

Elk Township

Gloucester County, New Jersey

Preliminary Need Investigation Redevelopment Study

Block 29, Lots 13.01, 13.02, 13.03, 14, 24.01, 25, 26, 28 and 29; Block 31, Lots 1, 2.01, 3, 2.02, 4, 5.01, 5.02, 6, 6.01, 7 and 22; Block 32, Lots 1-12, 14, 15, 16.01 and; Block 33 Lot 12.01, Block 34, Lots 1.03, 3, 4, and 6-9 and Block 58, Lots 1 and 2



MAY 2016

Recommended to Township by the Planning Board after a public hearing on _____.

Non-Condemnation Redevelopment Area Designation by Township Committee in accordance with Resolution ___ on _____.

DRAFT

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The original of this document was signed and sealed in accordance with NJAC 13:41-1.3.b

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2 Redevelopment Study Area Matrix

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4 Resolution No. 601-2016

I. INTRODUCTION

The Township of Elk Committee and the Combined Land Use Board have been working towards addressing the Township's redevelopment and revitalization needs. By utilizing the redevelopment planning tools provided in N.J.S.A. 40A:12A-1 et seq., the Township aims to enhance opportunities for redevelopment that will serve the residents of Elk. Elk Township Committee has decided to investigate Block 29, Lots 13.01, 13.02, 13.03, 14, 24.01, 25, 26, 28 and 29; Block 31, Lots 1, 2.01, 3, 2.02, 4, 5.01, 5.02, 6, 6.01, 7 and 22; Block 32, Lots 1-12, 14, 15, 16.01 and; Block 33 Lot 12.01, Block 34, Lots 1.03, 3, 4, and 6-9 and Block 58, Lots 1 and 2, in accordance with the Local Redevelopment and Housing Law (P.L. 1992, c.79 N.J.S.A. 40A:12A-1 et seq.), to determine whether the properties are "in need of redevelopment". The Preliminary Redevelopment Needs Investigation considers the physical, environmental, and social conditions in the study area. Information about current and past uses of a property, site and building conditions, site configuration, relationship to surrounding properties, code violations, existing zoning, previous attempts to develop, and environmental concerns are gathered in order to inform the analysis. The redevelopment study (preliminary investigation) reveals the strengths, weaknesses, opportunities and constraints presented within the study area so that the governing body may make an informed determination.

In accordance with Resolution No. 108-2015 (adopted on November 5, 2015) and Resolution No. 61-2019 (adopted April 7, 2016), Elk Township Committee has authorized and directed the Planning Board to conduct a preliminary redevelopment investigation and to determine whether the study area properties qualify under the statutory criteria as a "non-condemnation area in need of redevelopment" and to hold a public hearing.

Parcels that meet the criteria set forth in the redevelopment statute (N.J.S.A. 40A:12A-5) may be determined to be "in need of redevelopment", which designation will afford the Township the opportunity to utilize additional tools to implement a coordinated and proactive land use plan for those areas, and will afford the property owners the ability to market or develop the properties in accordance with the redevelopment plan.

II. REDEVELOPMENT OVERVIEW

There are conditions exhibited by the subject properties that prompted Township Committee to initiate a redevelopment investigation. Township Committee identified this site because the area has been previously approved as part of a residential subdivision and the project has since been declared bankrupt. A prospective developer has indicated interest in the location for an active adult development, however has asked the Township to perform a redevelopment investigation to determine if it qualifies and if so, it will aid in the development of the site. In addition to the location of the prior subdivision approval, the Township Committee has included surrounding lots that will be investigated. Portions of the property are vacant and have been for several years. The majority is currently being farmed. The intent of the redevelopment investigation, potential redevelopment area designation, and subsequent redevelopment plan is to enable the use of additional tools to facilitate and encourage private investment in the area; and potentially more input into the future use and design of a site than would be available in the private market and with

conventional zoning. Designation of a redevelopment area requires a public planning process that involves the planning board, the governing body, and the interested public. The specific steps in the redevelopment planning process are outlined in section IV below.

New Jersey's redevelopment law enables municipalities to address abandoned, stagnant, vacant or deteriorated areas by engaging with property owners or redevelopers to facilitate and initiate redevelopment that otherwise was not occurring within the normal private market. The redevelopment powers are intended to provide local governments with an avenue to assist in reversing a trend toward decline in an area, when conditions seem to have inhibited private investment. The New Jersey Constitution vests local governments with the power to undertake the redevelopment of blighted areas, and in doing so to acquire property by eminent domain, if necessary for a "public purpose" and "public use" (though use of this power is not always invoked and may only be employed in a redevelopment area, not in a rehabilitation area).

Redevelopment studies (preliminary investigation) and the associated planning analyses require a thorough and thoughtful process to ensure that the designations have a strong foundation in the redevelopment and/or rehabilitation criteria (N.J.S.A 40A:12A-5 and -14 both are listed below). It is important to note that redevelopment area designation does not mandate the use of eminent domain. If a redevelopment entity is considering invoking the eminent domain power for a particular property, it must be identified in the redevelopment plan. If use of condemnation it is not expected for a particular property, the plan can say so in order to ease the concerns of property owners. In this case, the Elk Township Committee has adopted the Resolution 108-2015 initiating this study and including a statement that eminent domain will not be utilized for this study area within this Resolution.

A redevelopment area designation provides the Township the opportunity to work cooperatively with redevelopers to meet the Township's vision for the area through flexible and creative design. The redevelopment designation and subsequent redevelopment plan create certainty about the Township's desire to have the area redeveloped, and also present a clear picture of what is expected from the development. In preparing a redevelopment plan the Township can consider the costs of development in order to ensure that the desired outcome is realistically achievable. The redeveloper may be the current property owner or another redeveloper. In this case, a redeveloper is interested in redeveloping the site and it was determined that the redevelopment study and potential designation may be critical in facilitating effective redevelopment of the site. The governing body also has the option to enter into a PILOT (payment in lieu of taxes) agreement with the redeveloper and to negotiate contributions for public improvements (up to 30 years in a redevelopment area). The redevelopment designation may also enable a redeveloper to qualify for special financing or other incentives from public and private sources.

III. STUDY AREA

Township Committee has requested that the Planning Board consider Block 29, Lots 13.01, 13.02, 13.03, 14, 24.01, 25, 26, 28 and 29; Block 31, Lots 1, 2.01 2.02, 3, 4, 5.01, 5.02, 6, 6.01, 7 and 22; Block 32, Lots 1-12, 14, 15, 16.01 and; Block 33 Lot 12.01, Block 34, Lots 1.03, 3, 4, and 6-9 and Block 58, Lots 1 and 2, meet the statutory redevelopment criteria.

A recommendation by the Planning Board that the study area is in fact in “need of redevelopment” will provide the foundations for a redevelopment declaration by the governing body, which will in turn enable the coordinated application of various redevelopment tools to the benefit of the community overall and the designated properties in particular. If the area is determined to be an area in need of redevelopment, the governing body (as the redevelopment entity) will be empowered to adopt a redevelopment plan to proactively set forth a vision and standards for the area, utilize financial incentives to effectuate the plan and facilitate change by working with the redeveloper.

IV. REDEVELOPMENT PLANNING PROCESS

The Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12A-1 et seq. governs local redevelopment and rehabilitation activities in New Jersey. When adopted in 1992 the intent of the LRHL was to codify, simplify and concentrate prior enactments related to housing and redevelopment, to promote the advancement of community interest, and to promote physical development that will be conducive to social and economic improvement. The LRHL provides a legal mechanism that may be utilized by public bodies in their efforts to arrest and reverse negative, blighting influences that may be taking a toll on the community and to encourage revitalization. A redevelopment designation requires a showing that the area meets the criteria set forth in the statute and exhibits signs of blight.

There are a series of specific steps that must be followed in accordance with the Local Redevelopment and Housing Law (LRHL – N.J.S.A. 40A:12A-1 et. seq.) to determine whether an area is in need of redevelopment and designate a redevelopment area. An overview of these steps is as follows:

1. The Township Committee directs the Planning Board to undertake a preliminary investigation to determine whether or not the identified area is in need of redevelopment. This is done by a resolution that identifies the area by block and lot and describes the general location of the area. *Resolution 108-2015, adopted May November 5, 2015 and Resolution 61-2016, adopted April 7, 2016.*
2. The Planning Board is charged with conducting a preliminary investigation and holding a public hearing, and then making a recommendation as to whether or not the study area is in need of redevelopment The Planning Board and designated staff (planner, solicitor, community development staff) will:
 - Prepare a map showing the boundaries of the redevelopment study area.

- Prepare a report explaining the basis for the investigation and analyzing the conditions in the study area. This includes photographs, descriptions of historic and current uses, site conditions, code violations, other problems, existing zoning, previous attempts to develop, etc.
 - Prior to the Planning Board's public hearing to consider the report, provide notice to the Township's official newspaper for two consecutive weeks and provide notice by mail to all persons owning property within the study area.
 - Conduct a public hearing to present the findings and to hear testimony from all persons who are interested in or who may be affected by a determination that the area is a redevelopment area. All objections shall be made part of the public record and considered. *The public hearing will be held on May 18, 2016.*
 - After completing the hearing, the planning board will recommend that the delineated area, or any part thereof, be determined or not determined by the governing body to be an area in need of redevelopment.
3. Based on the Planning Board's recommendation, the governing body may adopt a resolution determining that the delineated study area, or any part thereof is an "area in need of redevelopment". Upon adoption, the clerk will send a certified copy of the resolution along with the preliminary investigation to the Commissioner of the Department of Community Affairs for review as required by the statute.
 4. The Township Committee may prepare, or direct the Planning Board to prepare, a Redevelopment Plan for the Redevelopment Area. The Redevelopment Plan must contain an "outline for the planning, development, redevelopment or rehabilitation of the project area" sufficient to cover the items set forth in the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-7). The requirements include:
 - a. Relationship to local objectives
 - b. Proposed land uses and building requirements
 - c. Identification of any land to be acquired
 - d. Relationship to Master Plans of adjacent towns, County, and State Plan
 - e. Housing Provisions (if applicable)
 - f. Relationship to municipal Master Plan
 - g. Relationship to Township's land development regulations (supersede existing or optional overlay)
 5. The Township Committee adopts the Redevelopment Plan by ordinance in accordance with the requirements of the law. The redevelopment plan is referred to the Planning Board for review and recommendation by resolution (in accordance with N.J.S.A. 40A:12A-7(e)). The redevelopment plan may include permitted uses, area and dimensional requirements, recommendations for site design and standards, and an illustrative plan.

6. The Township Committee, as the redevelopment entity, oversees implementation of the redevelopment plan. Redevelopment projects must be carried out in accordance with the Redevelopment Plan.
7. The Township Committee, as the redevelopment entity, selects redevelopers to undertake the redevelopment project(s) to implement the plan and may enter into redevelopment agreements to spell out responsibilities and expectations.
8. Site Plans for properties in the redevelopment area are reviewed by the Planning Board as they normally are.

V. REDEVELOPMENT AREA CRITERIA

In order to designate an “Area in Need of Redevelopment”, a land use analysis of the study area must be conducted to determine whether the study area meets the statutory criteria. The delineated area may be determined to be “in need of redevelopment” if, after investigation, notice and hearing, the governing body by resolution concludes that within the delineated area, any of the following conditions is found (in accordance with N.J.S.A 40A:12A-5):

- 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 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. 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 similar conditions which impede land assemblage or discourage the undertakings of improvements, resulting in a stagnant and unproductive 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. 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 pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) 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 sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c.441 (C.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 P.L.1992, c.79 (C.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. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Further, the Local Redevelopment and Housing Law defines "redevelopment area" or "area in need of redevelopment" as follows (N.J.S.A. 40A:12A-3). This definition enables the inclusion of properties that are essential for the effective redevelopment of the area as a whole.

"an area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) or determined here to be a "blighted area" pursuant to P.L. 1949, c.187 (C.40:55-21.1 et seq.) repealed by this act, both determinations as made pursuant to the authority of Article VII, Section III, paragraph 1 of the Constitution. A redevelopment area may include lands, buildings, or improvements which themselves are not detrimental to the public health, safety, and welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part."

VII. TOWNSHIP MASTER PLAN CONSISTENCY

The 2009 Township of Elk Master Plan Reexamination addresses the recommendations of the land use board concerning the incorporation of redevelopment plans adopted pursuant to the Local Redevelopment and Housing Law into the Land Use Plan element of the

municipal Master Plan. The Master Plan goals include the pursuit of investigations of the properties that would meet the statutory definition of properties in need of redevelopment and development plans that will bring those properties up to more productive status.

VIII. APPLICABILITY OF CRITERIA TO STUDY AREA

A. Overall

The criteria outlined in the Local Redevelopment Housing Law and enumerated above have been considered as they relate to the properties within the study area. The study area consists of forty-eight (48) parcels located along Whig Lane and Aura Road in the Township. An investigation is required to make a sound determination.

B. Parcel Analysis and Description of Study Area Properties

The analysis of the parcels within the study area have been compiled into a matrix in appendix B, with site photos of specific parcels located in appendix A. for evaluation. Specific parcels are discussed below. See Map 1, an aerial map with delineated tax parcels to and Map 2 zoning map with the parcels to provide visual information. See Map 3 to see a visual determination of the recommendations for redevelopment area designation.

Current Site Description

The study area is located within the several zoning districts on Aura Road, Whig Lane, Clems Run and Maple Avenue. The area is bound to the east by State Highway 55. There are no sidewalks and limited utilities throughout the properties, particularly along the Aura Road parcels. With the exception of the Whig Lane and Maple Avenue parcels, the majority of the parcels are agricultural and residential in nature. The zoning districts included within the study area are C-1, RR, RE and R. The uses range from residential, agricultural, commercial, public property and vacant. The zoning districts are described as follows:

C-1 Commercial-Neighborhood. Permitted uses within the C-1 zone include customary and conventional agricultural uses and farm dwellings when associated with a qualified agricultural use. The use must be assessed for tax purposes for farming/agriculture; retail business or service; golf courses; and professional and general office uses.

RE Residential Environmental. Permitted uses in the RE zone include agricultural uses and buildings; single-family detached dwellings; public parks and playgrounds, woodlands, conservation areas and similar public uses; accessory uses customarily incidental and subordinate to the above such as sheds, garages, pools, small wind energy systems, solar energy systems and the like. Conditional uses include institutional uses such as schools, religious uses, libraries and the like; home occupations; golf courses; campgrounds; and commercial solar energy operations.

R Rural Residential. Permitted uses in the R District include, agricultural uses and buildings; single-family detached dwellings; public parks and playgrounds, woodlands, conservation areas and similar public uses; Accessory uses customarily incidental and subordinate to the above such as sheds, garages, pools, small wind energy systems, solar