

# REPORT OF FINDINGS

*CONDEMNATION PRELIMINARY REDEVELOPMENT INVESTIGATION*

**BLOCK 2: LOT 2, 3, 4, 7 & 8 STUDY AREA**

**ROBBINSVILLE TOWNSHIP, MERCER COUNTY, NEW JERSEY**



Prepared by



June 12, 2024

ARH Project Number: 1500016.01

Prepared for





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

Respectfully Submitted:

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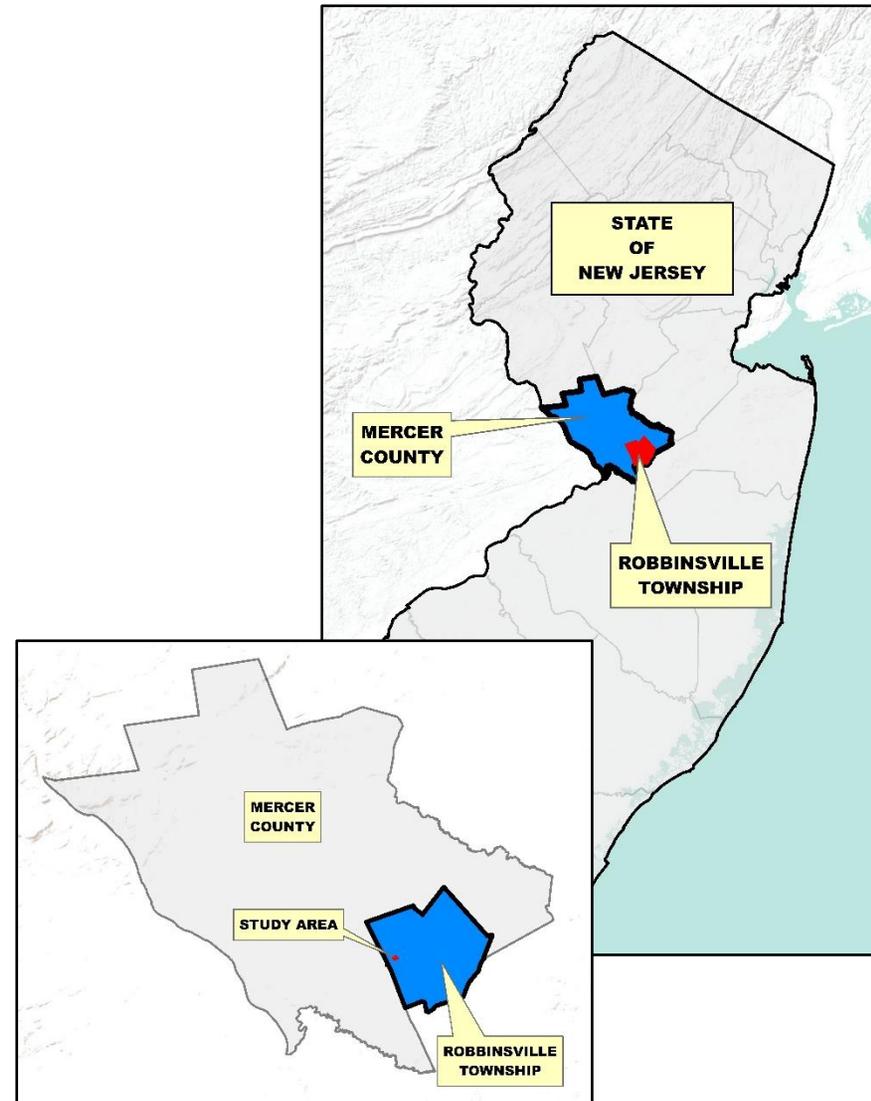


## 1.0 INTRODUCTION

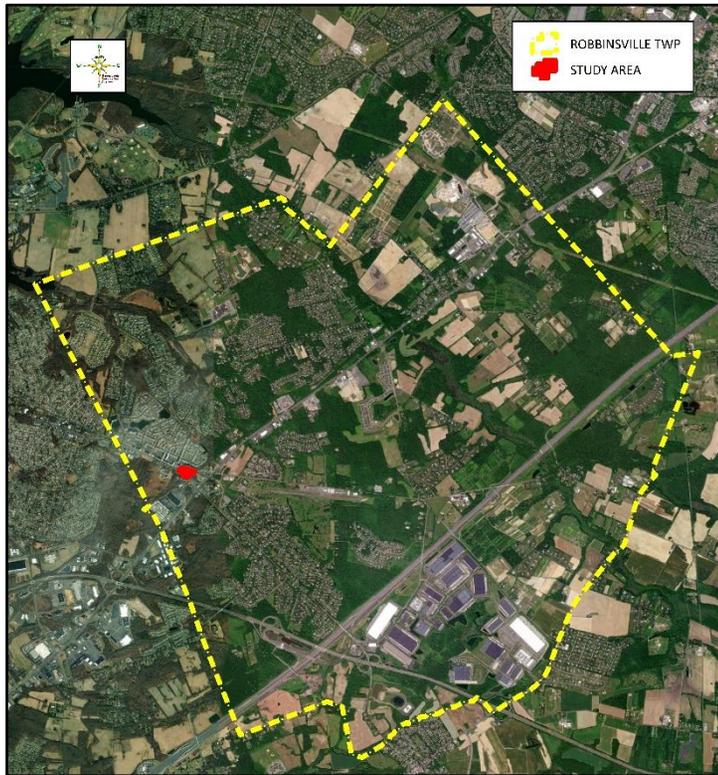
### 1.1 BACKGROUND

There exists in the Township of Robbinsville, Mercer County, New Jersey<sup>1</sup>, a 5 lot, (approximately) 5.5-acre area consisting of lots that are located between Route 33 and Main Street, just to the west of U.S. Route 130. Such area consists of Block 2, Lots 2, 3, 4, 7 and 8 on the official Tax Map of the Township of Robbinsville.

A cursory review of the these lots finds vacant, un/underutilized and un/underproductive buildings and lands, as well as properties that appear to exhibit conditions of deterioration in commercial installations, public services and facilities 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.



<sup>1</sup> "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*<sup>2</sup>, 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 for redevelopment; clear or provide for the clearance of lands; install infrastructure and/or other site improvements; provide

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



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.

Robbinsville Planning Board<sup>4</sup> to conduct the necessary investigations and to undertake the necessary steps to determine whether or not lands then-designated as the Route 130 South Study Area, more particularly described as:

**1.2.2 2020 REDEVELOPMENT INITIATIVE**

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

A. In February 2020, the Robbinsville Township Council adopted (and May 2020, amended) Township Resolution No. 2020-68<sup>3</sup>; thereby authorizing and directing the [then]

BLOCK	LOT(S)
1	27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 37.01, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 56, 57.01, 58.01, 62 & 63.
2	1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15.01, 15.02, 17.01 & 20.
8	15.01, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 34, 35, 36, 37, 38, 38.01, 46, 47, 48 & 72.
8.03	9.03
21	27.01 & 27.02.
26	1.01, 1.02, 3, 5, 6.02, 6.03, 6.04 & 9.01.
27	1, 2, 3, 4, 5, 7, 8, 8.01, 9, 11, 18, 19, 20.01, 21, 23, 25, 26.01 & 27.
28.13	4.01
28.14	1, 2, 3, 4, 59 & 60.
29	1.011, 1.19, 2.39, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12.

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

<sup>4</sup> Reconstituted in January 2023 as a Joint Land Use Board.

<sup>5</sup> A railroad right-of-way belonging to the United NJ Railroad & Canal Co. extends through Robbinsville in an east / west direction. What was believed to be the extent of this right-of-way was included in Resolution No. 2020-126 as Block 1, Lots 37 and 37.01 and Block 2, Lot 9.

During the course of the Investigation, it was discovered that a portion of this right-of-way ~ designated Block 8, Lot 14 ~ meanders to the front (i.e., south) of a cluster of properties designated as Block 8, Lots 29, 30, 31 & 32 and Block 8.03, Lot 9.03. Lot 14 is therefore geographically located within the Route 130 South Study Area.

While inadvertently omitted as a **Lot** in Resolution No. 2020-126, the portion of Lot 14 within the Route 130 South Study Area is captured in Resolution No. 2020-126 as being part of an **internal right-of-way**.



on the official tax map of the Township of Robbinsville, or any part of parts thereof, and including all bounding and internal Rights-of-Way, or any part or parts thereof, qualified for designation as an Area in Need of Redevelopment under the criteria and pursuant to the public hearing process set forth in N.J.S.A. 40A:12A-1, et seq.

***Pertinent to this instant Preliminary Investigation, the Route 130 South Study Area included Block 2, Lots 2, 3, 4, 7 and 8.***

While not addressed in Resolution No. 2020-68, such action authorized the Township to use all those powers provided by the Legislature for use in a Redevelopment Area *except the use of eminent domain*. Accordingly, the Preliminary Investigation was in furtherance of a "**Non-Condemnation Redevelopment Area**" designation.

B. In May, 2020, the Robbinsville Planning Board adopted Planning Board Resolution No. PB2020-17<sup>3</sup> (amended June 17, 2020 via Resolution No. PB2020-17A)<sup>3</sup>, accepting



the directive of the Township Council and assigning **ARH ASSOCIATES**,<sup>6</sup> Licensed Professional Planners in the State of New Jersey and the Planning Board's appointed Planner, to undertake the Investigation its Board's behalf.

**ARH** conducted its analysis and submitted a *Report of Findings* detailing the conditions in the Route 130 South Study Area<sup>7</sup>.

C. Pursuant to N.J.S.A. 40A:12A-6b (2) and (3), the Planning Board held a duly noticed public hearing on this matter<sup>8</sup> to determine whether all or part of the Route 130 South Study Area qualified as an Area in Need of

<sup>6</sup> "ARH"

<sup>7</sup> Dated January 22, 2021 ("2021 Report of Findings") [§3.24 herein.]<sup>3</sup>

<sup>8</sup> February 24, 2021, and March 17, 2021



Redevelopment. At the end of the public hearing, the Planning Board, on June 23, 2021, and after careful consideration of the Report of Findings and a presentation by **ARH**, as well as comments from members of the public in attendance who elected to speak, adopted Resolution No. PB2021-17(B)<sup>3</sup>; thereby finding and recommending to the Township Council that the area under Investigation, with the exception of Block 1, Lot 56, qualified and therefore should be designated as a Non-Condemnation Area in Need of Redevelopment.

D. The Township Council received the Resolution and recommendations of the Planning Board, along with the *Report of Findings* and all relevant exhibits and materials. After carefully considering the analyses, findings and recommendations of the Planning Board embodied in Resolution No. PB2021-17(B), the Township Council, on June 24, 2021, after due and careful deliberation, adopted Township Resolution No. 2021-165<sup>3</sup>; thereby designating the Route 130 South Study Area, with the exception of Block 1, Lot 56, to be an Area In Need of Redevelopment.

E. As required by N.J.S.A. 40A:12A-6, Township Resolution No. 2021-165 was transmitted to the Commissioner of the New Jersey Department of Community Affairs for approval of the designated Redevelopment Area. By letter dated July 8, 2021<sup>3</sup>, the Township received such approval.

### 1.2.3 THIS REDEVELOPMENT INITIATIVE

Having received no (re)development interest in Block 2, Lots 2, 3, 4, 7 and 8, the Township Council, on July 27, 2023, adopted Township Resolution No. 2023-192<sup>3</sup>; 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 of such Block and Lots<sup>9</sup>, 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 September 19, 2023, the Land Use Board adopted Land Use Board Resolution No. LU2023-30<sup>10</sup>, 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

<sup>9</sup> "Block 2: Lot 2, 3, 4, 7 & 8 Study Area"

<sup>10</sup> On file with the Township Clerk and/or the Land Use Board Secretary.





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.

**1.2.4 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:

*... 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.*

*If a municipal governing body has [previously] determined an area to be a Non-Condemnation Redevelopment Area ..., the municipality may [subsequently] initiate and follow the process set forth in this section to determine whether the area or property is a Condemnation Redevelopment Area. Such determination shall be based upon the then-existing conditions and not based upon the condition of the area or property at the time of the prior Non-Condemnation Redevelopment Area determination ...*

### **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 2: Lot 2, 3, 4, 7 & 8 Study Area against the specific criteria enumerated in N.J.S.A. 40A:12A-5.

#### 1.1 SOURCES

The analyses contained in this Report of Findings rely on:

- Township Parcel Mapping and associated data<sup>11</sup> compiled by **ARH ASSOCIATES**;
- Visual inspections of the accessible sections of the Study Area conducted in May 2024;
- NJDEP, Google Earth and Bing Aerial Photography<sup>12</sup> ;
- Georeferenced World Imagery (aerial photography) compiled and maintained by ESRI<sup>13</sup> ;

- 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 2: Lot 2, 3, 4, 7 & 8 Study Area against the Statutory Criteria required for Redevelopment Area designation.

#### 1.1 ACREAGE CALCULATIONS

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

<sup>11</sup> 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).

<sup>12</sup> <https://newjersey.maps.arcgis.com/home/item.html?id=8bf43d89c9754f55a09b3e0959d6b35c>

<sup>13</sup> <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 2: Lot 2, 3, 4, 7 & 8 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 2: Lot 2, 3, 4, 7 & 8 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 mean<sup>14</sup>:

- ...something that impairs growth, withers hopes and ambitions, or impedes progress and prosperity; see New Oxford American Dictionary 177 (2<sup>nd</sup> 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 2: Lot 2, 3, 4, 7 & 8 Study Area” shall mean the 5 Lot, (approximately) 5.5-acre portion of Robbinsville Township located between Route 33 and Main Street, as further described in Township Resolution No. 2023-192 and §1.2.3 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’s<sup>15</sup>)

- *(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.*

<sup>14</sup> As defined by the New Jersey Supreme Court in Gallenthin Realty Development, Inc. v. Township of Paulsboro. 191 N.J. 344 (2007).

<sup>15</sup> [www.merriam-webster.com/dictionary](http://www.merriam-webster.com/dictionary)



**3.5** “Governing Body” shall have the same meaning as Township Council<sup>16</sup>.

**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 Affairs<sup>17</sup>.

**3.10** “NJDEP” shall mean the New Jersey Department of Environmental Protection<sup>17</sup>.

**3.11** “NJDOT” shall mean the New Jersey Department of Transportation<sup>17</sup>.

**3.12** “Obsolete” or “Obsolescent” shall mean (as defined in Webster’s<sup>15</sup>):

- (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 2: Lot 2, 3, 4, 7 & 8 Study Area are analyzed to determine conformance with the Statutory Criteria for Redevelopment Area designation under the *Local Redevelopment & Housing Law*.

<sup>16</sup> Within the context of the various sections of this document, the terms “Township”, “Governing Body” and “Robbinsville” shall mean the Robbinsville Township Council.

<sup>17</sup> including all divisions and agencies thereof.



**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<sup>16</sup>.

**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 2: Lot 2, 3, 4, 7 & 8 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.

**3.24** “2021 Report of Findings” shall mean the document entitled *Report of Findings, Non-Condemnation, Preliminary Redevelopment Investigation, Route 130 South Study Area, Robbinsville Township, Mercer County, New Jersey*. Prepared by **ARH Associates** (dated January 22, 2021).

## 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. 2023-192<sup>18</sup>.

Resolution No. 2023-192 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

<sup>18</sup> 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* provides<sup>19</sup> 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 2: Lot 2, 3, 4, 7 & 8 Study Area.

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<sup>19</sup> 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 2023-192<sup>20</sup>, the Study Area for this Preliminary Investigation consists of Block 2, Lots 2, 3, 4, 7 and 8 as depicted on the official tax map of the Township of Robbinsville.

**5.1.2** In order to permit any potential grant funding tied to Redevelopment Area designations to be utilized for Route 33 and Main Street, the Block 2: Lot 2, 3, 4, 7 & 8 Study Area extends to the far sides of these Rights-of-Way. Accordingly, the Study Area contains approximately 3.2 acres in the form of Tax Lots and approximately 2.3 acres in the form of Rights-of-Way, for a total of approximately 5.5 acres<sup>21</sup>.

**5.1.3** In satisfaction of the requirements of N.J.S.A. 40A:12A-6 b., the following map showing the boundaries of the Block 2: Lot 2, 3, 4, 7 & 8 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 2: Lot 2, 3, 4, 7 & 8 Study Area is located within Special Condition Area C of the (TC-2) Town Center 2

<sup>20</sup> On file with the Township Clerk and/or the Land Use Board Secretary.

<sup>21</sup> 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.



Zoning District. Lands to the northwest of the Study Area are zoned TC-1, lands to the northeast are zoned TC-3, lands to the southeast are Zoned TC-4 and lands to the south and southeast are zoned TC-2.

The Town Center in general is governed by §142-19 of the Township Code, with the TC-2 subzone being governed by §142-19 E. Regulations for Special Condition Area C of the TC-2 Zone are included in §142-19 E.

### 5.2.1 PURPOSE & INTENT

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

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

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

*The governing body has promulgated a series of policy statements ... which are to be considered in reviewing all development applications involving lands located in the Town Center<sup>22</sup>.*

### 5.2.2 PERMITTED PRINCIPAL & CONDITIONAL USES

#### A. Permitted Principal Uses

- Residential Uses as follows:
  - Village Houses<sup>23</sup>
  - Narrow Lot Houses<sup>23</sup>
  - Duplex Dwellings.
  - Townhouse Dwellings.
  - Commercial / Office / Retail Urban Apartment.
  - [Age] Restricted and Non-[Age] restricted Senior Citizen Housing.
  - Assisted Care Living.
- Public and Semipublic Uses, including parks and playgrounds, conservation areas, and structures and facilities constructed as part of this Principal Use.
- Clubhouse Buildings.
- Day-Care Centers.
- Elderly Day-Care Centers.
- House of Worship.
- Community and Civic Facilities, including Post Offices, Museums, Auditoriums [sic] and Library Facilities.

<sup>22</sup> Omitted for brevity.

<sup>23</sup> Single-Family Detached Dwellings



- *Banks and Other Financial Institutions, excluding Check-Cashing Businesses but including Automated Teller Machines (ATM).*
- *Retail Sale or Rental of Goods, Merchandise and Equipment as permitted in the TC-1 Zone.*
- *Single or Multiple User Offices and Office Buildings.*
- *Restaurants, exclusive of Drive-Through Facilities.*
- *Neighborhood Motor Vehicle Service Station or Garage, as defined...*
- *Public and Semipublic Recreation Uses.*
- *Bed-and-Breakfast Establishments...*
- *Permitted Uses in Special Condition Area C.*
  - *Public and Semipublic Uses.*
  - *Day-Care Facilities.*
  - *Convenience / General Stores.*
  - *Restaurants, Cafes, Coffee Houses and Eateries.*

**B. Permitted Accessory Uses**

- *All Residential Accessory Uses in the TC-1 Subdistrict.*
- *Home-Based Offices, provided:*
  - *The Home-Based Office is located in a single-family dwelling.*
  - *Medical, Dental and Real Estate Offices [are] not...permitted...*

- *In addition to the family members occupying the dwelling containing the Home Office, there shall not be more than one outside employee in the Home Office.*
- *The employee and clients shall use on-street curbside parking spaces and shall not park on the lot containing the Home Office.*
- *Permitted signage area is limited to one facade or freestanding sign...*
- *All exterior aspects of the Home Office operation shall not disrupt the residential integrity [of the dwelling].*
- *Toolsheds and Outside Storage Sheds...*
- *Studio Room, as defined.*
- *Accessory dwelling as defined..., limited to Village Lots having a minimum area of 7,200 s.f.*

**5.2.3 SELECT AREA & YARD REQUIREMENTS**

Lot Area: 15,000 s.f.

Lot Frontage & Width: 75’.

Lot Depth: 150’.

Side Yard Setback: 10’.

Rear Yard Setback: 50’.

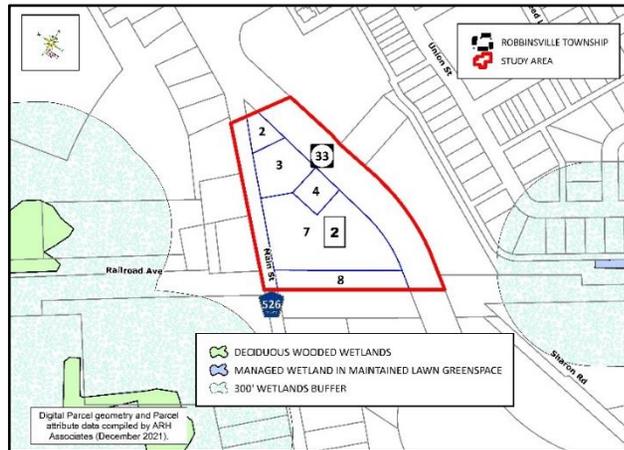
Maximum Floor Area Ratio: 40%.

Maximum Impervious Surface Ratio: 70%.

## 5.3 STUDY AREA ENVIRONMENTAL CONSIDERATIONS

### 5.3.1 WETLANDS & WETLANDS BUFFERS

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



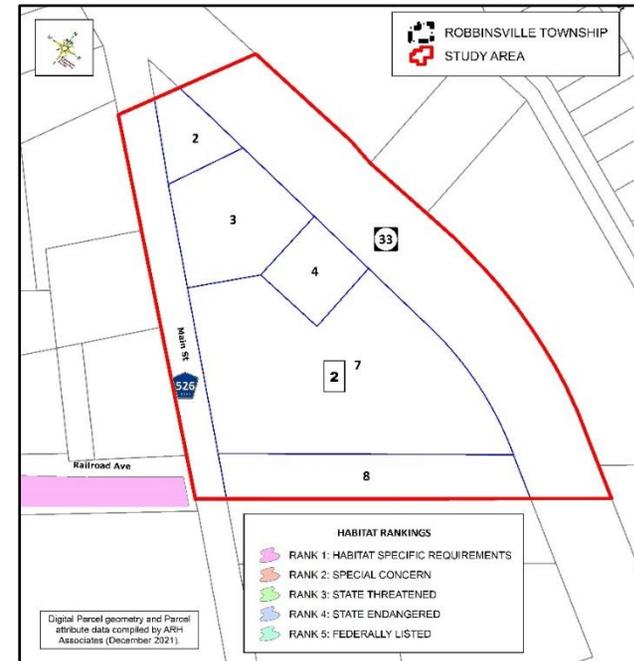
<sup>24</sup> NJDEP employs a species-based habitat method designed to associate each species with a specific set of Land Use / Land Cover (“LULC”) classes according to the habitat needs of the species. Detailed LULC class delineations allow for an accurate representation of imperiled and special concern 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](http://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, such as targeting areas for future wildlife surveys.

### 5.3.2 HABITAT / THREATENED & ENDANGERED SPECIES

- A. NJDEP classifies habitat value under a 5-tier ranking system<sup>24</sup> which finds no mapped Habitat within the Study Area but Habitat Rank 1 adjacent to the Area<sup>25</sup>.



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.

<sup>25</sup> No species listed.

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.

- B. The United States Fish & Wildlife Service IPaC website<sup>26</sup> has identified the Northern Long-eared Bat<sup>27</sup>, the Tricolored Bat<sup>28</sup> and the Monarch Butterfly<sup>29</sup> at or in proximity to the Study Area<sup>30</sup>. A Natural Heritage Database Request and a request to the U.S. Fish & Wildlife Service are required to confirm the actual presence of these species.

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.

<sup>26</sup> <https://ipac.ecosphere.fws.gov/location/index>

<sup>27</sup> *Myotis septentrionalis*: Endangered Species

<sup>28</sup> *Perimyotis subflavus*: Proposed Endangered

<sup>29</sup> *Danaus plexippus*: Candidate

<sup>30</sup> 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).

### 5.3.3 CONTAMINATION

A search of NJDEP’s internet databases<sup>31</sup> for the 2021 Report of Findings<sup>32</sup> found reported groundwater contamination on Block 2, Lot 2. An updated search for this Report of Findings finds:

- A. An NJDEP case file was opened for Lot 2 in the 2000 – 2001 timeframe with a designation of “C2<sup>33</sup>: Formal Design-Known Source or Release with Groundwater Contamination”.

A “Closed Site Remediation identification” code was entered in 2020, with a Response Action Outcome of RAO-A (Unrestricted Use) assigned. Unrestricted Use RAOs may only be issued when:

- There are no site-related contaminants found at an area of concern or the entire site is above the most stringent remediation standards following the completion of a Preliminary Assessment (“PA”) and Site Investigation (“SI”), as appropriate; or

<sup>31</sup> <https://www13.state.nj.us/DataMiner>

<sup>32</sup> 3.24 herein.

<sup>33</sup> A remedial action level which consists of a formal engineering design phase in response to a known source or release. The response is focused in scope and addresses a known, presumably quantifiable source.  
(<https://www.nj.gov/dep/srp/stakeholders/20070306minutes.pdf>)  
([https://www.nj.gov/dep/srp/guidance/srra/rao\\_guidance.pdf](https://www.nj.gov/dep/srp/guidance/srra/rao_guidance.pdf))

- All contaminants were remediated to or below the most stringent remediation standards, including any site-specific or alternative remediation standards.

B. An NJDEP case file was opened for Lot 7 in 2023 with a designation of “Remedial Level B, Single Phase RA -Single Contamination Affecting Only Soils”. This designation appears to be for an Unregulated Heating Oil Tank.

Current status is “No Further Action (“NFA”) A - Unrestricted Use”. A No Further Action letter<sup>34</sup> was issued by NJDEP. Such letter closes-out the case.

C. NJDEP has identified historic fill in the Route 33 roadway that encroaches onto Lot 7.



<sup>34</sup> A No Further Action letter is a final remediation document issued by NJDEP that certifies that there are no contaminants present, or that any discharged contaminants that were present have been remediated to applicable standards or remediation regulations. ([https://www.nj.gov/dep/srp/unregulatedtanks/nfa\\_letter.html](https://www.nj.gov/dep/srp/unregulatedtanks/nfa_letter.html))

Historic fill is non-indigenous material placed on a site in order to raise its topographic elevation. While no information is provided as to the composition of the fill or presence of contamination in the fill, fill areas have been known to contain chemical-production or ore-processing waste(s).

## 5.4 SMART GROWTH & REGULATORY ENVIRONMENT

### 5.4.1 SMART GROWTH

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

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



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

Families, perceiving their quality-of-life diminishing, began to flee these older, congested suburbs for the less-dense, ever-greener hinterland. Suburbs became urban<sup>35</sup>, 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.

**Smart Growth Principles** <sup>36</sup> No..... Date.....

---

*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*

<sup>35</sup> Meanwhile, the traditional urban environment continued to deteriorate and decline, resulting in population flight, economic disinvestment and general physical decay.

<sup>36</sup> <http://smartgrowth.org/smart-growth-principles/>



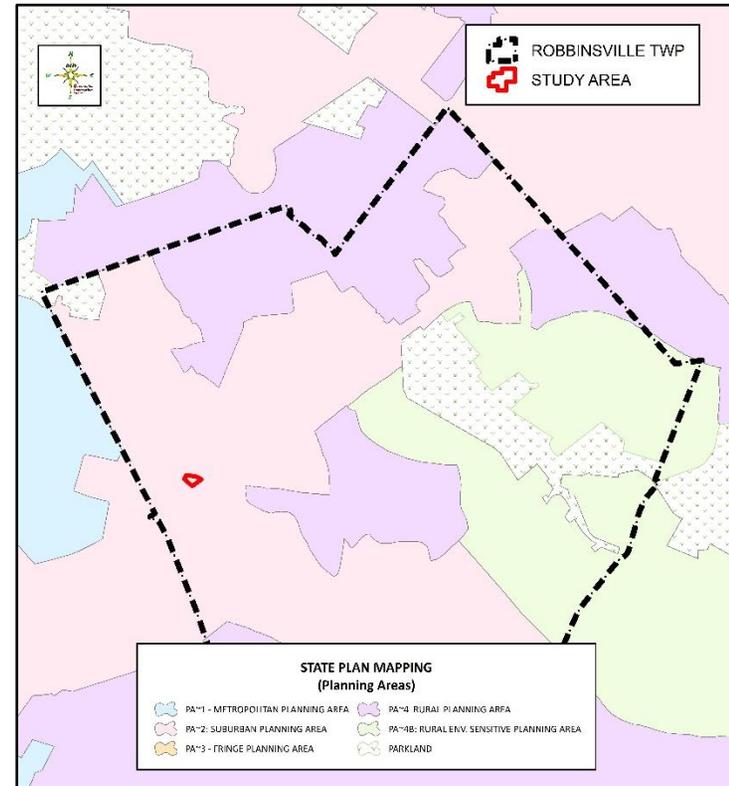
While by no means an exhaustive list, these and similar principles underscore the fundamentals of sound planning.

#### 5.4.2 STATE DEVELOPMENT & REDEVELOPMENT PLAN

In New Jersey, these Smart Growth principles are embodied in the *State Development & Redevelopment Plan*, which is an outline of the State’s policies related to Smart Growth and planning principles. Promulgated by the State Planning Commission<sup>37</sup> as an interdepartmental effort between various State offices charged with managing the growth in New Jersey<sup>38</sup>, the *State Plan* is the controlling policy guide regarding growth-related issues on a statewide level.

The *State Plan* classifies the section of Robbinsville<sup>39</sup> which includes the Study Area as a Designated Town Center within a PA~2 (Suburban) Planning Area.

**PA~2 (SUBURBAN) PLANNING AREAS** are designed to provide for much of the state’s future development; promote growth in Centers and other compact forms; protect the



character of existing stable communities; protect natural resources; redesign areas of sprawl; reverse the current trend toward further sprawl; and revitalize cities and towns.<sup>40</sup>

<sup>37</sup> Predecessor to the current Office of Smart Growth

<sup>38</sup> Principally, NJDEP & NJDCA

<sup>39</sup> As a 2001 document, the State Plan refers to Robbinsville under its former name of Washington Township.

<sup>40</sup> State Plan: p. 186.



**CENTERS** are compact forms of development that consume less land, deplete fewer natural resources and are more efficient in the delivery of public services. The concept of Centers is the key organizing principle for development and redevelopment.<sup>41</sup>

**TOWN CENTERS** are traditional Centers of commerce or government, with diverse residential neighborhoods served by a mixed-use core offering locally oriented goods and services.<sup>42</sup>

To accomplish the State Plan's goals for these classifications / designations, the certain specific Policy Objectives were established. Pertinent to the Study Area<sup>43</sup>:

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

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

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

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

<sup>41</sup> State Plan: p. 10

<sup>42</sup> State Plan: p. 230

<sup>43</sup> State Plan: p. 198-199. (Policy Objectives related to Natural Resource Conservation, Agriculture and Recreation are not applicable to the Study Area and are therefore omitted for brevity).





**REDEVELOPMENT:** *Encourage redevelopment efforts in existing Centers and single-use areas which can be redeveloped into mixed-use areas, ... Redevelop at transit-supportive densities, while creating pedestrian-oriented environments. Take full advantage of the opportunities available under the state's redevelopment statutes to promote new Centers and retrofit existing areas with mixed-uses and higher densities.*

**Historic Preservation:** *Encourage the preservation and adaptive reuse of historic or significant buildings, Historic and Cultural Sites, neighborhoods and districts in ways that will not compromise either the historic resource or the area's ability to develop or redevelop...*

**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.*

### **5.4.3 IMPLICATIONS FOR THIS PRELIMINARY INVESTIGATION**

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

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



***REPORT OF FINDINGS***  
***CONDEMNATION PRELIMINARY REDEVELOPMENT INVESTIGATION***  
**BLOCK 2: LOT 2, 3, 4, 7 & 8 STUDY AREA**  
**ROBBINSVILLE TOWNSHIP, MERCER COUNTY, NEW JERSEY**

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 2, LOTS 2 & 3 (2371 – 2373 ROUTE 33)

Lot 2 is a 0.18-acre Lot containing a parking lot attendant to the adjacent bank. Lot 3 is the 0.52-acre lot hosting the bank. The lots are in common ownership and are assessed as one property. Accordingly, this analysis treats Lots 2 and 3 as if they were a single property.





**6.1.1 REDEVELOPMENT CRITERION ‘b’<sup>44</sup>**

The bank is closed and the reader board indicates that the building is for lease.

As a closed bank, Lots 2 and 3 represent the discontinued use of the building previously used for commercial / office purposes.

***Criterion ‘b’ applies.***

**6.1.2 REDEVELOPMENT CRITERION ‘h’<sup>45</sup>**

As mapped in §5.4.2 herein, Lots 2 and 3 are located within a Town Center in a PA~2 Suburban Planning Area. These designations are designed to provide for much of the State’s future development; promote growth in Centers and other compact forms; protect the character of existing stable



communities; protect natural resources; redesign areas of sprawl; reverse the current trend toward further sprawl; and revitalize cities and towns.

***Criterion ‘h’ applies.***

<sup>44</sup> 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.

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

## 6.2 BLOCK 2, LOT 4 (2375 ROUTE 33)

Lot 4 is a 0.23-acre Lot that was previously a single-family home. The structure was demolished sometime between 2015 and 2017. While the foundation / pad remains on site, the Lot is, as a practical matter, vacant. The Lot has apparently been sold, but no development activity has taken place.



46

### 6.2.1 REDEVELOPMENT CRITERION 'a'<sup>47</sup>

#### A. Analysis: *Unsafe*

Lot 4 is an extensive lawn area and a concrete foundation / pad abutting the heavily-traveled Route 33. In February 2024, the Township's Construction Official issued citations for this Lot for Unsafe Structure and Immediate Hazard.



<sup>46</sup> Foundation in foreground is Lot 4. Bank in background is Block 2, Lot 7

<sup>47</sup> 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.



**Robbinsville**  
TOWNSHIP

**NOTICE OF UNSAFE STRUCTURE**

Robbinsville Township  
2298 Route 33  
Robbinsville, NJ 08691  
609-2593600

Application Date: \_\_\_\_\_  
Control Number: 0  
Permit Number: 0  
Date Permit Issued: \_\_\_\_\_  
Notice Date: 2/23/2024  
Violation Number: 20240006.0

---

**IDENTIFICATION**

Work Site Location: 2375 ROUTE 33 Block: 2 Lot: 4 Quailf: \_\_\_\_\_  
 Owner In Fee: SIXTY TWO LISA LLC Agent: SIXTY TWO LISA LLC  
 Address: 332 MILLSTONE RD Address: 332 MILLSTONE RD  
CLARKSBURG NJ 08510 CLARKSBURG NJ 08510  
 Telephone: \_\_\_\_\_ Telephone: \_\_\_\_\_

---

To:  Owner: \_\_\_\_\_  Other: \_\_\_\_\_  
 Agent/Contractor: \_\_\_\_\_

Date Of Inspection: 2/22/2024 Date Of This Notice: 2/23/2024

---

**ACTION**

Take **NOTICE** that as a result of the inspections conducted by this agency on 2/22/2024 on the above property, an unsafe condition has been found to exist pursuant to N.J.S.A. 52:27D-132 and N.J.A.C. 5:23-2.32. The building or structure, or portion thereof, deemed an unsafe condition is described as follows:  
**UNSAFE STRUCTURE FLOOR COLLAPSING**

You are hereby **ORDERED** to:

Vacate the above structure by \_\_\_\_\_  
 Demolish the above structure by 3/15/2024, or correct the above noted unsafe conditions by no later than 3/15/2024. Failure to correct the unsafe condition or refusal to comply with this **ORDER** will result in this matter being forwarded to legal counsel for prosecution and assessment of penalties up to \$2,000.00 per week per violation. You must immediately declare to the Construction Official, your acceptance or rejection of the terms of this **ORDER**. Any building or structure vacated pursuant to this **ORDER** shall not be reoccupied unless and until a certificate of occupancy is issued by the Construction Official.

If you wish to contest this **ORDER**, you may request a hearing before the Construction Board of Appeals of the Mercer County Construction Board Of Appeals within 15 business days of receipt of this notice as provided by N.J.A.C. 5:23A-2.1. The Application to Your application for appeal must be in writing, setting forth your name and address, the address of the building or site in question, the specific sections of the Uniform Construction Code in question and the extent and nature of your reliance on them. You may include a brief statement setting forth your position and nature of the relief sought by you, and you may also append any documents that you consider useful.

The fee for an appeal is \$100.00 and should be forwarded with your application to the Construction Board of Appeals Office at:  
 Mercer County Admin Bldg, PO Box 8068 Trenton NJ 08650

If you have any questions concerning this matter, please call: 609-2593600

By Order of: Roger Fort Date: 2-23-24  
 Roger Fort CONSTRUCTION OFFICIAL

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Sent by Certified Mail #: 70221670000323467918  
U.C.C. 9341 (rev. 12/2014)



**REPORT OF FINDINGS**  
**CONDEMNATION PRELIMINARY REDEVELOPMENT INVESTIGATION**  
**BLOCK 2: LOT 2, 3, 4, 7 & 8 STUDY AREA**  
**ROBBINSVILLE TOWNSHIP, MERCER COUNTY, NEW JERSEY**

**NOTICE OF IMMEDIATE HAZARD**

Application Date: \_\_\_\_\_  
Control Number: 0  
Permit Number: 0  
Date Permit Issued: \_\_\_\_\_  
Notice Date: 2/23/2024  
Violation Number: 20240006/0

Robbinsville Township  
2298 Route 33  
Robbinsville, NJ 08691  
609-2593600

**IDENTIFICATION**

Work Site Location: 2375 ROUTE 33 Block: 2 Lot: 4 Quali: \_\_\_\_\_  
Owner In Fee: SIXTY TWO LISA LLC Agent/Contractor: SIXTY TWO LISA LLC  
Address: 332 MILLSTONE RD Address: 332 MILLSTONE RD  
CLARKSBURG NJ 08510 CLARKSBURG NJ 08510  
Telephone: \_\_\_\_\_ Telephone: \_\_\_\_\_

To:  Owner: \_\_\_\_\_  Other: \_\_\_\_\_  
 Agent/Contractor: \_\_\_\_\_

Date Of Inspection: 2/22/2024 Date Of This Notice: 2/23/2024

**ACTION**

Take **NOTICE** that as a result of the inspections conducted by this agency on 2/22/2024 of the above property, an imminent hazard has been found to exist pursuant to N.J.S.A. 52:27D-132 and N.J.A.C. 5:23-2.32. The building or structure, or portion thereof, deemed an imminent hazard is described as follows:  
**UNSAFE STRUCTURE FLOOR COLLAPSING**

As such, you are hereby **ORDERED** to immediately and forthwith vacate the above structure or portion thereof.  
Further, you are **ORDERED** to:

Immediately correct the above noticed imminent hazards so as to render the structure temporarily safe and secure.  
 Demolish the above structure by 3/15/2024  
DEMO STRUCTURE WITHIN 15 DAYS

Failure to immediately comply with this **ORDER** may result in the necessary correction being made by the Construction Official at the expense of the property owner pursuant to N.J.A.C. 5:23-2.32(b)5.  
Failure to render the structure temporarily safe and secure and/or demolish the structure in accordance with this **ORDER** will result in this matter being forwarded to legal counsel for prosecution, and assessment of penalties up to \$2,000.00 per week per violation. You must immediately declare to the Construction Official, your acceptance or rejection of the terms of this **ORDER**.

If you wish to contest this Order, you must apply for a stay to a court of competent jurisdiction within 24 hours.

If you have any questions concerning this matter, please call: 609-2593600.

By Order of: Roger Fort CONSTRUCTION OFFICIAL Date: 2-23-24

Sent by Certified Mail # 70221670000323467918  
U.S.C.F. 2642 ec-1 2004

The citations required the demolition of the foundation by March 15, 2024. At time of Publication of this Report of Findings, no such demolition had taken place, but a chain-link fence has been erected around the foundation.

**B. Analysis: Unsanitary**

The site photographs of Lot 4 reveals a deteriorated waterproof tarp over the remains of the foundation, with the former wood floor collapsing into the building's former basement / crawl space.

Such condition suggests that this site will likely collect and retain stormwater, which can cause further deterioration as well as vermin infestation, and thereby produce a breeding ground for West-Nile Virus, Lyme's Disease and other vectored pathogens.

**C. Analysis: Dilapidated**

Webster's defines<sup>48</sup> a dilapidated condition as one of "decay", "deterioration", or "partial ruin, especially through neglect or misuse".

<sup>48</sup> §3.4 herein.





A comparison of the site photographs presented herein suggests that the decision of the owner of Lot 4 not to demolish the foundation / pad with the balance of the structure, along with the neglect of the remaining foundation, has led to *decay* and *deterioration* of the remaining building elements, resulting in an *unsafe* and *dilapidated condition* of the property.

While there is no “generality of buildings” on Lot 4, the Lot does exhibit *unsafe, unsanitary* and *dilapidated* conditions.

**Criterion ‘a’ applies.**

**6.2.2 REDEVELOPMENT CRITERION ‘c’<sup>49</sup>**

A. Lot 4 is a privately-owned vacant lot that NJDEP historic aerials suggest contained a residence within the 10-year threshold prior to the adoption of Township Resolution 2023-192.

B. §142-38 (Lot Configuration) of the Robbinsville Township Code requires that “each lot must front upon an approved public street with a right-of-way of at least 50’.

While Lot 4 fronts on Route 33, it has no curb cut along this cartway. The only means of access is through Lot 7, which is owned by a private third party. It is not known if an easement exists to permit such access.

As a State highway, curb-cuts along Route 33 require NJDOT approval. Given the proximity of the existing Route 33 curb-cuts servicing Lot 2 / 3 and Lot 7, it is not likely that such approval would be granted.

Accordingly, absent this Redevelopment process whereby Lot 4 could be replanned within the context of a larger Redevelopment Area whereby its access could be addressed, the Lot is unlikely to be developed solely through the instrumentality of private capital.

<sup>49</sup> 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.





C. But for the fact that Lot 4 has not been vacant for a period of 10 years prior to adoption of Township Resolution 2023-192, Criterion ‘c’ could be said to apply. Given the date of demolition, this finding cannot be made.

**6.2.3 REDEVELOPMENT CRITERION ‘d’<sup>50</sup>**

The findings detailed under Criterion ‘a’<sup>51</sup> apply to Criterion ‘d’. To the extent such findings do not rise to the level of *unsafe, unsanitary and/or dilapidated conditions*, they are certainly *other factors which are detrimental to the safety, health, morals, or welfare of the community*.

**Criterion ‘d’ applies.**

**6.2.4 REDEVELOPMENT CRITERION ‘h’<sup>52</sup>**

As mapped in §5.4.2 herein, Lot 4 is located within a Town Center in a within a PA~2 (Suburban) Planning Area. These designations are designed to provide for much of the State’s

future development; promote growth in Centers and other compact forms; protect the character of existing stable communities; protect natural resources; redesign areas of sprawl; reverse the current trend toward further sprawl; and revitalize cities and towns.

**Criterion ‘h’ applies.**

**6.2.5 REDEVELOPMENT AREA DEFINITION<sup>53</sup>**

As detailed in §6.2.2 B. herein, the only means of access to Lot 4 is through Lot 7, and it is not likely that NJDOT would approve a Route 33 curb-cut at Lot 4 given the existing curb-cuts at Lots 3 and 7. It is therefore not possible to develop Lot 4 without some mechanism that involves Lot 7, which qualifies as being In Need of Redevelopment<sup>54</sup> and will eventually be included in a Redevelopment Plan.

<sup>50</sup> 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.

<sup>51</sup> §6.2.1 herein.

<sup>52</sup> The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

<sup>53</sup> 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.

<sup>54</sup> §6.3 herein.





Should Lot 4 not be included in any eventual Redevelopment Plan for Lot 7, it will continue to be subject to the Zoning regulations for Special Condition Area C of the Town Center - 2 Zoning District<sup>55</sup>. While it cannot be known at Publication of this Report of Findings what land use and building controls a Redevelopment Plan for Lot 7 will contain, it is likely that they will differ from those in place for TC-2 / Condition Area C.

Such a case would result in a dual Redevelopment Plan (for Lot 7) / TC-2 Zone (for Lot 4) regulatory regime that would be inefficient and likely lead to design and permitting compromises that could be addressed if Lot 4 was included under the Redevelopment Plan.

It is therefore recommended that the inclusion of Lot 4 in any eventual Redevelopment Area is *necessary for its effective redevelopment*.

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<sup>55</sup> 5.2 herein.

### 6.3 BLOCK 2: LOT 7 (12 MAIN STREET)

Lot 7 is a 1.58-acre Lot hosting a bank and associated parking. As detailed in §6.2.2 B. herein, the only means of access to Lot 4 is through Lot 7.



56



<sup>56</sup> Foundation in foreground is Block 2, Lot 4.



**6.3.1 REDEVELOPMENT CRITERION ‘b’<sup>57</sup>**

The bank is closed, and therefore represents the discontinued use of the building previously used for commercial / office purposes.

**Criterion ‘b’ applies.**

**6.3.2 REDEVELOPMENT CRITERION ‘h’<sup>58</sup>**

As mapped in §5.4.2 herein, Lot 7 is located within a Town Center in a PA~2 (Suburban) Planning Area. These designations are designed to provide for much of the State’s future development; promote growth in Centers and other compact forms; protect the character of existing stable communities; protect natural resources; redesign areas of sprawl; reverse the current trend toward further sprawl; and revitalize cities and towns.

**Criterion ‘h’ applies.**

**6.3.3 REDEVELOPMENT AREA DEFINITION<sup>59</sup>**

As detailed in §6.2.2 B. and §6.2.5 herein, the only means of access to Lot 4 is through Lot 7, and it is not likely that NJDOT would approve a Route 33 curb-cut at Lot 4 given the existing curb-cuts at Lots 3 and 7. It is therefore not possible to develop Lot 4 without some mechanism that involves Lot 7.

Inclusion of Lot 7 in a Redevelopment Plan would be such a mechanism.

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<sup>57</sup> 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.

<sup>58</sup> The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

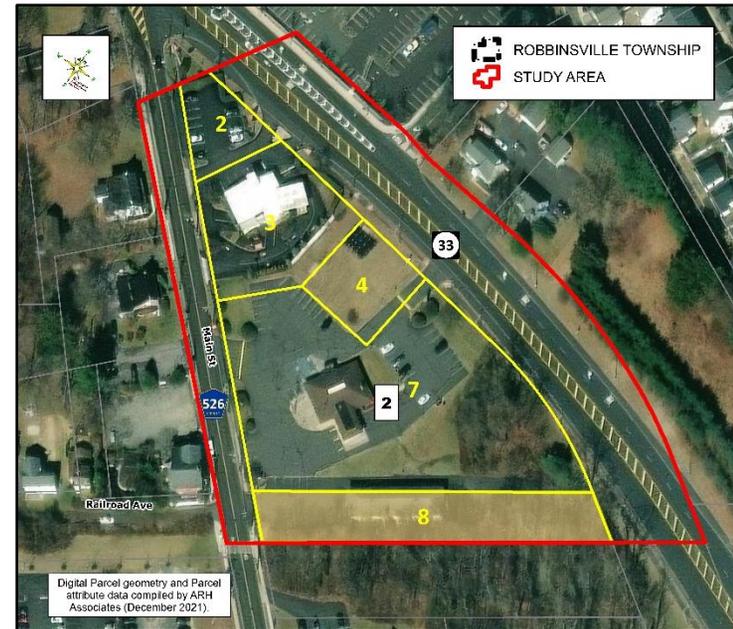
<sup>59</sup> A Redevelopment Area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

### 6.4 BLOCK 2: LOT 8 (14 MAIN STREET)

Lot 8 is a 0.52-acre (60'-wide) Lot containing an office building and associated parking.

The (approximately) 58'-wide Lot appears to be a former (vacated) portion of the United NJ Railroad & Canal Co. right-of-way that has since been developed.

The distance between the front (i.e., west side) of the Lot 8 building and the edge of the pavement is (approximately) 20'. The balance of the Lot is heavily wooded.





**6.4.1 REDEVELOPMENT CRITERION ‘d’<sup>60</sup>**

A. Analysis: *Obsolescence / Faulty Arrangement or Design / Obsolete Layout*

While the configuration of the improvements on Lot 8 may have been acceptable at one time, this is no longer the case. The narrowness of the lot and distance between the building and property line inhibits emergency vehicles from circulating around the building. Such condition represents a *faulty arrangement or design* and *obsolete layout* that is *detrimental to the safety, health and welfare of the community*.

B. Analysis: *Other Factors*

The single means of access to Lot 8 is from a curb cut along Main Street, which routinely experiences extended traffic backups. This congestion limits the ability of emergency vehicles from accessing the lot in a timely manner.

***Criterion ‘d’ applies.***

<sup>60</sup> 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.

**6.4.2 REDEVELOPMENT CRITERION ‘h’<sup>61</sup>**

As mapped in §5.4.2 herein, Lot 8 is located within a Town Center in a PA~2 (Suburban) Planning Area. These designations are designed to provide for much of the State’s future development; promote growth in Centers and other compact forms; protect the character of existing stable communities; protect natural resources; redesign areas of sprawl; reverse the current trend toward further sprawl; and revitalize cities and towns.

***Criterion ‘h’ applies.***

<sup>61</sup> The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

## 7.0 SUMMARY, CONCLUSIONS & RECOMMENDATIONS

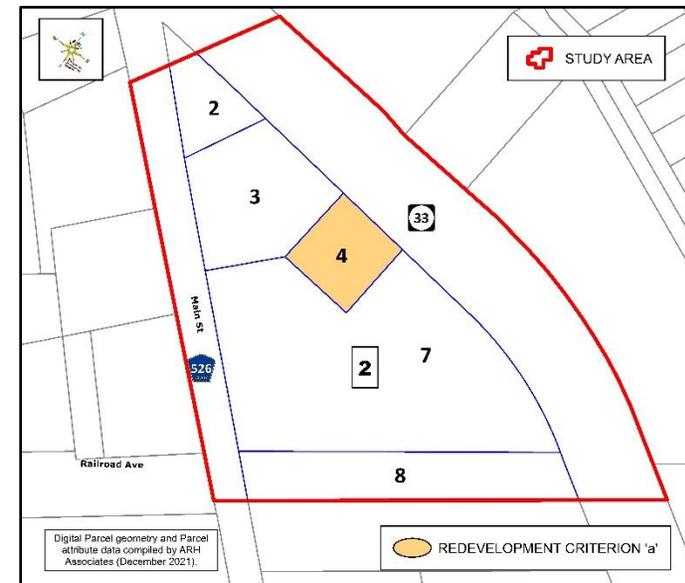
### 7.1 SUMMARY OF FINDINGS

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.

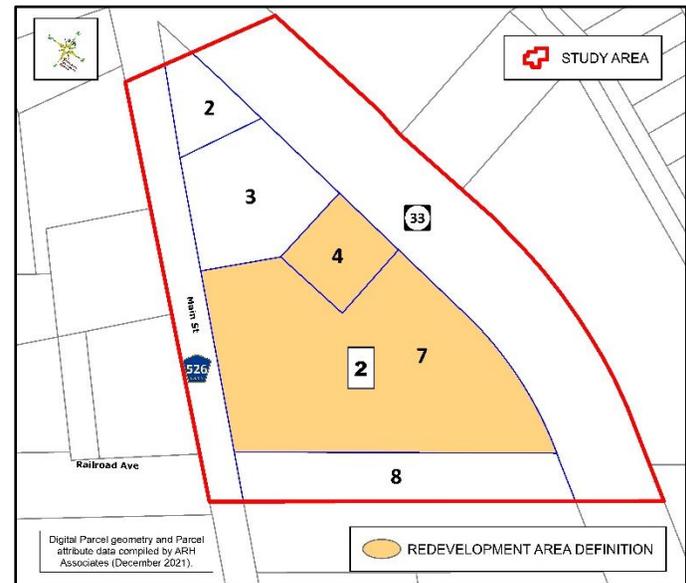
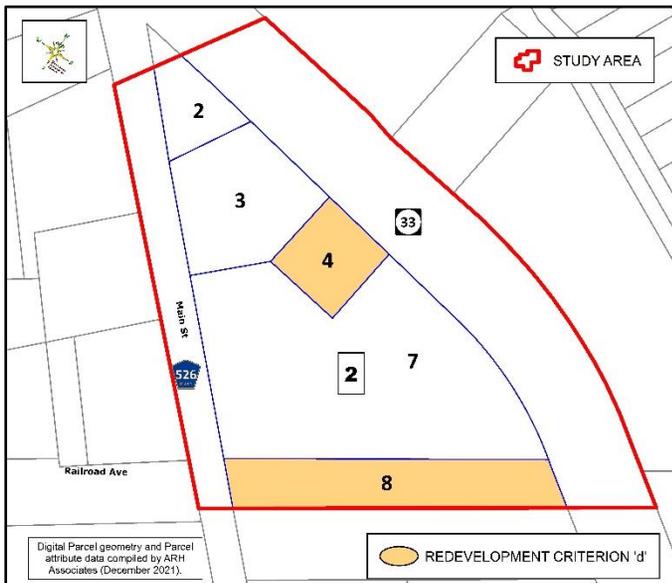
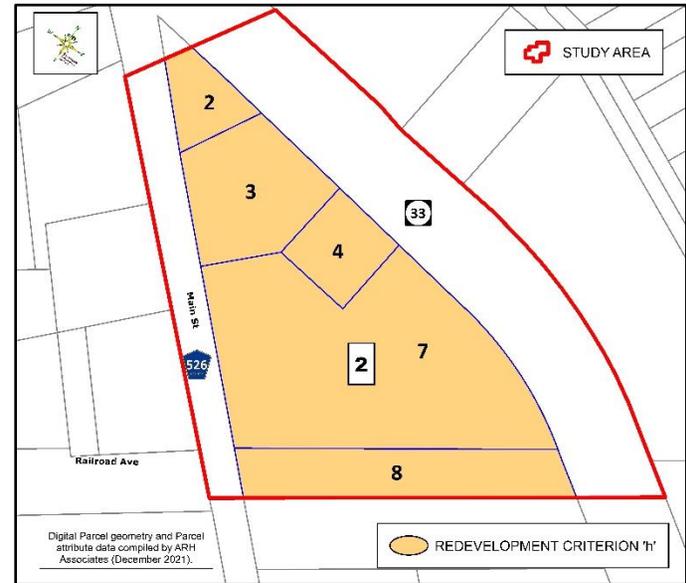
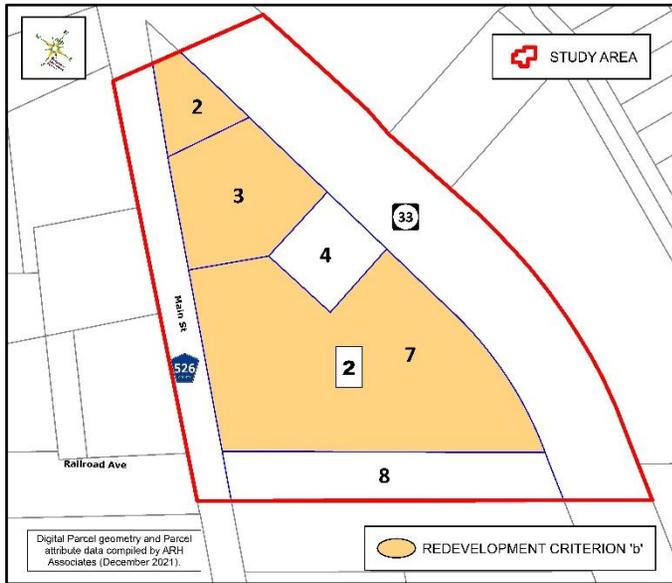
As detailed herein, this Preliminary Investigation finds:

- 1 Study Area Lot (0.24 acres ~ equating to 25% of the Study Area's lots<sup>62</sup> and 22% of the Study Area's land mass) that conforms with **Redevelopment Criterion 'a'**.
- 2 Study Area Lots (2.4 acres ~ equating to 50% of the Study Area's lots<sup>62</sup> and 75.3% of the Study Area's land mass) that conform with **Redevelopment Criterion 'b'**.
- 2 Study Area Lots (0.77 acres ~ equating to 50% of the Study Area's lots<sup>62</sup> and 24.2% of the Study Area's land mass) that conform with **Redevelopment Criterion 'd'**.

- All Study Area Lots (3.2 acres ~ equating to 100% of the Study Area's lots<sup>62</sup> and 100% of the Study Area's land mass) conform with **Redevelopment Criterion 'h'**.
- 2 Study Area Lots (1.9 acres ~ equating to 50% of the Study Area's lots<sup>62</sup> and 61.2% of the Study Area's land mass) that conform with the **definition of a Redevelopment Area**.



<sup>62</sup> As detailed in §6.1 herein, Lots 2 & 3 are treated as a single property for this Investigation.





## 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 Buildings and remnants thereof that are *unsafe, unsanitary and dilapidated*; **thereby satisfying Redevelopment Criterion ‘a’**.
- 7.2.2 A discontinuance of the use of buildings previously used for commercial / office purposes; **thereby satisfying Redevelopment Criterion ‘b’**.
- 7.2.4 An area with buildings or improvements which, by reason of a combination of *unsafe, unsanitary and dilapidated conditions, obsolescence, faulty arrangement or design, obsolete layout and/or other factors, are detrimental to the safety, health, morals, or welfare of the community*; **thereby satisfying Redevelopment Criterion ‘d’**.
- 7.2.5 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’**.

- 7.2.6 *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 2: Lot 2, 3, 4, 7 & 8 Study Area, as depicted herein, qualifies as and may 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.