

SPECIAL MEETING OF THE
WASHINGTON BOROUGH PLANNING BOARD

October 23, 2006
8:00 p.m.

IN THE MATTER OF A :
REDEVELOPMENT HEARING. :
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: :
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BEFORE:

The Washington Borough Planning Board

Chairman William Miller
Mayor Marianne Van Deursen
Richard Sheola, Manager
Andrew Turner
Robert Updike
Denise Anthony
Patricia Post
Patrick Boyle

ROBERT GIORDANO AND ASSOCIATES
66 Petersburg Road
Hackettstown, New Jersey 07840

APPEARANCES:

STUART OURS, ESQUIRE
Attorney for the Board

RICHARD CUSHING, ESQUIRE
Attorneys for the Borough Council

ALSO PRESENT:

ROBERT MILLER, Engineer

CARL HINTZ, Planner

BETH MC MANUS, Planner

PAT TITUS, Planning Board Secretary

1

2THE CHAIRMAN: I will call this meeting to
3Order. The Public Meetings Law
4requirements have been satisfied by
5adequate notice of this meeting being
6published in the local newspapers.

7I would like to welcome all of you to the
8special meeting of the Planning Board.
9The Planning Board of the Borough deemed
10that it was important that we hold a
11special meeting, rather than doing this
12during one of our regularly scheduled
13meetings.

14I would like to mention the members of the
15Board, the Town Fathers, Council,
16Redevelopment Committee, our Redevelopment
17staff, the attorneys, engineers, planners
18and all those kind of things. The whole
19purpose of the meeting is to inform you
20about what has been happening since around
212001.

22We began this process of redevelopment,
23and we need to now gather data from the
24general public information, so we can
25chart the future course of what the
26Planning Board might want to do.

1Hopefully, through this presentation, your
2comments, your questions, we will be able
3to answer all of the overriding questions
4that you probably have in your head right
5now, which basically is what in the world
6is the redevelopment area of Washington
7Borough, and if I am in it, what does it
8mean to me. And what does it mean to me if
9I am just a regular citizen of the great
10little town of Washington Borough.

11So, without any further ado, I am going to
12start this process and pass this down to
13Carl Hintz, who is our planner, and Beth
14McManus, his associate. They are going to
15go through the process of the history of
16how this thing got started; where it has
17gone, and where we are as we sit here
18tonight.

19So without further ado, Mr. Hintz.

20MR. HINTZ: All right. If the public
21were able to see back there, we have about
22six inches before falling off the dais
23here. Can you hear me?

24The process that the Town undertook in
252001 was a review of the market conditions
26of the Borough, the downtown area, the use

1of the buildings in the downtown area, and
2the historic structures and historic
3character of the downtown.

4This study resulted in a 2002 downtown
5revitalization study, which has been shown
6here briefly on the screen. We also were
7able to obtain a grant through the
8Highlands Regional Council about a year
9ago, which enabled the town to do what is
10called the MB-3 study, which was used to
11develop conceptual design for some of the
12Main Street streetscapes, and also we
13retained funding, almost a million dollars
14from the Department of Transportation, for
15the redesign of the downtown Main Street
16streetscape, the curbing, the cross walks
17and so on. That project, in fact, the bid
18has been awarded, and that project will be
19underway in the ensuing months.

20The business improvement district was
21formed several years ago, and they have
22been guided by the Borough Council, and
23they have guided the Borough Council, and
24that is through their efforts, and those
25of their director, Jim Sheldon, they have
26been trying to spurt new business activity

1in the downtown area.

2One of the recommendations that came out
3of the study was to stress the area, an
4area in need of redevelopment. This was
5the first step in the process to determine
6if there needs to be redevelopment in the
7downtown area.

8The boundary question is one that we have
9to follow State Statutes by, and we looked
10at the various structures and properties
11along there to determine their ability to
12be included in a redevelopment area
13boundary. One of the maps that is over
14there on the display, the first map, it
15shows in red a study area. This study
16area was the result of us looking at all
17of the various properties in the downtown
18area, but that is not the area in need of
19redevelopment. The area in need of
20redevelopment, according to the criteria
21following the State Statute, are those
22areas in yellow on that board over there,
23and we will have it displayed here on the
24screen as well.

25At this point, what we are doing is
26looking at the area, the boundary areas

1for any area for redevelopment, and the
2Planning Board is holding its meeting here
3tonight to determine if there is an
4investigation needed to, or if they should
5continue looking at these areas for
6redevelopment.

7Once the Planning Board makes that
8determination, if they do it to designate
9those same areas or other areas, they will
10make a recommendation to the governing
11body, the Borough Council. The Borough
12Council will then decide whether or not to
13accept the recommendation, and then
14authorize the next step in the process,
15which is the preparation of an actual
16redevelopment plan.

17The study area I was alluding to earlier
18is shown here. I should probably have a
19pointer, but up to the right side, the
20upper right hand corner of the map is the
21railroad. The main intersection there,
22just to the left of that is Route 31, and
23Route 57, and the area outlined in red
24runs all the way down past Belvidere and
25Broad to Lincoln Avenue, and then back,
26including properties down towards the

1creek to the south, and up towards Borough
2Hall here. But it does not include,
3generally does not include any or only a
4few residences in the entire area.

5Most of the areas affected are properties
6that are businesses, parking lots and
7underdeveloped properties.

8In order to develop them, you have to look
9at the criteria that has to be satisfied,
10and it looks at the following, according
11to the Statute. The buildings are unsafe,
12unsanitary, dilapidated, or obsolete. We
13have a few like that that meet those
14criteria. There is discontinuance or
15abandonment of commercial properties or
16commercial buildings that are untenable
17due to disrepair. Land owned by the Town
18or other government agencies, or land that
19has been vacant for ten years and is
20unlikely to be developed. An example of
21that is the Borough Gateway property,
22which recently, over the last several
23years was landscaped and a sign was
24erected there to announce the entrance to
25the Borough. The Borough Public Works
26Garage, shown on the left, will eventually

1be outmoded and relocated to another part
2of the Borough; that property will be
3excess property that can be redeveloped.

4We also looked in the Statute for
5buildings that are detrimental to the
6safety, health, morals, and welfare of the
7community due to dilapidation, excessive
8land coverage, faulty arrangement, poor
9design, or obsolete layout.

10We also looked to see if there are any
11properties that have lack of proper
12utilization due to lack of title,
13condition of title or diverse ownership.

14I don't think there are any properties
15that fall within this property area in
16excess of five acres, where buildings or
17improvements have been described, areas
18designated as urban enterprise zones, that
19doesn't exist here, and inconsistency with
20smart growth principals, that is a State
21requirement, and generally it meets some
22of the efforts that we are looking at here
23tonight.

24So the areas that were studied, the area
25in red was honed down to include the
26following areas shown in yellow, only as

1being the areas in need of redevelopment.
2These met some or more of the criteria
3that were just described.

4So the others that we originally studied
5were left out, and felt not needed to be
6redeveloped. So it includes, for example,
7the recent property we know as the Van
8Cleef property, which is under -- the
9buildings were demolished and they are
10under construction. Unfortunately, we
11lost the antique store, but that area,
12that property is now designated as part of
13the redevelopment area, and the parking
14lot behind it, and that property the Town
15has acquired for parking for the downtown
16area. We have a brown fields property in
17that area as well.

18This area shown as priority 1-B is
19opposite on the south side of Main Street.
20It includes several large parking lots,
21two of which are owned, one by the Borough
22--

23MS. MC MANUS: Two by the Borough.

24MR. HINTZ: I'm sorry, two by the Borough
25and one by PNC Bank, which will relocate
26to their other facility up towards Lincoln

1Avenue and abandon that parking lot along
2the building up front on Main Street.

3If we identify priority 2, which are the
4properties on the south side of Main
5Street -- do you want to describe those?

6MS. MC MANUS: Sure. This is priority 2
7redevelopment area here, it consists of
8the entirety of lot 94.01. It is
9approximately 49.01, it is to the south of
10West Washington Avenue, and to the east of
11Broad Street, and it includes such
12properties as the Hampton Flooring, and
13lots to the rear of that as well as lots
14to the east along West Washington Avenue
15such as the old Dollar Store.

16Block 94 redevelopment area, this has a
17priority of three. This consists of
18interior lots of Block 94, consisting
19primarily of the Borough's DPW site with
20the garages that were shown in a previous
21slide, and it also consists of a now
22abandoned car sales lot along Route 31,
23and a few other undeveloped properties as
24well.

25Priority 4, this consists of a few others
26in Block 23. This area is located on the

1northwest quadrant of the intersection
2with West Washington Avenue and Belvidere.
3It consists of primarily the Star Plaza
4and other lots owned by that property
5owner, as well as the community building
6along Belvidere Avenue.

7This is our last redevelopment area, it is
8located just on the gateway of Washington
9Borough, at the intersection of Route 57
10or West Washington Avenue and Route 31,
11and consists of the two gas stations at
12that intersection, as well as some Borough
13property, and adjacent commercial
14property.

15That concludes the description of our
16redevelopment areas as we went over them.
17There are six total, comprising seventy-
18three lots in this study area.

19 THE CHAIRMAN: Okay. As you
20probably are aware, the purpose of a
21Planning Board is essentially to plan. We
22are the Board that sets the rules and regs
23and standards for development. What you
24have just seen in this presentation, that
25outlines an area that was studied in depth
26by both the Planning Board and our

1planners, the attorneys, and the
2engineers. And then within that area
3there was other areas that were then
4designated in priority, and you just saw
5the areas of priority. The areas of
6priority are the ones that are in the
7redevelopment area, and what does it mean
8to be in that area. It basically amounts
9to this: We do not -- well, we are going
10to take your questions or comments and
11testimony or whatever, but the idea would
12be that the Planning Board, if this were
13to proceed, would then set up a set of
14standards, regulations for developers, so
15that when they come in and decide that
16they want to develop, let's say, priority
17area five, that they will not simply be
18able to do it according their own wishes;
19that they would have to follow the
20standards set forth by the Planning Board
21and the Borough of Washington.

22So at this point, to help us further in
23determining what has to be done and what
24you think should be done, I am going to
25open this up now for the public hearing
26portion, and at this time you will be able

1to come up, identify yourself, ask
2questions and present testimony if you
3choose to. If you are going to present
4testimony, I believe you will have to be
5sworn in. Am I correct?

6 That is if you give testimony.

7MR. CUSHING: I think that is an
8appropriate thing.

9THE CHAIRMAN: If you care to make just
10comments, you are free to make whatever
11comments you care to make, but we hope you
12will share with us your ideas so the
13Planning Board can proceed in a way that
14is best for the Borough.

15So without further ado, the public portion
16of this meeting is open.

17You are welcome to come forward if you
18have questions, good, bad, indifferent, we
19need them. Come right on up.

20MR. GALLAGHER: Somebody has to start the
21show, right? My name is Chuck Gallagher.
22Looking over the map areas 42 and 41, that
23area is owned by my father, and I am just
24kind of curious that the Borough has any
25plans for that, or, as Marianne answered
26my question before, a developer comes in

1and says he wants to do something, or we
2want to sell it or something, those two
3areas, I don't know if the Borough had any
4plans for them or, as Marianne said
5before, if we elected to sell them to a
6developer, it would be, I guess, your
7option what you would let him proceed to
8do; is that correct?

9THE CHAIRMAN: Well, is the property that
10you are talking about, is it in one of the
11priorities?

12MR. GALLAGHER: Yes, if I look at the map
13it is 37 and 42.

14THE CHAIRMAN: Which area?

15MR. GALLAGHER: This area right here
16(indicating).

17 MR. HINTZ: Two residences, right?

18MR. GALLAGHER: Yes, right on Broad
19Street. For a little historical note, the
20one building was the office building for
21the Gallagher and Son Lumber Company in
22the 1880's, and all of the property in the
23back was the parking lot.

24THE CHAIRMAN: The question is what about
25properties that are now not in the
26prioritized areas? What would be the

1status of their redevelopment?

2MR. OURS: It is a priority 3 or 4. It
3does have a priority assigned to it, it is
4just down the list.

5MR. GALLAGHER: It was just a question.

6Did the borough plan on doing anything
7with them since they designated that area?

8

9THE CHAIRMAN: It is not the Borough that
10would do anything with the properties, it
11is the redevelopment. If a developer
12comes in, it is the developer who would,
13in fact, do something for these
14properties.

15What they would do, if the Planning Board
16were to proceed with this redevelopment
17process, they would have to follow a set
18of standard rules and regulations so that
19we would have uniform redevelopment in the
20redevelopment area.

21MR. HINTZ: If I can also, when we did
22the MP-3 study with the Highlands Regional
23Council about a year ago, the New Jersey
24Department of Environmental Protection did
25a tour of that area, and their concern was
26with the properties and the flooding

1conditions. I don't know how bad or how
2often they occur, but that was their
3concern that they raised with us about the
4property.

5MR. GALLAGHER: I am aware of that, and
6really, to my knowledge, because it is in
7a flood plain area, there is no
8development they could do with it anyway.
9But as for making it a park area or
10something like that, I know that is an
11option there because of where it is
12located.

13MR. OURS: Has it been subject to serious
14flooding?

15 MR. GALLAGHER: Well, there is
16nothing there that it was, I mean, it
17raises, there really doesn't -- it has
18affected a couple of the properties there
19when it was really bad, and we had one
20flood or one of the hurricane floods.
21Yes, it hits all of the houses on Broad
22Street, and there are a couple of them
23that do get it when you really have a
24problem. But it is not very often. It
25has to be a real hurricane.

26MR. OURS: And the structures have been

1there since the 1980's, so it couldn't
2have been too severe.

3MR. GALLAGHER: That is true, thank you.

4THE CHAIRMAN: Any one else?

5MR. PERRARA: Robert Perrera, I live on
6Van Natta Street, and I would like to have
7very possibly my property considered for
8the redevelopment area, because I read in
9the papers, and a few other things, that
10there are grants that were low or non-
11interest loans for improvements, and that
12is for building improvements. I am on 26
13Van Natta Street.

14THE CHAIRMAN: That is in one of the
15designated areas.

16MAYOR VAN DEURSEN: His house is right
17outside.

18MR. PERRERA: Block 24, lot 22, right in
19front of the water company.

20THE CHAIRMAN: You would like to be
21included?

22MR. PERRERA: Possibly consideration
23thereof.

24MR. TURNER: There is a County program --

25 MR. OURS: They allow interest free
26loans for redeveloping and rehabing.

1MR. HINTZ: Could we have your name and
2address if we do want to get back to you
3about this?

4MR. PERRERA: Yes. It is P-e-r-r-e-r-
5a. The address is 26 Van Natta Street.

6THE CHAIRMAN: We have a request to be
7added to the redevelopment area, that is
8good.

9MR. OURS: I would point out that part of
10the -- the main purpose of this hearing on
11the part of the Board is to arrive at what
12the boundaries for the redevelopment area
13should be.

14Obviously, you know, our planners have
15looked to see what they feel, but that
16doesn't mean, obviously, other properties.
17The purpose is for people to come up and
18say why they feel it should be included or
19not included in the redevelopment area, so
20if people want to ask to be in it, that is
21fine, that can be done.

22MS. HARDIMAN: My name is Ann Hardiman,
23and I am on the Committee as well. I
24would just like to pose a concern of mine
25of a more broad nature and also ask a
26question. The concern is that while

1tonight we are focused on the properties
2that are critically affected at this
3moment in time for inclusion in the
4redevelopment, any discussions of the
5Planning Board or the Borough of the
6business improvement agency should
7encompass, at all times, the impact on the
8decisions they are making on the larger
9area of downtown, as well as the more all
10encompassing boundaries of the Borough.

11I just wonder, as my question, because,
12for example, things were predicated in
13many initial stages of the game on the
14antique center, and the key box building
15for downtown redevelopment. It is now
16gone. There are many empty stores, more
17so then when some of the planning began in
18the downtown area, and I am wondering what
19the communication among the Better
20Business, Planning Board, Redevelopment
21Committee and the general community is.

22I don't need an answer, but I would like
23it on the record as something that should
24be all encompassing on any decisions that
25are specifically made. Thank you.

26THE CHAIRMAN: Please come forward. The

1 redevelopment is not a new idea, there are
2 several towns in New Jersey that have gone
3 through the redevelopment process, and
4 particularly in these towns, they seem to
5 have had a great deal of success in
6 actually redeveloping those towns, and
7 that has been good for those places. We
8 are hoping that it will be good for the
9 Borough. But we would like you to come
10 forward, particularly if you are in
11 support of the Planning Board moving
12 forward with this process, and if you are
13 not in support of the Planning Board
14 moving forward in this process, we need
15 you to come forward with that, also.

16 Even if you want to come up and say I
17 support it, please do it, or if you don't
18 support it, please do that also.

19 MS. APPLEBY: Gina Appleby. I just came
20 in, I had to help with homework. My first
21 question --

22 THE CHAIRMAN: You have to give your name
23 for the record, and your address.

24 MS. APPLEBY: 28 Willow Street. First, I
25 haven't had a chance a look at this, how
26 is it different from the original plan?

1The original redevelopment plan that we
2had done several years ago.

3THE CHAIRMAN: This particular plan is
4different in that we have isolated now the
5number of properties. I think it is down
6to sixty-three particular properties, all
7of which I believe are of commercial
8interest. So it has been redesigned from
9that point.

10MR. HINTZ: The hearing, you did come in a
11little late. The hearing tonight is about
12areas in need of redevelopment. What we
13did in 2002, which you were, I guess,
14involved with, was the revitalization
15effort plan. We are not -- this is not a
16plan tonight. Are these areas in need of
17redevelopment is the question, and if the
18answer is yes or no or whatever, if these
19areas are, then the answer is yes, and
20then the next step would be to do a
21redevelopment plan. That would be
22somewhat similar, although a lot more
23detailed than what you knew about in 2002.

24 MS. APPLEBY: The reason I am asking
25you that is the costs involved.

26We are not duplicating what you did in

12002, are we?

2MR. HINTZ: No, and the effort that has
3been made -- the funding that is taking
4care of the study that we are undertaking
5now is being done through the grant.

6MS. APPLEBY: One hundred percent?

7MR. HINTZ: I believe so. I don't know,
8but I am told that.

9MS. APPLEBY: I only know what I read in
10the paper. Now these are only commercial
11properties?

12MR. HINTZ: There are four or five
13residential properties there which are
14rentals, but the bulk of them, out of the
15seventy properties, ninety percent of them
16are commercial properties.

17MS. APPLEBY: How come you are not
18including residential, particularly the
19ones along Route 57?

20MR. HINTZ: Well, the Planning Board took
21a look at those areas, again, the map we
22explained earlier. There was a much
23larger study area, it went all the way
24down to the Lincoln Avenue area and at one
25point it went much further than that.

26A lot of those homes in that area, for

1example, are past the PNC Bank, for
2example, are of historic value and felt
3not to be in need of redevelopment. It
4didn't meet any of the criteria.

5MS. APPLEBY: Would redevelopment not be
6restoration?

7MR. HINTZ: No, we have to follow the
8procedure by the Statute, it is if they
9are in need of redevelopment.

10MS. APPLEBY: I am looking down here on
1157. What is that east of Broad and
12Belvidere, there are several residential
13properties that I see that are not --

14MR. HINTZ: They do not fall into the
15criteria.

16MS. APPLEBY: What is the game plan for
17those properties?

18MR. HINTZ: There is none.

19MS. APPLEBY: Is there any revision to
20them as to what you hope to do in the
21future?

22THE CHAIRMAN: At this point, no.

23MS. APPLEBY: Are you looking to knock
24them down?

25THE CHAIRMAN: Of course not.

26MS. APPLEBY: I am looking at some of

1these and rather than do it piecemeal, if
2there was a vision for them, I would like
3to see it concluded all at one time. If
4you look at the map, just left of the
5church the properties that are in there,
6there is nothing. They are not shaded at
7all. So are those people not going to be
8eligible to apply for their moneys?

9THE CHAIRMAN: I think the bottom line is
10that most of those properties simply do
11not meet any of the redevelopment
12criteria, restoration is not one of the
13redevelopment criteria.

14MR. TURNER: It is not saying a developer
15can't come in and come to the Planning
16Board and say I want to buy these
17properties that Mr. Van Cleef did, because
18his property is technically, you know,
19this doesn't exist yet.

20So he essentially came to us and said, "I
21looked at your 2002 vision and this is
22what I want to do." We will build on
23that.

24So it doesn't say that a developer can
25come in and buy up four houses, and then
26come to us and we can say, "Well, this is

1what we would like to see there," and go
2from there.

3MS. APPLEBY: I am a little less concerned
4with a developer coming in and looking at
5four properties, and an individual, a
6current property owner being given the
7tools to do something with the property to
8improve it for the overall good of the
9downtown.

10MR. TURNER: There are other programs
11available for that.

12MS. APPLEBY: On this redevelopment
13program I see that there are certain areas
14that are not included.

15MR. TURNER: They don't fall within the
16guidelines of the parameters of this
17particular plan.

18MS. APPLEBY: Because of the gross
19requirements through the State?

20 MR. OURS: No.

21 MR. TURNER: It is in the Statute.

22 MR. OURS: It is the State
Statutes.

24MS. MC MANUS: If I can reply, the law
25of redevelopment has certain criteria, the
26law that governs redevelopment has very

1strict criteria that properties need to
2meet to be included or designated as an
3area of redevelopment.

4When we went through and investigated the
5study area, which is the entire area
6within the red boundary, we looked at each
7property and compared it to this criteria.
8Those residences that you are referring to
9simply didn't meet it. Essentially, in
10those cases, they didn't need enough
11restoration or enough rehabilitation to be
12considered to be dilapidated, or meet one
13of those criteria.

14As far as grant moneys go, the grant money
15that becomes available to areas in need of
16redevelopment is primarily intended for
17the Borough or Municipality as opposed to
18the individual property owners.

19So as a resident, if you are included in
20the redevelopment area, you are not
21necessarily entitled, or given greater
22access to increasing funding for building
23renovations, as alluded to by other
24members of the Board, there are other
25programs that would help these property
26owners get help or get money to restore

1their buildings.

2MS. APPLEBY: My other question was,
3again, I said I read in the paper they
4were looking, although there is single
5stories now, to put residential
6development over it, correct, apartments
7and such? Does that fit within the
8current zoning or does that have to be
9changed?

10THE CHAIRMAN: I would imagine that it
11would fit in with the current zoning.

12MR OURS: Yes, the current zoning, this
13is all in the B-2 zone.

14MS. APPLEBY: What is the density of the
15B-2 zone?

16MR. OURS: I don't know off the top of my
17head. It does permit there to be
18residences over top of that.

19MS. APPLEBY: Carl?

20MR. HINTZ: Your question is premature.
21There is no redevelopment plan yet. This
22is not a redevelopment plan. The
23redevelopment plan will look at the
24density and look at the floor ratios and
25the height and the bulk requirements and
26the facade requirements and so on, and

1that will become -- that will be subject
2to other public hearings and that will be
3the answer you are looking for. We don't
4have the answers tonight of what it will
5look like in the future. That is the next
6step if we get through this one.

7MS. APPLEBY: My concern was when Mr. Van
8Cleef came in, the residential density
9increased from what had been a six hundred
10percent increase, I would just -- I mean,
11we do want to put the redevelopment zone
12towards the downtown area. Everyone would
13like to see the concentration go there.
14But what I would like to see or be
15considered, at least, is that maybe we
16look at some of the other areas and take
17some of the development concentration and
18transfer it to the downtown area, and
19transfer it there without increasing the
20overall population of the Borough, because
21if you buy a one or two bedroom condo,
22there is no guarantee how many people can
23live in there down the road.

24So food for thought, down the line to
25possibly look at the greater plan for
26redistribution rather than simply

1increasing it indiscriminately. Thank
2you. That is it.

3THE CHAIRMAN: Thank you. Next?

4MR. GIBSON: Bill Gibson. My business and
5building borders the municipal lot. I
6just wonder how that, the status of that
7piece of property would need to change, or
8show it would change so that it would
9become accessible to a developer, or, even
10if that is part of the process.

11THE CHAIRMAN: You are talking about the
12open space behind your store?

13 MR. GIBSON: Yes.

14THE CHAIRMAN: Do we have an answer for
15the open space behind Gibson's Gym?

16MR. HINTZ: The DPW area. We don't have a
17redevelopment plan yet, but that will be
18the next step. If the Public Works or the
19DPW is slated for being an area of
20redevelopment, if so, we will look at
21various options, including the one that we
22talked about for parking and possibly
23structured parking. It lends itself to
24it, but that doesn't mean that is what it
25will end up being. That is what has been
26passed around so far.

1THE CHAIRMAN: Are there restrictions on
2that property?

3MR. HINTZ: There are restrictions. DEP
4and the New Jersey Department of
5Environmental Protection has designated
6the area with three foot buffers, and Bob
7Miller and I have been meeting with DEP to
8move the line back towards the creek,
9thereby allowing redevelopment of the
10Public Works property.

11MR. CUSHING: Mr. Chairman, maybe it
12would be helpful to go step by step
13through the redevelopment process so that
14everybody understands exactly what the
15steps in the process were.

16I am Dick Cushing and I am the municipal
17attorney, if you can't hear me raise your
18hand.

19The process is one that is aimed at
20following the procedure that allows the
21public to participate throughout the
22process, and the way the process started,
23and I don't want to have my back to
24anybody, was the governing body determined
25it made sense to study redevelopment in
26the Borough. The Borough has become a

1very attractive place for developers,
2developers are coming in, and the
3governing body wished to respond to that.
4So there is a statute that deals with
5redevelopment that has been alluded to up
6here, and there is very careful steps in
7the Statute to make sure that the rights
8of property owners are protected. But at
9the same time to encourage municipalities
10to be able to marshal resources, to take a
11community that has a lot of potential and
12allow that community to reach its full
13potential.

14So what the governing body did was it
15thought it would be a good idea to do
16redevelopment. It went out and it had a
17general idea of where redevelopment could
18occur in the Borough. And so it went out
19and said to the Planning Board, pursuant
20to the process, it did a resolution and it
21said we would like you, Planning Board, to
22study the areas of the Borough that you
23think are appropriate for redevelopment.
24And the process again goes to the Planning
25Board because the Planning Board is the
26agency and the municipal government that

1is charged with the responsibility of
2doing the Master Plan for the Borough, and
3also approving applications. It is the
4Board that studies and applies the law
5with respect to development applications.

6So the Planning Board is the right agency
7to do that. The Planning Board, in
8conjunction with the Planner and the
9engineer, went out and looked at each of
10the properties that have been within the
11area that was suggested by the governing
12body. I believe the Planning Board
13actually went out and walked and looked at
14each particular property. They gave input
15to the planner or planners, and the
16planners then went out and examined each
17property, examined the qualities and
18characteristics of each property, and
19applied certain standards that are set
20forth in the Statutes as to what could
21happen with respect to those particular
22properties. So that is the process that
23got us here tonight.

24Part of the process tonight is to give
25notice to the property owners so that they
26know what is going to happen with their

1property. And we heard tonight a number
2of property owners say, well how does this
3affect me, which is obviously a good
4question. The next step after tonight,
5assuming I don't think the Planning Board
6will vote tonight, but after the Planning
7Board has an opportunity to think about
8everything that is said to them tonight,
9they will have a hearing, probably in
10December, in connection with this, and
11which will be republished, and everything.
12Then they will vote as to whether this is
13a good idea or a bad idea.

14After that, assuming it is determined by
15the Planning Board that this redevelopment
16is a good idea, the next step in the
17process is a more detailed analysis where
18they will go out and figure out what the
19best regulations for those properties are.
20In other words, what happens next is the
21Planning Board will look at the current
22zoning for the property and then determine
23whether it can be reshaped in certain
24ways. In order to develop a vision for
25the Borough and the future look of the
26Borough. Then, if they can come up with

1an acceptable vision, then the next step
2would be to actually develop regulations
3for properties that address some of the
4questions that Gina asked before which is
5what will the density be; will you allow
6residential above the commercial; how many
7stories; how much intensity of
8development.

9Maybe they will have things such as what
10the look of the building should be. They
11will study it and try to get public input
12as to how the Borough of Washington would
13like to have the downtown look going
14forward into the century.

15So that is the process, and after that
16then, depending on what the Borough
17determines, it could perhaps enter into
18agreements with redevelopers who might
19want to come in and say yes, we would like
20to redevelop this property. There is some
21property within the redevelopment area
22that is owned by the Borough itself. The
23Borough would make a determination as to
24what it might want to do with its
25property, and those are the type of things
26that will go on next in the process.

1But tonight's determination is simply to
2make -- to figure out what the areas of
3property are to be included.

4So that is the process, and by the way,
5the next step in the process, is the area
6of developing the actual plan. In other
7words, what will they do, what will it
8look like and stuff, there will be public
9input in connection with that, also, just
10like there is public input tonight. And
11once the Borough, in conjunction with its
12planners has come up with a general plan,
13then there will be a hearing on ordinances
14to implement that plan. Maybe the
15Planning Board would decide to design the
16Master Plan, which is the overall plan for
17the municipality. There would be hearings
18in connection with that.

19So there will be plenty of input into the
20process, but tonight is like a preliminary
21step in that particular process.

22THE CHAIRMAN: This is a very long
23process, as I stated earlier. It started
24back in 2001. The goal, though, is to
25hopefully redevelop Washington. The whole
26town, eventually, that would be the goal.

1We were very fortunate recently in terms
2of redevelopment. We have a project in
3town which I will call the Van Cleef
4project, and if you haven't seen a picture
5of it, there is a large picture of it in
6the back as to what that building is going
7to look like, and that building is very
8complimentary to what we already have in
9the downtown.

10Now, in some sense we are very fortunate,
11we have a developer who shares somewhat of
12the preliminary vision that the Planning
13Board has, and that is to retain the look
14of these kind of buildings that we
15currently have downtown that are of
16somewhat an older historic facade, and so
17on. Mr. Van Cleef could have come in and
18put up a completely, let's say, glass
19outlined building, which stood out like a
20sore thumb in the middle of our downtown
21area.

22One of the areas that is for upwards
23redevelopment is the area where currently
24we have the Hampton Flooring. If we
25establish regulations that for example
26might look like the Van Cleef project, if

1a developer, for instance, came in and
2wanted to redevelop the flooring site,
3from all likelihood they would never be
4allowed to put up a one story building.
5It would have to be a multi story
6building, if that is the way the regs came
7out.

8So what we are doing is hoping instead of
9simplifying what you said, what we are
10hoping is that we can firmly establish the
11redevelopment areas, and firmly establish
12the rules for those redevelopment areas.
13Even if we have to go back and change the
14zoning, change the height requirements,
15change the density and all those type of
16things, at least it would be consistent
17for the entire redevelopment area. And in
18particular, these areas are the priority
19cases. That is where we stand right now,
20and that is why we are seeking your input.

21MS. APPLEBY: Does that mean that all of
22our downtown redevelopment, where we did
23the height ordinance and all that could
24all be thrown away? All that work with
25that forty-five foot height ordinance?

26THE CHAIRMAN: Everything would be

1reexamined. It doesn't mean everything is
2thrown away, no, it simply means if you
3have been on the Planning Board,
4ordinances and things, things get adjusted
5all the time.

6MS. APPLEBY: We just did all that, and
7we have one building to implement, I am
8looking at the cost effect of this. Now,
9the cost analysis of this, that was a lot
10of money that we put up to come up with
11all of that criteria, and we are redoing
12it already.

13THE CHAIRMAN: It is not a matter of
14redoing it all already, it is a matter
15that it is the process.

16 MR. OURS: The Board could decide
17the standards, what standards to apply,
18but you wouldn't decide that until you go
19through the process first.

20MS. APPLEBY: We put a lot of time and
21money into establishing them in the first
22place.

23THE CHAIRMAN: But that question would
24have to be asked. It is not saying it
25would be changed, but we do have to ask
26the question, whether we did it yesterday,

1two days ago, a month ago, you still have
2to ask the question. And everything could
3stay exactly the same. But you still have
4to ask the question.

5MS. APPLEBY: My concern, Bill, would be
6that we are asking the question before we
7even have a chance to see the result of
8the work the first time around. We put a
9lot of work, a lot of time into that, and
10we haven't even had the chance to
11implement it. We haven't seen one
12structure built to those specs, and we are
13already looking at it again. I'm sorry,
14it just seems like this is the case of
15feeding the pockets of the professionals
16again and again and again.

17My other question is more to Dick. What
18you said before, that was no offense
19meant, Dick, of course--

20MR. CUSHING: I wouldn't have taken it
21that way anyway.

22MS. APPLEBY: Would having any of these
23properties designated an area in need of
24redevelopment make them any more
25susceptible, or would it be easier to put
26them under the powers of eminent domain?

1MR. CUSHING: Actually, by designating
2these properties does not authorize --

3MS. APPLEBY: I didn't say authorize, I
4said easier to implement it if a developer
5came in. Is it an extra -- I don't know
6what to call it -- does it give it any
7extra weight as far as you know down the
8road? I want to do whatever to these
9properties, and you said they are in
10redevelopment. I have a plan, work with
11me and give me eminent domain.

12Does it make it any more likely, does it
13give it any more weight?

14MR. CUSHING: One of the options they
15would have is condemnation. That is one
16of the options that is available.

17MS. APPLEBY: Which we always have had,
18but my question again is if it is given
19this designation, does it make it more
20likely?

21Does it make it easier than a property
22that has not received this designation?

23MR. CUSHING: The Statute right now
24allows a municipality to condemn, but, and
25you are absolutely right about that, no, I
26don't think it makes it any easier. But

1what it does --

2MS. APPLEBY: Or likely.

3MR. CUSHING: I don't know if it is more
4likely, that is going to be a function of
5the plan, that is --

6MS. APPLEBY: I don't think that --

7THE COURT REPORTER: You can't interrupt
8him because I am not getting a completed
9thought.

10MR. CUSHING: Since it is all on the
11record, we can't allow you to do your
12usual cross examination tonight.

13MS. APPLEBY: No, it is yours.

14MR. CUSHING: Ask your question again.

15MS. APPLEBY: Does it make it any more
16likely, because when Totten came in with
17his plan, eminent domain was thrown out
18there and discussed, it was not something
19that was ruled out.

20MR. CUSHING: But the position of the
21Borough has been there with respect to
22eminent domain, the governing body has
23indicated that it would not use eminent
24domain ever for residential properties
25occupied by the owner of the properties.
26I think the governing body has not ruled

1out eminent domain in a narrow set of
2circumstances.

3If a project is to go ahead and a
4speculator came in and bought up a piece
5of property and would prevent the
6municipality from being able to move ahead
7with the plan that the community has
8supported, and has generally been
9completely agreed upon by the Planning
10Board, has been agreed upon by the
11governing body, and the community itself,
12and a speculator from out of town comes in
13and sees some quick money that would
14frustrate the public will. That would
15frustrate the desires of the citizens of
16the Borough. Then the governing body has
17said look, we can't rule out eminent
18domain under those circumstances because
19it would not be fair to have somebody that
20comes in from the outside just to make
21money and to prevent what the Borough
22wants to be able to accomplish.

23However, the Borough is absolutely
24committed, as I understand it, not to go
25ahead with any kind of situation like we
26have seen around the State, where people

1have owned their property for long periods
2of time, and people were residing in their
3property, and then they have condemnation,
4I think this governing body has rejected
5that as something that is unpresentable.

6MS. APPLEBY: It was in the paper that
7eminent domain was not ruled out, but
8everything you said must have happened in
9executive session. I never heard about
10it.

11MR. CUSHING: That was said publically.

12MAYOR VAN DEURSEN: Many times.

13MS. APPLEBY: I want to make sure we
14don't put areas in redevelopment that
15makes it more likely down the road. I
16looked at this briefly, and a lot of this
17is duplication.

18MR. CUSHING: Your question was are
19people who are in residential properties
20at risk in any way, and I think if you
21look at this particular plan, and Carl and
22Beth can more clearly go through the
23details, but Carl and Beth said that out
24of seventy some properties, only four were
25residential. Ironically, tonight we had
26an adjoining residential property owner

1come up and say, "Put me in the
2redevelopment area". So I think, Gina,
3you are wrong with respect to the idea
4that this governing body is interested at
5all in doing condemnation in any way.

6It is narrowly focused to protect the
7public interest, and only in the situation
8where there is sometimes speculators that
9would come along and prevent the Borough
10from improving itself.

11MS. APPLEBY: I understand that, but that
12wasn't my question. If governing bodies
13change every two years, I wouldn't want to
14count on that. My question was does this
15designation make it more likely for the
16property owners? Do they have any extra
17weight?

18MR. CUSHING: No.

19MS. APPLEBY: As far as all of the
20political spiel, etcetera, etcetera
21protecting them.

22MR. CUSHING: I am not giving you a
23political spiel, you asked what the
24position of the governing body was and you
25raised a question with respect to that. I
26am telling you exactly what their position

1was.

2MS. APPLEBY: The current governing body.

3MR. CUSHING: The government body changes
4all the time, that is government, and that
5is democracy.

6 MS. APPLEBY: That is why --

7MR. CUSHING: The people are deciding they
8want a new direction, yes.

9MS. APPLEBY: That is why I am looking at
10the zoning ordinance and resolutions
11rather than the current governing body.

12MR. CUSHING: You know from your time on
13the governing body, ordinances can be
14changed by the new governing body. So an
15ordinance does not provide any of the
16protection you are talking about.

17MS. APPLEBY: But good ordinances and
18good zoning provides something.

19MR. CUSHING: Your question about whether
20or not a governing body changes, it has
21every right to.

22MS. APPLEBY: But it is a good rule,
23anyway.

24THE CHAIRMAN: Anyone else?

25MR. SMITH: My name is Gary Smith, and I
26am speaking to a couple of different

1things here.

2First, I had a question about your
3priority rating for these blocks that are
4under the designation here. How do you
5come up with this priority rating?
6Priority 1, priority 2, what is the
7criteria for them?

8MS. MC MANUS: It is from discussions with
9the Planning Board Redevelopment Committee
10as to which areas will be designated in
11need of redevelopment. They are most
12important for getting the redevelopment
13plan created and adopted. The priority
14reflects the order in which the Planning
15Board intends to create redevelopment for
16the area, and adopting it and implementing
17it.

18MR. SMITH: I understand that, but can
19you explain a little further, like is
20there a necessity as far as unsafe
21property being a priority 1? Or what the
22Planning Board has in its sights as
23redevelopment as priority 1?

24MR. HINTZ: Yes.

25MR. SMITH: I looked through the pamphlet,
26I didn't see anything about designating

1which priority. How do you come up with
21, 2, 3, 4, 5?

3 MR. HINTZ: The one, the first
4area, maybe I didn't explain it fully
5before, but area one was selected, and we
6have the Van Cleef project and the
7buildings were for removal. A developer
8comes in with a plan, the plan is in the
9back there, and that property, and then
10the parking lot, the area behind what had
11been the antique store was acquired by the
12Borough. There is also a brown fields
13property back there, the new modern Valley
14Cleaners, which is a clean up site. So
15these were areas that were felt to be a
16priority because of the need for parking,
17and the fact that we had development
18applications coming in to redevelop those
19properties. The antique store burned
20down, and then we had a brown field site
21we had to clean out.

22MR. SMITH: That answers my question, I
23couldn't understand the priority. Does
24that mean you have nobody interested in it
25at this point, and you don't see it as a
26parking area, that is where I was coming

1from as far as a priority level.

2My other questions are specific to Block
394, I am speaking on behalf of Maryann
4Reese. She is the property owner on Route
557, and her lot is 13, I guess. What is
6that? I have an interest in lot number
711, which it is not shaded on your map,
8but it is listed in the pages as far as
9block 94.

10I was just curious which way the mistake
11was made on that, because I am currently
12rehabing that property. It is a rental
13property.

14MS. MC MANUS: Are you referring to lot
1511? That is on West Washington Avenue?

16MR. SMITH: East Washington Avenue.

17MS. MC MANUS: That is not included in the
18redevelopment area, you are looking at
1994.01, which does include lot 11.

20MR. SMITH: You are right, but with
21respect to that property and lot 13, what,
22if any provisions have been made or at
23least addressed as far as the Board here
24to the type of redevelopment for Block 94,
25which is that parking area back there.

26If there has been any provision made for

1the back of those property owners that
2live right on Route 57, such as fencing,
3sound barricades, you know, some type of
4privacy for those type of people because
5right now you can look out her back yard
6and you are looking out into that empty
7lot.

8MAYOR VAN DEURSEN: And that is why we
9would want your participation as we go
10further down the path, your testimony
11would be very important and your concerns
12very important when we get to the point
13where we want to do the redevelopment
14plan.

15MR. SMITH: You have nothing at this
16point?

17THE CHAIRMAN: No, right now we are
18just identifying and prioritizing areas.
19Once we establish that, as I stated
20earlier, then we will continue to have
21public hearings, and to get, for example,
22folks like you to come in and say look, I
23think we need buffers here, we need to do
24this for these folks back here. The
25Planning Board takes all that into
26consideration, and then we will develop

1 hopefully, a plan.

2 MR. SMITH: I am too early here
3 with this question?

4 THE CHAIRMAN: Yes, you are asking
5 questions of the --

6 MR. SMITH: As a homeowner, as a resident
7 of the Borough. I think that any of these
8 shades areas that brought it up to a
9 property, that may or may not be included
10 in this redevelopment zoning. I think
11 there should be some consideration in the
12 forefront of how do we protect these
13 residents around this commercial zone,
14 this redevelopment.

15 Do we offer plantings of trees; do we
16 offer privacy fencing; do we offer, if we
17 need to put sidewalks in to segway the
18 parking areas, you know. Lot 11 right
19 there would be a real good prospect if the
20 Borough wants it, because it is a
21 landlocked property. There is no driveway
22 in there.

23 THE CHAIRMAN: That is essentially, those
24 are essentially a lot of the things that
25 will be considered. What we need to do
26 is set up a set of standards for all of

1the developers when they come in.
2Actually, one of the reasons why we would
3like to set up standards is exactly what
4you are saying, to protect the people of
5the Borough, because obviously, when
6developers come in, they are not typically
7from Washington. Jack Van Cleef is not
8from Washington. Other developers are not
9from Washington.

10MR. SMITH: I am not from Washington.

11THE CHAIRMAN: So what we need to do is
12set up these kind of standards and so on,
13so we are protecting the citizens of the
14Borough, and that is why we need people to
15come forward and say, "Look, I think we
16need you guys to do this, you need to do
17that because we need protection and you
18are right."

19But you are jumping the gun. We don't
20have a plan that says we will have a
21buffer for this or a buffer for that.

22MR. SMITH: It is just a concern, and if
23it has not been in your thinking at this
24point --

25THE CHAIRMAN: Yes, those are all of
26our, by the way, a lot of those questions

1you are asking are zoning questions. I
2know we have spent a lot of time in the
3past months and years doing zoning
4requirements in different areas, but it
5would be very important when we start
6doing the redevelopment process that we
7take another look at the zoning
8requirements, because even though they may
9not change a lot, they may change a little
10bit, or they may change a lot. But we do
11need to revisit those because that is a
12very important part of redevelopment.

13MR. SMITH: I think that is a major part,
14and obviously I disagree with you.

15I think you need to give consideration to
16that prior to having a developer come in
17and say this is what I want to do with
18this piece of property.

19MAYOR VAN DEURSEN: That is what he said.

20MR. SMITH: This is what you can and
21can't do.

22THE CHAIRMAN: That is the point.

23MR. SMITH: I wanted to make sure I have
24the understanding and the reassurance as
25the property owner, and also speaking for
26another property owner that there is some

1consideration given to that.

2THE CHAIRMAN: That is exactly right.

3MR. SMITH: There are senior citizens in
4this town who lose sleep at night
5wondering about these very things that you
6are discussing, and the things you have on
7your agenda here, and any peace of mind
8you can offer them would be a help.

9THE CHAIRMAN: That is exactly what the
10attempt will be, to have these rules set
11in place so that the developers cannot
12just come in and do anything they want.
13Because right now, we do have zoning, but
14we need to set up a whole different set of
15standards.

16MR. SMITH: I understand it will be case
17by case, block by block, giving
18consideration to what residents are there.
19If it is a commercial building, to each
20piece of the property, and that is where I
21think I got the understanding, speaking
22with the other woman, you will have to
23tweak zoning here and there depending on
24the project.

25But as long as there is some residential
26considerations going on.

1MR. TURNER: The whole purpose of this is
2to limit the amount of tweaking we have to
3do, based on all of the research that we
4have been doing and the planning that we
5have been doing, so that when a developer
6-- it actually makes it easier for the
7developer, too, because he knows what we
8want, and it is what the town wants. That
9is why we have the public hearings, to
10hear what the people want. We can come up
11here and give fifteen different ideas of
12what we would like.

13MR. SMITH: That is what the people want,
14too, you are right.

15MR. TURNER: To have the people here is
16the most important thing, and to assure
17them that it is a multi-step process. We
18need to establish the properties first,
19and then we have to get into the nuts and
20bolts of the particular zoning needs to be
21changed a little bit here and a little bit
22there. We need to add a bigger buffer
23there for our current zoning, or our
24current zoning has too big a buffer here,
25and we have to move things around and
26establish better guidelines so the

1builders and developers that you have come
2calling, they can come in and say hey,
3look at this end of town, and they can say
4this is what we would like to see there.

5MS. ANTHONY: We have to keep the people
6of Washington, this is for them, not the
7developers, and the people of Washington
8come first. That is our vision on the
9Board. It is for the people.

10So it is not an adversarial thing, the
11people who are residents, we are residents
12as well, so it is on your behalf that we
13will address those concerns.

14MR. SMITH: Understood.

15MS. ANTHONY: That is why we wanted the
16public here to tell us what you want.

17THE CHAIRMAN: You would be surprised what
18we make developers go through when they
19want to do things in this Borough, and in
20fact, the most recent --

21 MR. SMITH: I wouldn't be too
22terribly surprised.

23THE CHAIRMAN: Not all of the developers
24get their way in this Borough. We do make
25them toe the line for the betterment of
26the Borough, and if the development isn't

1a good fit, if the development isn't what
2we think is appropriate, it doesn't fly.
3We have made a point of that, and the
4Board has stood its ground, and the
5Planning Board won on the issues. It was
6a very large development that was denied.
7The Planning Board is always out looking
8for the interest of the public, and in
9fact, this public hearing, you remember,
10is for Washington Borough, the citizens of
11Washington Borough to come forward and
12tell us exactly what you are telling us.
13That is what will guide us if we agree to
14move forward with this. Those are the
15kind of thoughts that we are going to want
16to hear from the public as we set up these
17standards for these developers. We want
18developers to know when they come in here,
19this is the way you need to do it, not for
20your benefit, but for the benefit of the
21citizens of the Borough.

22MR. SMITH: I wanted to make the statement
23that, you know, if it could be included in
24addressing developers over these target
25areas, if there is any consideration given
26to buffers, to the residents, as far as

1planting trees, privacy fences and things
2like that, then it is safer for us to know
3you are working in that manner.

4THE CHAIRMAN: You can count on it.

5MR. LORENZO: My name is John Lorenzo, and
6I want to follow up on what was said.
7Five or six years ago the Town didn't have
8a redevelopment plan approved, and that is
9why we are in the process of today, and I
10would like to know what impact does the
11Supreme Court Ruling have on your guidance
12going forth, because I think that is where
13that came from. Did something happen in
14the Supreme Court that now allows the
15Borough to implement eminent domain as we
16saw this in Long Branch, New Jersey, and
17other towns around the Country? I think
18that is what she meant.

19What changed when the Supreme Court made
20that ruling, and how did it impact today
21the Borough's directions?

22MR. CUSHING: Basically, the Supreme Court
23case involved a Connecticut municipality,
24it did not change the law. What the
25Supreme Court said was that condemnation
26was permitted, and the Supreme Court

1recognized the benefits to municipalities
2and the public from condemnation. But
3what I think the governing body became
4concerned about was the Long Branch
5situation, and the unfairness that can
6result if municipalities engage in
7aggressive condemnation for the benefit of
8developers, without taking into account
9the very important public need and public
10rights and private rights of property
11owners.

12So what the municipality did, and it never
13changed its position and it had nothing to
14do with the Supreme Court Case, but what
15the municipality did in response to
16questions that were asked with respect to
17redevelopment is it expressed its opinion
18so that it would not have a Long Branch
19situation in the Borough of Washington.

20THE CHAIRMAN: Bottom line answer to the
21eminent domain kind of thing is it doesn't
22make a difference who serves in Council,
23the law simply says eminent domain can be
24used. Whether it is used or not is
25another question, but the law is pretty
26much clear on that, and the United States

1Supreme Court basically said, yeah, towns
2can use eminent domain.

3So the question is, will the Town do it?
4I have no clue. I don't think anybody
5else does, either. It would all depend,
6I am sure, on the situation, and who was
7on the Council at the time.

8It is irrelevant of that, whoever is on
9the Council would have that as an option,
10no matter who sits there. The only way
11you would not have that as an option is if
12no one was sitting on the Council and
13there was no governing body, and then
14someone else would have to do it.

15But the bottom line is yes, eminent domain
16is there, and that is the question that
17people are asking. Is it there? Will it
18ever be used? And whoever sits in that
19chair, they get the right to make that
20decision. That is the law anymore,
21period. Hopefully, you would never get to
22that point.

23MS. MASTORELLI: My name is Maryann
24Mastorelli and I am a small business owner
25up on Washington Avenue. I have only been
26there about a year and a half, and I

1really struggled this past year and a half
2to make this business a success. It is
3just now starting to really pick up, and I
4am so concerned at this point that
5somewhere -- does this leave somebody like
6me, who is trying to make a go of this
7business -- let's say they decide to knock
8down this building, or do something else
9with it, where does it leave someone like
10me?

11THE CHAIRMAN: Are you concerned about
12eminent domain?

13MS. MASTORELLI: I am concerned about
14reconstruction and not having a business
15anymore, period.

16MR. TURNER: Do you own the building?

17MS. MASTORELLI: No, I don't own the
18building, I have a business in the
19building. I wish. I wish I was lucky
20enough to own the building, but I am not.
21I am really concerned, I am struggling and
22I haven't taken a personal salary out of
23this building, to make this project work,
24and now I hear that, you know, there is a
25possibility that this could all be -- this
26could all go away?

1THE CHAIRMAN: The answer to the question
2is where will you be better protected?
3Will you be better protected as you are
4right now, because right now you basically
5have in a sense no protections. Somebody
6could do a whole lot of things alongside
7of your building, or to your building.
8The fact you do not own it, we don't have
9any redevelopment standards per se right
10now. You probably will be much better
11protected under redevelopment because then
12there will be standards. What are the
13standards for knocking down the building?
14It would not be in my mind easier, it
15would be easier now to do what you are
16hearing than it would be once you
17establish the rules for redevelopment. It
18would be more difficult.

19MAYOR VAN DEURSEN: What her fear is, if
20I understand it, if the property where I
21have my building now is targeted for
22redevelopment, will it happen, and I will
23have no place to put my business. At this
24point there is nothing to stop the people
25who own your building from selling.

26MS. MASTORELLI: Except I have a

1contract. I am protected by my lease.

2MAYOR VAN DEURSEN: If an area is
3designated redevelopment, it doesn't mean
4that it is coming down, it means that it
5is designated appropriate for
6redevelopment. It also means somebody
7who owns the property could rehabilitate
8or renovate the entire facade inside, and
9it doesn't mean -- because it is in the
10area of redevelopment, it has to come
11down, so that is up to the property
12owners, that is the property owners'
13decision to make.

14We are not telling the property owners we
15want everything in this area to be knocked
16down, that is not the whole purpose.

17MS. MASTORELLI: Isn't that what Mr. Van
18Cleef did?

19MAYOR VAN DEURSEN: That was his choice.
20Those people that had those businesses
21wanted to sell.

22MS. MASTORELLI: Well, eminent domain is
23a concern, a concern for the owner of the
24building and people who have businesses
25there.

26MAYOR VAN DEURSEN: But the redevelopment

1is not eminent domain.

2MR. SHELDON: My name is Jim Sheldon, I am
3the director of the building improvement
4district. Mr. Van Cleef's project did
5cause relocation for a couple of
6businesses. In fact, one ended up in your
7building. What we would do is work very
8hard so we do not lose any businesses due
9to some redevelopment. We work very hard
10to relocate them in another existing site.
11Across the street we can put -- the
12Christian Book store in the building
13across the way, that is also bringing more
14business down your way, which would
15continue to draw people to that location.
16So we worked very, very hard not to lose
17any businesses, and we didn't with Mr. Van
18Cleef's project up there on Washington
19Avenue. I will do everything in my power
20that it never happens.

21I would like to commend the Planning Board
22and the redevelopment committee as the
23business improvement director. A lot of
24these zones I looked at as we are looking
25at the map here, are properties that
26really are in need of redevelopment. It

1is under-utilized properties, as I look at
2the map. The DPW garage is a large tract
3of land that is virtually unusable for
4businesses in this area, for parking or
5anything like that. When you get to the
6gym, it is an under-utilized yet large
7piece of land that really could benefit
8some of the businesses in that area.

9So I think that that zone is a very good
10zone. The other one is 94.01, which is
11Washington Avenue on the south side, which
12was lost to a major fire in 1960. It is
13a single story building. It is critical
14in redevelopment and business improvement
15that you have apartments or condominiums
16on the second, third or even fourth
17stories, so you have people who can
18frequent your shops on the Main Street.

19That again is a very critical area in the
20redevelopment zone that is in need of
21redevelopment. And some of the other
22pieces of lots and blocks would be block
2324, with a parking lot, and the layout of
24some of the buildings.

25Also, the condition of some of those
26buildings are just, really, they do need

1some loving care to bring those back to
2muster that they once had. They are
3unfortunately quite rundown, the second
4and third story of those buildings. A lot
5of those buildings have not been inhabited
6in many, many years. When I say that,
7probably, thirty and forty in some cases
8years, they have not been inhabited, so
9they are in very bad shape.

10Some of the other ones on West Washington
11Avenue, where it is Block 23,
12redevelopment area, that is single story
13buildings that are really -- they could
14use a little better layout against some
15additional condominiums on top. I think
16that is what we plan or hope to do. The
17other ones would be on West Washington
18Avenue on the south side, which
19encompassed the two parking lots of the
20PNC property and Krausers, and the hotel.
21That is a large tract of land, and I think
22that is probably an acre that needs some
23better, more efficient use of the land.
24That is so again, we can get the most out
25of there as far as businesses and
26residents living in such properties.

1You might get a better utilization of the
2parking lot, because you can see some of
3that parking lot is quite a ways from the
4business area. If we can redesign that
5into an area that would be closer, and
6allow the people to park and not have to
7walk so far to get to a business, it is
8more convenient for parking. But it is
9very critical that we have adequate
10parking for the businesses on Main Street.
11Again, I want you folks to know that I
12support what you are doing. I think that
13this is great, and I also would like to
14add that this redevelopment area is not
15something I don't believe it is to be used
16as a tool for eminent domain. What they
17are trying to do, as they said earlier, is
18use this for design criteria so as
19developers come to the Borough and the
20Planning Board, they have something they
21can hold developers to, to bring back the
22character that we once had on the south
23side of East Washington Avenue, which now
24encompasses Hampton Flooring and the
25pharmacy, and where there used to be three
26or four story structures there, back in

1the day.

2THE CHAIRMAN: Thank you.

3MR. BIPKO: My name is Woody Bipko and I
4would like to ask a couple of questions
5here. In the design layout here with the
6road design, I have a property which is
7considered in your reconstruction zone,
8and the property next door, another
9property. If I should have a potential
10buyer to come in at this time for these
11properties before this program goes
12through, it doesn't stay with the current
13plans and zoning requirements, right? If
14it happens to be a very popular kind of
15organization that has a building plan, a
16building look of their own, is that still
17permissible before this project goes
18through?

19THE CHAIRMAN: What is on the books is on
20the books. As Yogi Berra said, "What is
21there is what is there." Those are the
22rules.

23MR. BIPKO: But if none of this happens,
24if none of this goes through, what kind of
25recognition and information are you going
26to give to all of the people that are

1within the zoning area that you plan?
2Will it be a mailing before meetings,
3before hearings, or is it just when you
4have had your meetings and you are ready
5to present ideas to the public that we
6will be notified?

7MR. OURS: At any stage where the Statute
8provides for a hearing to be had, it also
9provides for notices to go out to all of
10the property owners in this area.

11MR. BIPKO: That does it, thank you.

12MS. HIGGINS: Dawn Higgins, 113 Harding
13Drive. Some of the questions Mr. Cushing,
14you may have already answered, and if they
15are regulations then we won't answer them.
16But this concerns grand-fathering the
17properties. If you were to pass the
18redevelopment, are any of the properties
19that are within the redevelopment, are
20they grandfathered as far as like if a
21person wants to redevelop it, and it is
22one of our older buildings, are they
23grandfathered with older Codes and that
24kind of thing? How would you address that
25with some of our older buildings?

26MR. OURS: In terms of Codes and so forth,

1the older Building Codes that were in
2effect when the buildings were
3constructed, they would continue. The
4only time there would be any change in
5that regard is if the building is being
6redone or whatever.

7MS. HIGGINS: A different use, a change of
8use?

9MR. OURS: No.

10MR. CUSHING: A change of use or fifty
11percent renovation.

12MR. TURNER: It can be in certain
13circumstances.

14MR. CUSHING: That is regulated by the
15Uniform Construction Code, and that has
16certain standards that have redevelopment
17which would come into play. The building
18owner decides to do some kind of work, and
19that would be not altered by any kind of
20redevelopment --

21MS. HIGGINS: I am wondering if your
22redevelopment would help or hurt. They
23have a lot of older buildings.

24MR. OURS: It wouldn't affect it.

25MR. TURNER: Sometimes if you rehab an
26older building, say the corner mansion was

1downtown and they were going to, more than
2likely if someone was going to do
3something with that building, they would
4rehab it rather than knock it down.

5 MS. HIGGINS: I would hope so.

6MR. TURNER: We would prefer that, and I
7am sure the Board would nudge the owner to
8do that. But they still would have to
9adhere to the Uniform Construction Code.
10We don't have control over that.

11MS. HIGGINS: You are dove-tailing what I
12wanted to ask about, because we have so
13many historical older buildings, that is
14the character of our town. Are you going
15to be considering, when you do your
16regulations, on reserving that kind of
17look? I do not want to see some of these
18older buildings with the fake facade, and
19losing the whole look of what I perceive
20as what makes Washington beautiful.

21THE CHAIRMAN: One of the things we will
22establish is standards, architectural
23standards, and those standards, I think,
24if the feeling of the Board now would be
25like towards the look for example, as to
26the turn of the century, some of our

1historic buildings downtown. That is the
2look we would like to preserve, which is
3also the look that Van Cleef's property is
4adhering to, that kind of a look.

5So the look of the old Dean's property,
6for example, if that architectural
7standard is the one that prevails, you
8would never have again in redevelopment
9area a building like the Dean's property.
10It would be architecturally not correct,
11it would not be permitted. That is one of
12the reasons why we would like to have
13standards, because it is a particular
14development, so it will have that nice
15town look.

16MAYOR VAN DEURSEN: Are you asking that we
17consider that?

18MS. HIGGINS: That is what I am asking.
19Also, if you were to pass the
20redevelopment, would there be a tax
21abatement or tax relief for those who want
22to redevelop? Somebody said something
23about grants, but is there a tax relief
24for those people? Even the existing
25owner, if he were to want to redesign or
26redevelop the property, would he get tax

1relief in addition to the tax money?

2THE CHAIRMAN: I believe so.

3MR. CUSHING: There are provisions for tax
4abatement under the redevelopment law, and
5that was one of the options that the
6municipality has, the right to consider
7that in order to encourage redevelopment.

8By the way, there is nothing about the
9redevelopment law that does not, or
10discourages current owners from
11redeveloping. As a matter of fact, that
12would probably be the preferable way. But
13it would come up from the bottom, so to
14speak, and allow those owners to redevelop
15their property, encourage them to
16redevelop their property.

17MS. HIGGINS: That is why I am wondering
18if they get a tax abatement?

19THE CHAIRMAN: Eligible for the grant
20itself. That is something else I want you
21to look into. Put that in there and with
22this redevelopment, is it only commercial
23properties that are eligible for the
24redevelopment area. I guess that is for
25this side of the table.

26MS. HIGGINS: Well, right now the areas

1suggested for areas in need of
2redevelopment are, the bulk of them are
3commercial properties. Under the State
4regulations, is it only commercial
5properties?

6THE CHAIRMAN: What is eligible?

7MR. OURS: Any property that falls within
8the criteria.

9MS. HIGGINS: The boundaries that the
10municipality chooses, you mean.

11MR. OURS: The properties within the
12boundaries that meet the criteria.

13MS. HIGGINS: I will be very selfish and
14ask, are parks eligible for that area?

15THE CHAIRMAN: Are parks eligible?

16MS. HIGGINS: Yes, for the redevelopment
17area.

18MR. HINTZ: Possibly. We would have to
19look into that.

20MS. HIGGINS: Because I am being very
21selfish, I am the Chair of the
22Recreational Commission, and I am asking
23you -- I will ask you to put the park in
24the redevelopment area, and I am asking
25then, would we be eligible for grants if
26you put us in redevelopment.

1MR. CUSHING: It wouldn't meet the
2criteria in the Statute.

3MS. HIGGINS: You are not helping me.

4MR. CUSHING: You can get other money.

5MR. HINTZ: You can get Green Acres
6funding.

7THE CHAIRMAN: One of the things the
8Planning Board has done in the past, the
9Township would be very much aware of this,
10that as developers have come in, we have
11security moneys for properties or things
12like that for recreation. Case in point,
13Calton Homes.

14MS. HIGGINS: Don't go down that road.

15THE CHAIRMAN: Calton Homes, that
16development. Quite frankly, they were
17under no obligation to provide any kind of
18recreation at all.

19 MS. HIGGINS: There is no impact.

20THE CHAIRMAN: But the Planning Board was
21able to secure properties from them for
22recreation, even though they were not
23obligated to provide it. The Planning
24Board made sure we got some of that
25property, and basically, from all
26developers that come in, we try to extract

1as much as we can.

2MS. HIGGINS: Legally?

3THE CHAIRMAN: It is a fine line, but we
4try to get what we can and we will
5continue to do that.

6MS. HIGGINS: The other question was about
7eminent domain, so my thunder was stolen.
8But Dick, I believe you talked about State
9guidelines. Are there regulations the
10Board will then have to implement once
11this is done?

12My question is, does the State give them
13guidelines, or are they on their own as
14far as the group regulations?

15MR. CUSHING: The Statute provides certain
16components that have to be in the plan,
17having to do with features such as
18specific regulations. It has to tie into
19the goals of the municipality and Statute,
20and it does, in fact do that.

21MS. HIGGINS: When you are making
22regulation, I would ask that you continue
23to look at historical aspects of the town.
24I don't want to see it too stringent.
25There are towns that tell you how you can
26paint your facade, and they are very

1stringent, and I don't think that you
2should make them that stringent, you know,
3for your property owners, and for those
4who may want to come in and redevelop.

5You can discourage developers, and even
6those who are wanting to redevelop their
7current buildings, if it is too stringent,
8and you tell them what color paints,
9because of antiques and looks, and you can
10look at some of your communities that are
11even close to us. You need to keep the
12integrity of the buildings and the look
13you want, but I don't think you need to
14tie the hands of the people who want to do
15this.

16THE CHAIRMAN: I hope we never get that
17anal.

18MS. HIGGINS: I hope not, but look at some
19developments where you have associations
20where you can't put a flag in your yard
21because it is not what is in their Code
22books.

23THE CHAIRMAN: When we get to that part of
24the process, these public hearings will
25continue, and your sentiments, I hope you
26will express again, so the Board can take

1those into consideration at that time. We
2are not at that point yet. You are
3jumping the gun. We are not there yet.

4MS. HIGGINS: This is like in December?

5THE CHAIRMAN: No. You are jumping way
6far ahead. We are just now basically,
7this is a planning stage, just to
8ascertain the fact that these in fact are
9the areas. We prioritize these kind of
10things. But this is a long process, and
11it will take a while before it is actually
12completed.

13MS. HIGGINS: During that time can we come
14back and ask for regulations and our input
15on that? Would that also be possible?

16The lady that was up here concerning her
17business and possibly being moved out or
18losing her business, that is another thing
19I am concerned about. I saw it with
20respect to the last couple of years,
21people were forced out because of rent
22increases. Once a new landlord takes
23over a building, they force people out,
24because they don't think that is what they
25want in their buildings. Is there any way
26that you can control that as well in your

1regulation?

2THE CHAIRMAN: Is rent control legal in
3New Jersey?

4MR. CUSHING: Rent control is legal, and
5that is something that you can take a look
6at. But normally, on commercial
7properties you would allow the market to
8dictate. Hopefully, the thought is that
9first of all people have leases that
10protect them. Leases obviously run out,
11and it may be that some property owners
12end up moving, and they may move to other
13sections of the town and kind of work it
14out. But the idea is that this will be a
15general improvement in the business
16district, and help all of the ships float
17a little higher because of this.

18MS. HIGGINS: You have to be careful and
19look at where we are at. The reality is
20that we are not a Chester, we are a
21community that can bring good income in to
22the shop owners. But you don't want to
23force somebody out because you think that
24we should be some very high end community
25which you will bring that in, and you are
26forcing mom and pop organizations out of

1 here, and some good people in our town.

2 MR. TURNER: I think that is out of our
3 hands. If a developer comes in and buys
4 up the Star Plaza and wants to redevelop
5 the Star Plaza, he has the right to do
6 that. What we are trying to do here, and
7 the only thing that we can control, okay,
8 is that he has to play the game according
9 to the rules that we are setting down.

10 MS. HIGGINS: You have to look at what you
11 can do in that way, and maybe it means
12 having sit down talks with the developers
13 and telling them this is what we see, and
14 we don't want to see all those cute little
15 shops pushed out so you can put a Gap in
16 there. We want those local businesses to
17 stay there, and we don't want them forced
18 out because redevelopment has its eyes too
19 big.

20 THE CHAIRMAN: Right now, any developer
21 can come in and do exactly what you are
22 afraid of.

23 MS. HIGGINS: I know that.

24 THE CHAIRMAN: Through redevelopment, we
25 may establish procedures where that will
26 not happen.

1MS. HIGGINS: That is what I am asking
2you to do.

3THE CHAIRMAN: That would be part of that
4process.

5MR. TURNER: We have established a
6technical review Board, it meets before it
7comes to us.

8MS. HIGGINS: At least there is some sort
9of buffer now, before this is finished, I
10want you to protect our small mom and pop
11type shops that we have that I feel makes
12our town the beauty it is.

13THE CHAIRMAN: You have to understand
14redevelopment is a good thing in many
15respects, because it does better protect a
16town that does not have redevelopment. So
17if we get to that point and decide to move
18forward with that, the town will be better
19protected against developers, and that is
20really one of the things that comes out of
21redevelopment.

22MR. TURNER: Dawn, rest assured the
23gentlemen sitting over to your right
24shoulder will do everything in his power
25not to let that happen.

26MS. HIGGINS: I know, but give him a

1little bit of help. Get some muscle
2behind that.

3THE CHAIRMAN: Okay.

4MR. HOUSEL: Terry Housel, 20 South
5Prospect Street. I am glad that the
6redevelopment area has been scaled back.
7A little history.

8When the downtown redevelopment project
9was first planned, it was originally the
10focus on downtown businesses, and to put a
11shot in the arm to build up and attract
12new businesses and bring about a rebirth
13of the existing businesses in our
14downtown. Now, extensive work has already
15been done by this body in reference to
16height requirements and height
17restrictions, signage and things like
18that, correct?

19THE CHAIRMAN: Yes, we did a lot
20of that.

21MR. HOUSEL: The groundwork has been
22laid for a lot of this redevelopment,
23let's not reinvent the wheel, okay? I
24have some concerns, my concerns are this:
25Redevelopment of commercial property is
26fine, but we have to be careful of the

1effect redevelopment has on our
2infrastructure. For example, our schools,
3sewer, water, taxes. I haven't heard
4anyone say anything about taxes tonight
5except -- I will address that in a minute
6-- zoning for housing needs to address
7minimal impact on our schools, more
8children means more rooms in our schools,
9which means more taxes. The water company
10has already come forward and stated that
11they only have capacity for three hundred
12homes in the entire Washington service
13area. That is Washington, Washington
14Township and parts of Mansfield.
15Developers must be responsible for off
16site improvements. The State legislature
17has to help us with that, with impact
18fees. There has got to be a way for us to
19force developers to pay impact fees.
20We must be careful of our capacity with
21the sewers. The plant empties into a C-1
22trout stream, and any expansion is going
23to be costly. Whether we try to go to the
24stream, the ground discharge, whatever, it
25is going to be costly, and who will it be
26on? The tax payers of Washington

1Borough.

2The taxes, it has been said redevelopment
3will bring about a tax benefit to the
4Borough. True, but only for the first
5year, folks. After that first year, that
6increase will be absorbed and become an
7every year occurrence. You will see it
8for one year, that is it.

9 So don't look at great tax benefits
10for redevelopment, it just doesn't happen.
11Let's not forget the increased use of our
12police, fire and emergency squad personnel
13that new development will bring, and the
14increase on our garbage collection, wear
15and tear on our roads, and extra work for
16our Department of Public Works. For the
17average citizen it means an increase in
18taxes.

19If we are to redevelop it, and I do
20support it, don't get the idea I don't
21support redevelopment, it is very
22important, but we have to change the
23zoning and preferably to senior housing,
24so it doesn't affect our schools.

25If we put more studio apartments, two
26bedroom condos and other multi-dwelling

1 areas are developed, it is going to have
2 an affect on our schools. It definitely
3 will. Our schools are going to have to
4 expand, not only our elementary schools,
5 but our high school and our middle school.
6 Be conservative in what we offer to our
7 developers, because the bulk of what we do
8 stake will be on the backs of the taxpayers
9 of Washington Borough for years to come.

10 I realize that I may have ruffled a few
11 feathers tonight, and may not be a very
12 popular person, but it doesn't bother me
13 too much because we need to do things the
14 right way, and we need to begin tonight.
15 Scale back.

16 I ask that you scale back the
17 redevelopment area even further. Change
18 the zoning to senior citizens, and
19 concentrate on the Washington Avenue area
20 only, just the Washington Avenue
21 businesses. This will attract new
22 businesses through our business
23 improvement district, all right, and also
24 keep the pockets of our taxpayers in mind
25 when we make our decision.

26 Let's think ahead. That is all that I

1ask.

2THE CHAIRMAN: Thank you. We are still
3looking for questions or comments.

4Have we exhausted everyone? This is the
5end of the public hearing. In order to
6meet all of the requirements of law, we
7are going to re-advertise this meeting for
8December 11, 2006, which is our regularly
9scheduled Planning Board meeting in
10December. Everyone is welcome to attend
11that meeting. In addition, we will have a
12transcript of what everyone said here
13tonight, and this will be entered into the
14record at its public hearing in December.

15So as you leave here tonight, as typical
16of public hearings, you are going to have
17new and interesting questions and comments
18and observations.

19We would hope that you would come back and
20see us in December, and we would hope that
21you would encourage your friends and
22neighbors and anyone else, for that
23matter, to come in and express themselves
24to the Planning Board. Because it is with
25your input that we will set the stage for
26Washington's redevelopment, or not

1 redevelopment, but the Planning Board will
2 ultimately make the decision that will be
3 passed up to Council.

4 So with that, I will suspend the public
5 hearing until the next meeting date which
6 I already stated is December 11th, and if
7 there are no objections, I will adjourn
8 this meeting until then.

9 Is there anyone who wants to say anything?
10 All right, the meeting will be adjourned.

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12 (Hearing adjourned.)

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C E R T I F I C A T I O N

I, JACQUELINE KLAPP, a Notary Public and Certified Court Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel to any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

I FURTHER CERTIFY that the within transcript format complies with RULE NJ ADC 13:43-5.9.

JACQUELINE KLAPP, C.C.R.
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