

*Preliminary Investigation Report
for Designation of an
Area in Need of Redevelopment*

*Block 78.09
Lot 21*

Hopewell Township
Mercer County, New Jersey

Adopted July 27, 2017

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7.28-2017

Date

***Preliminary Redevelopment Investigation of Block 78.09, Lot 21
Hopewell Township, Mercer County***

Purpose

Pursuant to the requirements of N.J.S.A. 40A:12A-6, the Hopewell Township Committee adopted Resolution No. 17-172, directing the Hopewell Township Planning Board "...to undertake an expedited investigation of the sites commonly described as Klockner, Hopewell Township, and more specifically described as Block 78.09, Lot 21 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 does not recommend any plan or strategy for use of, or modifications to, the property. If the Township Committee concludes, as recommended here, that the subject property constitutes an area in need of redevelopment, it will be within their purview to direct the preparation of a redevelopment plan or plans.

Description of the Study Area

The parcel-in-question (PQ) referred for evaluation by the Township Committee is Block 78.09, Lot 21, shown on Figure 1 (aerial photo). The PQ is situated in the southeastern corner of the Township, adjoining the access ramp to eastbound I-95 and across Federal City Road from a strip of non-residential uses in Lawrence Township. As such, the likelihood of development for the permitted single family residential uses is limited.

The 22-acre PQ is occupied by one single family dwelling and several accessory buildings. The accessory buildings include several storage buildings and a discontinued garden center and farm market (formerly Oasis Garden Center). A cellular tower is also situated on the site, near I-95.

The accessory buildings are generally in marginal to poor condition, except for the 4-bay garage behind the former garden center/farm market building which is in good condition. West of the buildings on site, a portion of the parcel is used for storage by a landscaping business and includes mulch and landscape materials and equipment.

Attachment A includes photographs of the Parcel-in-Question.

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 17-172, 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

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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.

Existing Land Use

The PQ is situated adjacent to the Lawrence Township boundary and the I-95 northbound on-ramp at Federal City Road. The character of land uses in the vicinity of the PQ is depicted on Figure 2 – “Land Use Land Cover” and Figure 3 – “Property Tax Class”.

Figure 2 illustrates the type of land use by the extent of coverage on various portions of the lot. Figure 3 illustrates the tax classification for the entire parcel. Together these data illustrate the type and extent of land uses surrounding the PQ.

Land uses in the vicinity of the PQ include:

- to the east - professional office complex (across Federal City Road in Lawrence);
- to the south – Grace Community Church of the Nazarene;
- to the west – Mercer County Vocational School campus;
- to the north – I-95 (right of way width varies – 200’-600’).

Attachment B includes photographs of the land uses adjoining the PQ.

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 buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or

the same being allowed to fall into so great a state of disrepair as to be untenable.

- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to 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 Study Area Parcel in Question

Based on the characteristics of the site, the condition of the structures and the underutilization of the PQ, the site meets several of the criteria as an area in need of redevelopment, including the following:

N.J.S.A. 40A:12A-5 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.*

Rationale: Much of the property is unimproved vacant land that has remained so for decades. The traffic and noise from the highway and the vehicular activity on the access ramp jug handle, which imposes unique burdens on this parcel, make the property unlikely to develop for the permitted single family uses.

N.J.S.A. 40A:12A-5 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: The lack of a proper utilization of the site has led to a condition where the site houses accessory structures in poor condition and the utilization of the property as a construction yard for landscapers.

N.J.S.A. 40A:12A-5 e - *A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.*

Rationale: abandonment of the commercial use (garden center/farm stand) left behind accessory buildings and site improvements that are not easily adapted to permitted residential uses or any other permitted use and which will need to be removed to make way for a productive use of the site.

N.J.S.A. 40A:12A-5 h - Designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation. The State Development and Redevelopment Plan includes this parcel within PA-2 - the Suburban Planning Area. The intent of the State Plan for PA 2 is to:

- Provide for much of the State's future development
- Promote growth in Centers and other compact forms
- Protect the character of existing stable communities
- Protect natural resources
- Redesign areas of sprawl
- Reverse the current trend toward further sprawl
- Revitalize cities and towns

Among the policy objectives for Redevelopment in Planning Area 2 is the following:

- Take full advantage of the opportunities available under the state's redevelopment statutes to promote new Centers and retrofit existing areas with mixed-uses and higher densities.

The State Plan encourages incentives for beneficial development in PA-2 that protects resources and community character while providing for growth in appropriate locations. In light of the circumstances that affect this property, a redevelopment area designation is clearly supportive of the intent of the State Plan.

Summary of Findings and Recommendations

An Area in Need designation must be based upon a demonstration that at least one of the statutory requirements of the LRHL is satisfied. This Preliminary Investigation Report reviews the conditions on the property in question and the statutory criteria for designating an area in need of redevelopment and recommends that the subject property be designated as a non-condemnation area in need of redevelopment.

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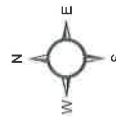
This preliminary investigation is not designed to recommend any specific reuse alternatives for this area, since such recommendations can only be outlined in a redevelopment plan. After a Planning Board resolution is adopted memorializing the recommendations from the hearing in this matter, the governing body may adopt a resolution designating the area in question as an area in need of redevelopment.

Following any redevelopment area designation by governing body resolution, the governing body will direct the preparation of a redevelopment plan setting out the goals and objectives for these areas, and outlining the actions to be taken to accomplish these goals and objectives.

Figure 1
Aerial Photography
Block 78.09; Lot 21
Portion of
Hopewell Township
Mercer County, NJ
June 2017

Legend

 Subject Property



0 100 200
 Feet

Data Sources:
 NJGIN Parcels 2011
 NJDOT Roadway Network
 NJOGIS 2015 Aerial Photography

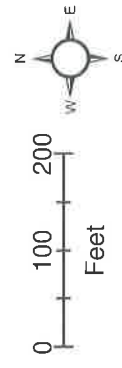
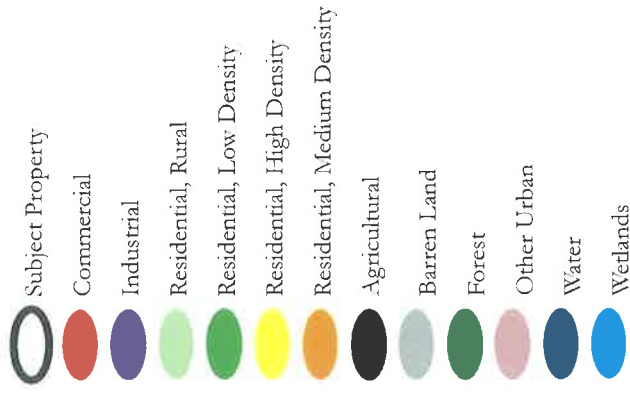
This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been NJDEP verified and is not State-authorized.

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Figure 2
Land Use Land Cover
Block 78.09; Lot 21
Portion of
Hopewell Township
Mercer County, NJ
June 2017

Legend



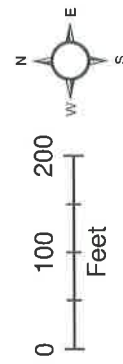
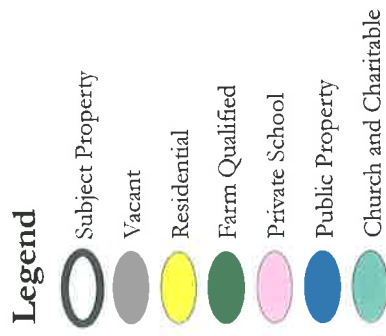
Data Sources:
 NJGIN Parcels 2011
 NJDOT Roadway Network
 NJDEP 2012 Land Use Land Cover

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.

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Figure 3
Property Tax Class
Block 78.09; Lot 21
Portion of
Hopewell Township
Mercer County, NJ
June 2017



Data Sources:
 NJGIN Parcels 2011
 NJDOT Roadway Network
 NJDEP 2012 Land Use Land Cover

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Appendix A - Conditions on the Parcel In Question

Views from Federal City Road



Photo A-1
View to west from Federal City Road



Photo A-2 View of dwelling from Federal City Road

Appendix A - Conditions on the Parcel In Question

Views from Federal City Road



Photo A-3 View of former farm stand/nursery from Federal City Road



Photo A-4 View of former farm stand/nursery from Federal City Road

Appendix A - Conditions on the Parcel In Question



Photo A-5 View of 4-bay steel building situated west of former farm stand



Photo A-6 View of field between former farm stand and 4-bay steel garage

Appendix A - Conditions on the Parcel In Question



Photo A-7 View of 4-bay steel building and landscape supply area



Photo A-8 View of landscape supply and staging area

Appendix A - Conditions on the Parcel In Question



Photo A-9 View of landscape supply and staging area



Photo A-10 View of landscape supply and staging area

Appendix A - Conditions on the Parcel In Question



Photo A-11 View of cellular communications tower situated on northern portion of site



Photo A-12 View of ground-based communications equipment

Appendix B
Land Uses in the Vicinity of the Parcel In Question



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Land Uses in the Vicinity of the Parcel In Question

