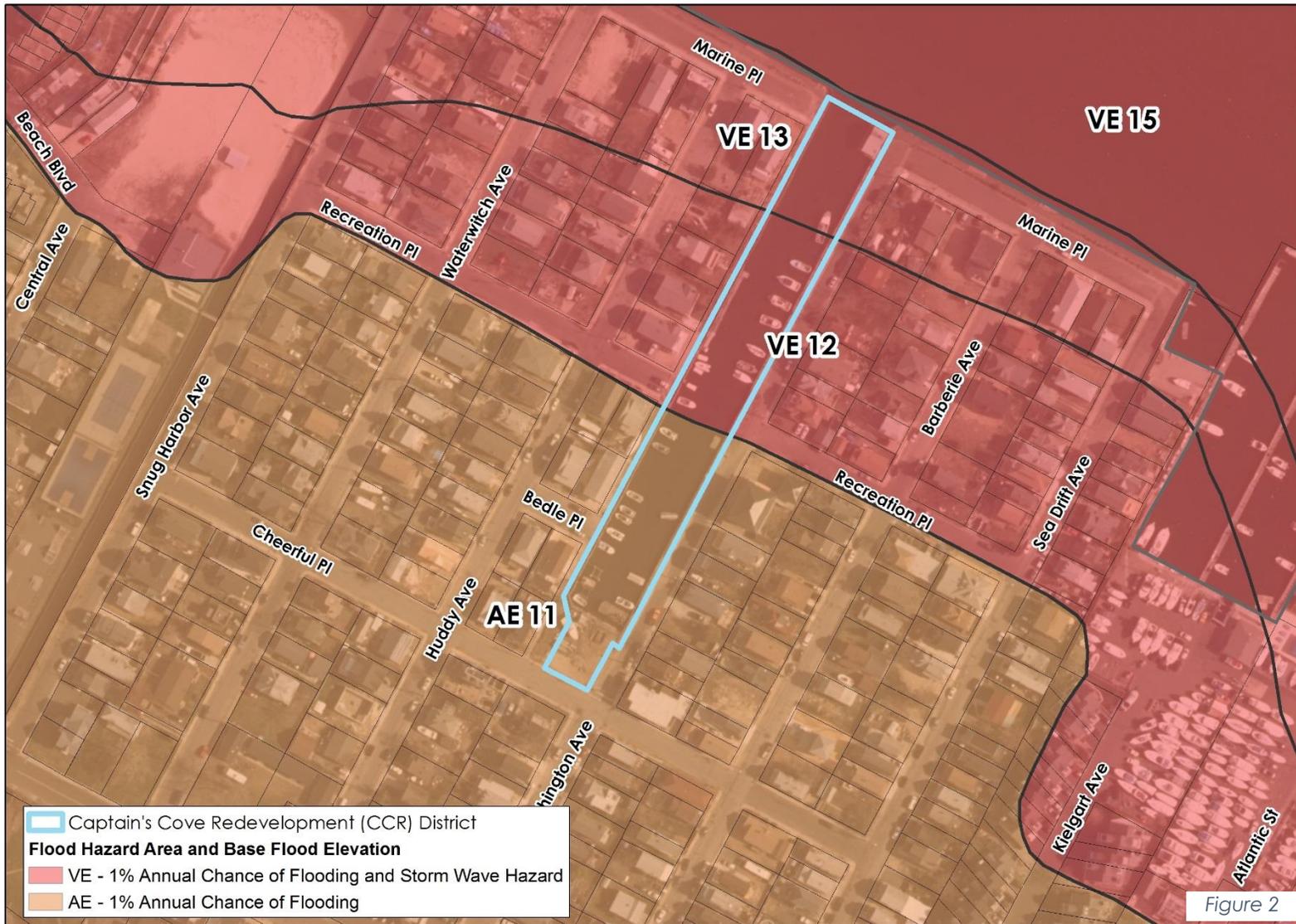
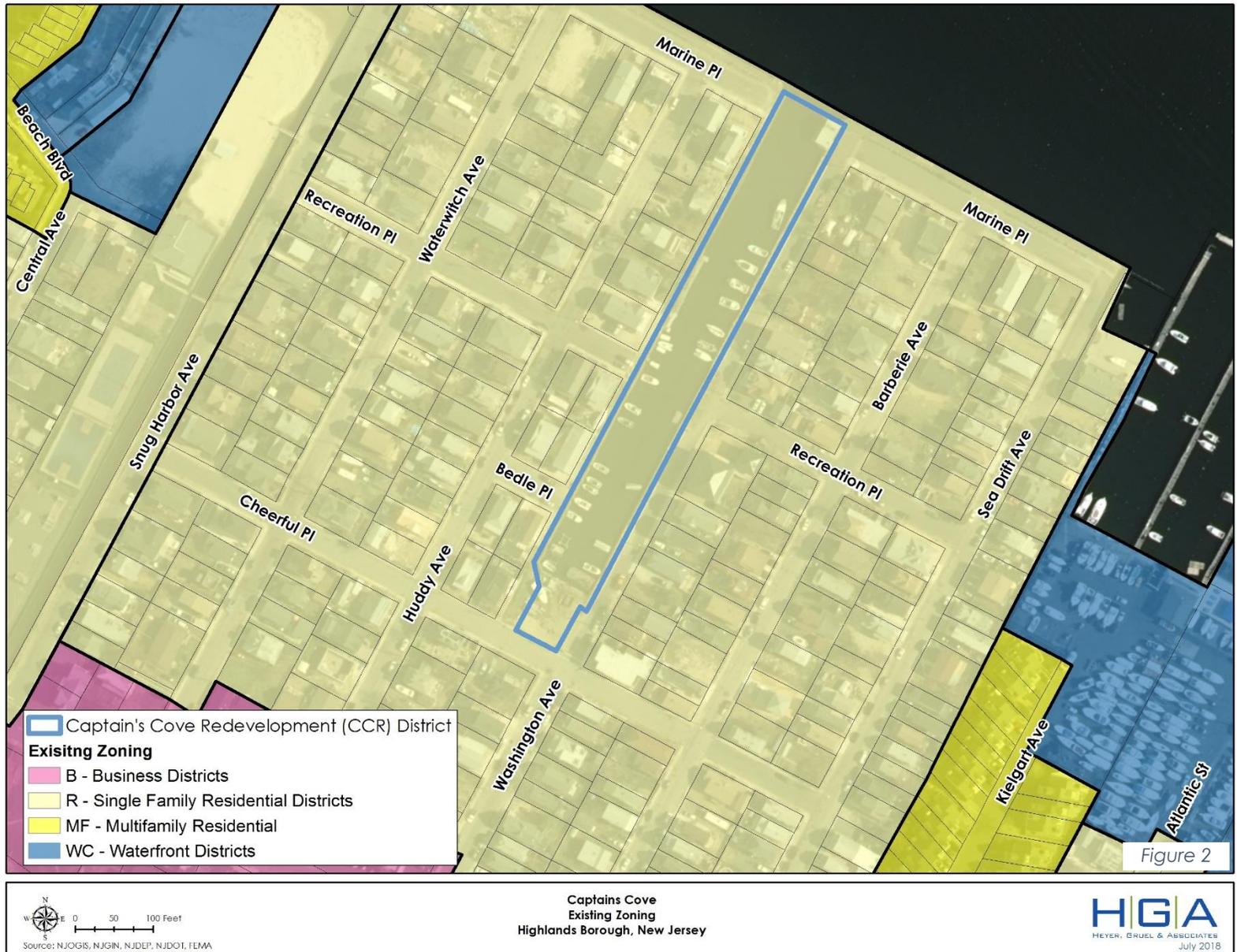


Figure 2

Source: NJGIS, NJGIN, NJDEP, NJDOI, FEMA

**Captains Cove
 Flood Hazard Area
 Highlands Borough, New Jersey**



PLAN PRINCIPLES, GOALS, AND OBJECTIVES

The Borough seeks to utilize the tools provided by the Redevelopment Planning process to offer a designated redeveloper the flexibility needed to redevelop a waterfront property that has suffered storm damage in the past and has a compromised bulkhead whose restoration is of critical importance to public and private property.

Goal

The goal of this redevelopment plan is to promote the long-term physical and economic stability of the property with an eye on resilience in the face of future storm events.

Objectives

- Ensure that the bulkhead along both sides of the marina is stabilized and repaired to a modern, resilient standard.
- Account for present and future flood hazards, sea level rise, and other environmental concerns in the redevelopment of the site.
- Require that redevelopment be compatible with the physical form of the surrounding community.
- Permit the retention of the historic water-oriented use of the property as a marina or other amenity.
- Retain public access to the water.

RELATIONSHIP OF THE PLAN TO BOROUGH LAND DEVELOPMENT REGULATIONS

This Redevelopment Plan creates a new zoning district, the Captain's Cove Redevelopment (CCR) District. This District supersedes the existing zoning for the Area.

Any deviation from the Redevelopment Plan standards, which would typically result in a "d" variance, shall be addressed as an amendment to the Plan. The Land Use Board shall not have the authority to allow deviations from the standards contained in the Plan, which would result in a "d" variance pursuant to N.J.S.A. 40:55D-70d.

The Land Use Board shall have the power to grant relief from other bulk and dimensional requirements of this Plan to the same extent as the Board may grant relief from bulk and dimensional requirements pursuant to the N.J.S.A. 40:55D-70c and the power to grant waivers from the standards of the Plan to the same extent as the Board may grant relief from site plan regulations pursuant to N.J.S.A. 40:55D-51.

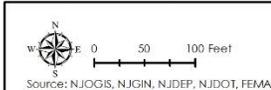
Any standards not specifically addressed in this Plan shall be governed by the standards in the Highlands Borough Zoning Ordinance, and any other applicable standards. The Land Use Board shall have the power to grant relief from the requirements of these ordinances as permitted by the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq. ("MLUL") where jurisdiction is conferred upon it.

All development must be approved by the Land Use Board and shall be submitted through the normal site plan and subdivision procedures as identified by N.J.S.A. 40:55D, et seq.

Final adoption of this Redevelopment Plan by the Borough Council shall be considered an amendment to the Borough Zoning Ordinance and Official Zoning map. Unless otherwise noted, definitions in this Plan are consistent with the Borough's Zoning and Land Use Ordinance.



Figure 3



Captains Cove
Proposed Zoning
Highlands Borough, New Jersey



STANDARDS OF THE CCR – CAPTAIN'S COVE REDEVELOPEMENT DISTRICT

Purpose

The Captain's Cove Redevelopment District is intended to facilitate the restoration of the bulkhead on-site along with the development of a structure containing neighborhood and waterfront commercial uses in a physical form compatible with the surrounding neighborhoods.

Permitted Uses

Principal Uses

- Marina (Boat service and dispensing of fuel shall not be permitted)
- Retail
- Eating and Drinking Establishments
- Office

Accessory Uses

- Any use customarily incidental to a principal permitted use.
- Parking
- Boat, kayak, paddle board, and other similar water-related recreational device rentals.

Bulk Standards

Any deviation from the following standards will require variance relief. The Board shall have the power to grant relief to the same

extent as the Board may grant relief from bulk and dimensional requirements pursuant to the MLUL at N.J.S.A. 40:55D-70.c.

Bulk Standards for Captain's Cove Redevelopment District

Minimum Building Setback to Washington Avenue & Cheerful Place	5'
Minimum Building Setback to Block 87 Lot 1	10'
Minimum Building Setback to Bulkhead	5'
Maximum Building Height	3 Stories / 35 Feet

Permitted Encroachments

The following shall be permitted encroachments up to four (4') feet within the required yard areas:

- Steps, without a roof
- Decks above the first floor
- Bay windows

Special Bulk Standards for the "Shack"

There is an existing one-and-a-half story wooden structure at the end of the marina. The structure is built on wood pilings over the water. The "shack" may be redeveloped based on the following bulk standards:

- The “shack” may be reconstructed within the existing footprint except for minor modifications for the purpose of access and/or stabilization.
- The height limit for the shack shall be one and a half (1.5) stories and eighteen (18') feet.

Supplemental Standards

Public Access

1. Public access consisting of a paved walkway or boardwalk a minimum of six (6') feet in width shall be maintained along the western side of the property where the Rogers Avenue right-of-way currently exists.

Minimum Off-Street Parking Requirements

1. Marina – 1 space / 5 boat slips
2. Retail/Eating & Drinking establishments – 1 space / 500 s.f.
3. Office – 1 space / 500 s.f.
4. At the first-floor parking area, the structure shall be designed and landscaped so as to limit its visibility from Cheerful Place, Washington Avenue, and adjacent properties. The first-floor parking areas should provide screening at the ground level to prevent illumination from headlights of cars spilling onto the street or the adjacent residential properties.

Flood Damage Prevention

Due to the CCR district's location in a 100-year flood zone all development within the district shall comply with Part 7, Article XXIV: Flood Damage Prevention, of the Highlands Borough Land Use Ordinance.

DESIGN STANDARDS

Any deviation from the following design standards will result in the need for a design exception from the Land Use Board. The Board shall have the power to grant such exceptions to the same extent as it is permitted to grant exceptions from site plan ordinance requirements pursuant to the MLUL at N.J.S.A. 40:55D-51.

Where the standards in the Plan conflict with existing Borough land use standards, the Plan takes precedence. Where specific standards are not addressed in this plan, the existing Borough Zoning and Land Use Regulations (Chapter 21), and other relevant Ordinance standards shall apply.

Architectural Standards

1. The use of real materials, rather than imitations such as brick veneer, is encouraged. Vinyl siding, plastic roof tiles, thin brick veneer or EIFS (Exterior Insulation Finish Systems) are prohibited at ground level and discouraged on upper floors.
2. The property is in a flood zone. The structure should be built with strong materials to withstand storms.
3. Materials used near sidewalks and adjacent to the entrance shall be durable and compatible with other building materials.
4. Outdoor staircases shall be no more than 4' wide.

5. Outdoor decks, staircases, lattice work, and any other areas constructed with bare wood should be the same type and color of wood.
6. Decks are permitted to wrap around corners and be located on all sides of the structure.
7. The first-floor parking area may be open or enclosed. Enclosures may consist of lattice, louvers, or other similar materials that do not create a solid wall.

Landscaping

1. The landscape plan shall include non-invasive plant species and utilize native species to the extent feasible.
2. Parking Areas
 - a. Landscaping shall be required around parking areas. Landscaping shall consist of appropriate plantings to provide a perimeter buffer to minimize headlight glare, such as decorative grasses, shrubs, and ground cover in a design acceptable to the Land Use Board.
 - b. The parking area may be open or enclosed with decorative wood lattice or a similar material.

Off-Street Parking and Circulation Design

1. Parking Stalls shall be a minimum of nine (9') feet wide by eighteen (18') feet deep.

2. The Board may permit the reduction of parking stalls to a size of eight-and-a-half (8.5') wide by eighteen (18') feet deep in order to accommodate an area for a trash enclosure, an ADA elevator, and/or bike parking.
3. Parking Area and driveway shall be paved and spaces in the parking area shall be marked.
4. Driveway and drive aisle on site shall be twenty-four (24') feet in width.
5. Driveway shall only be located on Washington Avenue.
6. Parking area will be designed so spaces face Cheerful Place and the marina at 90-degree angles.
7. Sidewalks
 - a. Sidewalks shall be provided along Cheerful Place. Where sidewalks exist, they shall be repaired, improved or replaced as necessary during the redevelopment of the site.

Screening of Mechanical Equipment and Dumpsters

1. All mechanical equipment shall be screened from view in a manner consistent with the architectural aesthetic of the principal structures.
2. Trash can enclosures shall consist of a solid fence a minimum of six feet in height. This structure should be designed so that trash cans cannot blow away in the event of a storm, heavy gusts, flooding, etc.

Signage

All sign details shall be reviewed by the Land Use Board at the time of site plan application.

1. One building mounted identification sign shall be permitted per building. A building mounted sign shall not exceed ten (10) square feet in area.
2. Internally illuminated signs shall be prohibited.

Storm Water Management

Redevelopment of the site will be required to adhere to the storm water management standards found in Chapter 25 of the Borough Code.

RIGHT-OF-WAY VACATION

The developable portion of the area at the intersection of Washington Ave and Cheerful Place is a narrow and irregular shape. In order to expand development opportunities for the Area, the Borough Council may consider the vacation of the portion of the Washington Ave right-of-way, and the Rogers Ave right-of-way to a designated redeveloper.

The Council shall permit the redeveloper to apply for and receive conditional site plan approval prior to the finalization of the street vacation.

In the event that the entirety of Rogers Avenue is vacated, a public access easement, a minimum of six (6') feet in width, along the western edge of the bulkhead shall be maintained.

If the Borough Council consents to such vacation, the process shall take place through the street vacation ordinance process stipulated by Highlands Borough Ordinance 8-3. The redeveloper shall be responsible for having all surveys, title reports, and metes and bounds descriptions of the area in question (as applicable) prepared.

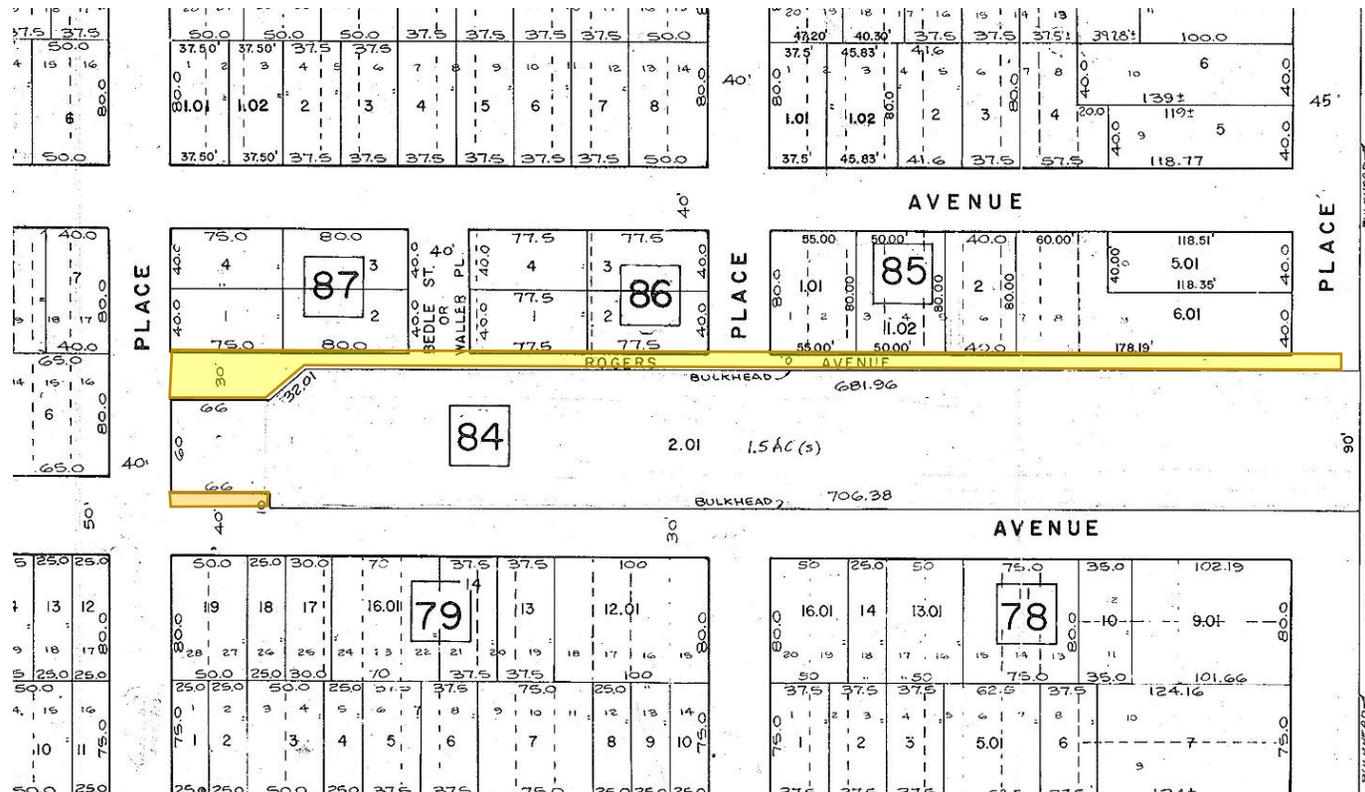


Figure 4 – Potential Area of Public Right-of-Way Vacation

CONCEPT PLAN

The following is a concept plan conforming to the standards of the Captains Cove Redevelopment (CCR) District. These concepts are illustrative and are not to be considered binding for the Borough, the Land Use Board, or a redeveloper. It should be noted that the concept plans were developed with the inclusion of the Rogers Ave ROW, and a small portion of the ROW adjacent to Washington Avenue, as discussed in the previous section.

The plan calls for a three-story commercial structure to be built with a ground floor parking area, and all finished floors above base flood elevation.

First Floor

The first floor has a driveway located off of Washington Avenue entering into a parking area. The parking area is paved and includes 16 parking spaces measuring 9'x18' each. The parking area is enclosed with decorative wood lattice. The western portion of the lot is open to allow entry to two sets of wooden steps. Areas around the parking area are to be landscaped with shrubs and grasses, decorative stone, or wood decking. The area to the west of the steps will be landscaped and will include the public access to the west side of the marina.

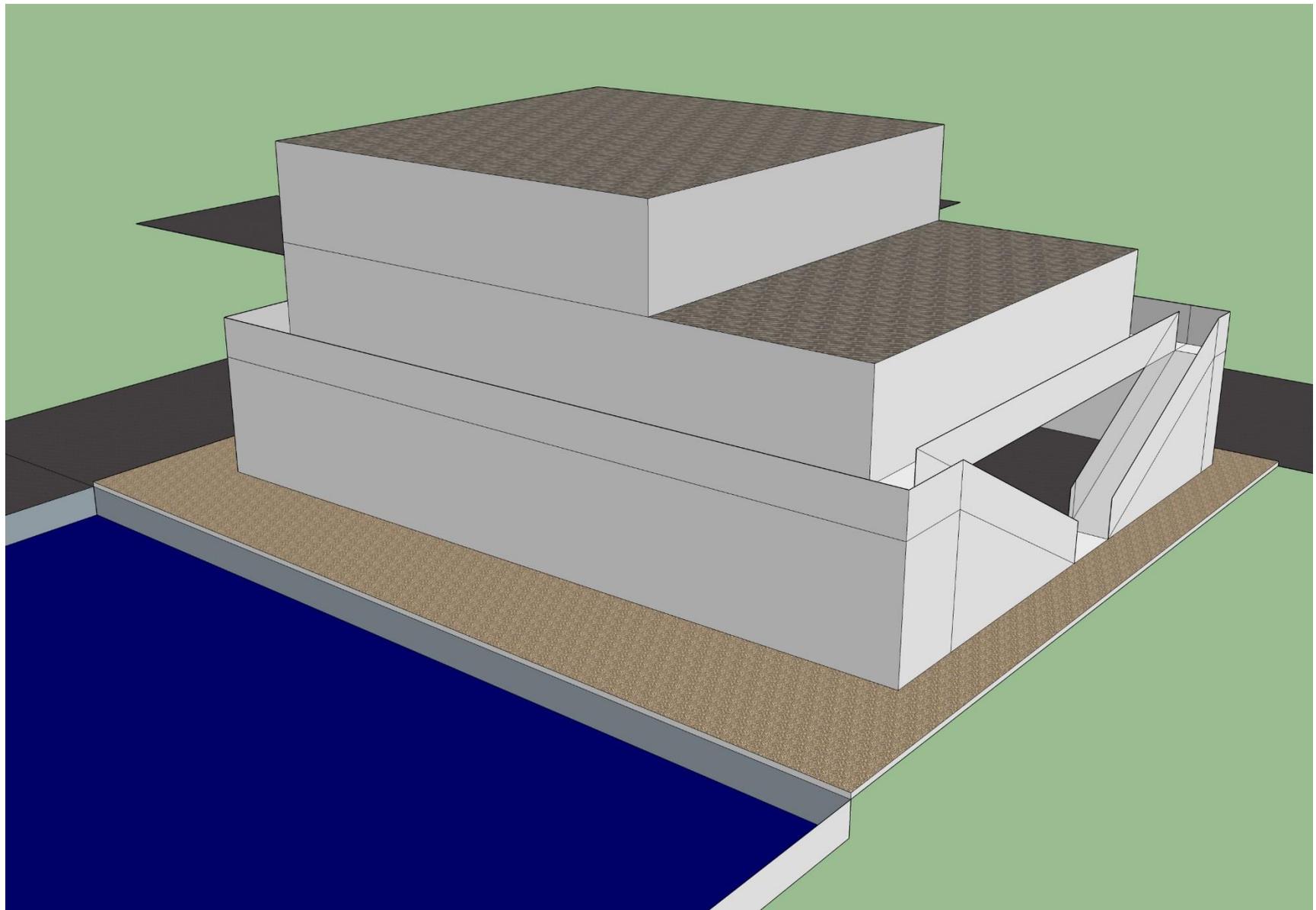
Second/Third Floor

Steps to the second floor as shown on the west side of the structure right outside the parking area. The steps are located on the outside of the building and made with the same type and color of wood as the deck.

The wooden deck wraps around the north, west, and south sides of the structure. The interior of the structure will be large enough to accommodate two commercial spaces such as a marine retail shop and a restaurant. This space will be accessible by an interior stair case and/or elevator and provide additional seating area for a potential restaurant, office space, or another similar non-residential use permitted in this Plan.



Figure 6



CONFORMANCE WITH BOROUGH OBJECTIVES

The Borough's current Master Plan was adopted in 2004. A re-examination report was adopted in 2009, and the most recent re-examination report adopted in 2016. In addition, the Borough adopted an updated Housing Element and Fair Share Plan in 2016. The following goals, objectives, recommendations, and strategies that are present in these planning documents and are relevant to this Plan are as follows:

Master Plan (2004)*General Objectives*

1. Physically – Meet the needs of the Borough with the creation of mixed-use development of exceptional design quality, a waterfront destination for activity and relaxation (p. G&O-3).

Commercial

2. Continue the Improvement of commercial properties in the Borough (p. G&O-4).
8. Encourage redevelopment of commercial properties that need rehabilitation or improvement (p. G&O-5).
9. Encourage upgrading of commercial properties and their surroundings (p. G&O-5).

Circulation

13. To encourage public access to the waterfront (p. G&O-6).

Economic Development / Redevelopment Goals

6. Encourage redevelopment in areas that need rehabilitation or improvement (p. G&O-6).
8. Capitalize on the economic resources represented by Sandy Hook, Route 36, the Twin Lights, the New York Ferry and the physical attractiveness of the Area (p. G&O-6).

Land Use Element

- Development Along the Waterfront – The land use plan recognizes the waterfront area as one of Highlands' greatest assets. A key guiding principle or philosophy of this Plan is to encourage the development of land use regulations that maximize the view corridor to the waterfront. (p. LU-22).

Master Plan Reexamination Report (2016)

The 2016 Re-examination report and master plan amendments carry forward the General Objectives and Economic Development / Redevelopment Goals espoused in the 2004 Master Plan. The re-exam also includes additional language specific to the Captain's Cove Marina site.

Zone Changes

7. Create a new Waterfront Commercial (WC-3) district encompassing Block 84, Lot 2.01 to allow for commercial boat basins. *The unique characteristics of this site and historic usage should be acknowledged. Zoning regulations should be created for a new Waterfront Commercial Zone District which allow for commercial boat basins, SUP rentals, and provide parking standards based on the number of boat slips. (p. 55).*

This Plan is substantially consistent with and designed to effectuate the Borough's Master Plan and its most recent Reexamination Report. Due to the size of the lot parking standards are not consistent with the number of boat slips required in the Waterfront Commercial Zone District.

RELATIONSHIP TO OTHER PLANS

State Development and Redevelopment Plan (SDRP)

In 2001, the State Planning Commission adopted the State Development and Redevelopment Plan (SDRP). The SDRP is a document that, while not binding, guides State-level development and redevelopment policy as well as local and regional planning efforts. Eight statewide goals are articulated in the Plan, along with dozens of corresponding implantation policies. The goals are as follows:

1. Revitalize the State's cities and towns.
2. Conserve the State's natural resources and systems.
3. Promote beneficial economic growth, development and renewal for all New Jersey residents.
4. Protect the environment, prevent and clean up pollution.
5. Provide adequate public facilities and services at a reasonable cost.
6. Provide adequate housing at a reasonable cost.
7. Preserve and enhance areas with historic, cultural, scenic, open space, and recreational value.
8. Ensure sound and integrated planning and implementation statewide.

This Plan meets stated goals 1, 2, 3, 4, 7 and 8 of the SDRP.

- The Plan looks to revitalize a vacant area in the Borough to a beneficial use.
- The Plan will conserve the integrity of the marina and utilize its proximity to Sandy Hook Bay.
- The Plan will provide economic growth to the Borough.
- The Plan will protect the waterfront access at the site.
- The Plan will preserve the open space and scenic value of the site through the Public ROW and buffer from the bulkhead.
- The Plan will be performed with sound planning, floodproofing construction, and sustainable design.

The SDRP also includes a State Plan Policy Map, which divides the state into regions known as Planning Areas. This Redevelopment Area is located in the Metropolitan Planning Area (PA-1), which is characterized by intensive existing development and is the target for redevelopment efforts. The goals for PA-1 include the following:

1. Provide for much of the state's future redevelopment.
2. Revitalize cities and towns.
3. Promote growth in compact forms.
4. Stabilize older suburbs.
5. Redesign areas of sprawl.
6. Protect the character of existing stable communities.

This Plan meets stated goals 1, 2, 4, and 6 for Planning Area 1.

- The redevelopment project promotes the reuse and revitalization of a parcel whose current improvements are outdated.
- The Plan will stabilize and protect the character of the existing community by implementing sustainable design, leveraging the natural features in the area, and implementing a design consistent with the character of the surrounding neighborhood.

State Strategic Plan

The final draft of the State Strategic Plan was released in 2012. While the State Strategic Plan has not been officially adopted, and the SDRP is still the official State Plan, it is still prudent to review the relationship between this Plan and the State Strategic Plan Draft. This Plan is consistent with the stated goals of the State Strategic Plan. This Plan exemplifies the guiding principle of "Sustainability", where new development is encouraged to plan for and respond to current and future challenges and opportunities through adaptive decision making that accounts for social, economic and environmental protection and enhancement.

This Plan meets the following "Garden State Values" of the State Strategic Plan:

- Provide for healthy communities through environmental protection and enhancement;
- Prioritize redevelopment, infill, and existing infrastructure.

Monmouth County Plans

Monmouth County Master Plan

The Monmouth County Master Plan was adopted in 2016. It is the third complete comprehensive master plan for Monmouth County since the inception the Monmouth County Planning Board since 1954. The overarching theme of the plan is "Redevelopment, Revitalization, and Rediscovery".

This Plan meets the following Goals of the Monmouth County Master Plan:

- Promote beneficial development and redevelopment that continues to support Monmouth Couth as a highly desirable place to live, work, play, and stay;
- Promote the protection and conservation of natural and cultural resources to help guarantee long-term sustainability.

Master Plans of Adjacent Municipalities

The Redevelopment Area is surrounded entirely by the Borough of Highlands. The closest municipal boundaries are the Borough of Atlantic Highlands and the Township of Middletown. The redevelopment of the Captain's Cove site will not impact either

of these communities, so their respective master plans are not relevant to this Plan.

ADMINISTRATIVE AND PROCEDURAL REQUIREMENTS

Redevelopment Entity

The Borough Council shall serve as the Redevelopment Entity to implement this Redevelopment Plan. The Redevelopment Entity must designate a redeveloper prior to the submission of an application for any approval to the Land Use Board.

Property to be Acquired

The Area has been designated as a non-condemnation redevelopment area. No property acquisition through the use of eminent domain is authorized or anticipated as a part of this Plan.

Relocation Assistance

Eminent domain is not authorized as part of this plan and any transfer of property and subsequent relocation requirements are purely voluntary so no plan for relocation assistance is necessary.

Affordable Housing

There are no affordable housing units identified for removal as part of the implementation of this redevelopment Plan.

Provision of New Affordable Housing Units

Residential uses are not permitted in this Redevelopment Plan; therefore no new affordable housing units will be provided.

Amending the Redevelopment Plan

Upon compliance with the requirements of applicable law, the Highlands Borough Council may amend, revise or modify this Redevelopment Plan, as circumstances may make such changes appropriate.

Duration of the Redevelopment Plan

This Redevelopment Plan shall be in full force and effect for a period of thirty (30) years from the date of approval of this Plan by the Borough Council.

IMPLEMENTATION OF REDEVELOPMENT PLAN

Redevelopment Agreements

The following restrictions and controls on redevelopment are statutorily imposed by the Local Redevelopment and Housing Law, in connection with the selection of a redeveloper or redevelopers and shall apply notwithstanding the provisions of any zoning or building ordinance or other regulations now or hereafter in force. The restrictions and restraints shall be implemented by appropriate covenants or other provisions in redeveloper agreements and/or disposition instruments.

- The redeveloper(s) will be obligated to carry out the specified improvements in accordance with the Redevelopment Area Plan.
 - The redeveloper(s), its successors or assigns shall devote land within the Redevelopment Area to the uses specified in this Redevelopment Plan.
 - The redeveloper(s) shall begin the development of said land for the use(s) required in this Redevelopment Plan within a period of time that the Borough Council fixes as reasonable.
 - Until the redeveloper(s) completes construction of the improvements, the redeveloper(s) will not be permitted to sell, lease, or otherwise transfer or dispose of property within the Redevelopment Area without prior written consent of the Borough.
- Upon completion of the required improvements, the conditions determined to exist at the time the Redevelopment Area was determined to be in need of redevelopment shall be deemed to no longer exist, and the land and improvements thereon shall no longer be subject to eminent domain as a result of those determinations.
 - No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the redeveloper(s), the Borough Council, or the successors, lessees, or assigns of either of them, by which land in the Redevelopment Area is restricted as to sale, lease, or occupancy upon the basis of race, color, creed, religion, ancestry, national origin, sex or marital status.
 - Neither the redeveloper(s) nor the Borough Council, nor the successors, lessees, or assigns shall discriminate upon the basis of race, creed, religion, ancestry, national origin, sex or marital status in the sale, lease or rental or in the use and occupancy of land or improvements erected or to be erected thereon, or any part therein.