

HOPEWELL TOWNSHIP PLANNING BOARD

RESOLUTION NO. 17-012

RESOLUTION RECOMMENDING THAT THE SITES COMMONLY DESCRIBED AS C F HOPEWELL, HOPEWELL TOWNSHIP AND CHS AND MORE SPECIFICALLY DESCRIBED AS BLOCK 91, LOTS 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 & 3.961 AND BLOCK 93, LOTS 3.01, 5.01 & 6.01 CONSTITUTE 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 sites commonly described as CF Hopewell, Hopewell Township and CHS, and more specifically described as Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 & 3.961 and Block 93, Lots 3.01, 5.01 & 6.01 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 June 22, 2017, the Hopewell Township Planning Board conducted a hearing as to Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 & 3.961 and Block 93, Lots 3.01, 5.01 & 6.01 ("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 study area report entitled "Preliminary Investigation Report For Designation of an Area in Need of Redevelopment, Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 & 3.961 and Block 93, Lots 3.01, 5.01 & 6.01, dated June 2017, prepared by Banisch Associates, Inc, as well as heard the testimony of Francis J. Banisch, III, AICP/PP, together with the document entitled "Errata Pages 7-8" prepared by Banisch Associates, Inc; and

WHEREAS, the Board in its review considered the testimony, questions and concerns raised by several 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 June 22, 2017, with all notice and jurisdictional requirements having been met; and

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

1. The Board determined that Block 93, Lot 5.01, a municipally owned vacant lot on the west side of Scotch Road, satisfied statutory criteria set forth in N.J.S.A. 40A:12A-5(c) and qualifies as an

area in need of redevelopment, as well as satisfies N.J.S.A. 40A:12A-5 (e) due to a growing lack of proper utilization resulting from the collapse of the regional real estate market sufficient to prompt owners with major development entitlements to request new development opportunities and N.J.S.A. 40A:12A-5 (h) as being consistent with smart growth planning principles adopted pursuant to law or regulation.

2. The Board determined that all other lots in the study area did not meet the criteria of N.J.S.A. 40A:12A-5(c) in that those lands were not owned by the Municipality nor were they unimproved vacant land that remained so for a period of ten years and that by reason of its location were not likely to be developed through the instrumentality of private capital.
3. The Board engaged in a lot by lot analysis of the study area and for the reasons and analysis put forth in the Preliminary Investigation Report prepared by the Board's planner, Banisch Associates, Inc. and Exhibit A attached hereto identifies the statutory criteria the Board has determined to be satisfied for each lot. Listed below is a summary of those criteria:
 - (i) **N.J.S.A. 40A:12A-5(d)**: based on the history of development approvals combined with the incomplete development of the GDP approved uses contributes to a growing lack of proper utilization of areas caused by diverse ownership of the real property and other conditions resulting in a stagnant or not fully productive condition of land;
 - (ii) **N.J.S.A. 40A:12A-5(e)**: the GDP outlines what Hopewell Township has approved as proper utilization of these lands. Nonetheless, there has been a growing lack of proper utilization resulting from the collapse of the regional real estate market sufficient to prompt owners with major development entitlements to request new development opportunities;
 - (iii) **N.J.S.A. 40A:12A-5(h)**: although under the law, this criteria standing alone does not justify inclusion of a property into an area in need of redevelopment, the designation of all of the lots in the study area is consistent with smart growth planning principles and satisfies other criteria of the statute.
4. Some Board members expressed a concern that those lots located on the west side of Scotch Road (Block 93, Lots 3.01, 5.01 & 6.01) may not meet the required statutory criteria. In addition, the comments of some members of the public reflected that opinion. However, the Board decided to include those lots in the recommendation to the Township Committee based on the following factors:

- a) All of those lots are part of the GDP and therefore are connected from a planning standpoint and a functional standpoint to the lots located on the east side of Scotch Road. The inclusion of these lots was found to be necessary based on the statutory definition of an “area in need of redevelopment” which provides that “... **a redevelopment area may include lands, buildings and improvements which of themselves are not detrimental to the public health, safety and 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).
 - b) Determination that criteria (h) of the statute applied to all of the lots in question and particularly applied to the lots on the west side of Scotch Road in that the Board reiterated its long standing policy that the west side of Scotch Road be developed utilizing smart growth principles, more particularly, to provide a buffer between state plan designation as planning area 3 and proximity to the east side of Scotch Road which is in planning area 2. The Board reiterated its intent to accommodate smart growth in area PA3 to protect the environment primarily as open land, protect the character of existing stable communities, protect natural resources and provide a buffer between the area designated as PA2 and the area designated as PA3.
5. The Board concluded that the designation of an area in need of redevelopment provides more flexibility and municipal control with respect to the development of property as opposed to standard zoning ordinance control. Therefore, such a designation is more beneficial to the Township as a method of regulating land use.

WHEREAS, at the conclusion of the hearing, the Board took action and voted to recommend to the Township Committee that the sites commonly described as Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 & 3.961 and Block 93, Lots 3.01, 5.01 & 6.01 constitute 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 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 & 3.961 and Block 93, Lots 3.01, 5.01 & 6.01) 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 and Errata Pages 7-8 prepared by Banisch Associates, Inc. dated June 2017, except as modified herein.

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 and Errata Pages 7-8 to the Township Clerk for Township Committee consideration.

Motion made: Swanson Motion seconded: Belmont

ROLL CALL ON THE MOTION – June 22, 2017

Yes - 5 No - 1 Absent - 4 Abstain - 0 Not Voting – 0

Belmont:	Yes	Murphy:	Yes
Blake:	Absent (Recused)	Parker:	Yes
Clarke:	No	Swanson:	Yes
Ferrara:	Absent	Khare:	Absent (Recused)
Kiss:	Yes		
Kuchinski:	Absent		

VOTE ON THE MEMORIALIZATION – July 27, 2017

Yes - 4 No - 0 Absent - 6 Abstain - Not Voting – 1

Belmont:	Yes	Murphy:	Yes
Blake:	Absent	Parker:	Absent
Clarke:	Absent	Swanson:	Yes
Ferrara:	Absent	Khare:	Absent
Kiss:	Yes	Peters-Manning:	Absent
Kuchinski:	Not Voting		

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 July 27, 2017, at which a quorum was present.



Linda Barbieri
Assistant Secretary

EXHIBIT A RESOLUTION 17-012 Qualifying Criteria for Redevelopment Designation	
Tax Parcel	Qualifies for Redevelopment per <u>N.J.S.A.</u> 40A:12A-5, subsection:
Block 91 Lot 3.11	c (10+ yrs. vacant), d (obsolete layout-GDP), e (not fully productive), h (smart growth planning)
Block 91 Lot 3.14	d (obsolete layout-GDP), e (not fully productive), h (smart growth planning)
Block 91 Lot 3.161	d (obsolete layout-GDP), e (not fully productive), h (smart growth planning)
Block 91 Lot 3.181	d (obsolete layout-GDP), e (not fully productive), h (smart growth planning)
Block 91 Lot 3.191	d (obsolete layout-GDP), e (not fully productive), h (smart growth planning)
Block 91 Lot 3.22	d (obsolete layout-GDP), e (not fully productive), h (smart growth planning)
Block 91 Lot 3.95	d (obsolete layout-GDP), e (not fully productive), h (smart growth planning)
Block 91 Lot 3.961	d (obsolete layout-GDP), e (not fully productive), h (smart growth planning)
Block 93 Lot 3.01	d (obsolete layout-GDP), e (not fully productive), h (smart growth planning)
Block 93 Lot 5.01	c (municipal owned), e (not fully productive), h (smart growth planning)
Block 93 Lot 6.01	d (obsolete layout-GDP), e (not fully productive), h (smart growth planning)