

REPORT OF FINDINGS

NON-CONDEMNATION PRELIMINARY REDEVELOPMENT INVESTIGATION

BLOCK 3.44, LOT 1.02 &

BLOCK 3.47, LOTS 1.01, 2.01, 4.01 STUDY AREA

ROBBINSVILLE TOWNSHIP, MERCER COUNTY, NEW JERSEY



Prepared by



April 24, 2024

ARH Project Number: 150021.01

Prepared for





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- Daniel Jackson, Vice Chair
- Ravi Patni, Mayor’s Representative
- Chris Ciaccio, Council Representative
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The original of this document has been signed and sealed pursuant to N.J.S.A. 45:14A-12.

Respectfully Submitted:

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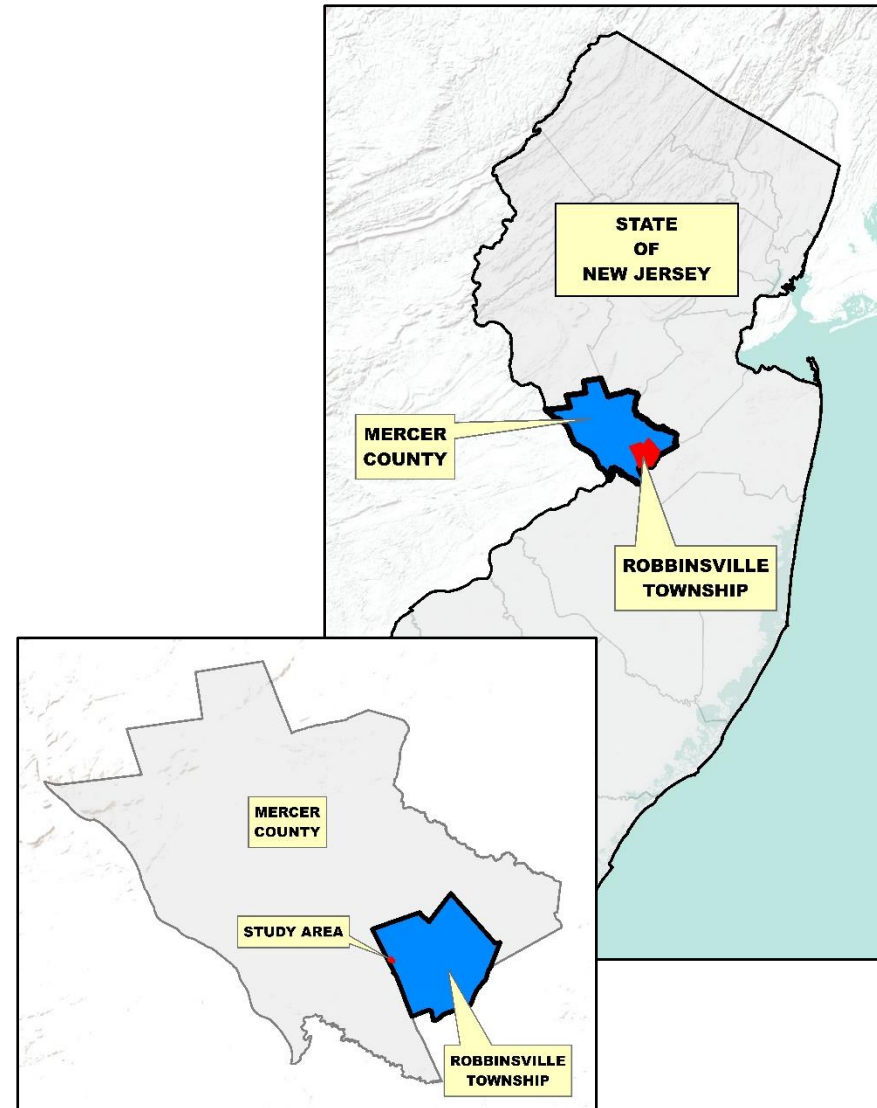
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1.0 INTRODUCTION

1.1 BACKGROUND

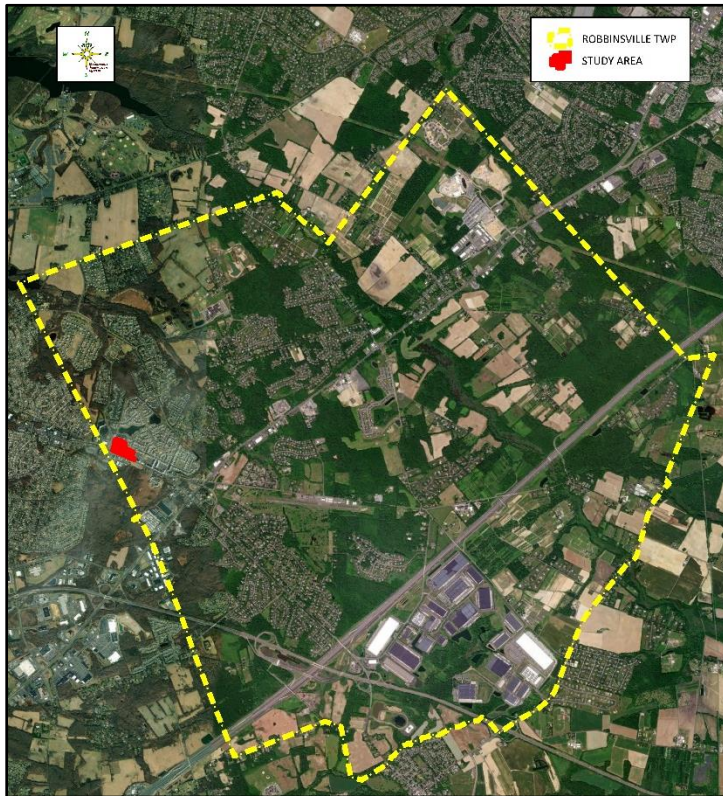
There exists in the Township of Robbinsville, Mercer County, New Jersey¹, a 4 lot, (approximately) 13.3-acre area at the western edge of the award-winning Robbinsville Town Center². Such area consists of Block 3.44, Lot 1.02 and Block 3.47, Lots 1.01, 2.01 and 4.01 on the official Tax Map of the Township of Robbinsville.

A cursory review of these lots finds a vacant building, a to-be-vacant building and apparent un/underutilized and un/underproductive lands, and an apparent lack of proper development which result from forces which are amenable to correction and amelioration by the concerted effort of responsible public bodies, and without this public effort are not likely to be corrected or ameliorated by private effort.



¹ "Township"

² Formerly known as the "Washington Town Center".



arrest and reverse such conditions and to promote the advancement of community interests through programs of redevelopment and/or rehabilitation of such lands.

Utilizing the comprehensive set of tools and techniques available only under the *Redevelopment Law*, municipalities may modify land use and zoning controls; acquire property deemed necessary for redevelopment; clear or provide for the clearance of lands; install infrastructure and/or other site improvements; provide favorable tax and other financial

1.2 LOCAL REDEVELOPMENT & HOUSING LAW

1.2.1 AUTHORIZING LEGISLATION

In 1992, the New Jersey Legislature empowered municipalities to address conditions as described by adopting the *Local Redevelopment & Housing Law*³, the purpose of which is to provide local officials with the tools and powers necessary to

³ N.J.S.A 40A:12A-1 et. seq (“Redevelopment Law”)



incentives to facilitate redevelopment; and solicit for, negotiate / enter into partnerships with and transfer lands to public and private entities in order to accomplish certain defined goals and objectives.

1.2.2 THIS REDEVELOPMENT INITIATIVE

The first step in the Redevelopment process is for a municipal Governing Body to direct the municipal Planning Board to undertake what the *Redevelopment Law* terms a “Preliminary Investigation” to determine if the conditions in a targeted area (i.e., Study Area) conform with any of the eight (8) Statutory Criteria under which lands may be declared to be “In Need of Redevelopment” under sections 5 and 6 of the *Redevelopment Law*.

A. On February 1, 2024, the Robbinsville Township Council adopted Township Resolution No. 2024-069⁴; thereby authorizing and directing the Robbinsville Land Use Board to conduct the necessary investigations and to undertake the necessary steps to determine whether or not Block 3.44, Lot 1.02 and Block 3.47, Lots 1.01, 2.01

and 4.01 or any part thereof, on the Township of Robbinsville Tax Map, inclusive of any and all streets, “paper” streets, private drives and all bounding and internal right-of-way or any part or parts thereof⁵, qualified for designation as a Non-Condemnation Area in Need of Redevelopment under the criteria and pursuant to the public hearing process set forth in N.J.S.A. 40A:12A-1, et seq.

B. On March 19, 2024, the Robbinsville Land Use Board adopted Resolution No. LU2024-19⁴, accepting the directive of the Township Council and assigning **ARH ASSOCIATES**,⁶ Licensed Professional Planners in the State of New Jersey and the Planning Board’s appointed Planner, to undertake the Investigation its Board’s behalf. In satisfaction of N.J.S.A. 40A:12A-6 b(1), a Statement setting forth the Township’s Basis for this Preliminary Investigation and a map of the Study Area indicating all Blocks and Lots therein were placed on file with the Township Clerk.

⁴ On file with the Township Clerk and/or the Land Use Board Secretary.

⁶ “ARH”

⁵ “Block 3.44, Lot 1.02 & Block 3.47, Lots 1.01, 2.01, 4.01 Study Area” or “Study Area”.





1.3 REPORT OF FINDINGS

This Report of Findings consists of a review of the Statutory Criteria under which an area may be determined to be In Need of Redevelopment, the findings of the Investigation as directed by the Governing Body, and an analysis of how these findings conform to the Statutory Criteria for Redevelopment Area designation.

The report culminates in a final recommendation to the Land Use Board.

2.0 METHODOLOGY

2.1 OVERVIEW

A Preliminary Investigation of the type conducted herein makes no judgment as to the policy implications of any findings, recommendations or determinations that may be made. The analyses undertaken simply evaluate the existing conditions within the Study Area against the specific criteria enumerated in N.J.S.A. 40A:12A-5.

1.1 SOURCES

The analyses contained in this Report of Findings rely on:

- Township Parcel Mapping and associated data⁷ compiled by **ARH ASSOCIATES**;
- Visual inspections of the accessible sections of the Study Area conducted in March 2024;
- NJDEP, Google Earth and Bing Aerial Photography⁸ ;
- Georeferenced World Imagery (aerial photography) compiled and maintained by ESRI⁹ ;

- Georeferenced Environmental Mapping compiled and maintained by NJDEP; and
- Various Geographic Information System (G.I.S.) coverages generated for this assignment.

These sources were augmented by communications with Township officials and were used as the basis to compare conditions in the Study Area against the Statutory Criteria required for Redevelopment Area designation.

1.1 ACREAGE CALCULATIONS

Acreage calculations were developed from the Township's electronic Tax Maps and Township Tax Assessment records. Information is therefore deemed accurate to the source material. A Boundary Survey of the Study Area and the individual Lots therein, performed by a licensed Land Surveyor, is required for precise measurements.

⁷ Robbinsville Township Tax Assessment (MOD IV) attribute data obtained from the New Jersey Association of County Tax Boards (downloaded from the NJATCB website in April 2023).

⁸ <https://newjersey.maps.arcgis.com/home/item.html?id=8bf43d89c9754f55a09b3e0959d6b35c>

⁹ <https://www.arcgis.com/home/item.html?id=10df2279f9684e4a9f6a7f08febac2a9>



2.4 DISCLAIMERS

Assumptions, caveats, and data qualifications relevant to particular analyses are indicated as applicable.

The findings, conclusions and recommendations presented in this Report of Findings are the opinion of the authors and are based on a review of available records, interviews with knowledgeable individuals, physical inspections of the accessible sections of the Study Area and interpretation of data as cited herein.

Data collection is limited to sources cited herein. Unless otherwise stated, no primary research was conducted.

This Investigation does not include the collection or sampling of any soils, groundwater, surface water, or air, nor does it include any inspection of areas that would require an extraordinary effort to access.

While the authors have taken great care in compiling, checking and reviewing the information presented herein to ensure its accuracy and timeliness, the information cannot be guaranteed against errors, omissions or inaccuracies arising from sources

outside of the authors' control. Within this context, the analyses and findings presented herein are based on and rely upon the accuracy and completeness of the information supplied by or on behalf of the Township, its agents and representatives and/or other sources as cited.

The findings, conclusions and recommendations contained herein are expressly conditioned upon the completeness and accuracy of such information.

Neither **ARH ASSOCIATES** nor any affiliates related thereto has any present or contemplated future interest in the Study Area that would impair the authors' ability to perform an objective analysis. Further, neither future employment nor compensation above and beyond the cost to produce this Report of Findings have been promised to **ARH ASSOCIATES**, its employees, agents, officers, or affiliates for any particular result of this Preliminary Investigation.

3.0 DEFINITIONS

For the purposes of this Report of Findings, and in addition to any terms defined within the body of this document, the following terms shall have the meaning as set forth in this section. Terms not defined herein shall have the meaning set forth in Chapter 142 of the Township Code. Terms presented as singular or plural, masculine or feminine, shall be construed within the context in which they occur.

3.1 “Blight” shall mean¹⁰:

- ...something that impairs growth, withers hopes and ambitions, or impedes progress and prosperity; see New Oxford American Dictionary 177 (2nd ed. 2005) (defining “blight” as “an ugly, neglected, or rundown condition of an urban area”).
- ...an area in which deteriorating forces have obviously reduced economic and social values to such a degree that widespread rehabilitation is necessary to forestall the development of an actual slum condition.
- ...an area, usually in a city, that is in transition from a state of relative civic health to the state of being a slum, a breeding ground for crime, disease, and unhealthy living conditions.

The term presumes deterioration or stagnation that negatively affects surrounding areas.

3.2 “Block 3.44, Lot 1.02 & Block 3.47, Lots 1.01, 2.01, 4.01 Study Area” shall mean the 4 Lot, (approximately) 13.3-acre portion of Robbinsville Township located along Route 33, as further described in Township Resolution No. 2024-069 and §1.0 herein, and which is the subject of this Preliminary Investigation.

3.3 “Chapter 142” shall mean Chapter 142 of the Robbinsville Township Municipal Code, as same may be amended from time-to-time.

3.4 “Dilapidate”, “Dilapidated” or “Dilapidation” shall mean (as defined in Webster’s¹¹)

- *(v) to bring into a condition of decay or partial ruin by use;*
- *(adj.) in very bad condition because of age or lack of care; decayed, deteriorated, or fallen into partial ruin especially through neglect or misuse.*

¹⁰ As defined by the New Jersey Supreme Court in Gallenthin Realty Development, Inc. v. Township of Paulsboro. 191 N.J. 344 (2007).

¹¹ www.merriam-webster.com/dictionary



3.5 “Governing Body” shall have the same meaning as Township Council¹².

3.6 “Land Use Board” shall mean the Robbinsville Township Land Use Board, established pursuant to the Municipal Land Use Law and operating pursuant to the various regulations of the Township Code and other relevant statutes, and acting in its capacity as the Township’s Planning Board under the *Local Redevelopment & Housing Law*.

3.7 “*Local Redevelopment & Housing Law*” shall mean N.J.S.A. 40A:12A-1 et seq.

3.8 “*Municipal Land Use Law*” shall mean N.J.S.A. 40:55D-1 et seq.

3.9 “NJDCA” shall mean the New Jersey Department of Community Affairs¹³.

3.10 “NJDEP” shall mean the New Jersey Department of Environmental Protection¹³.

3.11 “NJDOT” shall mean the New Jersey Department of Transportation¹³.

3.12 “Obsolete” or “Obsolescent” shall mean (as defined in Webster’s¹¹):

- (adj.) no longer in use or no longer useful; of a kind or style no longer current; indistinct or imperfect as compared with a corresponding part in related organisms.
- (adj.) going out of use; becoming obsolete

3.13 “Office of Planning Advocacy” (“OPA”) shall mean the successor to the New Jersey Office of Smart Growth (“OSG”) and the Office of State Planning (“OSP”); operating out of the office of the Secretary of State under the Lieutenant Governor.

As part of its Business Action Center, the OPA is charged with helping to spur economic growth in New Jersey.

3.14 “Preliminary Investigation” shall mean this instant process under which the conditions in the Block 3.44, Lot 1.02 & Block 3.47, Lots 1.01, 2.01, 4.01 Study Area are analyzed to determine conformance with the Statutory Criteria for Redevelopment Area designation under the *Local Redevelopment & Housing Law*.

¹² Within the context of the various sections of this document, the terms “Township”, “Governing Body” and “Robbinsville” shall mean the Robbinsville Township Council.

¹³ including all divisions and agencies thereof.



REPORT OF FINDINGS

**NON-CONDEMNATION PRELIMINARY REDEVELOPMENT INVESTIGATION
BLOCK 3.44, LOT 1.02 & BLOCK 3.47, LOTS 1.01, 2.01, 4.01 STUDY AREA
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, NEW JERSEY**

- 3.15** “Publication” shall mean the date printed on the cover of this Report of Findings, which shall signify the date this Report was finalized for printing.
- 3.16** “Report of Findings” shall mean this instant document, along with additional narrative, graphics and presentation materials associated herewith.
- 3.17** “Redevelopment Law” shall have the same meaning as *Local Redevelopment & Housing Law*.
- 3.18** “Robbinsville” and “Robbinsville Township” shall mean the Township of Robbinsville, a body corporate and politic, and unless otherwise indicated, includes its Governing Body, elected officials, officers and staff.¹²
- 3.19** “State Plan” shall mean the New Jersey *State Development & Redevelopment Plan*, adopted March 2001.
- 3.20** “Study Area” shall have the same meaning as Block 3.44, Lot 1.02 & Block 3.47, Lots 1.01, 2.01, 4.01 Study Area.
- 3.21** “Township” shall have the same meaning as Robbinsville Township.

- 3.22** “Township Council” shall mean the legislative arm of the Township of Robbinsville.

4.0 LOCAL REDEVELOPMENT & HOUSING LAW

4.1 PROCESS

The Redevelopment Law requires a multi-step, public process before a municipality may exercise the powers granted therein. Pursuant to N.J.S.A. 40A:12A-6:

A. A municipal Governing Body must direct the municipality's Planning Board ~ for Robbinsville, the Land Use Board ~ to undertake what the *Redevelopment Law* terms a Preliminary Investigation of an area in question to determine whether it meets the Statutory Criteria for Redevelopment designation. This was accomplished by Township Resolution No. 2024-069¹⁴.

Resolution No. 2024-069 stated that the investigation was in furtherance of a Non-Condemnation Redevelopment Area designation.

B. The Land Use Board must prepare and post a map with the municipal clerk showing the boundaries of the area in

question and the location of the various blocks and lots therein. Said map must be accompanied by a statement setting forth the Governing Body's basis for the Investigation.

The foregoing occurred prior to Publication of this Report of Findings. Actions subsequent to such date are prospective.

C. As part of the Investigation process, the Land Use Board must hold a duly noticed public hearing to discuss the findings of the Investigation and to hear persons who are interested in or would be affected by the contemplated action. The Board's finding(s) and recommendation(s) from said hearing are then referred (in the form of a Land Use Board Resolution) to the Governing Body for formal action.

D. Upon receipt of the finding(s) and recommendation(s) from the Land Use Board, the Governing Body may adopt

¹⁴ On file with the Township Clerk and/or Land Use Board Secretary.



a resolution designating the area in question, or any part thereof, as an Area in Need of Redevelopment.

E. Upon adoption of such resolution, the municipal clerk must transmit a copy thereof to the Commissioner of the New Jersey Department of Community Affairs. Whereupon:

1. If the area determined to be In Need of Redevelopment is located where State policy encourages (re)development, the determination shall take effect immediately.
2. If the area determined to be In Need of Redevelopment is not located where State policy encourages (re)development, then the determination shall not take effect without the approval of the NJDCA Commissioner. If the Commissioner does not act within 30 calendar days, the determination is deemed to be approved.

F. Notice of the Redevelopment determination shall be served, within 10 days thereafter, upon all record owners

of property located within the delineated area, those whose names are listed in the tax assessor's records, and upon each person who filed a written objection thereto and stated an address to which notice of determination may be sent.

In this case, such notice shall specifically state that a Redevelopment Area determination shall **NOT** authorize the Township to exercise the power of eminent domain to acquire property in any eventual Redevelopment Area.

G. Upon Redevelopment Area designation and approval by the NJDCA Commissioner (if applicable), the municipality may then prepare a Redevelopment Plan for the Redevelopment Area, establishing the goals and objectives of the municipality in designating the Area to be In Need of Redevelopment and outlining the actions to be taken to accomplish these goals and objectives.

H. Once prepared, the Redevelopment Plan is reviewed by the Land Use Board and, after public hearing, is referred to the Governing Body (in the form of a Land Use Board Resolution) with recommendation(s) regarding adoption.



- I. Upon receipt of the Resolution and recommendation(s) from the Land Use Board, the Governing Body may adopt the Redevelopment Plan by Ordinance. The adopted Redevelopment Plan may become an explicit amendment to the municipality's Zoning District Map and Zoning Ordinance or may be treated as an overlay to existing zoning.

It is only after completion of this multi-step public process that a municipality is able to exercise the tools and powers available to it under the Redevelopment Law.

4.2 AREA IN NEED OF REDEVELOPMENT

4.2.1 STATUTORY CRITERIA

An area may be determined to be In Need of Redevelopment if, after investigation, notice and hearing, the Governing Body of the municipality, by resolution, concludes that any of the following conditions is found to be present:

- A. *N.J.S.A. 40A:12A-5a:
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. *N.J.S.A. 40A:12A-5b:
The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least 2 consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.*
- C. *N.J.S.A. 40A:12A-5c:
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 10 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. *N.J.S.A. 40A:12A-5d:
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 land 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. N.J.S.A. 40A:12A-5e:
A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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. N.J.S.A. 40A:12A-5f:
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. N.J.S.A. 40A:12A-5g:
In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act,"... 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 (40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to... (40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to... (40A:21-1 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... (40A:12A-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.

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

4.2.2 SUBSTANTIVE VS. LOCATIONAL CRITERIA

- A. Criterion 'g' relates to the location of a property within an Urban Enterprise Zone and, absent a finding of (negative) conditions affecting the property, limits the



powers afforded municipalities under this Criterion to tax abatement and tax exemption.

- B. Further, while the Redevelopment Law permits municipalities to rely solely on Criterion 'h' as determinative of a property's Need of Redevelopment, such Criterion is based on the location of a property within an area designated for growth ~ and not the actual condition of the property. It is unlikely that such a locational factor will survive challenge absent a finding of (negative) conditions affecting a property.

Accordingly, while not statutorily recognized, this Preliminary Investigation employs the term Substantive Criteria for those which are based on the condition of a property (i.e., Criteria 'a', 'b', 'c', 'd', 'e' & 'f'), and applies Criteria 'g' and 'h' as supplemental factors for Redevelopment Area designation.

Crucial to the application of the aforementioned is the understanding that the presence of **ANY ONE (1) OF THESE CRITERIA** is sufficient for a municipality to make a determination that an area is In Need of Redevelopment.

4.2.3 REDEVELOPMENT AREA DEFINITION

In addition to the Statutory Criteria, the *Redevelopment Law* provides¹⁵ 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.

4.3 IMPLICATIONS FOR THE STUDY AREA

It is only upon a Redevelopment Area designation that the Township is able to bring to bear the comprehensive tools and powers available to it under the Redevelopment Law to address the conditions within the Study Area.

¹⁵ N.J.S.A. 40A:12A-3



5.0 STUDY AREA PROFILE

5.1 STUDY AREA DELINEATION

5.1.1 As directed by the Governing Body via Township Resolution 2024-069¹⁶, the Study Area for this Preliminary Investigation consists of Block 3.44, Lot 1.02 and Block 3.47, Lots 1.01, 2.01 and 4.01, as well as any and all streets, “paper” streets, private drives and all bounding and internal right-of-way or any part or parts thereof, as depicted on the official tax map of the Township of Robbinsville.

The Study Area contains approximately 9.5 acres in the form of Tax Lots and approximately 3.8 acres in the form of Rights-of-Way, for a total of approximately 13.3 acres¹⁷.

5.1.2 In satisfaction of the requirements of N.J.S.A. 40A:12A-6 b., the following map showing the boundaries of the Study Area and the location of all blocks and lots therein, as well as a Statement of the Basis for the Township’s initiating this Redevelopment Process, have been placed on file with the Township Clerk.

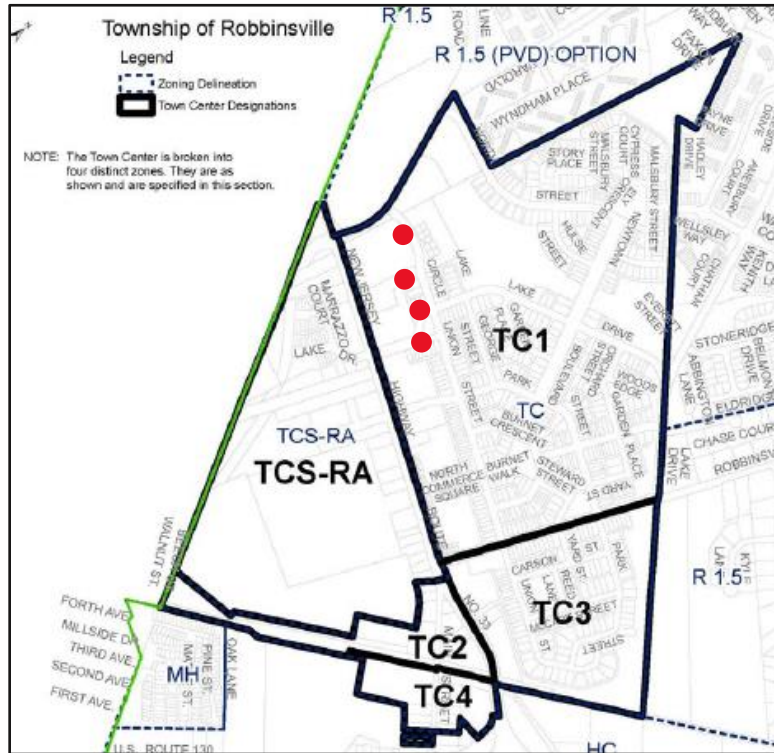


5.2 STUDY AREA ZONING

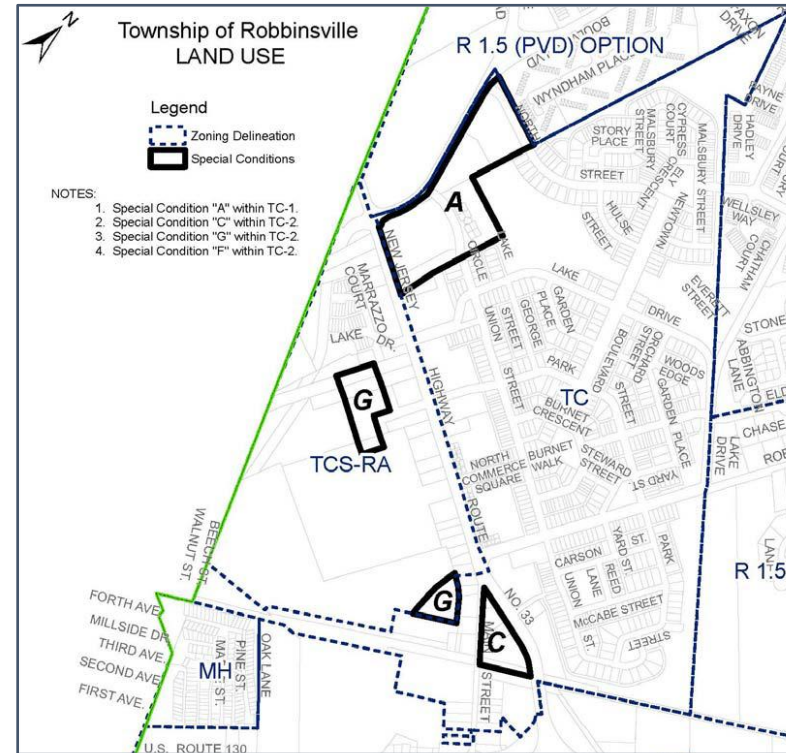
The Study Area is located in the [formerly Washington, now] Robbinsville Town Center, within the Town Center - 1 (TC-1) Zoning District. Lot 4.01 and a portion of Lot 1.01 are additionally in the TC-1 ~ Special Condition Area A subzone.

¹⁶ On file with the Township Clerk and/or the Land Use Board Secretary.

¹⁷ Acreage calculations were developed from the Township’s electronic Tax Maps and Tax Assessment records. Information is therefore deemed accurate to the source material. A Boundary Survey of the individual Lots, performed by a licensed Land Surveyor, is required for precise measurements.



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The TC-1 Zone is governed by §142-19 D. of the Township Code. Regulations for Special Condition Area A of the TC-1 Zone are addressed in §142-19 D(3).

¹⁸ 142 Attachment 5-3:2
Town Center Zone Plan (Amended 6/14/2013 by Ord. No. 2013-12).
Town Center Zoning & Design Regulations

¹⁹ 142 Attachment 5-3:3
Special Conditions: Town Center Zone Plan (Amended 6/14/2013 by Ord. No. 2013-12).
Town Center Zoning & Design Regulations



5.2.1 TOWN CENTER -1 (TC-1)

A. Purpose & Intent

The legislative intent of the Town Center is, in pertinent part, to:

... create a mixed-use district comprised of a variety of housing stock; commercial; public and quasi-public uses; and open space areas designed to serve as both passive and active amenities to the zone district.

... integrate newly developed lands within the [Town Center] with existing properties in and around the existing Village of Robbinsville..., some of which are presently commercial and some of which are residential. It is intended that most of these existing properties will eventually be converted to commercial mixed use or commercial / office / retail urban apartments.

The governing body has promulgated a series of policy statements ... which are to be considered in reviewing all development applications involving lands located in the Town Center²⁰.

B. Permitted Principal Uses

- *Village houses & Narrow Lot Houses, being single-family detached dwellings.*
- *Duplex and Townhouse dwellings.*

- *Commercial / office / retail urban apartment.*
- *Public and semipublic uses, including parks and playgrounds, conservation areas, and structures and facilities constructed as part of [the] principal use.*
- *Public, private and parochial schools for academic instruction (minimum 2 acres).*
- *Day-care & Elder-care Centers.*
- *Churches, temples and other places of worship and related school buildings and parish houses (minimum 1 acre).*
- *Post office and library facilities.*
- *Cultural facilities such as museums, auditoriums and conservatories.*
- *Retail sale or rental of goods, merchandise, or equipment, except*
 - *Uses requiring storage or display of goods outside a fully enclosed building.*
 - *Motor vehicle sales or service operations.*
 - *Lumberyards.*
 - *Adult bookstores and/or peep shows.*
 - *Auction markets.*
 - *Pawn shops.*

²⁰ Omitted for brevity.

- *Personal service establishments, having as their primary function the rendering of a service to a client within a building. Such services may include, but are not limited to, barber and beauty shops; dry-cleaning establishments; self-service laundromats; tailor shops; weight loss centers; portrait studios; interior decorating services; video rental; and mail centers. Such service shall not include the following:*
 - *Massage parlors.*
 - *Animal grooming establishments.*
 - *Kennels.*
 - *Veterinary hospitals.*
 - *Tarot card reading / fortune-telling establishments.*
 - *Business service establishments, having as their primary function the rendering of service to a business client. Such services may include, but are not limited to, document reproduction, duplication, and administrative services.*
 - *Product service establishments, having as their primary function the servicing or repair of a product, including, but not limited to, the repair and servicing of shoes, audio and visual equipment, appliances, jewelry and watches. Motor vehicular repair, maintenance and/or body shops are not permitted.*
 - *Business offices, including but not limited to insurance agents, travel agents, realtors, finance and investment companies, and tax preparation services.*
 - *Instructional studios, fitness centers and billiard parlors.*
 - *Banks and other financial institutions, excluding check-cashing businesses but including automated teller machines (ATM).*
 - *Neighborhood motor vehicle service station or garage (see definition).*
 - *Professional offices, including but not limited to offices for architects, artists, authors, dentists, doctors, lawyers, ministers, musicians, engineers, optometrists, opticians, and such other similar professions.*
 - *Restaurants, cafes, coffeehouses and eateries.*
- C. Permitted Accessory Uses**
- *Customary Accessory Buildings.*
 - *Residential detached garages which shall not be subject to conversion to any other use.*
 - *Home-based offices, under certain conditions:*
 - *Toolsheds and outside storage sheds, under certain conditions:*



- *Studio room, as defined.*
- *Accessory dwelling, as defined, limited to village lots having a minimum area of 7,200 s.f.*

D. Select Area & Yard Requirements

Subject to the applicable ...standards ... set forth in the Street Regulating Plan, Building Regulating Plan, Site Plan Regulations and Design Regulations²¹.

5.2.2 TC-1 (SPECIAL CONDITION AREA A)

A. Permitted Principal Uses

- *Professional offices, including but not limited to offices for architects, artists, authors, dentists, doctors, lawyers, ministers, musicians, engineers, surveyors, planners, optometrists, opticians, and such other similar professions.*
- *Banks and other financial institutions, excluding check-cashing businesses, but including automated teller machines (ATM) and drive-through service tellers.*
- *Day-care facilities.*
- *Second- and third-floor urban apartments.*
- *Ground-floor retail for uses fronting on Route 33.*
- *Health club.*
- *Restaurant.*

B. Permitted Conditional Use

- *Institutional use.*
- *Assisted Care Living Facility.*

C. Select Area & Yard Requirements

- *Minimum Lot Area: 20,000 s.f.*
- *Minimum Lot Frontage: 100'.*
- *Minimum Lot Width: 100'.*
- *Minimum Lot Depth: 150'.*
- *Minimum Side Yard Setback: 10'*
- *Front Yard Setback: Minimum: 10' / Maximum: 30'.*
- *Rear Yard Setback: 50'.*
Building Height: Minimum: 2 Stories / 30'
Maximum: 3 Stories / 50'
- *Maximum Floor Area Ratio: 50%.*
- *Maximum Impervious Surface Ratio: 85%.*
- *...Buildings on Corner Lots with frontage on Route 33 shall orient their longest facade along Route 33...*
- *Parking is prohibited within the front setback between the front of the building and the Front Property Line.*
- *...A minimum of 75% of the required on-site parking shall be located between the Rear Property Line and a line extended from the rear of the building to the Side Property Lines. ... On Corner Lots, the "Rear Property Line" shall be defined as the property line that is parallel to the street of greatest hierarchy.*

²¹ Omitted for brevity.



5.3 STUDY AREA ENVIRONMENTAL CONSIDERATIONS

5.3.1 WETLANDS & WETLANDS BUFFERS

NJDEP-mapping for this section of the Township shows no wetlands or wetlands buffers within 300’ of the Study Area.

5.3.2 HABITAT / THREATENED & ENDANGERED SPECIES

NJDEP-mapping for this section of the Township shows no Habitat for Threatened and Endangered Species within 150’ of the Study Area.

5.3.3 CONTAMINATION

A search of NJDEP’s internet databases²² found no Known Contaminated Sites within the Study Area.

5.4 SMART GROWTH & REGULATORY ENVIRONMENT

5.4.1 SMART GROWTH

Smart Growth is a term given to planning theories and practices designed to combat the suburban sprawl experienced in New Jersey (and other states) in the post-World War II era.

Prior to the War, the nation’s population generally lived in compact neighborhoods where people could walk from their homes to work, to shop or to go to school, or could take advantage of public transportation for these needs. The post-War emergence of the American middle-class, the privately-owned automobile and the interstate highway system provided the ability for people to retreat from cities to suburbia, with its larger lot sizes and cul-de-sac communities.

Over the decades, once-new suburbs became old and tired. Simultaneously, the reliance on the automobile caused increased traffic congestion, as public transportation was replaced by the need to drive from ‘secluded’ communities to office parks, strip malls and regional shopping centers.

Families, perceiving their quality-of-life diminishing, began to flee these older, congested suburbs for the less-dense, ever-greener hinterland. Suburbs became urban²³, exurbs became suburban, and the open space that heretofore separated communities vanished. The result was “**SPRAWL**”.

²² <https://www13.state.nj.us/DataMiner>

²³ Meanwhile, the traditional urban environment continued to deteriorate and decline, resulting in population flight, economic disinvestment and general physical decay.



To combat sprawl while recognizing the need to accommodate an ever-expanding population, planners have developed a series of principles known as Smart Growth. It is hoped that the application of these principles will redirect (re)development to the cities and other areas of existing infrastructure, and preserve green space while providing the new development required to service an expanding population.

Smart Growth principles are generally accepted by planners and lawmakers as guidelines for effective land use and design. They have been incorporated, explicitly or implicitly, into the body of state and local regulations adopted to combat sprawl.

While by no means an exhaustive list, these and similar principles underscore the fundamentals of sound planning.

5.4.2 STATE DEVELOPMENT & REDEVELOPMENT PLAN

In New Jersey, these Smart Growth principles are embodied in the *State Development & Redevelopment Plan*, which is an outline of the State’s policies related to Smart Growth and planning principles. Promulgated by the State Planning Commission²⁴ as an interdepartmental effort between various

No.
Date:

Smart Growth Principles²⁵

Mix Land Uses

Take Advantage of Compact, Clustered Community Design

Create a Range of Housing Opportunities and Choices

Create Walkable Neighborhoods

Foster Distinctive, Attractive Communities with a Strong Sense of Place

Preserve Open Space, Farmland, Natural Vistas (Scenic Resources) and Critical Environmental Areas

Strengthen and Direct Development Towards Existing Communities with Existing Infrastructure

Provide a Variety of Transportation Choices

Make Development Decisions Predictable, Fair and Cost Effective

Encourage Community and Stakeholder Collaboration in Development Decisions

²⁴ Predecessor to the current Office of Smart Growth

²⁵ <http://smartgrowth.org/smart-growth-principles/>

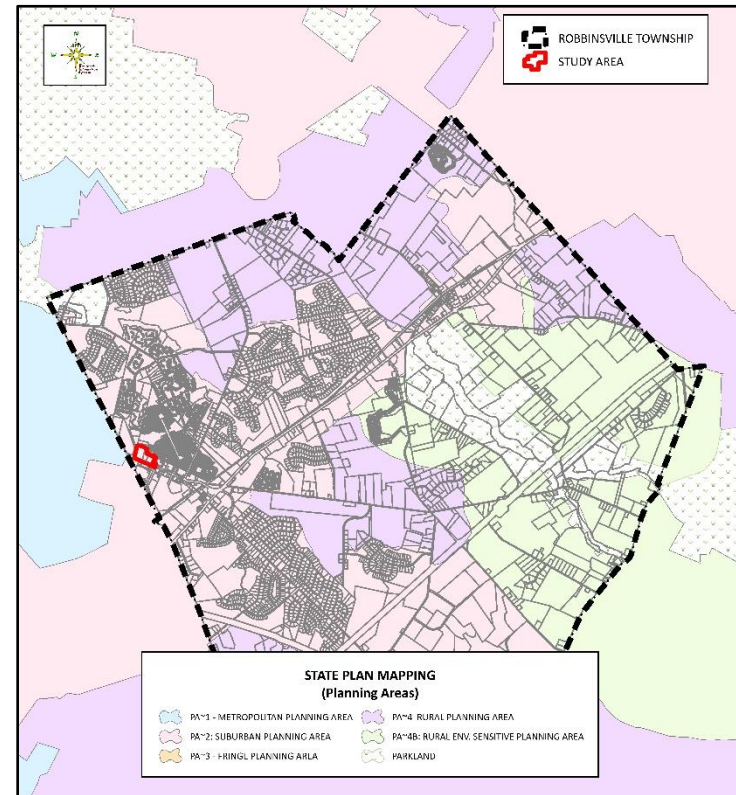


State offices charged with managing the growth in New Jersey²⁶, the *State Plan* is the controlling policy guide regarding growth-related issues on a statewide level.

The *State Plan* classifies the section of Robbinsville²⁷ which includes the Study Area as a Designated Town Center within a PA~2 (Suburban) Planning Area.

PA~2 (SUBURBAN) PLANNING AREAS are designed 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; and revitalize cities and towns.²⁸

CENTERS are compact forms of development that consume less land, deplete fewer natural resources and are more efficient in the delivery of public services. The concept of Centers is the key organizing principle for development and redevelopment.²⁹



TOWN CENTERS are traditional Centers of commerce or government, with diverse residential neighborhoods served by a mixed-use core offering locally oriented goods and services.³⁰

²⁶ Principally, NJDEP & NJDCA

²⁷ As a 2001 document, the State Plan refers to Robbinsville under its former name of Washington Township.

²⁸ State Plan: p. 186.

²⁹ State Plan: p. 10

³⁰ State Plan: p. 230



To accomplish the State Plan’s goals for these classifications / designations, the certain specific Policy Objectives were established. Pertinent to the Study Area³¹:

LAND USE: *Guide development and redevelopment into more compact forms ~ Centers ... Plan and zone for a wide range of land uses and users, in order to achieve more balanced communities. Seek to better integrate different land uses, and remove or mitigate physical barriers between them ... Encourage densities capable of supporting transit. Preserve the Environs as park land, farmland, or partially developed low-density uses without compromising the Planning Area’s capacity to accommodate future growth.*

HOUSING: *Provide a full range of housing choices primarily in Centers at appropriate densities to accommodate the area’s projected growth. Ensure that housing in general ~ and in particular affordable, senior citizen, special needs and family housing ~ is developed with maximum access to a full range of commercial, cultural, educational, recreational, health and transportation services and facilities. Focus multi-family and higher-density, single-family housing in Centers...*

ECONOMIC DEVELOPMENT: *Guide opportunities for economic development into Centers ... and target new jobs to these locations.*

TRANSPORTATION: *Maintain and enhance a transportation system that links Centers and existing large single-use areas to each other, to Metropolitan Planning Areas and to major highway and transit corridors. Emphasize the use of public transportation systems and alternative modes of transportation where appropriate and feasible, and maximize circulation and mobility options (including pedestrian and bicycle connections between developments) throughout ...*

REDEVELOPMENT: *Encourage redevelopment efforts in existing Centers and single-use areas which can be redeveloped into mixed-use areas, ... 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.*

PUBLIC FACILITIES & SERVICES: *Phase and program the extension of public facilities and services to*

³¹ State Plan: p. 198-199. (Policy Objectives related to Historic Preservation, Natural Resource Conservation, Agriculture and Recreation are not applicable to the Study Area and are therefore omitted for brevity).



support development in Centers and ensure adequate levels of public and private services. Encourage jurisdictions to locate all public and private community facilities ~ schools, libraries, municipal buildings, government offices, post offices, civic, cultural and religious facilities, fire stations, etc. ~ in Centers or in proximity to (within walking distance of) Centers. Central facilities serving a wide population should be located in or near Cores.

INTERGOVERNMENTAL COORDINATION: *Establish regional approaches to the planning and provision of facilities and services. Create public / public and public / private partnerships to locate, facilitate, coordinate and implement new development and redevelopment in Centers.*

5.4.3 IMPLICATIONS FOR THIS PRELIMINARY INVESTIGATION

The Smart Growth Planning Principles adopted by the *State Plan* are largely design- and process-based guidelines which become operationalized in the form of land use regulations and building controls. As such, application of these principles is not relevant to a Preliminary (Redevelopment) Investigation ~ which is, at its core, an existing conditions analysis. Rather, such principles are appropriately instituted as part of a Redevelopment Plan.

Under the *Redevelopment Law*, a Redevelopment Plan is not statutorily authorized until an area has been formally designated to be In Need of Redevelopment or In Need of Rehabilitation. It is therefore not possible to know, at this (Preliminary Investigation) stage of the process, the extent to which the Smart Growth land use or design principles may be achieved within the Study Area ~ should such Area eventually be declared to be In Need of Redevelopment.

Regardless of the stage of the process, Robbinsville has a long history of Smart Growth planning. It is therefore anticipated that any Redevelopment Plan adopted under this Redevelopment process will embrace, to the extent practicable, Smart Growth principles.

6.0 APPLICABILITY OF STATUTORY CRITERIA

6.1 BLOCK 3.44, LOTS 1.02 (ROUTE 33)

Lot 1.02 is a 0.28-acre vacant lot located in the TC-1 section of the Town Center.



Route 33 View



Opposite Route 33 View

In (approximately) 1996, the Robbinsville Planning Board approved, in pertinent part, a multi-building, mixed-use development along Route 33 in the Town Center. Included in this approval was “Building G.” on Lot 1.02, which was planned as a 3-story building with commercial space on the ground floor and residential above.





In September 2009, the Planning Board granted Amended Approvals to reduce the number of units in Building G.

In 2011, the Planning Board again granted amended approvals which, in pertinent part, permitted Building G. to be developed as retail on the ground floor and office space on each of the upper floors.

In 2017, the Zoning Board granted further amendments to the approvals in order to permit Building G. to be developed as a 4-story building with 10,248 s.f. of retail on the first floor and 24 condominium / apartment units on the upper floors (5 of which are included in the Township’s court-approved Affordable Housing Fare Share Plan). The heretofore proposed office space was eliminated due to market conditions.

In 2020, the Zoning Board granted a Two-Year Extension of the 2017 Approvals.

No development activity has since taken place, and Lot 1.02, while landscaped, sits as a vacant property.

6.1.1 REDEVELOPMENT CRITERION ‘a’³²

Lot 1.02 is a vacant lot that does not host buildings which could exhibit the conditions specified for this Criterion.
Criterion ‘a’ does not apply.

6.1.2 REDEVELOPMENT CRITERION ‘b’³³

Lot 1.02 is a vacant lot that does not host buildings which could exhibit the conditions specified for this Criterion.
Criterion ‘b’ does not apply.

6.1.3 REDEVELOPMENT CRITERION ‘c’³⁴

Lot 1.02 is a privately-owned unimproved vacant lot that has not been developed within the 10-year threshold prior to adoption of Township Resolution No. 2024-069.

³² *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.*

³³ *The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least 2 consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.*

³⁴ *...Unimproved vacant land that has remained so for a period of 10 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.*



While conforming with the threshold ownership and vacancy prongs of Criterion ‘c’, the reason for Lot 1.02’s condition cannot be said to be caused by its *location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil.* **Criterion ‘c’ does not apply.**

6.1.4 REDEVELOPMENT CRITERION ‘d’³⁵

Lot 1.02 is a vacant lot that does not host buildings which could exhibit the conditions specified for this Criterion. **Criterion ‘d’ does not apply.**

6.1.3 REDEVELOPMENT CRITERION ‘e’³⁶

While Lot 1.02 exhibits a lack of proper utilization, it cannot be said that such condition is caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions. **Criterion ‘e’ does not apply.**

³⁵ 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 land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

³⁶ A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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.

6.1.4 REDEVELOPMENT CRITERION ‘f’³⁷

Lot 1.02 is not in excess of five contiguous acres and does not exhibit the conditions specified for this Criterion. **Criterion ‘f’ does not apply.**

6.1.5 REDEVELOPMENT CRITERION ‘g’³⁸

Lot 1.02 is not located in an Urban Enterprise Zone. **Criterion ‘g’ does not apply.**

6.1.6 REDEVELOPMENT CRITERION ‘h’³⁹

As mapped in §5.4.2 herein, Lot 1.02 is located within a Town Center in a PA~2 Suburban Planning Area. These designations are designed 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

³⁷ 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.

³⁸ In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act,"... 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 (40A:12A-5 and 40A:12A-6)..

³⁹ The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

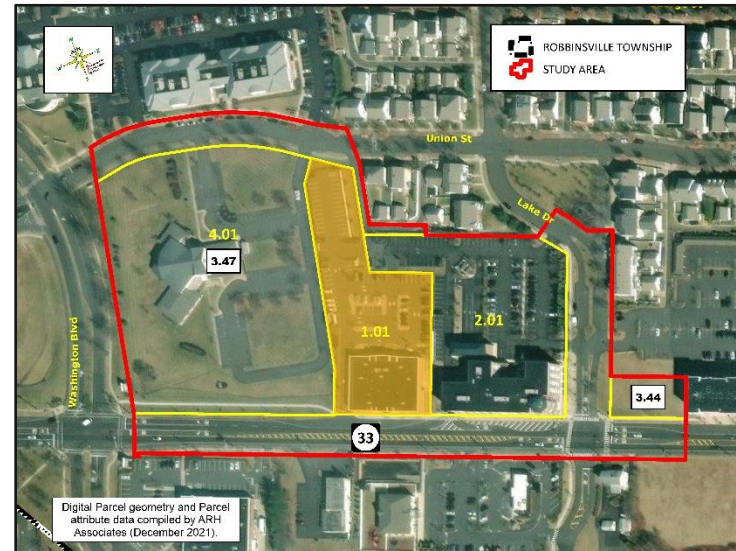
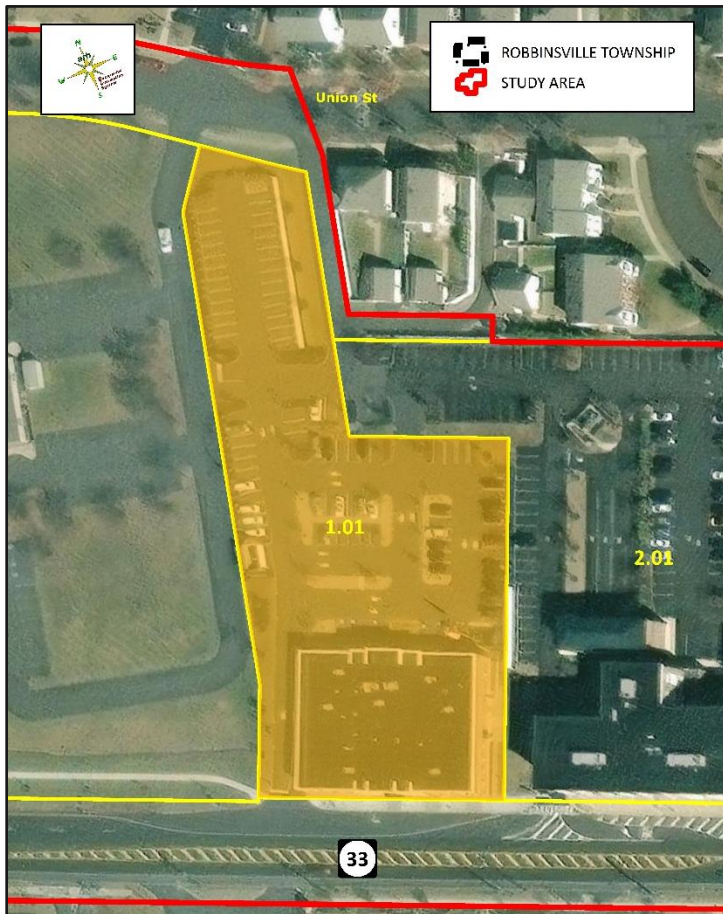


REPORT OF FINDINGS
NON-CONDEMNATION PRELIMINARY REDEVELOPMENT INVESTIGATION
BLOCK 3.44, LOT 1.02 & BLOCK 3.47, LOTS 1.01, 2.01, 4.01 STUDY AREA
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, NEW JERSEY

sprawl; reverse the current trend toward further sprawl; and
revitalize cities and towns. **Criterion 'h' applies.**

6.2 BLOCK 3.47, LOT 1.01 (2298 ROUTE 33)

Lot 1.01 is a 1.8-acre lot that hosts the Robbinsville Township Municipal Building and associated parking.



Route 33 View



Parking Lot View



6.2.1 REDEVELOPMENT CRITERION 'a'⁴⁰

The building on Lot 1.01 does not exhibit the conditions specified for this Criterion. **Criterion 'a' does not apply.**

6.2.2 REDEVELOPMENT CRITERION 'b'⁴¹

The Township has outgrown its existing building on Lot 1.01, and is looking to relocate to a facility that can combine expanded administrative offices with its police department headquarters, which is currently located in an undersized building on Route 130. Upon finding a suitable relocation resource, the use of the Lot 1.01 office building will be discontinued, and the building will be vacant. When this happens, **Criterion 'b' will apply.**

Rather than wait for these conditions to manifest themselves and negatively impact the Town Center, the

Township wishes to include Lot 1.01 under the Redevelopment umbrella in order to proactively plan for its eventual vacation and reuse.

6.2.3 REDEVELOPMENT CRITERION 'c'⁴²

While Lot 1.01 is municipally-owned, it does not exhibit the conditions specified for this Criterion. **Criterion 'c' does not apply.**

6.2.4 REDEVELOPMENT CRITERION 'd'⁴³

The building on Lot 1.01 does not exhibit the conditions specified for this Criterion. **Criterion 'd' does not apply.**

6.2.5 REDEVELOPMENT CRITERION 'e'⁴⁴

As detailed in §6.2.2 herein, the City will vacate the building on Lot 1.01 when it finds a suitable relocation resource for its

⁴⁰ 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.

⁴¹ The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least 2 consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.

⁴² Land that is owned by the municipality..., 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.

⁴³ 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 land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

⁴⁴ A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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.



municipal functions. At that time, the vacant building will exhibit a total lack of proper utilization.

- A. The Township purchased Lot 1.01 from Investors Bank in December 2014. The Agreement of Sale for this purchase⁴⁵ contained a provision whereby the Township agreed that:

For a period of 20 years from the date of the Closing, [Lot 1.01] will only be used for municipal purposes and shall not be sold, leased, used or occupied by or to any third party tenant or other occupant for any other purpose. "Municipal purposes" shall be defined as a non-income producing, direct use of the Property by Robbinsville Township or a related public agency created by or responsible to Robbinsville Township, such as the public school, board of education, fire and police departments, as administrative offices or facilities such that the only occupants or tenants of the Property are employees, officials, representatives or agents of Robbinsville Township and no rental or other payments of any kind (including payments from a Township agency or body such as the board of education to Robbinsville Township) are made to Robbinsville Township in connection with the use, tenancy or occupancy of the Property. The parties have specifically agreed that in the event of violation of this representation, warranty and

covenant that the remedy of [Investors Bank] shall be the payment by [the Township] of additional consideration which shall equal the difference between the amount paid by [the Township] and the amount that [Investors Bank] was to receive from a competing purchaser candidate at time of sale] increased by the cost of living from the date of Closing to the date of payment using the Consumer Price Index for Urban Wage Earners and Clerical Workers for the New York-Northeastern NJ or its successor index as determined by [Investors Bank]⁴⁶ plus all of [Investors Bank's] legal fees, expert fees and related costs and expenses of collection.

The closing took place on December 23, 2014, translating into a use prohibition until December 23, 2034.

Accordingly, upon vacation by the Township, Lot 1.01 will exhibit a *lack of proper utilization caused by the condition of the title, resulting in a stagnant and un/underproductive condition of the lot and building which is otherwise potentially useful and valuable for contributing to and serving the public health, safety and welfare; which condition will have a negative social and economic impact and/or will otherwise be detrimental to the safety, health,*

⁴⁵ On file with the Township Clerk.

⁴⁶ Calculated at Publication of this Report of findings at (approximately) \$1,550,000.00.



morals, and/or welfare of the surrounding area or the community in general.

Inclusion of Lot 1.01 in a designated Redevelopment Area would permit the Township to quiet the cloud on the title or otherwise negotiate an agreement with a prospective purchaser in order to address the compensation payment related to the use restriction.⁴⁶

B. The Agreement of Sale is subject to a number of easements detailed in an exhibit to such Agreement⁴⁷. While a review of such easements and their impact on the reuse of Lot 1.01 is beyond the scope of this analysis, it is possible that the sheer number of restrictions may impact

the ability of the Township to market the property.

C. The terms of the reuse restriction notwithstanding, as a municipally-owned property, the Township is extremely limited in how it may dispose of (i.e., sell or lease) Lot 1.01 while ensuring its reuse is appropriate for the Town Center within which it is located.

Absent the powers granted under the *Redevelopment Law*, municipalities are required to dispose of unwanted or unnecessary properties under the *Local Lands and Buildings Law*,⁴⁸ which requires such properties to be offered at open public auction and awarded to the highest responsible bidder.

⁴⁷

- Common Access Easement Agreement with Lots 2.01 in Block 3.47 of the Township of Robbinsville for vehicular and pedestrian traffic as contained in Book 4139, Page 192.
- Common Access Easement Agreement with Lots 4.01 in Block 3.47 of the Township of Robbinsville for vehicular and pedestrian traffic as contained in Book 4493, Page 15.
- Easements, slope and drainage rights of the State of New Jersey as contained in Deed Book 629, Page 409; Book 669, Page 416; Book 683, Page 257 and Book 1127, Page 326.
- Cross-Easement Agreement with Lots 2.01 in Block 3.47 of the Township of Robbinsville for vehicular and pedestrian traffic.
- Cross-Easement Agreement with Lots 4.01 in Block 3.47 of the Township of Robbinsville for vehicular and pedestrian traffic.
- Easements for water and electric service to serve the Property.

- Restrictions as contained in Book 4529, Page 131.
- Declaration of Cross Easement as contained in Book 4493, Page 15.
- Declaration of Fence Maintenance Easement as contained in Book 4493, Page 24.
- Utility Easement Agreement as contained in Book 3331, Page 43.
- Notes, Easements and Setback lines as shown on Filed Maps #3844-A and #4038.
- Easements for water and electric service to serve the Property.
- Access Easement as contained in Book 5200, Page 231.

⁴⁸ N.J.S.A. 40A:12-1 et seq.



The reuse restriction (again) notwithstanding:

1. Such a scenario provides no certainty that the auctioned property would be utilized in conformance with applicable zoning or Smart Growth principles⁴⁹ or generally in the best interest of the Study Area or the Town Center.

While the law does not prohibit a private entity from purchasing the Lot and seeking Variance relief for any intended use ~ including a use that does not conform to current zoning or Smart Growth principles ~ the Township has an obligation to insure that its property is used appropriately.

Within this context, the Variance process introduces uncertainty, time and cost into the process that could decrease the Lot's value to a bidder and, in turn, its market value to the Township.

Under the *Redevelopment Law*, the Township would be lawfully permitted to *negotiate* the sale of the Lot

and institute land use controls under a Redevelopment Plan in order to insure that the building is used in furtherance of the Township's goals; thereby retaining the type of control over Township-owned property which would otherwise not be permissible.

2. A bidder could, knowing the value of Lot 1.01⁵⁰ to the Town Center, choose to acquire the Lot for speculative purposes.

Even without speculative intent, the auction process has the potential to inflate the purchase price of the Lot to a point where the cost cannot ultimately be supported by market conditions, resulting in an inability to lease the space and thus a vacant building.

The *Redevelopment Law* permits municipalities to enter into negotiated Redevelopment Agreements with designated Redevelopers ~ who can be selected based on qualifications (financial capability, prior experience,

⁴⁹ §5.4.1 herein.

⁵⁰ in terms of its geographic location, land area or other aspect.



proposed project, etc.) as opposed to simply being the high bidder at auction. Such a process would permit the Township to screen potential Redevelopers to ensure their intent as opposed to being forced to process a Variance application from a high bidder; again, thereby affording the Township control over the property which would otherwise not be permissible.

- D. Should such reuse prohibition and easement restrictions not rise to the level of condition of title, it is certainly an *other similar condition* under this Criterion.

Accordingly, upon vacation by the Township, the limitations placed on Lot 1.01 by its municipal ownership (i.e., its *condition of title*) will impede the marketability of this property, resulting in a *lack of proper utilization* and a *stagnant and un/underproductive condition of the lot and building* which is otherwise *potentially useful and valuable*

for contributing to and serving the public health, safety and welfare; which condition will have a negative social and economic impact and/or will otherwise be detrimental to the safety, health, morals, and/or welfare of the surrounding area and the community in general. Criterion 'e' applies.

6.2.6 REDEVELOPMENT CRITERION 'f'⁵¹

Lot 1.01 is not in excess of five contiguous acres and does not meet the conditions specified for this Criterion. **Criterion 'f' does not apply.**

6.2.7 REDEVELOPMENT CRITERION 'g'⁵²

Lot 1.01 is not located in an Urban Enterprise Zone. **Criterion 'g' does not apply.**

6.2.8 REDEVELOPMENT CRITERION 'h'⁵³

As mapped in §5.4.2 herein, Lot 1.01 is located within a Town Center in a PA~2 (Suburban) Planning Area. These

⁵¹ 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.

⁵² In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act,"... 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 (40A:12A-5 and 40A:12A-6)..

⁵³ The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.



designations are designed 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; and revitalize cities and towns. **Criterion ‘h’ applies.**

Accordingly, it is recommended that the inclusion of Lot 1.01 in any eventual Redevelopment Area, *with or without change in its condition, is necessary for the effective redevelopment of the Study Area.*

6.2.9 REDEVELOPMENT AREA DEFINITION⁵⁴

The market conditions which led the developer of Lot 1.02 to amend its approvals to eliminate the office uses in Building G.⁵⁵ apply to ability of the Township to market the building on Lot 1.01 for its designed office use.

Inclusion of Lot 1.01 in a designated Redevelopment Area would permit the Township to quiet the cloud on the title or otherwise negotiate an agreement with a prospective purchaser in order to address the compensation payment related to the use restriction⁵⁶. Otherwise, the building would remain vacant until December 2034, with the Township (i.e., taxpayers) remaining responsible for ongoing maintenance.

⁵⁴ 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.

⁵⁵ §6.1 herein.

⁵⁶ Calculated at Publication of this Report of findings at (approximately) \$1,550,000.00.

6.3 BLOCK 3.47: LOT 2.01 (2300 ROUTE 33)

Lot 2.01 is a 2.4-acre lot hosting the former Roma / Investors Bank building, a drive-through and associated parking.



Route 33 View



Parking Lot View





6.3.1 REDEVELOPMENT CRITERION ‘a’⁵⁷

The building on Lot 2.01 does not exhibit the conditions specified for this Criterion. **Criterion ‘a’ does not apply.**

6.3.2 REDEVELOPMENT CRITERION ‘b’⁵⁸

While Township records don’t indicate precisely when the facility closed, it is known that the banking function was discontinued by February 2023, and the mortgage unit ceased operations shortly thereafter. The facility therefore represents the *discontinued use of a building previously used for commercial / office purposes*. **Criterion ‘b’ applies.**

6.3.3 REDEVELOPMENT CRITERION ‘c’⁵⁹

Lot 2.01 is not governmentally owned and is not vacant land. **Criterion ‘c’ does not apply.**

⁵⁷ 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.

⁵⁸ The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least 2 consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.

⁵⁹ 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 10 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.

6.3.3 REDEVELOPMENT CRITERION ‘d’⁶⁰

The building on Lot 2.01 does not exhibit the conditions specified for this Criterion. **Criterion ‘d’ does not apply.**

6.3.4 REDEVELOPMENT CRITERION ‘e’⁶¹

While the vacant building on Lot 2.01 represents a lack of proper utilization, it cannot be said that such condition is caused by the condition of its title, diverse ownership of the real properties therein or other similar conditions. **Criterion ‘e’ does not apply.**

6.3.5 REDEVELOPMENT CRITERION ‘f’⁶²

Lot 2.01 is not in excess of five contiguous acres and does not meet the conditions specified for this Criterion. **Criterion ‘f’ does not apply.**

⁶⁰ 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 land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

⁶¹ A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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.

⁶² 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.



6.3.6 REDEVELOPMENT CRITERION ‘g’⁶³

Lot 2.01 is not located in an Urban Enterprise Zone. **Criterion ‘g’ does not apply.**

6.3.7 REDEVELOPMENT CRITERION ‘h’⁶⁴

As mapped in §5.4.2 herein, Lot 2.01 is located within a Town Center in a PA~2 (Suburban) Planning Area. These designations are designed 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; and revitalize cities and towns. **Criterion ‘h’ applies.**

6.3.3 REDEVELOPMENT AREA DEFINITION⁶⁵

The market conditions which led the developer of Lot 1.02 to amend its approvals to eliminate the office uses in Building G.⁶⁶ apply to ability of the Township to market the building on Lot 1.01 for its designed office use.

Inclusion of Lot 2.01 in a designated Redevelopment Area would permit the Township to negotiate a Payment In Lieu of Taxes⁶⁷ agreement with the owner which could potentially lessen the impact of unfavorable market conditions and facilitate the sale of the building. Otherwise, the building could potentially remain vacant for an undetermined period of time.

Accordingly, it is recommended that the inclusion of Lot 2.01 in any eventual Redevelopment Area, *with or without change in its condition, is necessary for the effective redevelopment of the Study Area.*

⁶³ In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act,"... 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 (40A:12A-5 and 40A:12A-6)...

⁶⁴ The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

⁶⁵ 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.

⁶⁶ §6.1 herein.

⁶⁷ "P.I.L.O.T."



6.4 BLOCK 3.47: LOT 4.01 (2290 ROUTE 33)

Lot 4.01 is a 4.9-acre lot containing a Place of Worship and associated parking.



Route 33 View



Route 33 / Parking Lot View



Union Street / Parking Lot View





6.4.1 REDEVELOPMENT CRITERION 'a'⁶⁸

The building on Lot 4.01 does not exhibit the conditions specified for this Criterion. **Criterion 'a' does not apply.**

6.4.2 REDEVELOPMENT CRITERION 'b'⁶⁹

The building on Lot 4.01 is in active use. **Criterion 'b' does not apply.**

6.4.3 REDEVELOPMENT CRITERION 'c'⁷⁰

Lot 4.01 is not governmentally owned and is not vacant land. **Criterion 'c' does not apply.**

6.4.4 REDEVELOPMENT CRITERION 'd'⁷¹

The building on Lot 4.01 does not exhibit the conditions

specified for this Criterion. **Criterion 'd' does not apply.**

6.4.5 REDEVELOPMENT CRITERION 'e'⁷²

The building on Lot 4.01 does not exhibit the conditions specified for this Criterion. **Criterion 'e' does not apply.**

6.4.6 REDEVELOPMENT CRITERION 'f'⁷³

Lot 4.01 is not in excess of five contiguous acres and does not meet the conditions specified for this Criterion. **Criterion 'f' does not apply.**

6.4.7 REDEVELOPMENT CRITERION 'g'⁷⁴

Lot 4.01 is not located in an Urban Enterprise Zone. **Criterion 'g' does not apply.**

⁶⁸ 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.

⁶⁹ The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least 2 consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.

⁷⁰ Land that is owned by the municipality..., 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.

⁷¹ 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 land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

⁷² A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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.

⁷³ 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.

⁷⁴ In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act,"... 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 (40A:12A-5 and 40A:12A-6)...



6.4.8 REDEVELOPMENT CRITERION 'h'⁷⁵

As mapped in §5.4.1 herein, Lot 8 is located within a Town Center in a PA~2 (Suburban) Planning Area. These designations are designed 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; and revitalize cities and towns. **Criterion 'h' applies.**

⁷⁵ The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

7.0 SUMMARY OF FINDINGS, CONCLUSIONS & RECOMMENDATIONS

7.1 SUMMARY OF FINDINGS

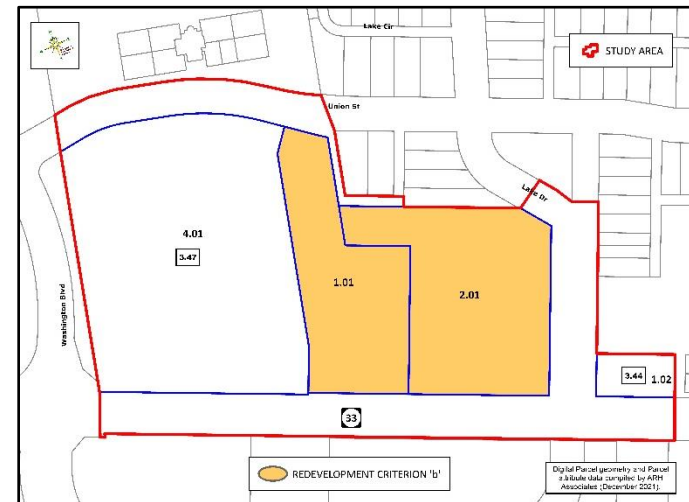
Critical to the application of the *Redevelopment Law* is the understanding that a Study Area may be determined to be In Need of Redevelopment if it is found that **any (1) of the Statutory Criteria** under N.J.S.A 40A:152A-5 are found to exist.

7.1.1 SUBSTANTIVE CRITERIA

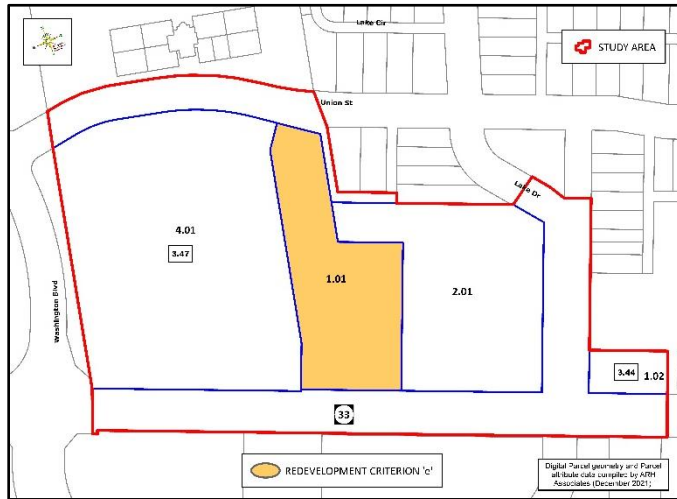
For the purposes of this analysis, Substantive Criteria are those which are based on the condition of the subject lot (or buildings thereon) (i.e., Criteria ‘a’, ‘b’, ‘c’, ‘d’, ‘e’ & ‘f’). Criteria ‘a’, ‘b’, ‘c’, ‘d’ and ‘e’ contain multiple components which can be applied to an area or to the individual lots therein.

As detailed herein, this Preliminary Investigation finds:

- A. No Study Area Lots that conform with Redevelopment Criterion ‘a’.
- B. 2 Study Area Lots (representing 50% of Study Area Lots and 44.84% of the Study Area’s land mass) that conform with Redevelopment Criterion ‘b’.



- C. No Study Area Lots that conform with Redevelopment Criterion ‘c’.
- D. No Study Area Lots that conform with Redevelopment Criterion ‘d’.
- E. 1 Study Area Lot (representing 25% of Study Area Lots and 1.82% of the Study Area’s land mass) that conform with Redevelopment Criterion ‘e’.



F. No Study Area Lots that conform with Redevelopment Criterion 'f'.

Accordingly, 2 Study Area lots (representing 50% of the Study Area's lots and 44.84% of the Study Area's land mass) exhibit conditions which conform to one or more of the Substantive Criteria required for Redevelopment Area designation.

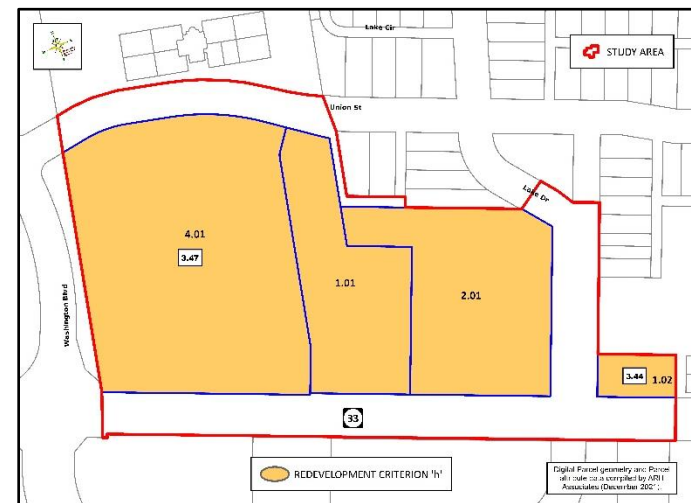
7.1.2 LOCAL CRITERIA

For the purposes of this analysis, Locational Criteria are those which are based on where the subject lot is located (i.e., Criterion 'g' is based on the location of a lot within an Urban Enterprise Zone and Criterion 'h' is based on the location of a

lot within an area designated for growth). Locational Criteria are independent of the actual condition of the lot.

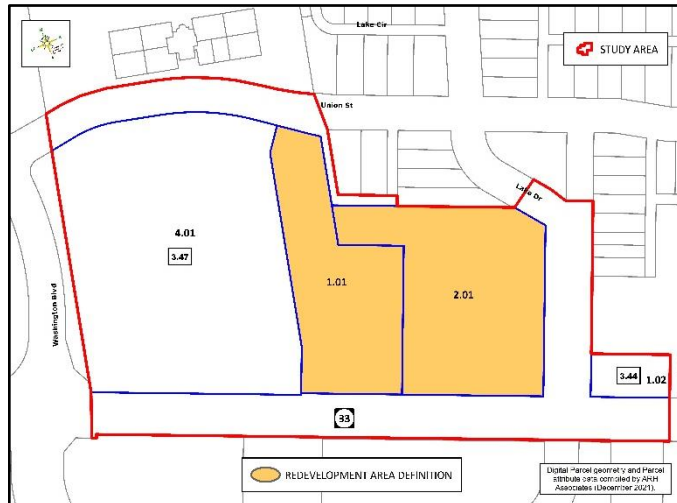
As detailed herein, this Preliminary Investigation finds:

- A. No Study Area Lots that conform with Redevelopment Criterion 'g'.
- B. 4 Study Area Lots (representing 100% of Study Area's Lots and 100% of Study Area's land mass) that conform with Redevelopment Criterion 'h'.



7.1.3 REDEVELOPMENT AREA DEFINITION

2 Study Area Lots (representing 50% of Study Area’s Lots and 44..84% of Study Area’s land mass) that conform with the definition of a Redevelopment Area.



7.2 CONCLUSIONS

Based upon the foregoing findings, the Study Area exhibits, in the language of the *Local Redevelopment & Housing Law*:

7.2.1 *A discontinuance (or projected discontinuance) of the use of buildings previously used for commercial / office purposes; thereby satisfying Statutory Criterion ‘b’ for the identified lots.*

7.2.2 *A lack (or projected lack) of proper utilization of areas caused by the condition of the title or other similar conditions, resulting in (or projected to result in) a stagnant and underproductive condition of land and buildings 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 and economic impact and/or is/will otherwise be detrimental to the safety, health, morals, and/or welfare of the surrounding area or the community in general; thereby satisfying Statutory Criterion ‘e’ for the identified lot.*

7.2.3 *Lands and buildings within a designated Town Center and a PA~2 (Suburban) Planning Area, the (re)development of which is consistent with smart growth planning principles adopted pursuant to law or regulation; thereby satisfying Statutory Criterion ‘h’ for the entire Study Area.*

7.2.4 *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 Study Area.*



7.3 RECOMMENDATIONS

7.3.1 Based on the totality of the foregoing, and recognizing the Substantive vs. Locational Criteria as applied to the Study Area, it is herewith recommended that the Robbinsville Land Use Board find, and upon such finding recommend to the Robbinsville Township Council, that Block 3.47, Lots 1.01 and 2.01, qualify as and may be declared to be a Non-Condemnation Area in Need of Redevelopment in accordance with N.J.S.A. 40A:12A-5 and 6.

7.3.2 Should the Land Use Board make such a recommendation, and should the Township Council designate Block 3.47, Lots 1.01 and 2.01, or any part or parts thereof, to be a Non-Condemnation Area In Need of Redevelopment, it is hereby recommended that the Township Council authorize the preparation of a Redevelopment Plan for such lands.

For Planning purposes, such recommendation is extended to include the Rights-of-Way abutting Block 3.47, Lots 1.01 and 2.01.