

# Preliminary Investigation for Determination of an Area in Need of Redevelopment

A Portion of the Borough of Hopewell  
Mercer County, New Jersey  
May 2016  
Prepared By:  
Banisch Associates, Inc.  
111 Main Street, Flemington, NJ 08822

6/6/2016

## *Legal Framework for Redevelopment*

- The Local Redevelopment and Housing Law, P.L. 1992 C. 79 (C40A:12A-1 et seq.) provides
  - tools for municipalities to remedy deterioration and improve the productivity of underproductive lands
  - permits inclusion of lands and buildings that do not exhibit the qualifying criteria to 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.

6/6/2016

## Legal Framework for Redevelopment

- New Jersey's redevelopment law offers a variety of tools to 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 for fair share obligation**

6/6/2016

### Redevelopment Planning Process In New Jersey

N.J.S.A. 40A:12A-1 et seq.

**1. Governing Body**  
by resolution directs the Planning Board to undertake a preliminary investigation of whether an area meets redevelopment criteria and to conduct a public hearing

**2. Planning Board**  
examines the study area and maps the boundaries of proposed redevelopment area(s) along with the basis for the investigation

**3. Planning Board**  
sets a date for a public hearing and gives public notice describing the boundaries of the area, and where the map is available for public inspection

**4. Planning Board**  
completes the public hearing and recommends to governing body whether to designate all or part of study area as an area in need of redevelopment

**5. Governing Body**, if in agreement with Planning Board recommendation, adopts a binding resolution designating all or part of a proposed area as a redevelopment area

**6. Governing Body**  
authorizes preparation of a redevelopment plan

**7. Planning Board**  
reviews the redevelopment plan for consistency with Master Plan

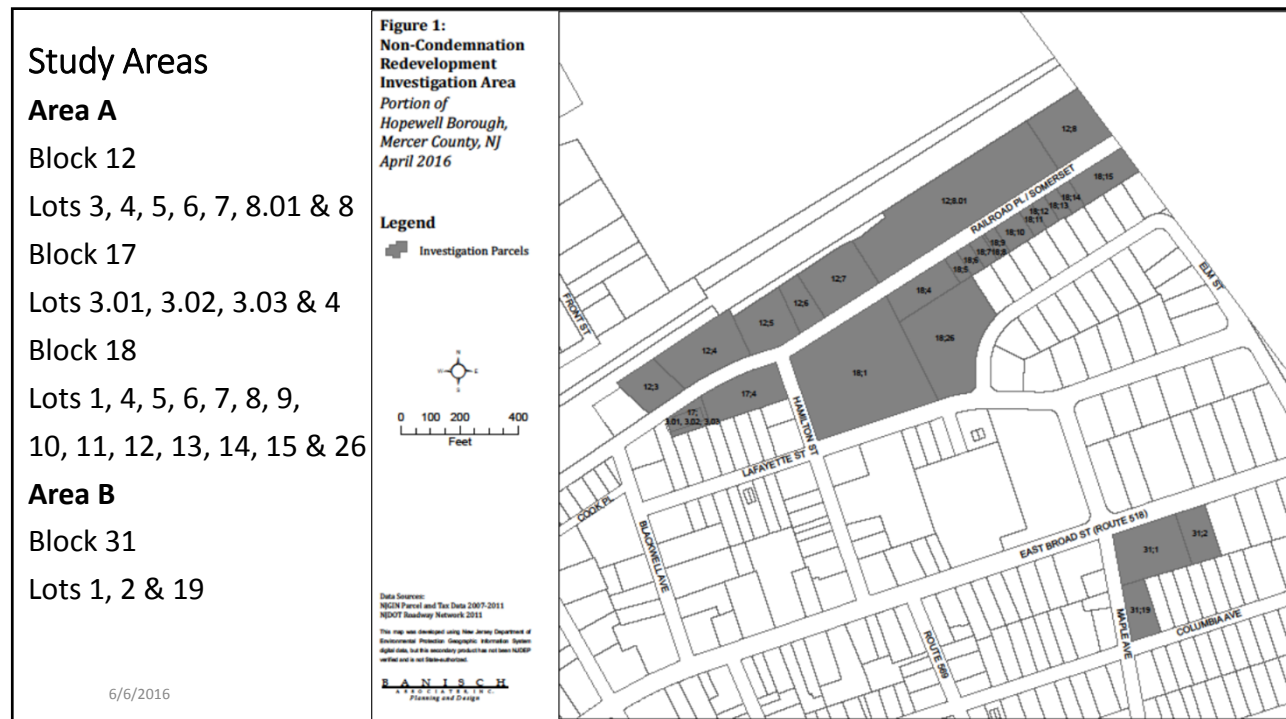
**8. Governing Body**  
holds a public hearing and adopts the Redevelopment Plan by Ordinance

6/6/2016

## Governing Body Resolutions

- Hopewell Borough Council adopted **Resolution No. 2015-104** on August 6, 2015, directing the Hopewell Borough Planning Board to **undertake a preliminary investigation** to determine whether certain lots constitute an area in need of redevelopment pursuant to the criteria set forth in the LRHL at N.J.S.A. 40A:12A-5.
- The Borough Council on October 5, 2015 adopted Resolution No. 2015-111, amending Resolution 2015-104 to specify that the Study Area was to be investigated as a non-condemnation area in need of redevelopment.
- Resolution No. 2016-59 now directs the Planning Board to change its preliminary investigation to an investigation to determine whether the Study Area constitutes a condemnation area in need of redevelopment

6/6/2016



6/6/2016

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

- 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, 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.**
- 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**...(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.

6/6/2016

## Area A Criteria

Block	Lot	NJS 40A:12A				NOTES
		-5a	-5d	-5e	-5h	
12	3	X	X		X	Excessive coverage, steep driveway
12	4	X	X		X	Excessive coverage, steep driveway
12	5	X	X		X	Obsolete layout due to irregular building placement (partially in r.o.w), excessive coverage, poor pavement condition, uncontrolled access, lack of landscaping
12	6	X	X		X	Uncontrolled access, appearance of excessive coverage, lack of landscaping, poor pavement condition
12	7	X	X		X	Excessive/unused pavement - parking lot for former Kooltronic bldg.
12	8.01	X	X	X	X	Vacant remediated contaminated site, lack of proper utilization caused by the history of contamination, not fully productive land
12	8	X	X		X	Excessive coverage, fuel oil depot-heavy truck traffic, lack of landscaping
17	3.01	X	X		X	Obsolete layout, excessive coverage, insufficient on site parking
17	3.02	X	X		X	Obsolete layout, excessive coverage, insufficient on site parking
17	3.03	X	X		X	Obsolete layout, excessive coverage, insufficient on site parking
17	4	X	X		X	Obsolete layout, building partly in r.o.w.
18	1	X	X		X	Known contaminated site under remediation, obsolete layout and design of factory building
18	4-14	X	X	X	X	Vacant remediated contaminated site, lack of proper utilization caused by the history of contamination, not fully productive land
18	15	X	X		X	obsolete layout, excessive coverage, excessive vehicle storage
18	26	X	X		X	Detention basin occupies part of site, balance of site is wooded

6/6/2016

## Area B Criteria

Block	Lot	NJS 40A:12A			NOTES
		-5a	-5d	-5h	
31	1	X	X	X	Vacant with vehicle storage
31	2	X	X	X	Vacant with vehicle storage
31	19	X	X	X	Obsolete layout, excessive coverage, poor pavement condition, outdated design, pavement unraveling

6/6/2016

## *Summary of Findings and Recommendations*

- All areas referred to the Planning Board for study are **deemed appropriate for designation as an area in need of redevelopment.**
- This preliminary investigation is not designed to recommend specific reuse alternatives for this area, since such recommendations can only be outlined in a redevelopment plan.
- Following any redevelopment area designation by governing body resolution, the governing body directs the preparation of a redevelopment plan
  - set out goals and objectives
  - Outline actions to be taken to accomplish goals and objectives

6/6/2016