

**AMENDED AND CORRECTED RESOLUTION OF THE HOPEWELL TOWNSHIP
PLANNING BOARD RECOMMENDING THAT THE SITE DESCRIBED AS BLOCK 85,
LOT 9 CONSTITUTES A PORTION OF AN AREA IN NEED OF REDEVELOPMENT
(NON-CONDEMNATION) IN ACCORDANCE WITH THE CRITERIA SET FORTH IN
N.J.S.A. 40A:12A-5 AND N.J.S.A. 40A:12A-3**

RESOLUTION NO. 23-008 Amended

WHEREAS, the Hopewell Township Planning Board (“Board”) at its meeting of April 27, 2023 adopted Resolution 23-008 and recommended that Block 85, Lot 9 be designated as an area in need of redevelopment; and

WHEREAS, it has come to the attention of the Board that there is a typographical error on Page 6 of the Preliminary Investigation Report entitled “Preliminary Investigation Report for Designation of a Non-Condemnation Area in Need of Redevelopment – Block 85, Lot 9, Hopewell Township Mercer County New Jersey” dated March 2023 and prepared by Banisch Associates Inc., 111 Main Street, Flemington, New Jersey 08822; and

WHEREAS, the typographical error makes reference to “Hopewell Parc” when it should read “The Collection”; and

WHEREAS, there is no substantive change to the Resolution and Report; and

WHEREAS, Banisch Associates Inc. has made the correction to that Preliminary Investigation Report and a copy of the corrected report is attached hereto as **Exhibit A-1**; and

NOW THEREFORE BE IT RESOLVED, by the Planning Board of the Township of Hopewell, County of Mercer, State of New Jersey that the Planning Board hereby adopts this Resolution hereby amending and correcting Resolution 23-008.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board hereby directs the Board Secretary to forward this Resolution and the corrected Banisch Preliminary Investigation Report (**Exhibit A-1**) to the Township Clerk to correct the Township Committee Records.

VOTE ON THE RESOLUTION – May 18, 2023

Yes: 4 No: 0 Absent: 5 Abstain: 1 Not Voting: 1

Belmont:	Yes	Purandare:	Yes
Kiss:	Abstain	Sandom:	Absent
Kuchinski:	Absent	Swanson:	Yes
Murphy:	Yes	Atay:	Absent
Parker:	Absent	Lagman:	Not Voting
Peterson:	Absent		

CERTIFICATION

I hereby CERTIFY that the foregoing is a true copy of a Resolution adopted by the Hopewell Township Planning Board at a duly advertised meeting held on May 18, 2023 at which a quorum was present.



Linda Barbieri
Secretary

**RESOLUTION OF THE HOPEWELL TOWNSHIP PLANNING BOARD
RECOMMENDING THAT THE SITE DESCRIBED AS BLOCK 85, LOT 9
CONSTITUTES A PORTION OF AN AREA IN NEED OF
REDEVELOPMENT (NON-CONDEMNATION) IN ACCORDANCE WITH
THE CRITERIA SET FORTH IN N.J.S.A. 40A:12A-5 AND N.J.S.A. 40A:12A-3**

RESOLUTION NO. 23-008

WHEREAS, the Hopewell Township Committee (“Committee”) in Resolution 21-144, adopted on May 3, 2021, authorized and directed the Hopewell Township Planning Board (“Board”) to undertake an investigation of the site commonly known as Block 85, Lot 9 to determine whether the proposed area constitutes an area in need of redevelopment (non-condemnation) in accordance with the criteria set forth in the Redevelopment Law; and

WHEREAS, a public hearing was held by the Board on March 23, 2023, with all notice and jurisdictional requirements having been met; and

WHEREAS, the following documents were submitted to the Board and made part of the record:

- **Exhibit A-1**: Report entitled “Preliminary Investigation Report for Designation of a Non-Condensation Area in Need of Redevelopment – Block 85, Lot 9, Hopewell Township Mercer County New Jersey” dated March 2023 and prepared by Banisch Associates Inc., 111 Main Street, Flemington, New Jersey 08822.
- **Exhibit A-2**: Represents Exhibit A.3.2 used by the Applicant in the Zaitz proceedings as part of their site plan exhibits for the Collection.

WHEREAS, **Joanna Slagle, PP**, an employee of Banisch Associates, Inc. presented **Exhibit A-1** and provided testimony at the hearing; and

WHEREAS, the following testimony, evidence and information was provided to the Board:

- Ms. Slagle reviewed **Exhibit A-1** and pointed out the legal framework for the Local Redevelopment and Housing Law.

- She discussed with the Board the appropriate definitions in the Redevelopment Law as set forth in N.J.S.A. 40A:12A-3.
- This lot is a 15.18-acre agricultural parcel situated roughly 2/10ths of a mile south of County Route 546 on Reed Road and shares a 1200 ft. plus common property line with the Zaitz Redevelopment Area to the East.
- The parcel has three access points to Reed Road.
- The parcel is largely cleared for agricultural use and a pond dominates the southern portion of the lot.
- Agricultural outbuildings are arrayed along the northernly parcel boundary, and a single-family dwelling is situated close to Reed Road.
- The largest agricultural outbuilding is parallel to the northern parcel boundary depicted in Photo No. 2 of Exhibit A-1 and shows a dilapidated and poorly designed structure.
- Photo No. 3 of Exhibit A-1 shows a dilapidated garage without a roof and a small shed situated near the northeast corner of Lot 9 (Photo No. 4).
- The largest outbuilding has been adapted to accommodate a large boat by cutting away portions of the building's structural frame (Photo No. 6) prompting questions about the safety and stability of the structure.
- The subject lot is adjacent to the Redevelopment Area on Route 546 known as "Zaitz".
- The Zaitz Redevelopment Area was established as an affordable housing tract to provide an inclusionary development.
- It was also intended to serve as a Town/Community Center.
- The design of the Zaitz project did not allow sufficient room to support such a facility.
- The Hopewell Valley YMCA, the contract purchaser of Lot 9, has expressed interest in partnering with Hopewell to provide a community center.
- The Township expressed interest in working with the YMCA towards this end.
- The inclusion of this lot as an area in need of redevelopment will also facilitate a public/private partnership with the Township, Zaitz and the YMCA.
- She discussed the statutory criteria for valuation whether the study area qualifies as an area in need of redevelopment. Under N.J.S.A. 40A:12A-5, she concluded that 3 sections of the Law provides that qualification.

- They are:
 - Section d states that areas that are dilapidated, etc. are detrimental to the health and safety, etc. for the community. The northern lot line is in disrepair. The buildings are unsafe and dilapidated.
 - The property qualifies under Section e in the Statute which states that a lack of proper utilization of the area which impedes improvements resulting in a stagnant or not fully productive condition of land which is potentially useful and valuable provides a rationale and support of this criteria.
 - The property qualifies under Section h, in that the area supports smart growth planning principles. This criteria in and of itself cannot support an area in need of redevelopment designation but can be used to combine with other sections of the Law to qualify the property as an area in need of redevelopment.
- She concluded in summary that Lot 9 demonstrates characteristics as an area in need of redevelopment and more specifically deserves inclusion in the Zaitz Redevelopment Area.
- Even if Lot 9 met none the criteria it warrants inclusion the redevelopment area which includes lands, buildings, which of themselves are not detrimental to the health safety and welfare but I found to be necessary for the effective redevelopment of the Zaitz Redevelopment Area.
- The inclusion of Lot 9 will provide room for an expanded range of recreation and health maintenance opportunities as well as improving access for the improved redevelopment of the Zaitz Tract.

WHEREAS, Mark Kataryniak, PE, the Township’s Redevelopment Engineer provided testimony in support of Lot 9 as an area in need of redevelopment and presented **Exhibit A-2**, his opinion was based primarily on a set aside for the Community Center and providing access to Reed Road for the affordable housing project; and

WHEREAS, the Board opened the hearing for public comment. One member of the Public provided comment and expressed concern regarding the traffic design as it relates to Reed Road. Mr. Kataryniak responded that the roadway has not yet been fully engineered and the design would be subject to future analysis. The design would be sensitive to a traffic analysis of the area. The Board Chair responded that the concern is noted and is encouraging the development of an access

road that would connect the redevelopment area to the signaled Denow Road intersection. Mr Kataryniak provided an update on that progress.

WHEREAS, based upon the foregoing information, testimony and evidence as well as the application and supporting plans and documents and the Township professional and agency reviews, the Board hereby makes the following **findings of fact and conclusions of law**:

1. Block 85, Lot 9 qualifies as an area in need of redevelopment.
2. This Lot meets the following statutory requirements:
 - a. N.J.S.A. 40A: 12A-5d
 - b. N.J.S.A. 40A: 12A-5e
 - c. N.J.S.A. 40A: 12A-5h
3. This Lot qualifies because of its relationship to the Zaitz Redevelopment Area and the inclusion of Lot 9 is necessary because it provides room for recreation facilities and a health maintenance area.

WHEREAS, at the conclusion of the hearing on March 23, 2023, the Board has taken action by voting on said action and voted to recommend to the Township Committee that the site known as Block 85, Lot 9 is recommended to be designated as an area in need of redevelopment in accordance with the criteria set forth in NJSA 40A:12-5 and NJSA 40A: 12-3 as directed that this resolution be prepared and memorializing the action taken; and

NOW THEREFORE BE IT RESOLVED, by the Planning Board of the Township of Hopewell, County of Mercer, New Jersey that the Planning Board recommends that Block 85, Lot 9 be designated as an area in need of redevelopment.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board hereby directs the Board Secretary to forward this Resolution and the Banisch Preliminary Investigation Report (**Exhibit A-1**) to the Township Clerk for consideration by the Township Committee.

ROLL CALL ON THE MOTION – March 23, 2023

Yes: 9 No: 0 Absent: 0 Abstain: 0 Not Voting: 2

Belmont:	Yes	Purandare:	Yes
Kiss:	Yes	Sandom:	Yes
Kuchinski:	Yes	Swanson:	Yes
Murphy:	Yes	Atay:	Not Voting
Parker:	Yes	Lagman:	Not Voting
Peterson:	Yes		

VOTE ON THE RESOLUTION – April 27, 2023

Yes: 6 No: 0 Absent: 3 Abstain: 0 Not Voting: 2

Belmont:	Yes	Purandare:	Yes
Kiss:	Absent	Sandom:	Yes
Kuchinski:	Yes	Swanson:	Yes
Murphy:	Yes	Atay:	Not Voting
Parker:	Absent	Lagman:	Not Voting
Peterson:	Absent		

CERTIFICATION

I hereby CERTIFY that the foregoing is a true copy of a Resolution adopted by the Hopewell Township Planning Board at a duly advertised meeting held on April 27, 2023 at which a quorum was present.



Linda Barbieri
Secretary

Preliminary Investigation Report
for Designation of a
Non-Condensation Area in Need of Redevelopment



BLOCK 85, LOT 9

Hopewell Township
Mercer County, New Jersey

March 2023

Prepared By:
Banisch Associates, Inc.
111 Main Street, Flemington, NJ 08822

The original of this document has been signed and sealed in accordance with N.J.S.A. 13:41-1.2.


Francis J. Banisch III, PP/AICP (License. No. 1686)

5.16.23
Date

Purpose

Pursuant to the requirements of N.J.S.A. 40A:12A-6, the Hopewell Township Committee adopted Resolution No. 21-144 directing the Hopewell Township Planning Board “...to undertake an expedited investigation” of Block 85, Lot 9 (1646 Reed Road) to determine whether the proposed area constitutes a non-condemnation area in need of redevelopment in accordance with the criteria set forth in N.J.S.A. 40A:12A-5.

This report is not intended to recommend any plan or strategy for use or reuse of, or modifications to, the property. If the Township Committee concludes, as recommended here, that the subject property constitutes a non-condemnation area in need of redevelopment, it will be within their purview to direct the preparation of a redevelopment plan or an amendment to the Zaitz Redevelopment Plan.

Legal Framework for Redevelopment

The Local Redevelopment and Housing Law, P.L. 1992 C. 79 (C40A:12A-1 et seq.) provides strong tools for use by municipalities to remedy deterioration and improve the productivity of underproductive lands. It also permits the inclusion of lands and buildings that do not exhibit the qualifying criteria when their inclusion in an area in need of redevelopment can promote a more effective redevelopment strategy.

Municipalities can acquire property, clear sites, install infrastructure and other site improvements and enter partnerships with public and private entities to achieve redevelopment goals.

New Jersey’s redevelopment law offers a variety of tools for redevelopment planning, design and implementation, which permit a municipality to:

- Partner with the private sector through contractual redevelopment agreements, which can include development incentives (e.g. - tax abatement, infrastructure).
- Achieve greater control over development through an adopted redevelopment plan, redevelopment agreement(s) and designation of a redeveloper or redevelopers.
- Qualify for grant and other funding for planning and development activities.
- Refine land use policies and development regulations to promote desired redevelopment.
- Qualify for 1.33:1 bonus credits against the municipal fair share obligation for qualifying low and moderate income housing units constructed within a redevelopment area.

The New Jersey Constitution expressly authorizes municipalities to engage in redevelopment of “blighted areas” [N.J. Const. art. VIII, § 3, ¶ 1.]. Under the Blighted Areas Clause of the New Jersey Constitution, the clearance, replanning, development, or redevelopment of blighted areas shall be a public purpose and public use for which private property may be taken or acquired. Township Committee Resolution 20-102, directing the Planning Board to conduct this analysis, states explicitly that condemnation will not be used in connection with this redevelopment planning process.

Redevelopment Definitions

Definitions - The following definitions, as set forth in N.J.S.A.40A:12A-3, guided this investigation:

Redevelopment means clearance, planning, development and redevelopment; the conservation and rehabilitation of any structure or improvement, the construction and provision for construction of residential, commercial, industrial, public or other structures and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public purposes, including recreational and other facilities incidental or appurtenant thereto, in accordance with a redevelopment plan.

Redevelopment area or area in need of redevelopment means an area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1092, c.79 (C.40A:12A-5 and 40A:12A-6). A redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

Conditions on the Parcel-in-Question

Lot 9 is a 15.18-acre agricultural parcel situated roughly 2/10 mile south of County Route 546 on Reed Road (see Figure 1 “Tax Map”). The parcel shares a 1,200’+ common property line with the Zaitz redevelopment area to the east and has three access points to Reed Road.

The parcel is largely cleared for agricultural use and a pond dominates the southern portion of the lot. The agricultural out buildings are arrayed along the northerly parcel boundary and the single family dwelling is situated close to Reed Road.

The largely undeveloped and agricultural character of Lot 9 is seen in Figure 2 “Aerial View of Block 85 Lot 9 and vicinity”, which illustrates the property’s agricultural landscape.

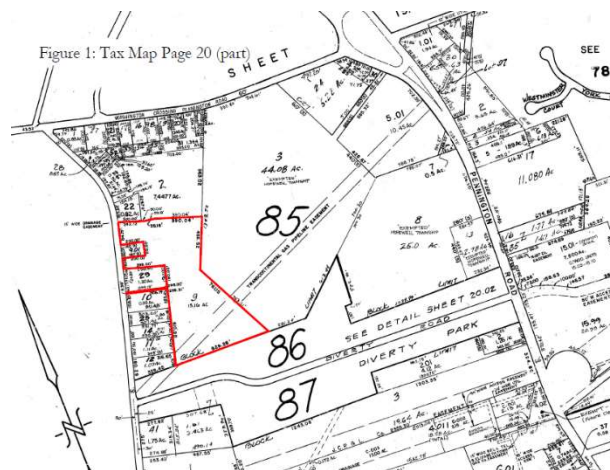

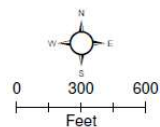


Figure 2
Aerial Photography
Block 85; Lot 9
Portion of
Hopewell Township
Mercer County, NJ
April 2022

Legend

-  Preliminary Investigation Report Parcel
-  Designated Redevelopment Parcels



Data Sources:
 NJGIN Parcels 2011
 NJDOT Roadway Network
 NJOGIS 2015 Aerial Photography
 This map was developed using New Jersey Department of
 Environmental Protection Geographic Information System
 digital data, but this secondary product has not been NJDEP
 verified and is not State-authorized.

BANISCH
 ASSOCIATES INC.
 Planning and Design



Four buildings are arrayed across the northern portion of Lot 9, including the 2-story frame structure (Photo 1) at 1646 Reed Road and three outbuildings seen at right in an excerpt from Figure 1.

Two agricultural out-buildings parallel the northern parcel boundary. The largest, a garage/barn is seen in Photo 2. Photo 3 shows a dilapidated garage without a roof and a small shed is situated near the northeast corner of Lot 9 (Photo 4). As noted above, one of the out-buildings is in extremely dilapidated condition (Photo 5) and the largest outbuilding has been adapted to accommodate a large boat by cutting away portions of the building's structural frame (Photo 6), prompting questions about the safety and stability of this structure.



Photo 7 provides a view from the rear lot line toward Reed Road, with the outbuildings on the right and the home at 1646 Reed Road centered in the photo. Figure 8 is a 3D Google image of the northern portion of the property.

Zoning













The zoning of the property is R-100, which permits single family dwellings with a well and/or septic system as is the case here, on lots of at least 80,000 square feet. The minimum yards for the R-100 Zone are 75' front, 40' side and 50' rear.

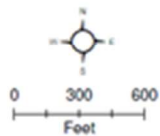
Preexisting nonconforming side yards exist from the northern lot line to the outbuildings, which appear to be on, or very close to, the property line.

Land Use Character in the Vicinity of Lot 9

Figure 3 “Land Use/Land Cover” illustrates the land uses in the vicinity of Lot 9. Without exception, between CR 546 and Diverty Road, the frontage of Reed Road is dominated by single family homes on lots of roughly one acre.

Figure 3
Land Use/Land Cover
Block 85; Lot 9
Portion of
Hopewell Township
Mercer County, NJ
April 2022
Legend

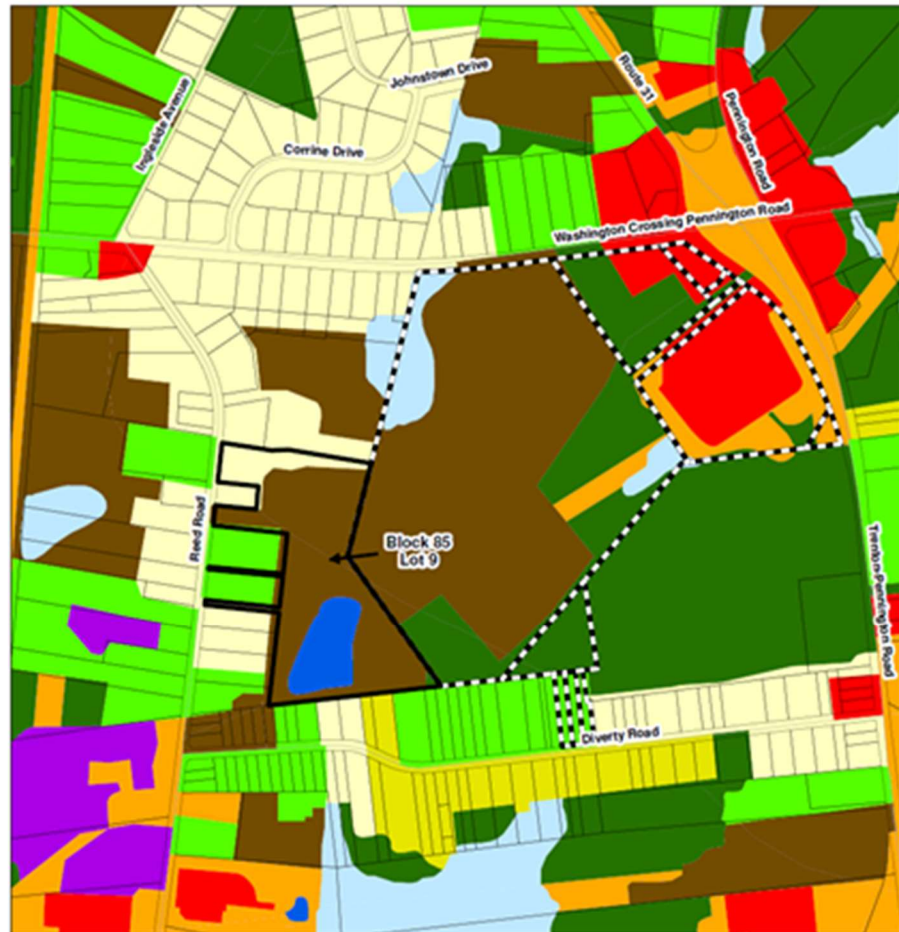
-  Preliminary Investigation Report Parcel
-  Designated Redevelopment Parcel
-  Commercial
-  Industrial
-  Rural Residential
-  Low Density Residential
-  Medium Density Residential
-  Agriculture
-  Forest
-  Other Urban
-  Water
-  Wetlands



Data Sources:
NJGIN Parcels 2011
NJDOT Roadway Network
NJGIS 2015 Aerial Photography
NJDEP 2015 LULC

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP certified and is not State authorized.

BANISCH
ASSOCIATES, INC.
Planning and Design



One exception is Lot 2, north of Lot 9, where a contractor's equipment and storage yard is in close proximity to Lot 9.

The neighborhood character surrounding Lot 9 is residential and agricultural, with a ribbon pattern of residential use along the road frontage and agricultural lands rearward of the homes.

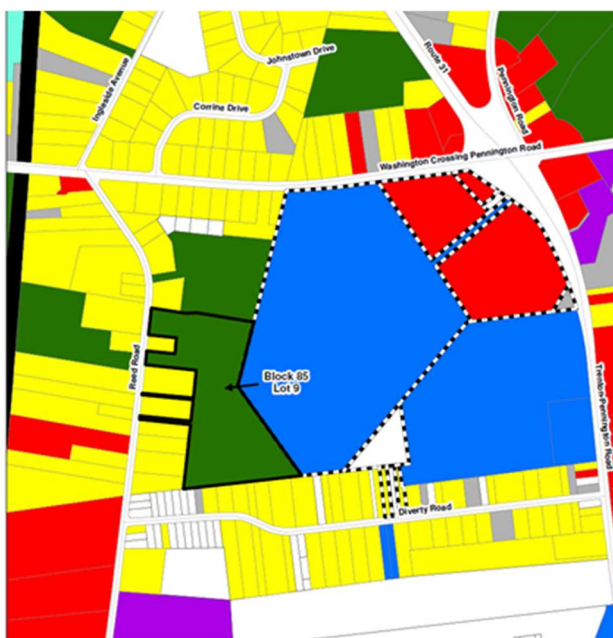
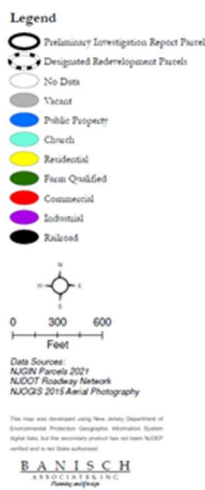
However, to the east that character is about to change, as the inclusionary development approvals received for the Zaitz Redevelopment Area will result in the elimination of an agricultural use parcel and replace it with a densely developed multi-family neighborhood of townhouses and apartments.

The property tax classification of a parcel is another indicator of the nature of its use. Figure 4 illustrates the property tax class of lands between the railroad right of way and Route 31.

Zaitz Redevelopment Plan and Development Approvals

Lot 9 adjoins the Zaitz Redevelopment Area located on Route 546 (Block 85, Lots 3, 4, 5.01, 7, 24, 30 and Block 86, Lots 32, 33, 34 and 130). These parcels have been determined to be an Area in Need of Redevelopment and are regulated by a redevelopment plan and redevelopment agreement pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

Figure 4
Property Tax Class
Block 85; Lot 9
Portion of
Hopewell Township
Mercer County, NJ
April 2022



The Zaitz Redevelopment Area was established to provide affordable housing as part of an inclusionary development pursuant to the Township's affordable housing plan. It was also intended to serve as a location for a town center with a community center, senior center and community-related recreational facilities. However, the design of The Collection, a development, with 205 townhouses and 174 apartments, did not allow room to develop such facilities.

The Hopewell Valley YMCA, contract purchaser of Lot 9, has expressed interest in partnering with Hopewell Township to provide sufficient lands for the community center and Hopewell Township has been working with the YMCA toward this end. This parcel would also provide the Zaitz redevelopment zone with an alternative point of access, separate from the main access on CR 546, providing direct access to Reed Road. Inclusion of Lot 9 as an area in need of redevelopment will also facilitate a public private partnering effort among the Township, the

YMCA and the Zaitz tract redeveloper, expanding the community- related health and recreational services in Hopewell Township.

Statutory Criteria for Evaluation of Whether Study Area is an Area in Need of Redevelopment

(N.J.S.A. 40A:12A-5) provides that after investigation, notice, and hearing as set forth in Section 6 of P.L. 1992, c.79, an area may be determined to be in need of redevelopment if the Planning Board recommends and the governing body concludes by resolution that the delineated area contains any of the following conditions:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.
- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions which impeded land assemblage or discourage the undertaking of improvements, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.
- f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L. 1983, c. 303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to Sections 5 and 6 of P.L. 1992 c. 72 (C.40A: 1 2A-5 and 40A: 1 2A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L. 1991, c. 4,1 (C.40A:20- 1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L. 1991, c. 441 (C.40A:2 1-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L. 1992, c. 79 (C.40A: 1 2A- 1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone. (Applies only in a municipality containing an Urban Enterprise Zone.)

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

As noted above, a redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

Application of Statutory Criteria to Parcel-in-Question

The conditions identified on Lot 9, which satisfy the statutory criteria for designation of an area in need of redevelopment, include the following:

d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

Rationale for applying N.J.S.A. 40A:12A-5 (d):

The two principal agricultural buildings, which hug the northern lot line, are in varying states of disarray. The small block building with no windows, doors or roof, is in an advanced state of disrepair. The larger frame building has been modified by removing certain structural members in order to accommodate a large boat. Both of these buildings contribute to the dilapidated, unsafe and substandard conditions on site. Failure to meet the required side yard setback contributes to the faulty arrangement of the site.

e. **A growing lack or total lack of proper utilization of areas caused by** the condition of the title, diverse ownership of the real property therein or other **conditions which** impeded land assemblage or **discourage the undertaking of improvements, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is** presumed to be having a negative social or economic impact or otherwise being **detrimental to the safety, health, morals, or welfare** of the surrounding area or the community in general.

Rationale for applying N.J.S.A. 40A:12A-5 (e):

The “other conditions” in this instance are the deteriorated building conditions and potential safety hazards from maintaining:

- A 2-story frame building with a modified frame, where supporting members were removed and not replaced, adaptations that have heightened susceptibility to wind damage, and
- A one-story masonry building with no windows, doors or roof, which poses the hazard of unintended occupancy and potential harboring of rodents or other vermin.

These conditions are not likely to be changed any time soon, since there appears no need or requirement that they be repaired or removed. At least one of the buildings

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

Rationale for applying N.J.S.A. 40A:12A-5 (h):

Public private partnerships are encouraged in the State Development and Redevelopment Plan, which also encourages healthy lifestyles. Enhanced access to the approved Zaitz development also advances smart growth objectives to reduce congestion and improve traffic safety. All these objectives are served by including Lot 9 in the Zaitz Redevelopment Area.

Summary and Recommendations

Lot 9 demonstrates characteristics that qualify for designation as an area in need of redevelopment and more specifically, inclusion in the Zaitz Redevelopment Area. The parcel satisfies criteria N.J.S.A. 40A:12A-5 d, e and h as noted above. Importantly, even if Lot 9 met none of these criteria, it would nonetheless warrant inclusion in the redevelopment area because the redevelopment area may include “lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, the inclusion of Lot 9 can be found necessary for the effective redevelopment” of the Zaitz Redevelopment Area. This is because Lot 9 will provide room for an expanded range of recreation and health maintenance opportunities as well as improving access to the approved redevelopment.

For all of the above reasons, the Planning Board recommends inclusion of Lot 9 as part of the adjoining Zaitz Redevelopment Area.

APPENDIX A - Site Photos



PHOTO 1



PHOTO 2



PHOTO 3



PHOTO 4



PHOTO 5



PHOTO 6



PHOTO 7



PHOTO 8