

RESOLUTION

- WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “Redevelopment Law”), authorizes a municipality to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and
- WHEREAS, by Resolution 2019-R090, adopted on April 15, 2019, the Township Council (the “Council”) of the Township of West Windsor (the “Township”) authorized and directed the Planning Board of the Township (the “Planning Board”) to conduct a preliminary investigation of the area including Block 38, Lots 1, 2, 3, 25 and 45, and Block 39, Lots 4, 5, 7, 16 and 27 on the Official Tax Map of the Township (collectively, the “Study Area”), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically N.J.S.A. 40A:12A-5, and should be designated as an area in need of redevelopment; and
- WHEREAS, in Resolution 2019-R090, the Council provided that, if the Study Area is ultimately designated as an area in need of redevelopment, then the Township shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, including the power of eminent domain; and
- WHEREAS, the Planning Board caused Burgis Associates (the “Planning Consultant”) to conduct a preliminary investigation to determine whether the Study Area should be designated an area in need of redevelopment; and
- WHEREAS, the Planning Consultant conducted such investigation and prepared a report, dated July 3, 2019 and entitled “Route 1 Penns Neck Area in Need of Redevelopment Study” (the “Report”); and
- WHEREAS, the Planning Board conducted a public hearing on the matter on July 24, 2019; and
- WHEREAS, the Planning Consultant concluded in the Report, and David Novak, on behalf of the Planning Consultant, testified before the Planning Board on July 24th, that the following properties meet the following criteria, set forth in N.J.S.A. 40A:12A-5, for redevelopment area designation:

Block 38, Lot 2 – criteria N.J.S.A. 40A:12A-5a and b; and
Block 39, Lot 5 - criteria N.J.S.A. 40A:12A-5a, b and d; and
Block 39, Lot 27 – criterion N.J.S.A. 40A:12A-5d; and

WHEREAS, the Planning Consultant also concluded that the following properties should be designated as an area in need of redevelopment, under N.J.S.A. 40A:12A-3, because their inclusion is necessary for the effective redevelopment of the area, although they do not meet criteria set forth in N.J.S.A. 40A:12A-5:

Block 38, Lot 3; and
Block 39, Lot 4; and

WHEREAS, the Planning Consultant concluded that the balance of the Study Area, including the following properties, do not meet criteria set forth in N.J.S.A. 40A:12A-5:

Block 38, Lot 1;
Block 38, Lot 25;
Block 38, Lot 45;
Block 39, Lot 7;
Block 39, Lot 16; and

WHEREAS, the Planning Consultant recommended, therefore, that such properties not be designated as an area in need of redevelopment and, instead, recommended that the Township re-zone such properties, under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.* (the “MLUL”) to reflect more appropriate uses in light of the area’s gateway opportunity; and

WHEREAS, the Planning Board considered the Report, the testimony offered by Mr. Novak and comments from members of the public, then the Planning Board voted, unanimously, to recommend that the Township designate the entire Study Area as an area in need of redevelopment; and

WHEREAS, the Planning Consultant recommended that Block 38, Lot 3 and Block 39, Lot 4 be designated as an area in need of redevelopment, even though they do not exhibit conditions that meet criteria set forth in N.J.S.A. 40A:12A-5, because their location relative to other lots that did exhibit such conditions (ie, Block 38, Lot 2 and Block 39, Lots 5 and 27), make it necessary to include Block 38, Lot 3 and Block 39, Lots 4 and 5 to create a contiguous parcel that a redeveloper can effectively redevelop; and

WHEREAS, the Planning Board agreed with the Planning Consultant, however, the Planning Board also found that including Block 38, Lot 1 will, in addition, present an area with more frontage along the Route 1 corridor; and

- WHEREAS, the Planning Board concluded, therefore, that Block 38, Lot 1 should also be included because it is necessary to effectively redevelop the overall area; and
- WHEREAS, the Planning Board also found that the parcels along Route 1 are shallow, particularly for properties fronting on a major highway; and
- WHEREAS, the Planning Board concluded, therefore, that the inclusion of Block 38, Lots 25 and 45, and Block 39, Lots 7 and 16 is necessary to effectively redevelop the area because they will, when coupled with properties fronting on Route 1, create an overall depth that will encourage more comprehensive, better-planned redevelopment; and
- WHEREAS, the Planning Consultant recommended that the parcels not fronting on Route 1 could be re-zoned, through conventional re-zoning under the MLUL, that would complement the re-zoning undertaken under the Redevelopment Law, in order to accomplish the goal of effectively redeveloping the entire Study Area; and
- WHEREAS, the Planning Board believes, however, that there is no practical difference between, on the one hand, redeveloping a portion of the Study Area and conventionally re-zoning the other portion thereof and, on the other hand, re-zoning the entire Study Area under the Redevelopment Law; and
- WHEREAS, finally, the Planning Board found that the majority of the parcels in the Study Area are already owned by the same party, and most of the rest of the parcels are owned by another party; and
- WHEREAS, the Planning Board concluded that common ownership of the vast majority of the parcels in the Study Area lends itself to redevelopment under the Redevelopment Law, rather than conventional re-zoning under the MLUL; and
- WHEREAS, after the July 24, 2019 Planning Board hearing, McManimon, Scotland & Baumann, LLC, on behalf of the Planning Board, prepared a memorandum, dated August 20, 2019, detailing the Planning Board's findings and recommendations (the "Planning Board Memorandum"); and
- WHEREAS, the Council concurs with the Planning Board's findings, that Block 38, Lot 2, and Block 39, Lots 5 and 27 meet the above-referenced criteria set forth in N.J.S.A. 40A:12A-5 and should be designated as an area in need of redevelopment, for the reasons set forth in the Report, at the hearing on July 24, 2019 and in the Planning Board Memorandum; and

WHEREAS, the Council further concurs with the Planning Board's findings that, although Block 38, Lots 1 and 3, and Block 39, Lots 4, 7, and 16 do not meet criteria set forth in N.J.S.A. 40A:12A-5 for redevelopment area designation, such properties should be so designated, under N.J.S.A. 40A:12A-3, because their inclusion in the area is necessary for the effective redevelopment of the Study Area, for the reasons set forth in the Report, at the hearing on July 24, 2019 and in the Planning Board Memorandum.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, that the area including Block 38, Lots 1, 2, 3, 25 and 45, and Block 39, Lots 4, 5, 7, 16 and 27 on the Official Tax Map of the Township is hereby designated as an area in need of redevelopment under the Redevelopment Law.

BE IT FURTHER RESOLVED that the Township shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, including the power of eminent domain.

BE IT FURTHER RESOLVED that the Planning Board is hereby directed to prepare a redevelopment plan for the Redevelopment Area, and submit same to the Council, pursuant to N.J.S.A. 40A:12A-7e.

Adopted: September 3, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 3rd day of September 2019.

Gay M. Huber
Township Clerk
West Windsor Township