

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

*Block 85
Lots 3, 4, 5.01, 7 and 24*

Hopewell Township
Mercer County, New Jersey

Adopted September 7, 2017

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*Preliminary Redevelopment Investigation of Block 85, Lots 3, 4, 5.01, 7 and 24
Hopewell Township, Mercer County*

Purpose

Pursuant to the requirements of N.J.S.A. 40A:12A-6, the Hopewell Township Committee adopted Resolution No. 17-174, directing the Hopewell Township Planning Board "...to undertake an expedited investigation" of Block 85, Lot 3, commonly described as the Zaitz tract and nearby parcels including Block 85, Lots 4, 5.01, 7 and 24 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

While the parcels-in-question (collectively the "PQ") referred by the Township Committee to the Planning Board for evaluation include five lots in Block 85: Lots 3, 4, 5.01, 7 and 24, Lot 30, which was not enumerated among the parcels for investigation by the Planning Board, is in common ownership with Lot 24 and used as a driveway to Route 31 from the Wells Fargo bank branch on Lot 24. The PQ is situated in the south-central portion of the Township. These parcels are identified on an aerial photo labeled as Figure 1.

The 61-acre PQ consists of the following parcels in Block 85:

Lot #	Tax Map Acreage	Current Use
3	44.08	Farm/woodland
4	0.68	Gas station
5.01	10.45	Supermarket
7	0.5	Wooded/vacant
24	5.22	Bank
Total Acreage	60.93	

These parcels occupy the southwest corner of the intersection of Route 31 and Washington Crossing-Pennington Road (CR 546), where they include over 2,000 feet of frontage. Eight (8) driveways provide access along this frontage including the bank (2), gas station (3), Shop Rite (2) and the farm drive into the Township (formerly Zaitz) property.

Attachment A includes photographs of the parcels-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 17-174, 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.

Existing Land Use

Situated roughly ½ mile south of Pennington Borough, the PQ is situated at a busy intersection along Route 31. The Pennington Circle, while recently upgraded, is nonetheless still plagued with a multiplicity of driveways to adjoining land uses, including the liquor store to the north and convenience gas station to the east.

Around the circle, the concentration of traffic-interrupting driveways is most densely clustered on the parcels in question, between Wells Fargo Bank and Shop Rite. The comprehensive redevelopment of these sites could reduce the number of driveways and move them away from the circle – both key factors in improving traffic flow and safety.

The character of land uses in the vicinity of the PQ is depicted in two ways in this report. Figure 2 – “Land Use Land Cover” illustrates the type of land use/land cover by the extent of coverage across various portions of the PQ. Figure 3 – “Property Tax Class” 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 west – single family homes fronting upon CR 546
- To the north - single family homes on CR 546, a gas station on Route 31
- To the east – medical offices, convenience/gas
- To the south – vacant lot on Route 31, Township open space

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 untenantable.
- 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. 992 e. 72 (C.40A: 1 2A-5 and 40A: I 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: I 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. (emphasis added)

Conditions on the Parcels-in-Question

Lot 3 is a 44-acre Township-owned parcel consisting of farm fields and woodlands. It was acquired for the production of affordable housing. Access is informal and provided via a farm driveway to CR 546.

Lot 4 is a 2/3-acre parcel occupied by a 3-bay gas station. The service bays have not been converted to convenience retail as is frequently the case, and over the past several years there have been numerous attempts at a repair business that have all closed within a few months. The site is covered with building and paving and has multiple driveways to CR 546 and Route 31.

Lot 5.01 is a 10.45-acre parcel developed with a Shop Rite supermarket. Situated at the southeast corner of the Route 32/CR 546 intersection, the access to Shop Rite is complicated by the irregular alignment of a series of driveways that are confusing to unfamiliar drivers and which encourages cross-movements that are a safety hazard. This is most evident when vehicles exiting Shop Rite attempt to enter the circle and cross southbound Route 31 traffic.

Lot 7 is a small (1/2 acre) triangular lot that adjoins Shop Rite along the Route 31 frontage. It is not in use at this time.

Lot 24 is a 5.5-acre parcel occupied by Wells Fargo Bank. The bank building and its associated driveways and parking occupy a small portion of the lot in the northeast corner, with most of the lot remaining as woodland.

Application of Statutory Criteria to Study Area Parcels

Based on the characteristics of the study area, underutilization of some parcels and the conditions of these properties, all of the parcels-in-question, except Lot 7, meet several of the criteria as an area in need of redevelopment, including the following:

Lot 3, which is owned by Hopewell Township, continues to be farmed and has not been utilized for any improvements, can qualify as an area in need of redevelopment pursuant to the following criteria:

N.J.S.A. 40A:12A-5 c - Land that is *owned by the municipality...*

N.J.S.A. 40A:12A-5 e - *A growing lack ... of proper utilization ... caused by 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.*

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

Policy objectives for Redevelopment in Planning Area 2 seek to:

- Encourage redevelopment efforts in existing Centers and single-use areas which can be redeveloped into mixed-use areas, and areas within walking distance of train stations or other major public transit facilities.
- Redevelop at transit-supportive densities, while creating pedestrian-oriented environments.
- 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.

Lot 4, a 2/3-acre parcel occupied by a gas station with 3 service bays nearly covered by pavement and building with multiple Route 31 driveways, can qualify as an area in need of redevelopment pursuant to the following criteria:

N.J.S.A. 40A:12A-5 d - ... buildings or improvements which, by reason of ... *obsolescence, ... faulty arrangement or design, ... excessive land coverage, ... or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.*

N.J.S.A. 40A:12A-5h - Designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation as outlined above.

Lot 5.01, over 10 acres improved with a small supermarket, has complicated and confusing access to and from State Route 31. With a sea of asphalt surrounding the

building, a holding tank for septic waste and a store that is undersized for the market, Lot 5.01 can qualify as an area in need of redevelopment pursuant to the following criteria:

N.J.S.A. 40A:12A-5 d - ... buildings or improvements which, by reason of ... *obsolescence, ... faulty arrangement or design, ... excessive land coverage, ... or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.*

N.J.S.A. 40A:12A-5 e - *A growing lack ... of proper utilization ... caused by other conditions, resulting in a stagnant or not fully productive condition of land potentially useful...*

N.J.S.A. 40A:12A-5h - Designation of the delineated area is *consistent with smart growth planning*

Lot 7 is a small vacant parcel with frontage on Route 31. While the tract does not exhibit conditions that qualify it for inclusion in the redevelopment area, inclusion of this parcel is appropriate in light of the definition of redevelopment areas, which provides that “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”.

Lot 24 is 5.5 acres with only a small portion of the lot used for the bank building and parking. With a well-maintained building and site improvements occupying less than 20% of the lot, most of this parcel is not in productive economic use at this time. However, this lack of utilization of most of an otherwise improved parcel does not neatly fit into any of the statutory criteria. Nonetheless, Lot 24 can qualify for inclusion within an area in need of redevelopment because while conditions on the parcel are not of themselves detrimental to the public health, safety or welfare, the inclusion of Lot 24 is found necessary for the effective redevelopment of the area of which it is a part. This conclusion also applies to Lot 30, the additional lot to Lot 24 in common ownership.

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 or that a parcel is otherwise necessary for the effective redevelopment of the area in need of redevelopment.

This Preliminary Investigation Report reviews the conditions on the properties in question and the statutory criteria for designating an area in need of redevelopment and recommends that all of the subject properties be designated as a non-condemnation area in need of redevelopment.

These parcels occupy a strategic portion of the Township, where Route 31, the principal north-south State highway serving this portion of the State, encounters one of the several confusing and complicated traffic circles that make safe and efficient travel through this area a challenge.

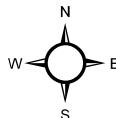
This preliminary investigation is not designed to recommend any specific reuse alternatives for this area, since such recommendations can only be outlined in a redevelopment plan. After a Planning Board resolution is adopted memorializing the recommendations from the hearing in this matter, the governing 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 85;
Lots 3, 4, 5.01, 7 & 24
*Portion of
Hopewell Township
Mercer County, NJ*
June 2017

Legend

 Subject Properties



0 150 300
Feet

Data Sources:
NJGIN Parcels 2011
NJDOT Roadway Network
NJOBIS 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.

B A N I S C H
ASSOCIATES, INC.
Planning and Design



Figure 2
Land Use Land Cover
Block 85;
Lots 3, 4, 5.01, 7 & 24
Portion of
Hopewell Township
Mercer County, NJ
June 2017

Legend

- Subject Properties
- Commercial
- Industrial
- Residential, Rural
- Residential, Low Density
- Residential, High Density
- Residential, Medium Density
- Agricultural
- Barren Land
- Forest
- Other Urban
- Water
- Wetlands

0 155 310
 Feet
 N
 W E
 S

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

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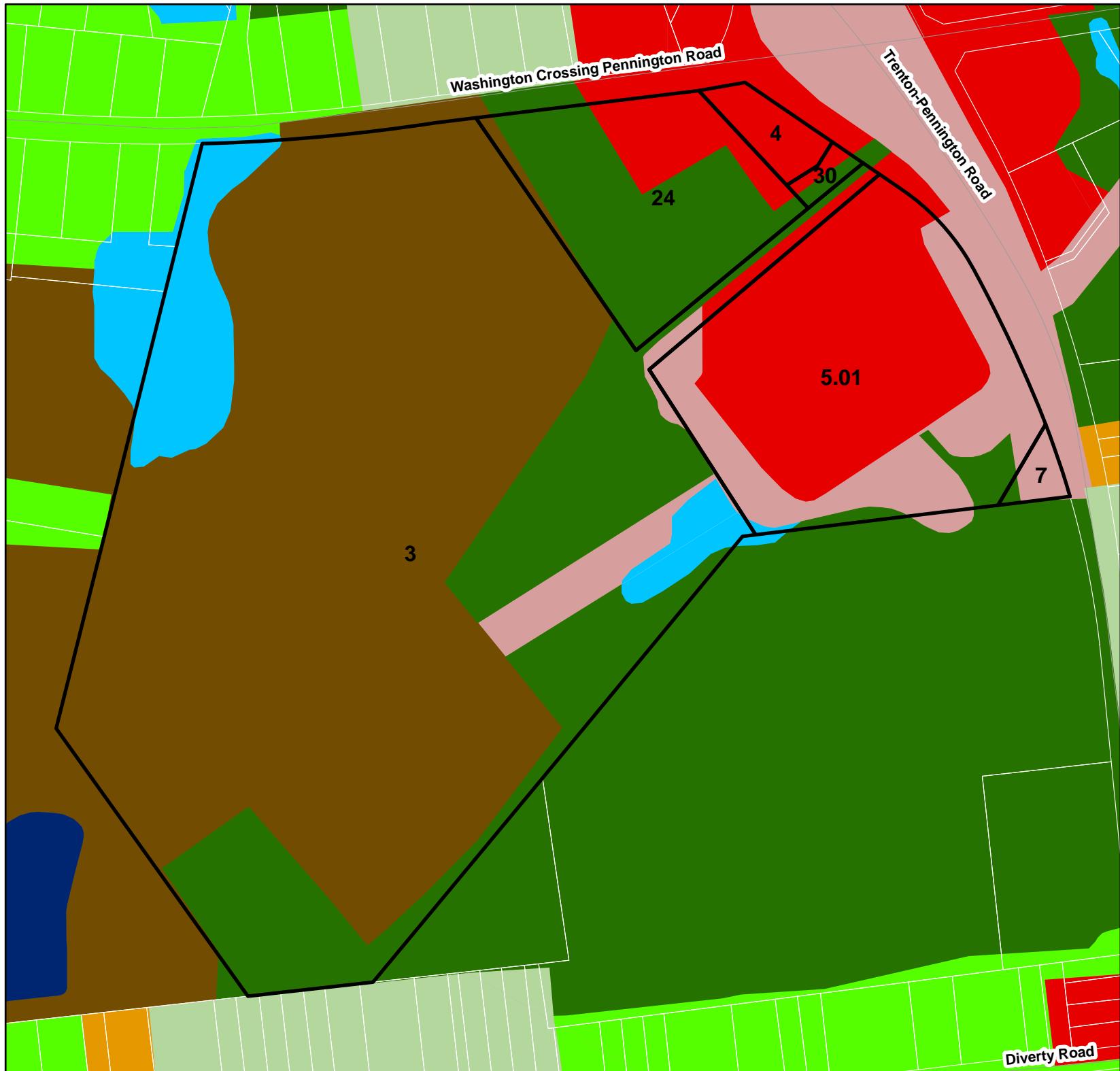
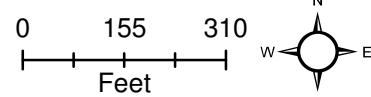


Figure 3
Property Tax Class
Block 85;
Lots 3, 4, 5.01, 7 & 24
Portion of
Hopewell Township
Mercer County, NJ
June 2017

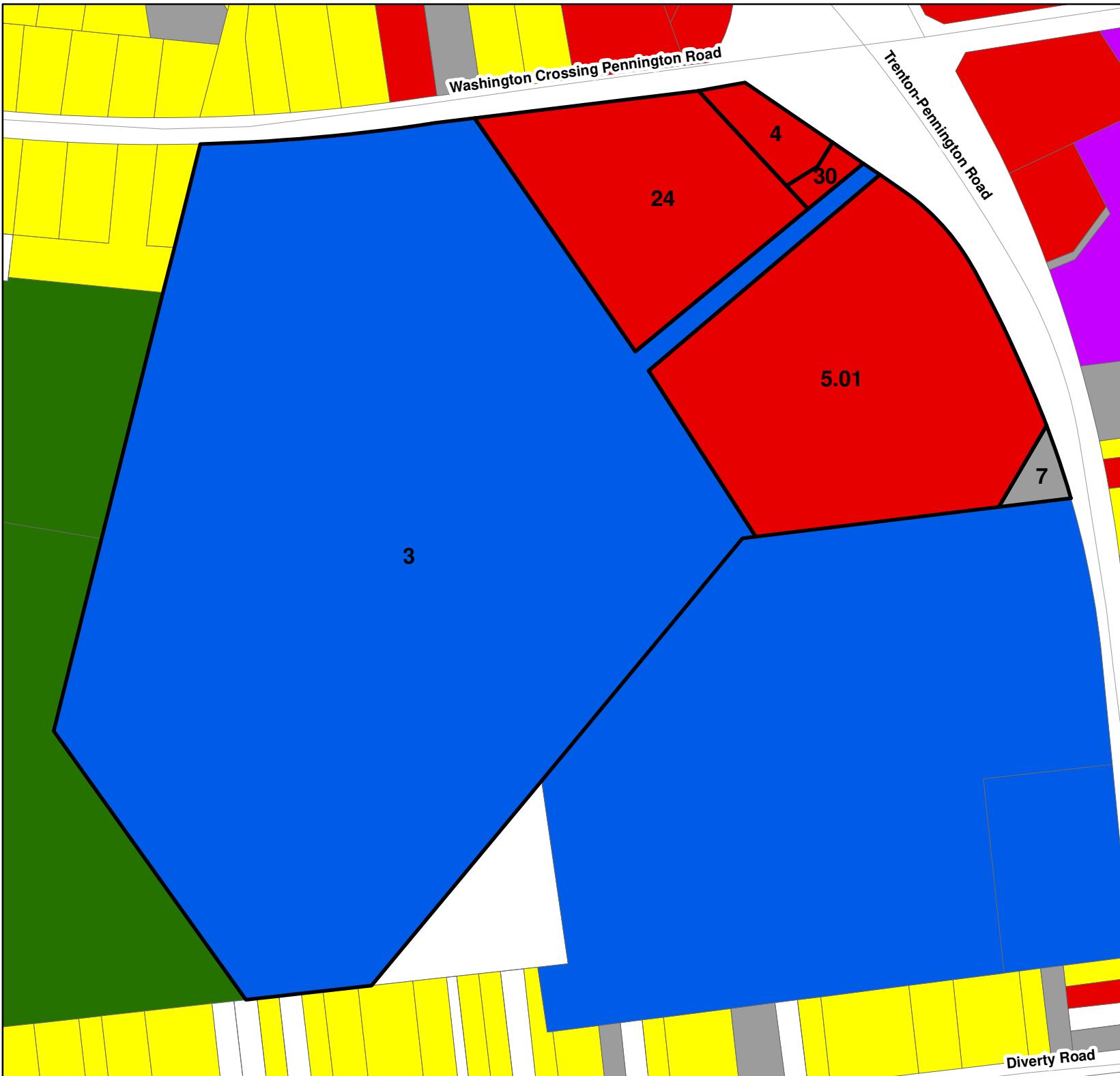
Legend

- Subject Properties
- Vacant
- Public Property
- Residential
- Farm Qualified
- Commercial
- Industrial
- No Data



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

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Appendix A

Photographic Summary of Conditions on the Parcels in Question



Wells Fargo Bank, as seen from County Route 546, has one driveway from CR 546 and another on the Route 31 Circle



Exxon Service Station as seen from Route 31
(Note Wells Fargo driveway beyond Exxon driveway)



Exxon Service Station as seen from CR 546 approach to Route 31
(Note location of driveway in relation to Route 31 approach)

Appendix A

Photographic Summary of Conditions on the Parcels in Question



Exxon Service Station as seen from Route 31
(Note Wells Fargo driveway beyond Exxon driveway)



Shop Rite Supermarket as seen from Northbound Route 31



Shop Rite entrance as seen from Route 31
Note vehicle exiting toward the north to cross southbound lane and enter the circle

Appendix A

Photographic Summary of Conditions on the Parcels in Question



Shop Rite entrance from Route 31



View from Shop Rite parking lot toward Route 31 entrance
(Note the expansive asphalt “no man’s land”)

Appendix A

Photographic Summary of Conditions on the Parcels in Question



View from Shop Rite parking lot toward store entrance



View from Shop Rite parking lot on north side of the building



View of rear loading area