

REPORT OF FINDINGS

CONDEMNATION PRELIMINARY REDEVELOPMENT INVESTIGATION

BLOCK 13: LOT 20 & 21 STUDY AREA

ROBBINSVILLE TOWNSHIP, MERCER COUNTY, NEW JERSEY



Prepared by



November 21, 2023

ARH Project Number: 150014.01

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.

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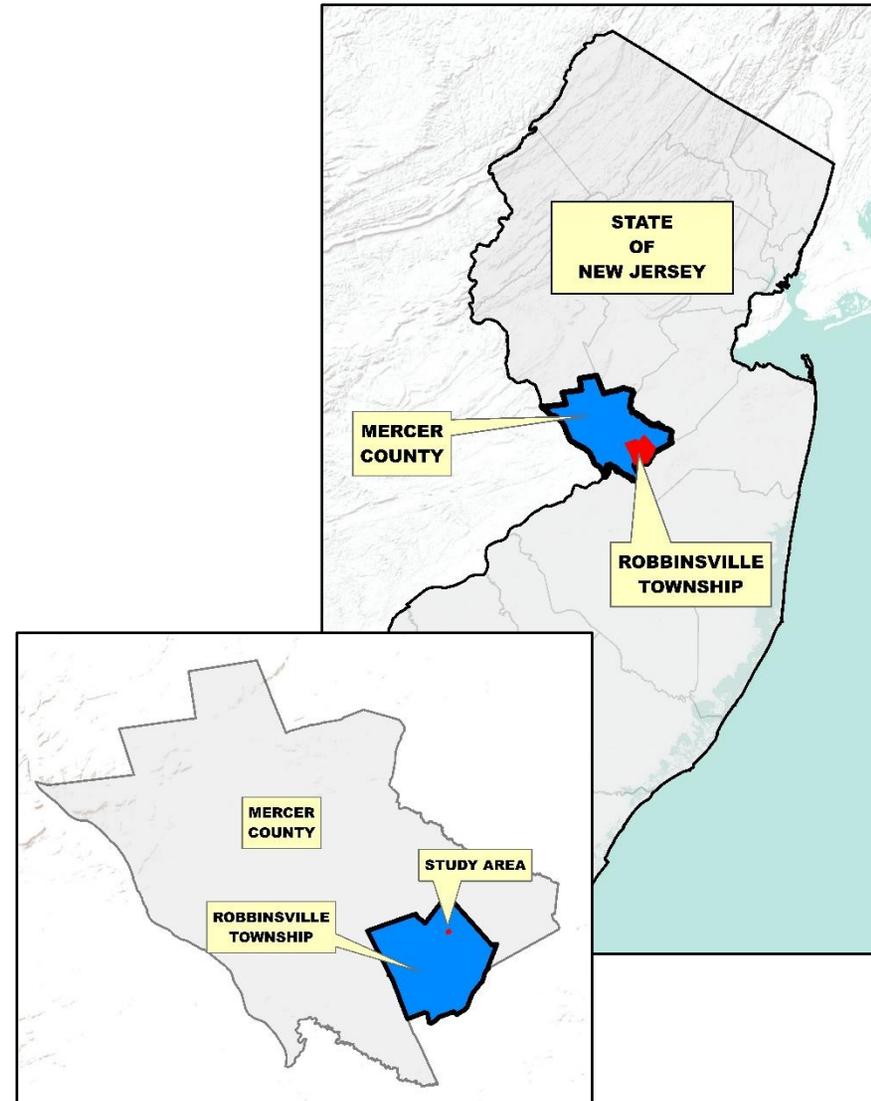
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1.0 INTRODUCTION

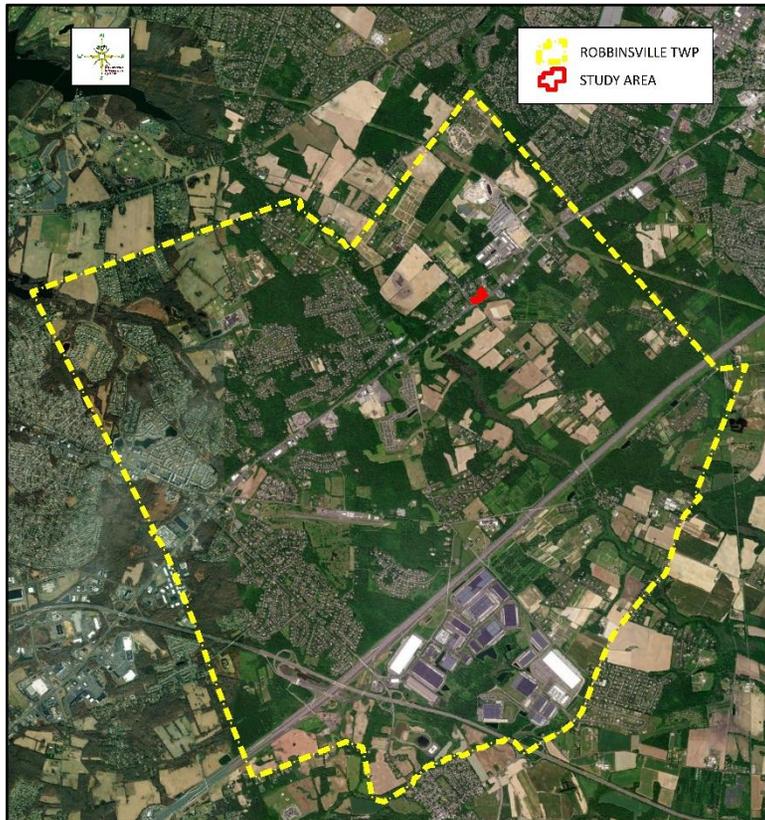
1.1 BACKGROUND

There exists in the Township of Robbinsville, Mercer County, New Jersey¹, a 2 lot / (approximately) 2.94-acre area consisting of lots that front on U.S. Route 130 and Church Street. Such area consists of Block 13, Lots 20 and 21 on the official Tax Map of the Township of Robbinsville, which are located in the Windsor Village section of Robbinsville.

At first impression, these Lots appear to exhibit conditions of deterioration in housing and commercial installations, public services and other physical components and supports of community life, and a 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"



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*², the purpose of which is to

provide local officials with the tools and powers necessary to 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

² N.J.S.A 40A:12A-1 et. seq (“Redevelopment Law”)



for redevelopment; clear or provide for the clearance of lands; install infrastructure and/or other site improvements; provide favorable tax and other financial 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*.

The Robbinsville Township Council, on July 13, 2023, adopted Township Resolution No. 2023-187³; thereby directing the [now] Robbinsville Land Use Board to conduct the necessary investigation and to hold a public hearing to determine whether a Study Area consisting of such Block and Lots, or any part

thereof, on the Township 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 thereof⁴, meets the criteria for designation as a Condemnation Area in Need of Redevelopment pursuant to and in accordance with the investigation and hearing process under the *Redevelopment Law*.

On July 25, 2023, the Land Use Board adopted Land Use Board Resolution No. LU2023-28³, accepting the directive of the Township Council and assigning ARH to undertake the Preliminary Investigation on the 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.

1.2.3 NON-CONDEMNATION VS. CONDEMNATION REDEVELOPMENT AREAS

While the statutory criteria for qualifying as an Area In Need of Redevelopment, and the process to apply such criteria, are the same for Non-Condemnation and Condemnation Redevelopment Area designations, N.J.S.A. 40A:12A-6 provides, in pertinent part:

³ On file with the Township Clerk and/or the Land Use Board Secretary.

⁴ “Block 13: Lots 20 & 21 Study Area”





... The resolution authorizing the Planning Board to undertake a Preliminary Investigation shall state whether the Redevelopment Area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a Redevelopment Area other than the use of eminent domain (hereinafter referred to as a “Non-Condemnation Redevelopment Area”) or whether the Redevelopment Area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a Redevelopment Area, including the power of eminent domain (hereinafter referred to as a “Condemnation Redevelopment Area”) ...

The Planning Board shall specify a date for and give notice of a hearing for the purpose of hearing persons who are interested in or would be affected by a determination that the delineated area is a Redevelopment Area.

If the governing body resolution assigning the investigation to the Planning Board ... stated that the Redevelopment determination shall establish a Non-Condemnation Redevelopment Area, the notice of the hearing shall specifically state that a Redevelopment Area determination shall not authorize the municipality to exercise the power of eminent domain to acquire any property in the delineated area.

If the resolution assigning the investigation to the Planning Board ... stated that the Redevelopment determination shall establish a Condemnation Redevelopment Area, the notice of the hearing shall specifically state that a Redevelopment Area determination shall authorize the municipality to exercise the power of eminent domain to acquire property in the delineated area ...

If the governing body resolution assigning the investigation to the Planning Board ... stated that the Redevelopment determination shall establish a Condemnation Redevelopment Area, the notice of the determination [that an area is In Need of Redevelopment] required pursuant to this paragraph shall indicate that:

- the determination operates as a finding of public purpose and authorizes the municipality to exercise the power of eminent domain to acquire property in the Redevelopment Area, and*
- legal action to challenge the determination must be commenced within 45 days of receipt of notice and that failure to do so shall preclude an owner from later raising such challenge.*



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 Block 13: Lot 20 & 21 Study Area against the specific criteria enumerated in N.J.S.A. 40A:12A-5.

2.2 SOURCES

The analyses contained in this Report of Findings rely on:

- Township Parcel Mapping and associated data⁵ compiled by **ARH ASSOCIATES**;
- Visual inspections of the accessible sections of the Study Area conducted in August 2023;
- NJDEP, Google Earth and Bing Aerial Photography⁶ ;
- Georeferenced World Imagery (aerial photography) compiled and maintained by ESRI⁷ ;

- 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 Block 13: Lot 20 & 21 Study Area against the Statutory Criteria required for Redevelopment Area designation.

2.3 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.

⁵ 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).

⁶ <https://newjersey.maps.arcgis.com/home/item.html?id=8bf43d89c9754f55a09b3e0959d6b35c>

⁷ <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 Block 13: Lot 20 & 21 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 Block 13: Lot 20 & 21 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 mean⁸:

- ...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 13: Lot 20 & 21 Study Area” shall mean the 2 Lot, (approximately) 2.94-acre portion of Robbinsville Township that front on Route 130 and Church Street, as further described in Township Resolution No. 2023-187 and §1.1 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’s⁹)

- *(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.*

⁸ As defined by the New Jersey Supreme Court in Gallenthin Realty Development, Inc. v. Township of Paulsboro. 191 N.J. 344 (2007).

⁹ www.merriam-webster.com/dictionary



- 3.5** “Governing Body” shall have the same meaning as Township Council¹⁰.
- 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 Affairs¹¹.
- 3.10** “NJDEP” shall mean the New Jersey Department of Environmental Protection¹¹.

- 3.11** “NJDOT” shall mean the New Jersey Department of Transportation¹¹.
- 3.12** “Obsolete” or “Obsolescent” shall mean (as defined in Webster’s⁹):
- (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 13: Lot 20 & 21 Study Area are analyzed to determine conformance with the

¹⁰ Within the context of the various sections of this document, the terms “Township”, “Governing Body” and “Robbinsville” shall mean the Robbinsville Township Council.

¹¹ including all divisions and agencies thereof.



Statutory Criteria for Redevelopment Area designation under the *Local Redevelopment & Housing Law*.

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.¹⁰

3.19 “Route 130” shall mean U.S. Route 130.

3.20 “State Plan” shall mean the New Jersey *State Development & Redevelopment Plan*, adopted March 2001.

3.21 “Study Area” shall have the same meaning as Block 13: Lot 20 & 21 Study Area.

3.22 “Township” shall have the same meaning as Robbinsville Township.

3.23 “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. 2023-187¹².

Resolution No. 2023-187 stated that the investigation was in furtherance of a 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

¹² 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.

Such notice shall specifically state that a Redevelopment Area determination shall 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.

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.



4.2.2 REDEVELOPMENT AREA DEFINITION

In addition to the Statutory Criteria, the *Redevelopment Law* provides¹³ 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 Block 13: Lot 20 & 21 Study Area.

¹³ 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 2023-187¹⁴, the Study Area for this Preliminary Investigation consists of Block 13, Lots 20 and 21 as depicted on the official tax map of the Township of Robbinsville, inclusive of any and all streets, "paper" streets, private drives and all bounding and internal right-of-way or any part or parts thereof.

5.1.2 The previously designated Route 130 South Redevelopment Area includes the entirety of the Route 130 Right-of-Way between the Township's southern boundary line and Gordon Road. In order to permit any potential grant funding tied to Redevelopment Area designations to be utilized for Route 130, the Redevelopment Plans for the various portions of the Redevelopment Area extend to the centerline of Route 130.

For the same reasons, the Block 13: Lot 20 & 21 Study Area extends to the centerline of Route 130 and the southwesterly side of Church Street.

Accordingly, the Study Area contains approximately 2.94 acres in the form of Tax Lots and approximately 0.9 acres in the form of Rights-of-Way, for a total of approximately 3.84 acres¹⁵.



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

¹⁵ 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.

5.1.3 In satisfaction of the requirements of N.J.S.A. 40A:12A-6 b., the forgoing map showing the boundaries of the Block 13: Lot 20 & 21 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

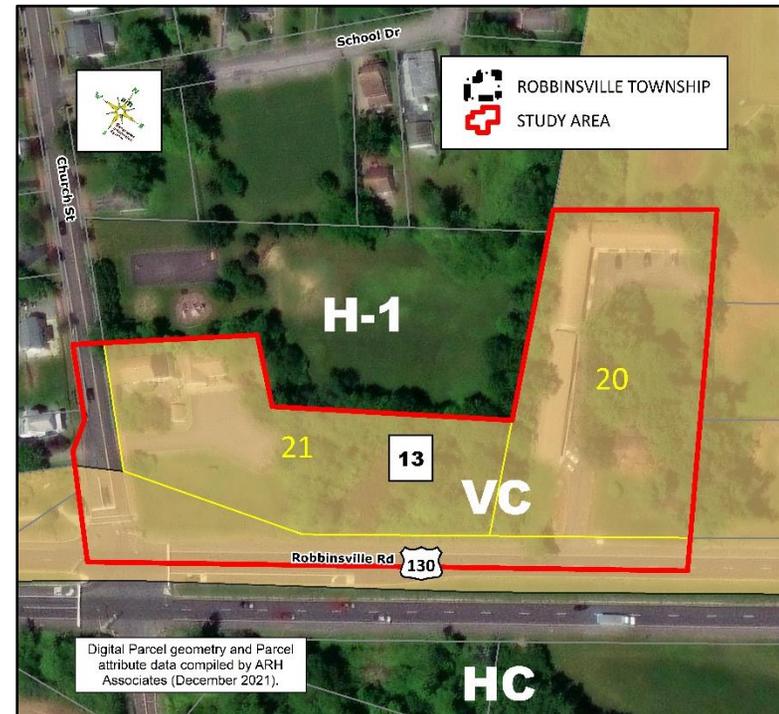
The entire Block 13: Lot 20 & 21 Study Area is zoned (VC) Village Commercial. Lands to the northwest of the Study Area are zoned (H-1) Windsor Historic - Residential, while lands to the southeast are zoned (HC) Highway Commercial.

The VC Zone is governed by §142-22 of the Township Code. Pertinent to this Report of Findings:

5.2.1 PURPOSE & INTENT

The stated Purpose of the VC Zone is to foster:

a cohesive economic development plan intended to improve the primary commercial corridors within the Township and help to achieve a better balance between residential and commercial development ... in order to facilitate and stimulate commercial development.



The stated Intent of the Zone is to:

*provide commercial uses at a scale that is consistent with the adjacent Village of Windsor ... [T]he following types of uses **are not the intended types of uses for the VC Zone [emphasis added]**:*

- *New or used sales or rentals of motor vehicles;*
- *Automotive repair facilities;*
- *Motels;*



- Gas Stations;
- Car Washes
- Adult book stores;
- Adult movie theaters;
- Drug paraphernalia stores;
- Junkyards;
- Massage parlors;
- Tattoo parlors;
- Kennels: and
- Body piercing studios.

5.2.2 PERMITTED PRINCIPAL & CONDITIONAL USES

- Retail stores, provided there is no fabrication, manufacturing, converting, altering, finishing or assembly.
- Service activities, such as but not limited to banks, barbershops, beauty salons, tailors, shoe repair, dry cleaners (provided no cleaning conducted on the premises), jewelry repair, and legal services.
- Business offices, including but not limited to medical offices, professional offices and governmental offices.
- Restaurants, excluding drive-through facilities.
- Combination office service and/or retail sales.
- House of Worship (Conditional).

5.2.3 SELECT AREA & YARD REQUIREMENTS

- Minimum Lot Area: 10,000 s.f.
- Minimum Lot Width & Frontage: 100’.
- Minimum Lot Depth: 125’.
- Minimum Front Yard Setback: 35’.
- Minimum Side Yard Setback: 10’.
- Minimum Rear Yard Setback: 30’.
- Maximum Impervious Surface Ratio: 0.70.
- Minimum Gross Floor Area: 3,000 s.f.
- Maximum Floor Area Ratio: 0.30.
- Maximum Building Height: 25’ / 2½ Stories.

5.2.4 HISTORIC PRESERVATION SUBCOMMITTEE

Significantly, all land use applications involving properties in the VC Zone shall be submitted to the Township’s Historic Preservation Subcommittee for review.

5.3 PROPERTY TAX ANALYSIS

5.3.1 Property taxes in Robbinsville are the sum of the:

TAX	2023 TAX RATE
	PER \$ 100 OF ASSESSED VALUATION
Municipal (Local Purpose) Tax	0.577



TAX	2023 TAX RATE
	PER \$ 100 OF ASSESSED VALUATION
Municipal Open Space Tax	0.065
Robbinsville School (Board of Education) Tax	1.723
County Tax	0.655
County Library Tax	0.068
County Open Space Tax	0.031
	3.119

Actual taxes to be paid on a particular piece of property are calculated as: Assessed Land Value + Assessed Improvement Value (= Total Assessed Value) x 3.119 / \$100.

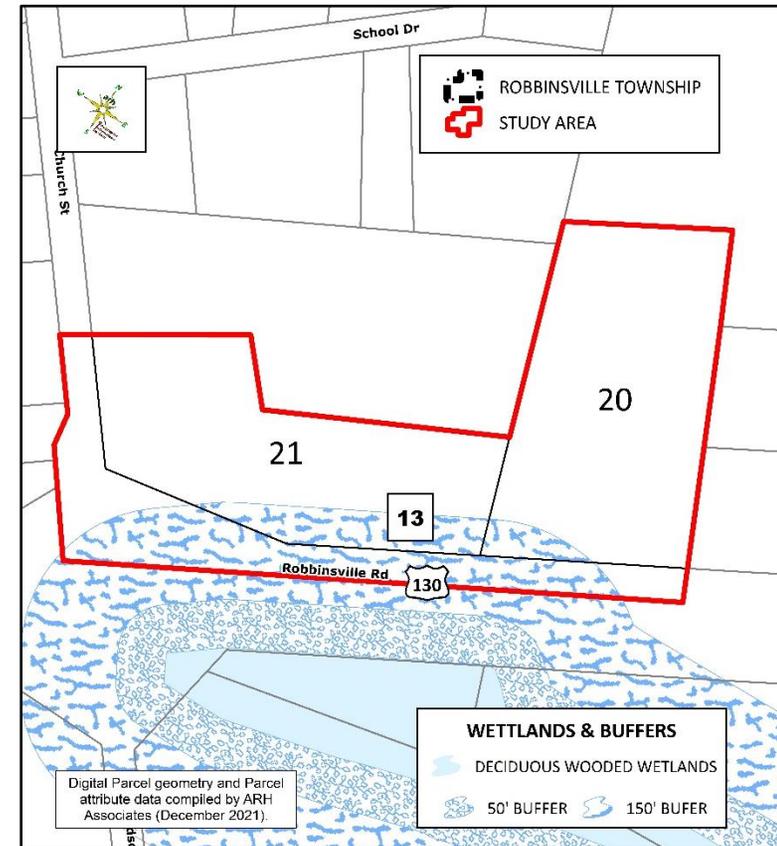
5.3.2 Assessments for the individual Lots within the Block 13: Lot 20 & 21 Study Area are:

LOT	ADDRESS	LAND	IMPROVEMENT	TOTAL
20	1350 RTE. 130	\$500,000	\$400,000	\$900,000
21	5 CHURCH ST.	\$246,100	\$100,300	\$346,400

5.4 STUDY AREA ENVIRONMENTAL CONSIDERATIONS

5.4.1 WETLANDS & WETLANDS BUFFERS

While NJDEP-mapping finds no mapped wetlands within the Block 13: Lot 20 & 21 Study Area. Lots 20 and 21 are within a



potential 150' buffer from the Deciduous Wooded Wetlands mapped across Route 130 from these Lots.

The site-specific analyses necessary to determine the permissibility of development within such potential buffer are beyond the scope of his Report of Findings. The

permissible limit of development is authorized by NJDEP upon application to that agency.

5.4.2 HABITAT / THREATENED & ENDANGERED SPECIES

A. NJDEP classifies habitat value under a 5-tier ranking system¹⁶. No mapped habitat is found in the Block 13: Lot 20 & 21 Study Area.

While the site-specific analyses necessary to determine the actual presence of species is beyond the scope of this Report of Findings, habitat may significantly limit the developability of impacted Study Area lots.

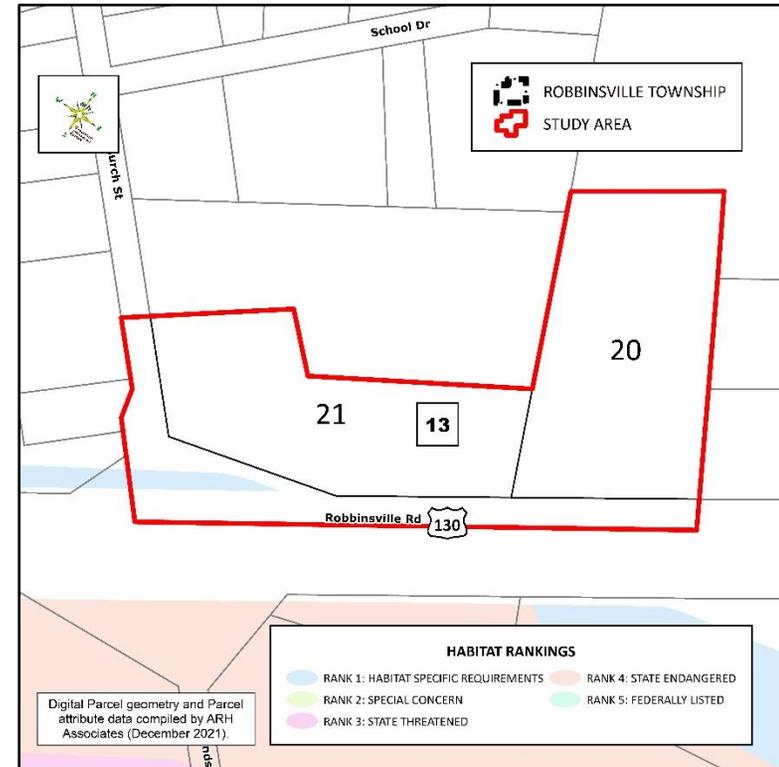
¹⁶ NJDEP employs a species-based habitat method designed to associate each species with a specific set of Land Use / Land Cover (“LULC”) classes according to the habitat needs of the species. Detailed LULC class delineations allow for an accurate representation of imperiled and special concern species habitat by providing biologists with the ability to designate a specific set of LULC classes for each individual species-feature label combination.

Each species-habitat association is developed by performing a review of scientific literature and/or from information obtained through research and expert opinion. In addition, a special analysis of the LULC for species and their feature label components was used to guide the selection of particular LULC classes for the creation of species-specific patches of habitat.

Habitat is valued only if it is appropriate for the species.

(www.nj.gov/dep/gis/landscape.html)

- Rank 1: species-specific habitat that meets habitat-specific suitability requirements such as minimum size or core area criteria for endangered, threatened or special concern wildlife species, but that do not intersect with any confirmed occurrences of such species. Rank 1 habitat without documented occurrences are not necessarily absent of imperiled or special concern species. Thus, the Rank 1 designation is used for planning purposes,



Imperiled species are typically not abundant across the landscape, a single occurrence may therefore represent a significant portion of the local population and often indicates the presence of a larger population.

- Rank 2: species-specific habitat containing 1 or more occurrences of species considered to be “of special concern”.
- Rank 3: species-specific habitat containing 1 or more occurrences of State threatened species.
- Rank 4: species-specific habitat with 1 or more occurrences of State endangered species.
- Rank 5: species-specific habitat containing 1 or more occurrences of wildlife listed as endangered and threatened under the Federal Endangered Species Act of 1973.

B. Additionally, the U.S. Fish & Wildlife Service IPaC website¹⁷ has identified the Northern Long-eared Bat¹⁸, Tricolored Bat¹⁹, Bog Turtle²⁰ and Monarch Butterfly²¹ at the Study Area²².

A Natural Heritage Database Request and a request to the U.S. Fish & Wildlife Service are required to confirm the actual presence of species within or in proximity to the Block 13: Lot 20 & 21 Study Area.

Development within habitat is subject to site-specific analyses and formal application to the Relevant Permitting Agencies. Once the presence of species is confirmed, a buffer may be required.

5.4.3 CONTAMINATION

NJDEP's internet databases²³ do not identify the Study Area as having known contamination.

5.5 SMART GROWTH & REGULATORY ENVIRONMENT

5.5.1 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

¹⁷ <https://ipac.ecosphere.fws.gov/location/index>

¹⁸ *Myotis septentrionalis*: Endangered Species

¹⁹ *Perimyotis subflavus*: Proposed Endangered

²⁰ *Glyptemys muhlenbergii*: Threatened Species

²¹ *Danaus plexippus*: Candidate

²² While not specifically identified in the Study Area, the Bald Eagle (*Haliaeetus leucocephalus*) warrants attention under the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d), (the species Breeds October 15 to August 31).

²³ <https://www13.state.nj.us/DataMiner>



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 urban²⁴, exurbs became suburban, and the open space that heretofore separated communities vanished. The result came to be known as “SPRAWL”.

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.

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

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



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

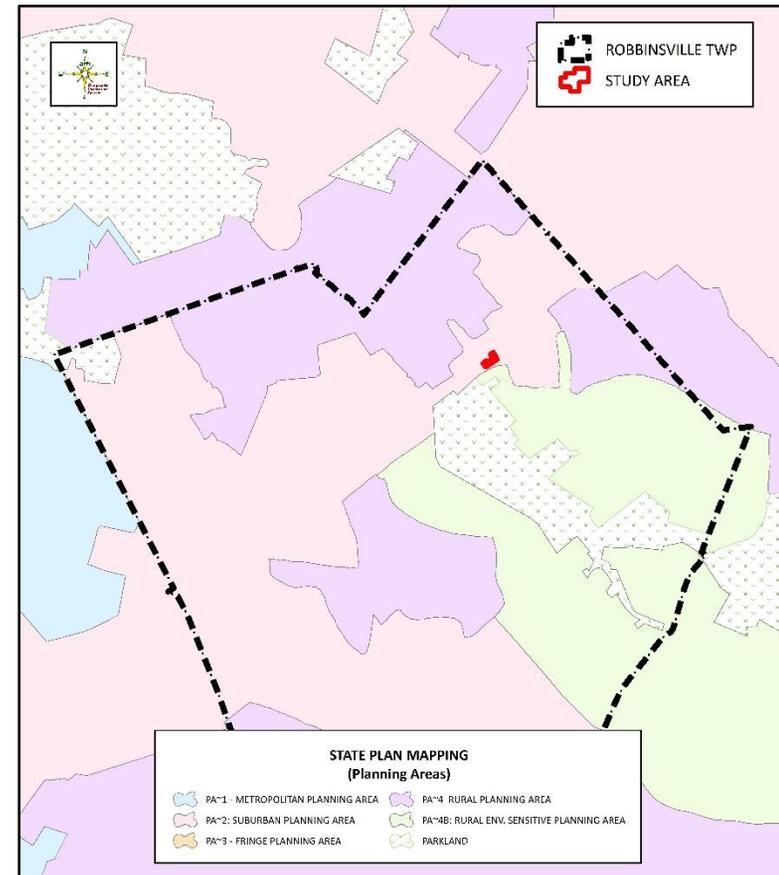
5.5.2 STATE DEVELOPMENT & REDEVELOPMENT PLAN

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 Commission as an interdepartmental effort between various State offices charged with managing the growth in New Jersey, the *State Plan* is the controlling policy guide regarding growth-related issues on a statewide level.

The *State Plan* classifies the section of Robbinsville²⁶ which includes the Block 13: Lot 20 & 21 Study Area as 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.²⁷

²⁶ As a 2001 document, the State Plan refers to Robbinsville under its former name of Washington Township.

²⁷ State Plan: p. 186.



To accomplish the State Plan's goals for the PA~2 Planning Area, the following Policy Objectives were established²⁸:

Pertinent to the Block 13: Lot 20 & 21 Study Area²⁹:

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 ... 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 ... Promote flexible (variable route) transit and support employer operated shuttle services...*

NATURAL RESOURCE CONSERVATION: *Conserve continuous natural systems, strategically locate open space, and buffer Critical Environmental Sites. Use open space to reinforce neighborhood and community identity, and protect natural linear systems, including regional systems that link into other Planning Areas.*

REDEVELOPMENT: *Encourage redevelopment efforts in existing Centers ... Redevelop at transit-supportive densities, while creating pedestrian-oriented environments. Take full advantage of the opportunities available*

²⁸ State Plan: p. 198-199.

²⁹ Policy Objectives related to Agriculture, Recreation are eliminated for brevity.



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 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.*

5.5.3 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 13, LOT 20 (1350 ROUTE 130)

Lot 20 is a 1.57-acre lot hosting the 24- to 26-unit³⁰ Trails End Motel, an apparent single-family residence and associated parking. A TripAdvisor.com review suggests that the motel is (at least partially) used as a long-term residences³¹ (Confirmed by Lt. Adrienne Markowski of the Robbinsville Police Department).



³⁰ Source: Robbinsville Police Department (reporting 26 units) and Construction Office (reporting 24 units).

³¹ https://www.tripadvisor.com/Hotel_Review-g46405-d8274919-Reviews-Trails_End_Motel-East_Windsor_New_Jersey.html (April / 2021)

(4/2021) "My name is **** and I live at the trails end motel I've been here for the past 6 years".



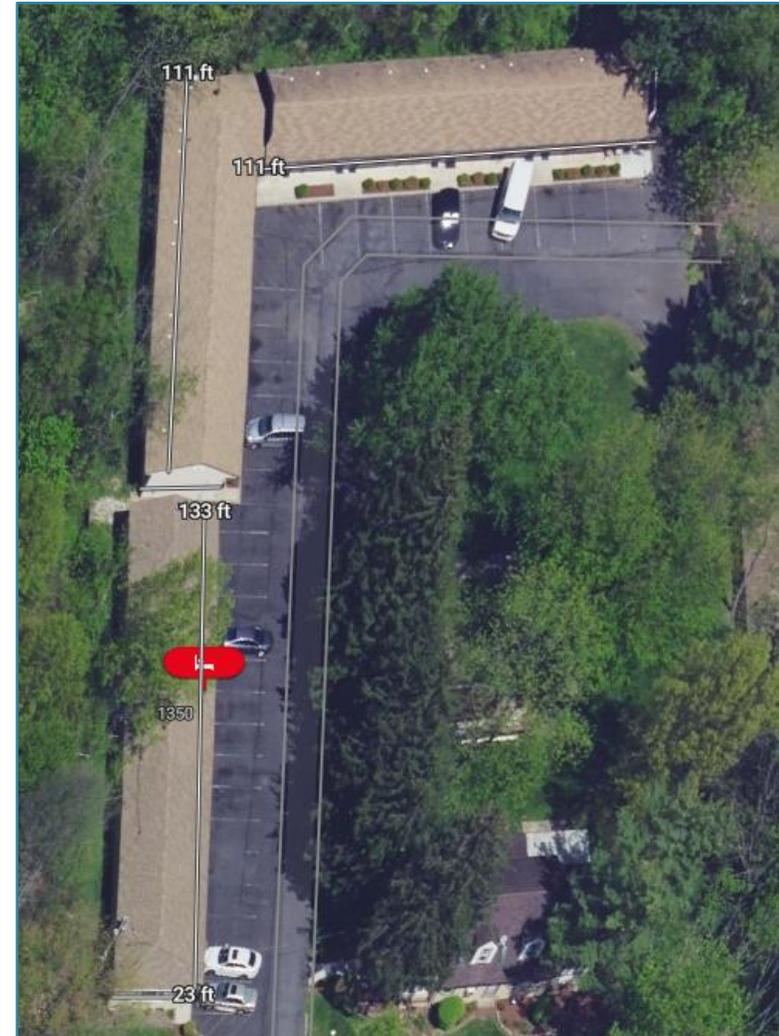
32

6.1.1 REDEVELOPMENT CRITERION ‘a’³³

Measurement of a Bing aerial photograph of the Trails Inn Motel finds 3 buildings arranged in a “L-shape”. The buildings measure (approximately) 23’-deep x 133’ and 111’ long.

Dividing the length of the buildings by 8 units each results in an (average) unit width of 16.6 and 13.9 s.f. Multiplying this width by the 23’ building depth results in a unit area of 382 and 319 s.f.

Other than cable television and internet connectivity (WiFi), the Trails Inn does not appear to offer even basic guest services or amenities.



³² https://businessyab.com/explore/united_states/new_jersey/mercer_county/windsor/us_130/1350/trails_end_motel_67469

³³ *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.*



A call to the motel for this Investigation³⁴ finds a nightly room rate of \$65.

A. Analysis: Substandard & Obsolescence

According to Hospitality experts³⁵:

Room size, like all other factors in hotel ratings criteria has changed dramatically in the past few years, and indeed continues to change. This is true not just at the 4 and 5 Diamond / Star level; even budget and economy class hotel rooms have evolved from cubicle size to what was only recently considered luxury level.

Most of us can easily recall when a 300-400 square foot room was seen only rarely and then only at the newer properties... That room size is now becoming quite commonplace as a standard room at mid-range hotels and even economy motels.

In addition to spacious rooms, our client has been very diligent and creative in the choice of FFE.³⁶ The rooms are large enough to

accommodate all the luxurious equipment and amenities expected... and still project an uncluttered, spacious, and comfortable atmosphere....

Lodgings lacking even basic guest services and amenities are considered substandard and obsolescent.

B. Analysis: Safety

Township records obtained from the Robbinsville Police Department reveal 680 calls for service to the Trails End Motel between 2013 and August 2023.

Eliminating calls which are not clearly emergency- or criminally-based and not based on the condition of the property³⁷ finds 647 calls for service as follows:

³⁴ August 24, 2023

³⁵ Harry Nobles, Hospitality Consulting. Does Hotel Room Size Matter? (September 2006). <http://www.hotel-online.com/Trends/HarryNobles/index.html>

³⁶ Furniture, fixtures & equipment.

³⁷ Animal Complaint, Burglar Alarm, Community Policing, Driving While Intoxicated, Lockout Residential or Motor Vehicle, Lost Property, Motor Vehicle Crash, Notification, Obstruction, Parking Complaint, Radio Issue, Stand By / Property Removal, Township Ordinance, Traffic Related Services, Unfounded Event, Void.



REPORT OF FINDINGS
CONDEMNATION PRELIMINARY REDEVELOPMENT INVESTIGATION
BLOCK 13: LOT 20 & 21 STUDY AREA
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, NEW JERSEY

CALL	COUNT											TOTAL
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023 ³⁸	
911 Verification	1				1	1		2		1	1	7
Ambulance Needed	10	13	11	20	16	8	13	14	16	7	4	132
Assault	3		1	2			2	1	2			11
Assist Other Agency	1	2	2		3			1	4			13
Attempt To Serve		1	1				2					4
Attempted Suicide					2				1	1		4
Burglary	1		1		2			2			1	7
Civil Matter				1	3	1		1	4	2		12
Criminal Mischief						1		1			1	3
Disorderly Persons				2								2
Dispute (Child Custody, Customer, Domestic, Neighbor)	13	2	5	7	6	5	9	8	13	5	5	78
Disturbance	4	1	1	2	1		3	6	5	1	2	26
Fire Call	9	9	5	6	7	7	3	1	9	6	7	69
Follow-Up	3	3	2	1	4			1	3	2		19
Harassment	7	1		1	2	1		5	9	3		29
Intoxicated Person				1	1			2		1		5
Investigation	2	3	2	2				1	2	2	1	15
Juvenile Complaint	1											1
K-9 Response / Deployment							2					2

³⁸ 1/1/2023 to 8/25/2023





REPORT OF FINDINGS
CONDEMNATION PRELIMINARY REDEVELOPMENT INVESTIGATION
BLOCK 13: LOT 20 & 21 STUDY AREA
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, NEW JERSEY

CALL	COUNT											TOTAL
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023 ³⁸	
Mental Illness	1	1				1		2	4	1		10
Missing Person / Runaway / Runaway Returned		1					1					2
Narcotic Investigation		1			1		1					3
Noise Complaint	1	3	1	4				2		1		12
Police Information	3	2	3	5	2		4	8	21	13	2	63
Property Damage						1					1	2
Sex Offender Registry					1	1						2
Sexual Assault/Rape	1						1				1	3
Special Assignment							1					1
Stolen Property								1				1
Suicide					1			2				3
Suspicious Activity / Person / Vehicle	3	1	5	3	4	1		6	8	2	3	36
Theft			1		2		1		2			6
Threats / Terroristic Threats		1	1		1				1	1	2	7
Trespassing				1	1				2			4
Unattended Death					1							1
Warrant Arrest / Ror'd	2	3	1		1		4	2	2	1		16
Welfare / Residence Business Check	4	5	3	1	1		4	5	5	7	1	36
TOTAL	70	53	46	59	64	28	51	74	113	57	32	647



Not only do these statistics evidence an *unsafe* environment for Lot 20, they demonstrate an overutilization of emergency municipal resources which could lead to delays in responding to calls elsewhere in the Township; thereby leading to potential unsafe conditions in other sections of Robbinsville.

The Lot 20 building(s) exhibit(s) characteristics of being *substandard, unsafe and obsolescent*.

Criterion ‘a’ applies.

6.1.2 REDEVELOPMENT CRITERION ‘d’³⁹

A. Analysis: *Substandard & Obsolescent Conditions / Safety*

The discussions of *substandard and obsolescent conditions and detriment to safety* detailed in the Criterion ‘a’ analysis⁴⁰ are applicable to Criterion ‘d’.

B. Analysis: *Obsolescence & Faulty Design / Obsolete Layout*

As detailed in §6.1.1 A. herein, lodgings lacking even basic guest services and amenities are considered *obsolescent* and a *faulty design / obsolete* layout by modern standards.

While direct causation / correlation cannot be established, it is likely that such conditions have resulted in the low rental rates⁴¹ at the Trails End Motel (alternatively, the conditions could have caused the low rates), which, in turn, is a potential cause of the emergency response calls detailed in §6.1.1 B. herein.

Such rates make these units available to the budget end of the lodging market, as well as affordable for lower income (full-time) residents. While a direct correlation between such low rental rates and serious criminal activity is beyond the scope of this Preliminary Investigation, service calls to this motel are excessive.

Additionally, is it logical to assume that the extensive number of fire calls at Lot 20 are the result of hotplates and other make-shift cooking facilities, which are a fire hazard and represent a danger to the safety of the Motel’s occupants and the community.

³⁹ 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.

⁴⁰ §6.1.1 herein.

⁴¹ \$65.00 nightly.



C. Analysis: *Deleterious Land Use*

The calls for service to Lot 20 evidence an *unsafe* environment for the site and potential unsafe conditions in other sections of Robbinsville.

D. Analysis: *Other Factors (Deleterious Land Use / Safety)*

To the extent that the calls for service to Lot 20 evidencing an *unsafe* environment for the site do not rise to the level of a *deleterious land use*, they are certainly an *other factor* in considering application of Redevelopment Criterion 'd'.

E. Analysis: *Other Factors (Substandard & Illegal Residences)*

Chapter 142 defines Dwelling Unit, in pertinent part, as:

*A room or series of connected rooms containing living, **cooking**, sleeping and sanitary facilities for one housekeeping unit... [emphasis added]*

and further defines Dwelling, Multi-Family as:

*A building containing more than 2 residential dwelling units each with its own sleeping, **cooking** and sanitary facilities and one or more outside walls.*

Such term shall not include motels.

[emphasis added]

To the extent that the Trials End Motel is used for long-term residential dwelling units (essentially apartments), the lack of proper cooking facilities renders it substandard for residential use. Further, the use of the motel for Multi-Family Dwelling use is a prima-fascia violation of Chapter 142.

F. Analysis: *Other Factors (Underutilization / Underproductivity)*

Lot 20 is a 1.57-acre lot with (approximately) 214' of Route 130 frontage. In its current configuration, Lot 20 has a Land Value of \$500,000, an Improvement Value of \$400,000 and a Total Assessed Value of \$900,000; translating to a public sector revenue stream of:

2023 TAX RATES		EXISTING TAX REVENUE
Municipal ⁴² Tax	0.577	\$5,193
Municipal Open Space Tax	0.065	\$585
Robbinsville School (Board of Education) Tax	1.723	\$15,507

⁴² Local Purpose



REPORT OF FINDINGS
CONDEMNATION PRELIMINARY REDEVELOPMENT INVESTIGATION
BLOCK 13: LOT 20 & 21 STUDY AREA
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, NEW JERSEY

2023 TAX RATES		EXISTING TAX REVENUE
County Tax	0.655	\$5,895
County Library Tax	0.068	\$612
County Open Space Tax	0.031	\$279
		\$28,071

By comparison:

Route 130 development on Block 13, Lot 12.01 (Robbinsville Bar & Grille) is a 2.1-acre lot with (approximately) 262' of Route 130 frontage. While this Lot is somewhat larger than Study Area Lot 20 in terms of area and frontage, a similar development as that on Lot 12.01 could be developed on Study Area Lot 20.

Lot 12.01 has a Land Value of \$527,500, a (projected)⁴³ Improvement Value of \$700,000 and a (projected) Total Assessed Value of \$1,227,500.

Assuming the Land Value of Study Area Lot 20 does not change, adding the (projected) Improvement Value of

Lot 12.01 to the Land Value of Study Area Lot 20 results in a (projected) Total Assessed Value of \$1,200,000; translating to a public sector revenue stream of:

2023 TAX RATES	EXISTING TAX REVENUE	GROWTH TAX REVENUE	ADDED REVENUE
Municipal (Local Purpose) Tax	\$5,193	\$6,924	\$1,731
Municipal Open Space Tax	\$585	\$780	\$195
Robbinsville School (Board of Education) Tax	\$15,507	\$20,676	\$5,169
County Tax	\$5,895	\$7,860	\$1,965
County Library Tax	\$612	\$816	\$204
County Open Space Tax	\$279	\$348	\$69
	\$28,071	\$37,404	\$9,333

In 2022, in order to balance its budget as required by State law, the Township increased its Local Purpose Tax by \$0.02. ⁴⁴This was the first increase since 2014.

An increase of \$0.04 was required in 2023.

⁴³ At time of this Report of Findings, the improvements were under construction and the Township's Tax Assessor had not updated the Improvement Value. The Tax Assessor provided a projected value of \$125 / s.f. At an estimated footprint of 5,600 s.f., a value of \$700,000 was calculated.

⁴⁴ Other than what is described as a "de minimis rounding increase" in 2020 (0.001).



Had the Township not taken these steps, it would have had to reduce funding for municipal services and programs.

While an increase in the Lot 20 ratable would not ~ in and of itself ~ balance the Township’s budget and/or restore programs, the *underutilization* and *underproductivity* of the Lot limits the Township’s ability to maximize tax revenues from this property which might otherwise be available.

While similar analyses for the other components of Robbinsville’s tax base are beyond the scope of this Investigation, comparable results would endure to the Township’s Open Space program, the Robbinsville Board of Education, Mercer County, the County Library system and the County Open Space program.

While *underutilization* and *underproductivity* are not specifically enumerated as qualifying conditions under Redevelopment Criterion ‘d’, they are certainly *other factors* leading to a *detriment to the welfare of the community*.

G. Combined Analysis

Lot 20 is within an *area with buildings or improvements* and which exhibits *substandard and obsolescent conditions, faulty design / obsolete layout, deleterious land use and other factors (safety, substandard and illegal residence, underutilization and underproductivity) which are detrimental to the safety, health and welfare of the community*.

Criterion ‘d’ applies.

6.1.3 REDEVELOPMENT CRITERION ‘h’⁴⁵

As mapped in §5.5.2 herein, Lot 20 is located within a PA~2 (Suburban) Planning Area, which is 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.

⁴⁵ The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.



6.2 BLOCK 13, LOT 21 (5 CHURCH STREET)

Lot 21 is a 1.37-acre lot hosting the Ayom Day Spa & Salon, an apparent single-family residence and associated parking.





6.2.1 REDEVELOPMENT CRITERION ‘d’⁴⁶

Lot 21 consists of an (approximately) 0.69-acre developed portion fronting Church Street and an (approximately) 0.88-acre portion fronting Route 130.



Dividing Lot 21 into its developed and undeveloped sections would result in (approximately) 56% of the Lot being available for development. Such 56% would have (approximately) 200’ of Route 130 frontage.

A. Analysis: Faulty Design

In its current configuration, Lot 21 has a Land Value of \$246,100, an Improvement Value of \$100,300 and a Total Assessed Value of \$346,400; translating to a public sector revenue stream of:

2023 TAX RATES		EXISTING TAX REVENUE
Municipal ⁴⁷ Tax	0.577	\$1,999
Municipal Open Space Tax	0.065	\$225
Robbinsville School (Board of Education) Tax	1.723	\$5,968
County Tax	0.655	\$2,269
County Library Tax	0.068	\$236
County Open Space Tax	0.029	\$100
		\$10,797

Assuming the Land Value of Lot 21 does not change, adding the (projected) \$700,000 Improvement Value of Lot 12.01⁴⁸ to the Land Value of Lot 21 results in a

⁴⁶ 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.

⁴⁷ Local Purpose

⁴⁸ At time of this Report of Findings, the improvements were under construction and the Township’s Tax Assessor had not updated the Improvement Value. The Tax Assessor provided a projected value of \$125 / s.f. At an estimated footprint of 5,600 s.f., a value of \$700,000 was calculated.



(projected) Total Assessed Value of \$946,100; translating to a public sector revenue stream of:

2023 TAX RATES	EXISTING TAX REVENUE	GROWTH TAX REVENUE	ADDED REVENUE
Municipal (Local Purpose) Tax	\$1,999	\$5,459	\$3,460
Municipal Open Space Tax	\$225	\$615	\$390
Robbinsville School (Board of Education) Tax	\$5,968	\$16,301	\$10,333
County Tax	\$2,269	\$6,197	\$3,928
County Library Tax	\$236	\$643	\$408
County Open Space Tax	\$100	\$274	\$174
	\$10,797	\$29,490	\$18,693

Again, In 2022, in order to balance its budget as required by State law, the Township increased its Local Purpose Tax by \$0.02. ⁴⁹This was the first increase since 2014.

An increase of \$0.04 was required in 2023.

Had the Township not taken these steps, it would have had to reduce funding for municipal services and programs.

While an increase in the Lot 21 ratable would not ~ in and of itself ~ balance the Township’s budget and/or restore programs, the *underutilization* and *underproductivity* of the Lot limits the Township’s ability to maximize tax revenues from this property which might otherwise be available.

While similar analyses for the other components of Robbinsville’s tax base are beyond the scope of this Investigation, comparable results would endure to the Township’s Open Space program, the Robbinsville Board of Education, Mercer County, the County Library system and the County Open Space program.

B. *Analysis: Other Factors (Underutilization / Underproductivity)*

To the extent that the vacant 56% of Lot 21 does not rise to the level of a *faulty design*, it certainly contributes to the *underutilization* and *underproductivity* of the Lot.

And while *underutilization* and *underproductivity* are not specifically enumerated as qualifying conditions under Redevelopment Criterion ‘d’, they are certainly *other factors* leading to the *detriment to the welfare of the community*.

⁴⁹ Other than what is described as a “de minimis rounding increase” in 2020 (0.001)



C. Combined Analysis

Lot 21 is within an *area with buildings or improvements* and which exhibits *faulty design and other factors (underutilization and underproductivity) which are detrimental to the safety, health and welfare of the community.*

Criterion ‘d’ applies.

6.2.2 REDEVELOPMENT CRITERION ‘h’⁵⁰

As mapped in §5.5.2 herein, Lot 19 is located within a PA~2 (Suburban) Planning Area, which is 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.

6.2.3 REDEVELOPMENT AREA DEFINITION

In addition to the 8 Statutory Criteria for Redevelopment Area

designation, the *Redevelopment Law* provides⁵¹ 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.

Lot 21 includes an (approximately) 0.65-acre undeveloped area fronting Route 130. This portion of the Lot is contiguous with Lot 20, which, as detailed in §6.1.1 herein, conforms with Redevelopment Criterion ‘a’ and multiple levels of Redevelopment Criterion ‘d’.

Consolidating the undeveloped portion of Lot 21 with Lot 20 would result in an (approximately) 2.25 developable site with (approximately) 400’ of Route 130 frontage; thereby making Lot 20 more attractive to the development community.

Accordingly, it is recommended that Lot 21 is necessary for the effective redevelopment of Lot 20.

⁵⁰ The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

⁵¹ N.J.S.A. 40A:12A-3



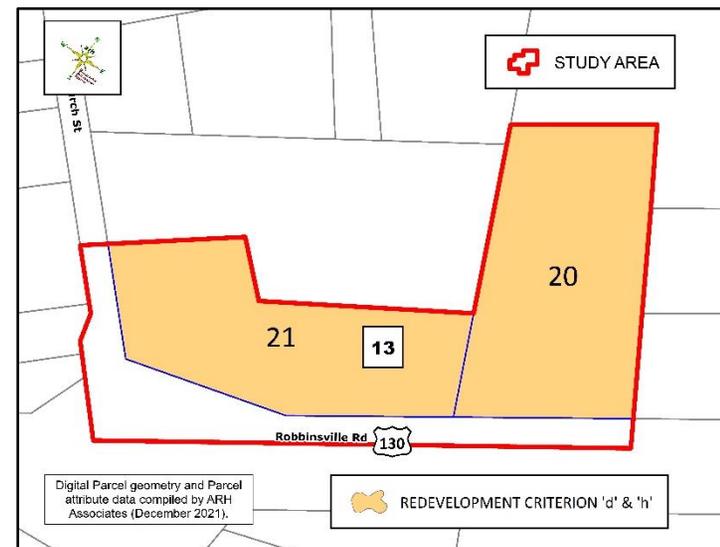
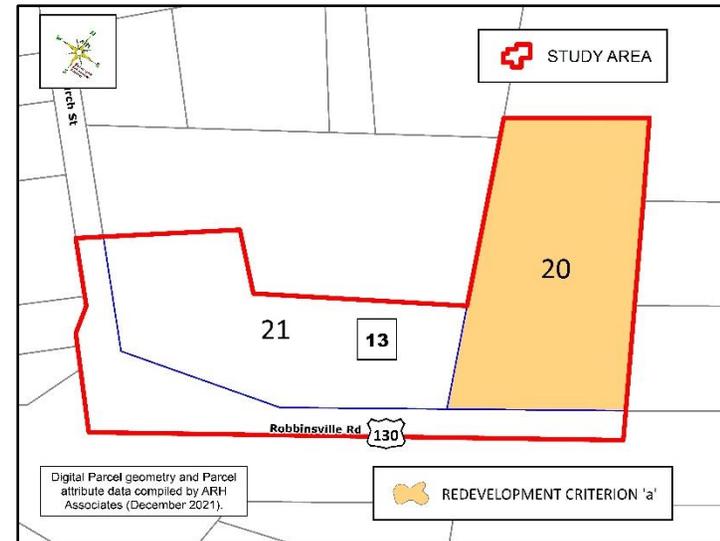
7.0 SUMMARY, CONCLUSIONS & RECOMMENDATIONS

7.1 SUMMARY OF FINDINGS

Critical to the application of the *Redevelopment Law* is the understanding that a Study Area may be declared to be In Need of Redevelopment if it is determined that **any (1) of the Statutory Criteria** under N.J.S.A 40A:12A-5 are found to exist.

As detailed herein, this Preliminary Investigation finds:

- 1 Study Area Lot (representing 50% of Study Area lots and 53.4% of Study Area land mass) conforms with Redevelopment Criterion 'a'.
- 2 Study Area Lots (representing 100% of Study Area lots and 100% of Study Area land mass) conform with Redevelopment Criterion 'd'.
- 2 Study Area Lots (representing 100% of Study Area lots and 100% of Study Area land mass) conform with Redevelopment Criterion 'h'.



- 1 Study Area Lot (representing 50% of Study Area lots and 46.6% of Study Area land mass) conforms with the definition of a Redevelopment Area.

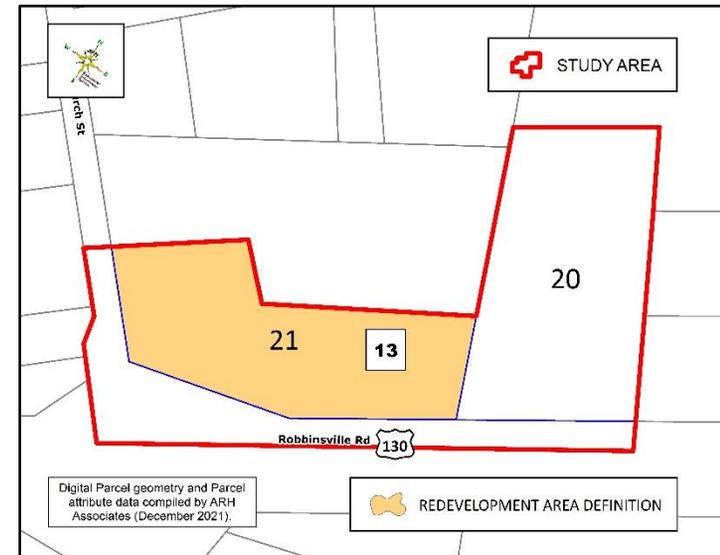
7.2 CONCLUSIONS

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

7.2.1 A generality of buildings that are *substandard, unsafe and obsolescent*; **thereby satisfying Redevelopment Criterion ‘a’**.

7.2.2 Buildings or improvements which, by reason of *substandard and obsolescent conditions, faulty design, obsolete layout, deleterious land use and other factors (safety, substandard and illegal residence, underutilization and underproductivity)*, is detrimental to the safety, health and welfare of the community; **thereby satisfying Redevelopment Criterion ‘d’**.

7.2.3 Lands within 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’**.



7.2.4 *Lands, buildings and improvements which of themselves may not be 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*; **thereby satisfying the Statutory definition of lands deemed eligible for inclusion in a Redevelopment Area**.

7.3 RECOMMENDATIONS

7.3.1 Based on the totality of the foregoing, it is herewith recommended that the Robbinsville Land Use Board find, and upon such finding recommend to the Robbinsville Township



Council, that the Block 13: Lot 20 & 21 Study Area, as depicted herein, be declared to be a 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 the Study Area, or any part or parts thereof, to be a Condemnation Area In Need of Redevelopment, it is hereby recommended that the Township Council authorize the preparation of a Redevelopment Plan for such lands.