

# **HOPEWELL TOWNSHIP PLANNING BOARD**

## **RESOLUTION NO. 17-014**

### **RESOLUTION RECOMMENDING THAT THE SITE COMMONLY DESCRIBED AS ZAITZ AND MORE SPECIFICALLY DESCRIBED AS BLOCK 85, LOTS 3, 4, 5.01, 7 & 24 , CONSTITUTES AN AREA IN NEED OF REDEVELOPMENT IN ACCORDANCE WITH THE CRITERIA SET FORTH IN N.J.S.A. 40A:12A-5**

WHEREAS, the Township Committee of the Township of Hopewell has authorized and directed the Hopewell Township Planning Board to undertake an expedited investigation of the site commonly described as Zaitz, and more specifically described as Block 85, Lots 3, 4, 5.01, 7 & 24 to determine whether the proposed area constitutes an area in need of redevelopment in accordance with the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, on September 7, 2017, the Hopewell Township Planning Board conducted a hearing as to Block 85, Lots 3, 4, 5.01, 7 & 24 (“study area”) as a potential area in need of redevelopment under N.J.S.A. 40A:12A-5; and

WHEREAS, the Planning Board reviewed the “Preliminary Investigation Report for Designation of an Area in Need of Redevelopment Block 85, Lots 3, 4, 5.01, 7 & 24, Hopewell Township Mercer County, New Jersey” dated July 2017, prepared by Banisch Associates, Inc, as well as heard the testimony of Francis J. Banisch, III, AICP/PP; and

WHEREAS, the Board in its review considered the testimony and comments raised by residents of the Township as to the proposed study area and the designation of the same as an area in need of redevelopment; and

WHEREAS, the public hearing was held on September 7, 2017, with all notice and jurisdictional requirements having been met; and

WHEREAS, at conclusion of the hearing, the Board pursuant to law has made the following findings of fact and conclusions:

1. The study area for evaluation includes five lots in Block 85: Lots 3, 4, 5.01, 7 and 24, consisting of 60.93 acres, occupying 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.
2. An unidentified lot between the gas station access point and the Shop Rite access point determined to be Block 85, Lot 30, was not included in the Township Committee’s direction to

undertake an investigation of the “Zaitz” site. It has been determined during the hearing that the lot in question was identified on the tax map as a tax lot owned by Wachovia Bank, also the owner of Lot 24. The Board found and concluded that this lot would qualify to be part of the area in need of redevelopment and recommends that the Township consider the same. The Board requests direction from the Township Committee as to whether the Township will direct the Board to review this lot further for inclusion in the area in need of redevelopment recommended in this resolution. The Board finds and concludes that the Township Committee should direct Frank Banisch to amend the preliminary investigation report to include Block 85, Lot 30 as part of the area in need of redevelopment recommended in this resolution.

3. Eight driveways provide access along the frontage including two driveways for a Wells Fargo Bank, three driveways for the existing gas station, two driveways for the existing Shop Rite and a farm drive into the Township (formerly Zaitz) property.
4. The conditions of the parcels in the study area are as follows:
  - A) 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.
  - B) 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. The site is covered with building and paving and has multiple driveways to CR 546 and Route 31.
  - C) Lot 5.01 is a 10.45-acre parcel developed with a Shop Rite supermarket. Situated at the southeast corner of the Route 31/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.
  - D) Lot 7 is a small half acre triangular wooded lot that adjoins Shop Rite along the Route 31 frontage. It is not in use at this time.
  - E) 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.
5. Based on the characteristics of the study area, each of the sites meets the statutory criteria and qualifies as an area in need of redevelopment as follows:

- A) Lot 3 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
- 1) N.J.S.A. 40A:12A-5c – land that is owned by the municipality
  - 2) N.J.S.A. 40A:12A-5e – 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
  - 3) 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.
- B) 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:
- 1) N.J.S.A. 40A:12A-5d – 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
  - 2) 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
- C) 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:
- 1) N.J.S.A. 40A:12A-5d – 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
  - 2) N.J.S.A. 40A:12A-5e – a growing lack ... of proper utilization ... caused by other conditions, resulting in a stagnant or not fully productive condition of land potentially useful ...
  - 3) N.J.S.A. 40A:12A-5h – designation of the delineated area is consistent with smart growth planning

- D) Lot 7 is a small vacant parcel with frontage on Route 31 that is currently wooded. 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”.
- E) Lot 24 is 5.5 acres of mostly woodlands 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.
6. An area in need designation must be based upon a demonstration that at least one of the statutory requirements of the Local Redevelopment and Housing Law is satisfied or that a parcel is otherwise necessary for the effective redevelopment of the area in need of redevelopment.
  7. The Preliminary Investigation Report recommends that all of the subject properties be designated as a non-condemnation area in need of redevelopment.
  8. 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.
  9. The comprehensive re-planning of these lands together can provide a variety of benefits to residents, businesses and travelers, including
    - a) Safer and more convenient travel on Route 31 after a reduction in the number of driveways complicating access to Route 31
    - b) Comprehensive redevelopment of outdated uses providing a mixture of uses that can attract and retain business, appeal to millennials and empty nesters and promote non-vehicular travel and health lifestyles

- c) Expansion of the ratable base with additional and redeveloped businesses and new housing, including the provision of affordable housing on a site acquired for this purpose

WHEREAS, at the conclusion of the hearing, the Board took action and voted to recommend to the Township Committee that the site commonly known as Zaitz and described as Block 85, Lots 3, 4, 5.01, 7 and 24 constitutes an area in need of redevelopment in accordance with the criteria set forth in N.J.S.A. 40A:12A-5, and directed that the Board Attorney prepare a resolution memorializing the action taken.

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 the Study Area (Block 85, Lots 3, 4, 5.01, 7 & 24) be designated as an area in need of redevelopment and adopts the recommendations set forth in the Preliminary Investigation Report for Designation of an Area in Need of Redevelopment Block 85, Lots 3, 4, 5.01, 7 & 24, Hopewell Township Mercer County, New Jersey" dated July 2017, and as revised September 7, 2017, prepared by Banisch Associates, Inc.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board hereby directs the Assistant Secretary to forward this Resolution and the Banisch Preliminary Investigation Report to the Township Clerk for Township Committee consideration.

VOTE ON THE MEMORIALIZATION – September 7, 2017


Yes - 7      No - 0      Absent - 3      Abstain - 0      Not Voting - 0

Belmont:      Yes  
Blake:      Absent  
Clarke:      Yes  
Kiss:      Yes  
Kuchinski:      Absent

Murphy:      Yes  
Parker:      Yes  
Swanson:      Yes  
Khare:      Absent  
Peters-Manning:      Yes

**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 September 7, 2017, at which a quorum was present.

  
Linda Barbieri  
Assistant Secretary