

**AREA IN NEED OF REDEVELOPMENT INVESTIGATION FOR BLOCK 41, LOTS 14,
36, 37.01, 37.02, 37.03, 38.02, 38.03, 38.04, AND 38.012**

TOWNSHIP OF ROBBINSVILLE, MERCER COUNTY, NEW JERSEY

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The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.

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I. INTRODUCTION

This investigation report has been prepared to determine whether properties within the southeastern portion of the Township of Robbinsville (“Study Area”) meet the statutory criteria for designating it as an “area in need of redevelopment,” pursuant to the Local Redevelopment and Housing Law, P.L. 1992, Chapter 79 (“LRHL”). This study was authorized by the Township Council of the Township of Robbinsville and was prepared for the Township’s Planning Board.

The Study Area is located generally to the south of Gordon Road and west of Old York Road, with all properties either within or adjacent to the Matrix Business Park at 7A. The Study Area is defined as Block 41, Lots 14, 36, 37.01, 37.02, 37.03, 38.02, 38.03, 38.04, and 38.012 and the Study Area boundaries are shown on Figure 2.

This report is written pursuant to Section 6 of the LRHL, serving as the “statement setting forth the basis for investigation.” The LRHL requires the following procedures:

- a. No area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in Section 5 of P.L. 1992/c.79 (C:40:12A-5). The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of the municipality.
- b. After completing its hearing on this matter, the Planning Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area. After receiving the recommendation of the planning board, the municipal governing body may adopt a resolution determining that the delineated area, or any part thereof, is a redevelopment area.

The Township of Robbinsville Governing Body adopted Resolution No. 2011-45, titled “Resolution Authorizing the Planning Board to Undertake a Preliminary Investigation to Determine Whether a Planned Commercial Development Zoned Area in the Southeastern Area of the Township Meets the Criteria for Designation as an Area in Need of Redevelopment.” Resolution No 2011-45 defines the Study Area as Block 41, Lots 14, 36, 37.01, 37.02, 37.03, 38.02, 38.03, 38.04, and 38.012. The Township of Robbinsville Planning Board accepted responsibility to undertake a redevelopment study pursuant to Resolution No.

PB2011-01 in accordance with the Governing Body's mandate pursuant to Resolution No. 2011-45.

II. STUDY AREA OVERVIEW AND LOCATIONAL CONTEXT

The Township of Robbinsville contains a total area of 20.5 square miles within the southeastern portion of Mercer County. It is bordered by Upper Freehold, East Windsor, and Millstone to the east; Allentown and Upper Freehold to the south; Hamilton and West Windsor to the west; and West Windsor and East Windsor to the north.

The general area is dominated by the Matrix Business Park at 7A, which contains a variety of warehousing, office, and light industrial buildings generally to the south of Gordon Road, west of Old York Road, and north of Interstate 195. There are also a few scattered residential properties along the western portion of Old York Road. Along the eastern portion of Old York Road, across from the northern portion of the Study Area, is a residential development, and across from the southern portion of the Study Area exists residential uses and agricultural uses. On the northern portion of Gordon Road, there are scattered residential parcels and agricultural lands. The study area context is shown on Figure 3.

The entire Study Area is located within the Suburban Planning Area (PA-2), as defined by the New Jersey State Development and Redevelopment Plan (“SDRP”). The intent of the Suburban Planning Area is 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 trends towards future sprawl; and
- Revitalize cities and towns.

The Matrix Business Park at 7A consists of approximately 434 acres of land, most of which is vacant. The property is currently operating under a General Development Plan (“GDP”) to ultimately accommodate approximately 5.3 million square feet of distribution and light manufacturing space.

The Study Area consists of nine (9) parcels zoned Planned Commercial District (“PCD”) within one (1) tax block in the southeastern portion of the Township. The aggregate Study Area generally consists of a significant amount of vacant land west of Old York Road and south of Gordon Road, two commercially zoned residential parcels fronting on Old York Road, and a vacant commercial parcel encumbered by an easement for a JCP&L substation adjacent to the Interstate 195 westbound onramp and Old York Road. The location of the Study Area is shown on Figure 1.

[FIGURE 1 – STUDY AREA LOCATION]

[FIGURE 2 – STUDY AREA BOUNDARY]

[FIGURE 3 – STUDY AREA CONTEXT]

III. ZONING IN THE STUDY AREA AND WITHIN THE SURROUNDING AREA

The entirety of the Study Area is situated within the PCD Planned Commercial Development Zone District. The area to the north of Gordon Road is situated in the RA Zone District. Land zoned AR in Upper Freehold Township is situated to the immediate east of the entire Study Area.

Section 142-25 of the Township's Land Use Ordinance contains the requirements of the PCD Zone District. Section 142-25(A), titled "Preamble," is as follows:

This zone recognizes the need for large tract development for office, warehouse, light manufacturing and "flex" (office/warehouse buildings) in the Township. Also permitted are uses which are intended to provide attendant services for employees, suppliers and visitors of the primary uses. Due to the nature of these uses, the same must be situated in proximity to major arterial roads and highways. The zone also recognizes that there are several isolated residential properties physically located in the zone district, which residences are located in such a way as to preclude a separate zone district being created. The intent is to allow the existing residential properties to continue to exist as the same subject to certain bulk requirements, which shall only be applicable to properties which exist as residences at the time of the adoption of this section.

Pursuant to Ordinance Section 142-25(A), there are two zoning provisions within the PCD Zone: "PCD Zone" criteria (Type 1/Type 2 uses) and PCD alternate criteria. The requirements of Ordinance Section 142-25(A) are provided in Appendix "A."

The study area and surrounding zoning is shown in Figure 4.

[FIGURE 4 – STUDY AREA/SURROUNDING ZONING]

IV. RELATIONSHIP TO THE TOWNSHIP MASTER PLAN

The Township last adopted a comprehensive Master Plan in 2000. The 2000 Master Plan recognizes the need to balance economic development and land preservation, although it states the policy is dictated by a number of salient factors, including “growth trends, infrastructure needs, and real estate markets.” (2000 Master Plan, Page 1). Since the adoption of the 2000 Master Plan, the Township also adopted two Master Plan Reexamination Reports in 2007 and 2009.

The 2000 Master Plan contains a variety of goals and objectives to guide the future development of the Township. Specific to the context of the investigation area, certain goals and objectives are as follows:

Take all steps that are available to direct growth in a way that discourages sprawl type of development (Page I-1).

Encourage the development of new businesses, and the expansion of existing businesses, in appropriate areas, which result in jobs that can be filled by the residents of the Township (Page I-2).

The Land Use Plan Element of the 2000 Master Plan identifies the investigation area as within one of the six commercial areas in the Township. The “Exit 7A/PCD District” is described as follows:

The PCD District, located near Exit 7A of the Turnpike, has been established for office/warehouse use, due to that proximity to the interstate highways and to its separation from the residential community. (Page II-26)

The Exit 7A/PCD District use category is further defined as the area “situated in the area east of the N.J. Turnpike, south of Gordon Road and west of Old York Road, and north of the Allentown border” (Page II-36). The 2000 Master Plan recognizes that at the time of the drafting of the report, development had begun on the “Northeast Business Park” by way of a General Development Plan for the approximately 350 acre western portion of the Exit 7A/PCD District use category (Id). The 2000 Master Plan also recognizes that the “remaining 400 +/- acres in the district currently has no development approvals” (Id).

The Township Planning Board granted a general development plan approval via Resolution PA2002-28 for development on 434.36 acres of land. The 2000 Master Plan recognizes the “400 +/- acres” of land within the Exit 7A/PCD District, which currently encapsulates the Study Area, accordingly:

This area is viewed as an appropriate location for future economic development, given the availability of such a large tract of undeveloped

land, with well-established regional highway connections to the N.J. Turnpike and 1-195, and with the recent extension of sewer and water to the area. The absence of significant development limitations in the form of environmental features and adjacent land uses also suggests commercial suitability (Id).

The Township adopted a Periodic Reexamination of the Master Plan and Land Use Element Amendment in 2007, which reexamined all elements of the 2000 Master Plan. Among the global findings within the 2007 Master Plan Reexamination, a major need identified is to continue the need to balance residential and commercial development, since there was a growing disconnect between the uses between 2000 and 2005:

While residential development surged over the past five years, the amount of nonresidential development decreased by approximately 92% between 2000 and 2005. (Pages 13/14)

The 2007 Master Plan Reexamination recognizes the ongoing redevelopment efforts in the Township as helping to offset the residential surge in the future.

Additionally, the 2007 Master Plan Reexamination cites the ongoing development of the Town Center as a substantial factor in the surge of residential development, in addition to a “single large warehouse development” as a component of the downward trend of building permits (Page 14). There is no specific mention of the Exit 7A/PCD District. However, as applicable to the Study Area in its role that helps to encourage development in a manner that discourages sprawl, the 2007 Master Plan Reexamination cites the 2000 Master Plan goal of “discouraging sprawl type of development” as being achieved (Page 5).

The most recent Periodic Reexamination of the Master Plan was completed in 2007 (revised to January 2009). The document focuses specifically on two areas within the Township, does not suggest any changes to the 2000 document, and lastly does not reference any of the parcels within the study area.

V. PREVIOUS MUNICIPAL ACTIONS IN THE STUDY AREA

Municipal records were requested from the Township regarding development applications, development approvals, zoning variances, issuance of zoning, building and construction permits, tax appeals, property management, and building code violations for the Study Area.

Some history is warranted before describing recent municipal action within the Study Area. In 2002, Matrix 7A Land Development Venture, LLC received a General Development Plan (“GDP”) approval for Matrix Business Park at 7A to develop 5,645,000 square feet of warehouse/distribution and office space on 434.36 acres pursuant to Resolution No. PB 2002-28.

In 2003, Matrix obtained site plan approval to construct two warehouses of 1,242,713 square feet (Mercedes) and 983,524 square feet (McMaster Carr) on subdivided lots within the Business Park. The first phases of these facilities have since been constructed and are currently occupied and in use. Since then, Matrix has further subdivided the property and obtained approvals for speculative warehouse projects, none of which have been constructed. Not until last year did Matrix obtain approval for a user (Ritchie and Page) that was ready to move forward with a project, albeit for a much smaller scale building than previously contemplated on the site.

In particular, pursuant to Resolution 2007-11, the Township Planning Board granted amended preliminary and final major subdivision and preliminary and final site plan approval for a building consisting of 18,788 square foot of office space and 607,500 square feet of warehouse space on Lot 37.02. Pursuant to Resolution 2008-09, the Township Planning Board granted preliminary and final site plan approval for a 1,039,500 square foot building on Lot 14.

Pursuant to Resolution 2010-13, the Township Planning Board granted amended preliminary and final major subdivision and amended preliminary and final site plan approval for Lot 38.01 (i.e. Ritchie and Page). The subdivision created two lots consisting of approximately 19.39 acres (Lot 38.011, which is not part of the Study Area) and 45.75 acres (38.012). According to Resolution 2010-13, the Township granted the following approvals:

[A]mended preliminary and final site plan for the proposed 19.39 acre parcel, in order to allow construction of a 150,000 square foot warehouse/office building and preliminary site plan approval for a 30,000 square foot warehouse future expansion, 4,900 square foot accessory vehicle service area for maintaining the vehicles used in the distribution operation, and a fuel facility with two above-ground tanks for supplying fuel to such vehicles.

VI. STATUTORY CRITERIA FOR AN “AREA IN NEED OF REDEVELOPMENT” DESIGNATION AND APPLICATION TO THE STUDY AREA

The laws governing redevelopment by municipalities in New Jersey are set forth in the LRHL, which is codified at N.J.S.A. 40A:12A et seq. This statute grants the governing body of a municipality the power to authorize the Planning Board to conduct a study to determine whether an area is in need of redevelopment; to make such a determination following the completion of the study; and to adopt a redevelopment plan for the designated area.

Such area may be determined to be in need of redevelopment only if, after an investigation by the Planning Board and a public hearing for which notice has been given, it is found to meet one or more of the following conditions:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated or obsolescent or possess any of such characteristics, or are so lacking in light, air or space, as to be conducive to unwholesome working or living conditions.
- b. The discontinuance of the use of buildings previously used for commercial, manufacturing or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community.
- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.
- f. Areas, in excess of five contiguous areas, whereon buildings or other 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 areas has been materially depreciated.

g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Enterprise Zones Act," P.L. 1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L. 1992, c. 79 (C.40A:12A-5 and 40A-12A-6) for the purpose of granting tax exceptions within the enterprise zone pursuant to the provisions of P.L. 1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L. 1991, c.441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L. 1992, c. 79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

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

Furthermore, Section 3 of the LRHL permits the inclusion of parcels necessary for the effective redevelopment of the area, stating:

"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 in which they are a part."

VII. EVALUATION OF THE STUDY AREA FOR CONFORMITY WITH REDEVELOPMENT AREA CRITERIA

In preparation of the study, we reviewed the Study Area's current land use and physical characteristics, historical information, and accessibility attributes using the following documents:

- The official tax maps of the Township of Robbinsville;
- The Township tax records for all parcels within the Study Area;
- Aerial imagery of the Study Area and its surroundings;
- Township Building Department and Tax Assessment records for all parcels within the Study Area;
- Resolutions approving development applications within the Study Area;
- 2000 Master Plan of the Township of Robbinsville and the 2007 and 2009 Periodic Reexamination Reports and the Zoning Ordinance and Zoning Map of the Township; and,
- Market information provided by Matrix, the entity that operates Matrix Business Park at 7A.

As guided by the property owner and a Township representative, we physically inspected the entire Study Area, visiting the various properties and entering the structures thereon. We documented our tour by taking photographs that are presented herein as evidence. We further reviewed the following environmental reports prepared for portions of the Study Area, which provided both crucial environmental information and historical descriptions of Lot 14 within the Study Area:

- "Remedial Investigation and Remedial Action Results, and Remedial Action Work Plan - Block 41, Lot 14 - Washington Township, Mercer County, New Jersey," prepared by ENVIRON International Corporation of Princeton, New Jersey, and dated December 2005.
- Letter report to NJDEP: "Remedial Action Work Plan Addendum," prepared by ENVIRON International Corporation of Princeton, New Jersey, and dated February 12, 2007.
- "Remedial Action Cost Estimate," prepared by ENVIRON of Princeton, New Jersey, and dated June 13, 2011.

The Study Area consists of a mixture of land uses, generally consisting of a substantial amount of vacant land, some with minimal improvements, and two parcels occupied with single-family residential structures and associated accessory uses. While there are a few detention basins within the Study Area, the only buildings within the Study Area are on the two residential lots, both of which are unoccupied. As discussed in more detail later in this Section, there is historic environmental contamination on portions of the vacant (historically

agricultural) land, namely on the largest lot within the Study area, Lot 14, which consists of almost 63 acres. Lastly, JCP&L holds an easement on a portion a property within the Study Area, upon which an electrical substation is situated.

The following provides an evaluation of the Study Area and considers whether it meets the statutory criteria for an “Area in Need of Redevelopment.” As detailed above, the analysis was based on surveys of use, conditions and occupancy, as well as physical inspection of all land and the exteriors and interior of existing buildings/structures. In addition, environmental reports were reviewed, analyzed, and carefully considered as part of the investigation.

The parcels within the Study Area are identified as follows:

BLOCK	LOT	SIZE (ACRES)
41	14	62.94
41	36	14.72
41	37.01	7.78
41	37.02	27.59
41	37.03	11.64
41	38.02	3.31
41	38.03	0.86
41	38.04	1.29
41	38.012	45.793

A major impediment to development of the Study Area is the recent negative shift of the real estate marketplace. This breeds the need for flexibility in design and construction in order to be competitive within the marketplace. Within the Matrix Business Park at 7A, two speculative site plan approvals have been obtained for buildings that have not been constructed. Lot 14 is approved for a 1,039,500 square foot warehouse and 38.02 is approved for a 626,288 square foot warehouse. The market has moved away from large facilities such as these; leases in the last two years have ranged from 90,000 to 248,000 sf. Furthermore, all speculative buildings built within the adjacent Northeast Business Park have failed economically due to a lack of leasing activity. Thus, there is virtually no chance that the approved buildings on Lots 14 and 38.02 will be constructed as designed; major changes are likely to attract "build to suit" users.

One of the unique benefits of large land parcels is the flexibility provided to developers in design and construction. Build to suit users often have unique configuration requirements that speculative buildings cannot accommodate. Large trailer storage areas, maintenance outbuildings, and unique expansion capabilities are often sought by these users. There is a good chance that the ultimate buildout of the land north of Montgomery Way and south of Gordon Road will be buildings in a north-south configuration or a series of small buildings. These lots, as identified in the lot descriptions in the previous

section of this study, will need to be resubdivided as necessary to accommodate the users. Therefore, flexibility in design and construction is critical to the future economic health of the Matrix Business Park at 7A. To promote this needed flexibility, it is imperative that all of the lots within the Study Area be designated as an Area in Need of Redevelopment so that the overall tract can be re-subdivided in a manner that better accommodates market demand. Moreover, when the lots are reconfigured, the contamination that is a hindrance to the development of Lot 14 may affect lots other than Lot 14, thereby creating a major impediment to the development of all of the lots between Montgomery Way and Gordon Road. Thus, it will be much more difficult to develop Lot 14 if Lots 36, 37.01, 37.02, 37.03, 38.012 are not also included in the redevelopment area. Failure to include those lots could therefore result in the failure of the redevelopment program and the continued stagnation of the Study Area with its adverse impacts on the neighboring properties.

Furthermore, although the ultimate topography of the Matrix Business Park at 7A will be reasonably flat to accommodate the roadway network and building configurations, the existing topography varies significantly on all of the industrial lots. Lot 38.02 includes a large knoll to elevation 132, then drops to elevation 111 at its eastern border. Lot 36 varies from 123 to 137, Lot 14 ranges from 118 to 137, and Lot 38.012 ranges from 109 to 123. In order to develop the properties efficiently, significant amounts of dirt must be moved between lots to avoid the cost of importing and exporting fill.

Historically, large amounts of dirt have been moved between building lots in Matrix Business Park at 7A and Northeast Business Park, and on several occasions material was moved from Northeast Business Park to Matrix Business Park at 7A. Most recently, 25,000 cubic yards of fill was trucked from Lot 36 to the "Ritchie and Page" lot (Lot 38.011), which is adjacent to lot 38.012. The contaminated soil on Lot 14 is, therefore, a major impediment to the development of all the lots in Matrix Business Park at 7A because it limits the ability to move dirt freely among lots to balance the sites.

As a result of the depressed real estate market, vacancy rates have soared within the Matrix Business Park at 7A. Ritchie and Page is the only new entrant into the market to seek a new building in about five years, and it is an exception to the recent market stagnation trend. The Ritchie and Page occupancy at Matrix Business Park at 7A is the result of a unique set of circumstances (to serve a beer distribution business) that ultimately makes the Matrix Business Park at 7A attractive for its business. The Ritchie and Page deal also demonstrates how the market has shifted away from larger warehouses (which the current subdivision layout is designed for), thus necessitating flexibility to modify the current subdivision layout to spur redevelopment. New construction, and the resulting concomitant fees and property taxes that flow to the Township, stopped abruptly in 2007, the year the real estate market crashed and the beginning of the economic stagnation in the study area.

This Area in Need of Redevelopment study is part of a broader strategy pursued since 2005, when the incoming administration sought to identify barriers to the arrival of new businesses and the expansion of existing ones. This strategy was pursued to increase the share of commercial property in the Township, which had been identified by local officials and by the Township's rating agency (Moody's) as an impediment to long-term stability in property taxes.

For three years (2005 to 2008), the strategy helped Robbinsville increase the share of commercial ratables from 25 to 28 percent of the tax base. However, two events beyond the Township's control collided in late 2008 to reverse these gains, particularly in the PCD zone, the warehouse park district that is partially the subject of this redevelopment investigation.

In the fall of 2005, the Mercer County Tax Board ordered Robbinsville (then Washington Township) to proceed with a revaluation that had been delayed prior to the change of government and the arrival of Mayor Dave Fried. While acknowledging that his predecessors had delayed the process, Mayor Fried expressed concern that the real estate market would hit its height as the revaluation was being conducted and that the Township would spend succeeding years fighting tax appeals. Mayor Fried was instructed that if he did not proceed, the state would conduct the revaluation and send the Township the bill. Unfortunately for Robbinsville, Mayor Fried's prediction proved correct.

A revaluation proceeded throughout 2006 and took effect in 2007. Residential appeals proceeded first, followed by appeals of commercial values. This was happening during a period of significant competition and change in the market for warehouse space, against the backdrop of a threatened Turnpike toll increase and an aggressive tax policy by Pennsylvania to attract large tenants to properties in the Lehigh Valley. Properties built on speculation at Exit 7A in Robbinsville were unable to gain tenants.

Then, just as many of the commercial tax appeals were heading to tax court, the failure of Lehman Brothers occurred on September 15, 2008. Credit dried up, canceling shovel-ready projects in Town Center (where parcels have recently been declared an Area in Need of Redevelopment). A major tenant in the PCD zone went bankrupt, leaving a 1 million square foot building empty.

Rapidly dropping rents and resulting property values played out in tax court throughout the final quarter of 2008 and the first three quarters of 2009. By the fall of 2009, Robbinsville announced that the losses would force the return of \$1.7 million – nearly a tenth of the municipal budget for the year – with more appeals to come. The Township was forced to lay off nine employees, cancel raises for police, restructure the benefits package, and put all white-collar employees on a four-day work week with a resulting pay cut for 14 months from January 2010 to March 2011.

Information provided by the Robbinsville Tax Assessor, Greg Busa, offer a snapshot of the situation at the Northeast Business Park in 2008, when the market was in free fall. At that point, the vacancy rate was at 53.94 percent, meaning more than half the park was unoccupied. Very recent developments have caused the vacancy rate to fall to approximately 30 percent, according to Mr. Busa and Robert Corby, the Township's Construction official. However, that improvement has come at a price: Building values have dropped from \$65 per square foot to \$35 per square foot. A long-vacant building at 141 West Manor Way closed in November 2010 for \$36.38 per square foot.

Of note, Mr. Busa indicated in 2008 six buildings stood vacant, including five that had never been occupied. In total, Mr. Busa indicated the lost value in the PCD zone has been in excess of \$75 million since 2008. Rent modifications to increase occupancy have eased the situation, and Mr. Busa agrees with the statement that, "The worst is over." However, it has been the position of the administration and Council that for the situation to continually improve, the Township must be a partner in creating tax incentives to deal with extraordinary impediments that would make some properties unmarketable.

The effect of lost value in the PCD zone has been significant. Township taxpayers sustained a 12-cent tax rate increase in 2010 to replenish a surplus that had dwindled to dangerously low levels, despite all of the cuts. Total value in the PCD zone will remain well below peak levels for years to come, based on data provided by Robbinsville's Tax Assessor and Construction Official, and discussions with them.

Again, the need for development flexibility throughout the *entire* Study Area is a paramount requirement to permit the most advantageous site arrangement that will eventually benefit the community as a whole. This study has found that the residential properties within the Study Area, Lots 38.03 and 38.04, are eligible for being declared as in need of redevelopment under the criteria "a" and "d" of the LRHL due to unsanitary conditions, dilapidation, and obsolescence. Due to the location of these properties along Old York Road and their proximity to the other residential properties to the south of the Montgomery Way entrance of the Matrix Business Park at 7A, without their inclusion within the Study Area, there is the chance for the adverse conditions on Lots 38.03 and 38.04 to spread to the other residential properties in the immediate area, potentially becoming victims of decreased property values and blight themselves. As with Lot 14, the most expeditious way to facilitate the redevelopment of Lots 38.03 and 38.04 is to include adjacent vacant lands within Matrix Business Park at 7A, such as Lots 38.02 and 38.012, to provide the flexibility required to reconfigure the park layout to accommodate market demand.

Accordingly, the toxic effect of vacancy rates well above average, depressed rental pricing, increased competition with other business parks due to "pricing

competition,” environmental contamination on Lot 14, a change in industry and market trends, and obsolescent and dilapidated residential properties all collectively creates a severe impediment – and high unlikelihood – of new construction in the Study Area. In order for the economic health of the Matrix Business Park at 7A – and therefore that of the Township – to improve, an “Area in Need of Redevelopment” designation is absolutely critical as a counteroffensive against the costs required to stimulate environmental cleanup on Lot 14 and the razing and cleanup of the residential properties.

The following pages contain parcel-by-parcel breakdowns, including the following information: property ownership, tax assessment, lot area, year built, property description, and applicable redevelopment designation.

Block 41, Lot 14	
Owner:	Matrix 7A Land Development Venture LLC Forsgate Drive CN 4000 Cranbury, NJ 08512
Assessment (2009):	\$50,462
Land Value:	\$50,462
Improvement Value:	\$0
Lot Area:	62.94 acres
Year Built:	N/A

Property Description:

The approximately 62.94 acre property is located to the immediate south of Gordon Road and west of Old York Road. It contains approximately 2,080.4 linear feet of frontage along Gordon Road and 994.09 linear feet of frontage along Old York Road. The property is encumbered by a 100-foot landscape and buffer easement along the entirety of its frontage along both Gordon Road and Old York Road.

The property is currently vacant agricultural land, with approvals for an approximately 1,039,500 square warehouse/distribution facility.

There is evidence of historical contamination of the Site, as detailed in a report titled, "Remedial Investigation and Remedial Action Results, and Remedial Action Work Plan -Block 41, Lot 14 - Washington Township, Mercer County, New Jersey," prepared by ENVIRON International Corporation of Princeton, New Jersey, and dated December 2005. An addendum to the aforementioned report is dated February 12, 2007.

According to the December 2005 report:

Historical operations at the Site have been limited to agricultural activities since at least 1940. Based on available information detailing current and historical Site operations, the only hazardous substances used at the Site are believed to have been associated with operation of farm equipment and historical application of agricultural chemicals to the fields (December 2005 report, Page I-1).

During August 1998, Environmental Waste Management Associates, Inc. (EWMA) completed a Phase II site investigation to evaluate potential impacts associated with agricultural activities. Subsequent soil sampling activities completed by Potomac-Hudson Engineering, Inc. (PHE) during July 2000 included soil sample collection at Lot 14. [...] **The August 1998 and July 2000 soil sampling activities identified arsenic, chlordane and dieldrin at concentrations above corresponding New Jersey Department of Environmental Protection (NJDEP) Non-Residential Direct Contact Soil Cleanup Criteria.**

In June 2003, ENVIRON, through a remedial investigation process, delineated the “horizontal and vertical extent of impacted soils at the eastern portion of the Site” (Id). A remediation process commenced later that year:

Soil blending activities completed at the eastern portion of Lot 14 during July-October 2003 were effective in reducing arsenic, chlordane and dieldrin concentrations below corresponding Residential Direct Contact Soil Cleanup Criteria. Remediated soils at the eastern portion of Lot 14 were subsequently mixed with other on-site soils and placed into a soil berm at the eastern portion of the Site adjacent to Old York Road (Id)

However, while the same contaminants were found in the other portions of the Site, a remedial action work plan has yet to commence:

During October and November 2003, ENVIRON completed several phases of soil sampling at the central and western portions of Lot 14 to delineate the extent of arsenic, chlordane and dieldrin-impacted soils. Based on the results of the remedial investigations, ENVIRON has developed a remedial action work plan to address impacted soils at the central and western portion of Lot 14 (Id).

It is significant to note a clear distinction between the remediation required for the central and western portion of Lot 14 as compared to the remediation completed in the eastern portion of Lot 14:

Given the elevated arsenic, dieldrin and chlordane concentrations detected throughout central and western portion of Lot 14 and the large area (approximately 13.32 acres) of affected soils identified during the site and remedial investigation activities, ENVIRON recommends the impacted soils at the central and western portion of Lot 14 be excavated [to 2 feet bgs] and transferred for emplacement beneath a berm to be constructed along the northern portion of the Site, adjacent to Gordon Road (Page IV-1).

The report further notes that other techniques, such as the soil blending process that was applied in the eastern portion of the Site, are not available options:

Other possible remedial alternatives such as off-site disposal, soil blending, bioremediation, and soil washing were judged to be either technically infeasible or not cost-effective due to the elevated constituent concentrations, the volume of the impacted soil in the central and western portion of Lot 14, and the prior in-situ soil blending results at the eastern portion of Lot 14 (Page IV-1).

In September 2006, NJDEP requested additional soil samples from the central and western portions of the Site (February 2007 Report, Page 1). As a result of the additional soil samples, ENVIRON and the property owner, Matrix, subsequently amended the original remediation work plan to address the

previously identified chemically impacted soils in the central and western portions of Lot 14 (Id, Pages 1-2). In addition, ENVIRON provided the findings of a Baseline Ecological Evaluation (BEE) that had been inadvertently omitted from the December 2005 report (Id, Page 2).

The September 2006 investigation identified a more significant extent of contamination than had been previously identified:

[T]he lateral extent of shallow and deep soils with arsenic, chlordane and/or dieldrin concentrations at levels above the most stringent NJDEP soil cleanup criteria are generally delineated. With the exception of dieldrin-impacted soils identified from 1.0 to 1.5 feet bgs near the western portion boundary, arsenic, chlordane and dieldrin-impacted soils at the central and western portion of the Site do not extend below 1 foot bgs. Based on the results of the September 2006 supplemental remedial investigation activities, ENVIRON and Matrix have revised the remedial action work plan to expand the proposed soil excavation area and incorporate post-excavation soil sampling to verify that the remedial action activities are completed to the appropriate lateral and vertical extent.

Accordingly, the revised remedial action work plan is much more substantial than what had been envisioned in the earlier report:

Based on the results of the September 2006 supplemental remedial investigation, ENVIRON proposes to excavate an appropriately 26 acre area at the western and central portion of Lot 14 to a depth of approximately 1 foot bgs. [...] [T]here is one area at the western portion of Lot 14 where vertical delineation soil sampling activities have identified dieldrin-impacted soils at a depth extending to 1.5 feet bgs. Consequently, an approximately 30,000 square foot area in the vicinity of soil boring SB-06L will be excavated to 2 feet bgs. [...] Based on these estimated excavation dimensions, the total volume of soils to be placed beneath the proposed berm would be approximately 42,000 cubic yards.

The impacted soils will be excavated, consolidated into an approximately 8-foot layer at the northern portion of the property and capped with a minimum of 2 feet of clean fill material and topsoil (Id, Pages 8-9).

The original remedial work action plan had only proposed the excavation of an approximately 13 acre area to 2 feet bgs, as compared to the subsequent remedial work action plan, which is approximately double the size (26 acres) and at 1 feet bgs.

Thus, while the 2003 remedial investigation estimated the cost of remediation at approximately, \$400,000.00, a June 13, 2011 "Remedial Action Cost Estimate" by ENVIRON now estimates an \$814,000 remediation project cost for Lot 14.

Due to the depressed real estate market and the high cost of remediation, Matrix has not been able to proceed with the cleanup. The presence of environmental contamination on this property and the proposed remediation method are impediments to its development. Many owners and tenants rule out environmentally tainted properties from their site searches due to liability and personnel concerns. The proposed remedy, which includes retaining the contaminants on site and deed restricting the property, continues to impair the property's marketability. As discussed in depth throughout this investigation report, there is a critical need for development flexibility on Lot 14 (in addition to adjacent lots), as well as the potential for consolidation/resubdivision, to service any potential occupants.



Redevelopment Designation:

The overarching impediment to the proposed improvements on Lot 14 is its significant historical environmental contamination. As noted in the ENVIRON studies, the contaminants (arsenic, dieldrin, and chlordane) are associated with agricultural activity, which has occurred on the Site since at least the 1940s. Pursuant to the September 2006 supplemental remedial investigation, approximately 40% of Lot 14 requires significant remediation. A June 13, 2011 "Remedial Action Cost Estimate" by ENVIRON estimates an \$814,000 remediation project cost for Lot 14.

As demonstrated, there is a clear environmental hazard on Lot 14, and a significant level of remediation is required. Given the economy and the ongoing

turbulence in the real estate industry, it is unlikely that the approved development on Lot 14 will be able to proceed without governmental intervention, due to the cost associated with the remediation program.

Accordingly, LRHL criteria “c” and “e” are met with respect to the requisite redevelopment designations of Lot 14:

- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.

Applying criterion “c,” Lot 14 is “unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution” that due to the “nature of soil” on the property, “is not likely to be developed through the instrumentality of private capital” because the cost of remediation is so significant.

Applying criterion “e,” there is a “total lack of proper utilization” of the property caused by the environmental contamination, “resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.” Since Lot 14 faces the most daunting land development challenges and, with the approved ambitious development program, is critical to potential development throughout the remainder of the Study Area, criterion “e” is applicable to Lot 14.

Block 41, Lot 36	
Owner:	Caleast-Matrix Realty Partners II Forsgate Drive CN 4000 Cranbury, NJ 08512
Assessment (2009):	\$12,092
Land Value:	\$12,092
Improvement Value:	\$0
Lot Area:	14.72 acres
Year Built:	N/A

Property Description

The approximately 14.72 acre property is located to the immediate north of a platted – yet not constructed – roadway, New Canton Way. It contains approximately 535.83 linear feet of frontage on the southern portion of the platted New Canton Way and 865.60 linear feet of frontage along Montgomery Way.

Redevelopment Designation

Each individual parcel within the Study Area is critical to the collective redevelopment of the same. The Township cannot effectuate a comprehensive redevelopment plan if some parcels qualify as in need of redevelopment while others fail to do so.

As noted previously in this investigation, Section 3 of the LRHL permits the inclusion of parcels necessary for the effective redevelopment of the area, stating:

A redevelopment area may include lands, building, 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 in which they are a part.

Due to the environmental constraints on Lot 14, which require extensive remediation work, lot consolidation with adjacent lots may be required to facilitate the redevelopment of the lot. In addition, lot consolidation may also be required to facilitate the development of Lot 38.04. As such, the need for development flexibility is imperative. Therefore, while the conditions in themselves on Lot 36 are not “detrimental to the public health, safety or welfare,” the inclusion of the parcel is necessary “for the effective redevelopment of the area in which [it] is a

part.” Given the location of Lot 36, it is critical to the overall redevelopment, and therefore economic viability, of the study area.

Block 41, Lot 37.01	
Owner:	Matrix Business Park @ 7A Owners Assoc Forsgate Drive CN 4000 Cranbury, NJ 08512
Assessment (2009):	\$33,670
Land Value:	\$33,670
Improvement Value:	\$0
Lot Area:	7.78 acres
Year Built:	N/A

Property Description

The approximately 7.78 acre property consists exclusively of the internal private roadways within Block 41. These roadways are Montgomery Way, John Henry Drive, and New Canton Way. John Henry Drive is platted, but not yet built, and the eastern portion of New Canton Way is similarly platted but not yet built.

Redevelopment Designation

Each individual parcel within the Study Area is critical to the collective redevelopment of the same. The Township cannot effectuate a comprehensive redevelopment plan if some parcels qualify as in need of redevelopment while others fail to do so.

As noted previously in this investigation, Section 3 of the LRHL permits the inclusion of parcels necessary for the effective redevelopment of the area, stating:

A redevelopment area may include lands, building, 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 in which they are a part.

Due to the environmental constraints on Lot 14, which require extensive remediation work, lot consolidation with adjacent lots may be required to facilitate the redevelopment of the lot. In addition, lot consolidation may also be required to facilitate the development of Lot 38.04. As such, the need for development flexibility is imperative. Therefore, while the conditions in themselves on Lot 37.01 are not “detrimental to the public health, safety or welfare,” the inclusion of the parcel is necessary “for the effective redevelopment of the area in which [it] is a part.” Given the location of Lot 37.01, it is critical to the overall redevelopment, and therefore economic viability, of the study area.

Block 41, Lot 37.02	
Owner:	Caleast-Matrix Realty Partners II Forsgate Drive CN 4000 Cranbury, NJ 08512
Assessment (2009):	\$20,968
Land Value:	\$20,968
Improvement Value:	\$0
Lot Area:	27.59 acres
Year Built:	N/A

Property Description

The approximately 27.59 acre property is generally vacant, except for an area with dense vegetation in the middle of the property. It contains approximately 983.9 linear feet of frontage along the northern portion of New Canton Way, 1,112.53 linear feet of frontage along Montgomery Way, and 948.75 linear feet of frontage along the platted John Henry Drive. Matrix obtained an approval for a 626,283 square foot building on Lot 37.02.



Redevelopment Designation

Each individual parcel within the Study Area is critical to the collective redevelopment of the same. The Township cannot effectuate a comprehensive redevelopment plan if some parcels qualify as in need of redevelopment while others fail to do so.

As noted previously in this investigation, Section 3 of the LRHL permits the inclusion of parcels necessary for the effective redevelopment of the area, stating:

A redevelopment area may include lands, building, 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 in which they are a part.

Due to the environmental constraints on Lot 14, which require extensive remediation work, lot consolidation with adjacent lots may be required to facilitate the redevelopment of the lot. In addition, lot consolidation may also be required to facilitate the development of Lot 38.04. As such, the need for development flexibility is imperative. Therefore, while the conditions in themselves on Lot 37.02 are not “detrimental to the public health, safety or welfare,” the inclusion of the parcel is necessary “for the effective redevelopment of the area in which [it] is a part.” Given the location of Lot 37.02, it is critical to the overall redevelopment, and therefore economic viability, of the study area.

Block 41, Lot 37.03	
Owner:	Caleast-Matrix Realty Partners II Forsgate Drive CN 4000 Cranbury, NJ 08512
Assessment (2009):	\$8,846
Land Value:	\$8,846
Improvement Value:	\$0
Lot Area:	11.64 acres
Year Built:	N/A

Property Description

The approximately 11.64 acre property is generally vacant, except for a detention basin. It contains approximately 889.46 linear feet of frontage along the platted John Henry Drive. Lot 37.03 was created in conjunction with Lot 37.02 and was used to help justify the coverage variance obtained for the 626,283 square foot building on Lot 37.02.

Redevelopment Designation

Each individual parcel within the Study Area is critical to the collective redevelopment of the same. The Township cannot effectuate a comprehensive redevelopment plan if some parcels qualify as in need of redevelopment while others fail to do so.

As noted previously in this investigation, Section 3 of the LRHL permits the inclusion of parcels necessary for the effective redevelopment of the area, stating:

A redevelopment area may include lands, building, 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 in which they are a part.

Due to the environmental constraints on Lot 14, which require extensive remediation work, lot consolidation with adjacent lots may be required to facilitate the redevelopment of the lot. In addition, lot consolidation may also be required to facilitate the development of Lot 38.04. As such, the need for development flexibility is imperative. Therefore, while the conditions in themselves on Lot 37.03 are not “detrimental to the public health, safety or welfare,” the inclusion of the parcel is necessary “for the effective redevelopment of the area in which [it] is

a part.” Given the location of Lot 37.03, it is critical to the overall redevelopment, and therefore economic viability, of the study area.

Block 41, Lot 38.02	
Owner:	Matrix 7A Land Development Venture LLC Forsgate Drive CN 4000 Cranbury, NJ 08512
Assessment (2009):	\$1,709
Land Value:	\$1,709
Improvement Value:	\$0
Lot Area:	3.31 acres
Year Built:	N/A

Property Description

The approximately 3.31 acre property is generally contains wooded and grassy areas, as well as a JCP&L (electric utility) easement and substation. A portion of a pond primarily on Lot 38.01 encroaches into the property. It contains frontage on both Old York Road and a New Jersey Department of Transportation (NJ DOT) owned access roadway.

Redevelopment Designation

Each individual parcel within the Study Area is critical to the collective redevelopment of the same. The Township cannot effectuate a comprehensive redevelopment plan if some parcels qualify as in need of redevelopment while others fail to do so.

As noted previously in this investigation, Section 3 of the LRHL permits the inclusion of parcels necessary for the effective redevelopment of the area, stating:

A redevelopment area may include lands, building, 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 in which they are a part.

Lot consolidation may be required to facilitate the development of Lot 38.03, given the location of Lot 38.03 on the edge of the redevelopment area, fronting on Old York Road. As such, the need for development flexibility is imperative. Therefore, given the location of Lot 38.02, it is critical to the overall redevelopment, and therefore economic viability, of the study area. Therefore, while the conditions in themselves on Lot 38.02 are not “detrimental to the public

health, safety or welfare,” the inclusion of the parcel is necessary “for the effective redevelopment of the area in which [it] is a part.” Given the location of Lot 38.02, it is critical to the overall redevelopment, and therefore economic viability, of the study area.

Block 41, Lot 38.03	
Owner:	Matrix 7A Land Development Venture LLC Forsgate Drive CN 4000 Cranbury, NJ 08512
Assessment (2009):	\$447
Land Value:	\$447
Improvement Value:	\$0
Lot Area:	0.86 acres
Year Built:	Approximately 1950

Property Description

The approximately 0.86 property is occupied by a single-family home and contains some wooded areas. The single-family home is currently unoccupied. During a physical inspection of the property, both its interior and exterior of the structure were found to be in poor condition. In addition, the vegetation throughout the property is overgrown and unmaintained.

The evidence of deferred maintenance on the property is striking. The rear entrance to the dwelling is structurally unsound. Upon entering the dwelling, the putrid smell is overwhelming, and the floors are littered with garbage, dirt, and a variety of other unsanitary elements. The vegetation on the property appears to have not been maintained for a significant period of time, evidence of poor curb appeal.

The following photos are evidence of the unwholesome conditions on the property that are detrimental to the community:





Redevelopment Designation

The nature of the property meets criteria “a” and “d” of the LRHL, specifically:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated or obsolescent, or possess any of such characteristics or are so lacking in light, air or space, as to be conducive to unwholesome living or working conditions.
- a. 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 and use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community.

The conditions within the building observed during a physical inspection of the premises clearly indicate that the that it is “unsafe, unsanitary, [and] dilapidated,” which are all “conducive to unwholesome living or working conditions.” The building demonstrates a level of dilapidation and deleterious layout, which is “detrimental to the safety, health, morals or welfare of the community.”

Block 41, Lot 38.04	
Owner:	Matrix 7A Land Development Venture LLC Forsgate Drive CN 4000 Cranbury, NJ 08512
Assessment (2009):	\$150,000
Land Value:	\$100,000
Improvement Value:	\$50,000
Lot Area:	1.29 acres
Year Built:	Unknown

Property Description

The approximately 1.29 property is occupied by a single-family home, a detached garage/storage structure, and structures that appear to have been historically used as livestock storage or a chicken coop. The property also contains some scattered wooded areas.



The single-family home is currently unoccupied. A physical inspection of the property indicated that the single-family home is generally in fair condition without any glaring health, safety, or welfare concerns. Though the remainder of the structures appear to be structurally sound, they are generally worn, do not contain floors and the conditions therein are generally unsanitary.

In addition, Lot 38.04’s location adjacent to Matrix Business Park at 7A, as well as its commercial zoning classification, is reflective of its lack of marketability as a future residential property. The improvements on Lot 38.04 are thus obsolete and outdated. The dilapidation and obsolescence on the lot may lead to future deterioration, thus adversely impacting the adjacent residential properties.

Redevelopment Designation

The nature of the property meets criteria “a” and “d” of the LRHL, specifically:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated or obsolescent, or possess any of such characteristics or are so lacking in light, air or space, as to be conducive to unwholesome living or working conditions.

- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious and use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community.

Block 41, Lot 38.012	
Owner:	Matrix 7A Land Development Venture LLC Forsgate Drive CN 4000 Cranbury, NJ 08512
Assessment (2009):	N/A
Land Value:	
Improvement Value:	
Lot Area:	45.79 acres
Year Built:	N/A

Property Description

The approximately 45.79 acre property is vacant, containing open areas as well as a mostly linear wooded area in the southern portion of the parcel.

Redevelopment Designation

Each individual parcel within the Study Area is critical to the collective redevelopment of the same. The Township cannot effectuate a comprehensive redevelopment plan if some parcels qualify as in need of redevelopment while others fail to do so.

As noted previously in this investigation, Section 3 of the LRHL permits the inclusion of parcels necessary for the effective redevelopment of the area, stating:

A redevelopment area may include lands, building, 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 in which they are a part.

The need for development flexibility is imperative for the effective redevelopment of the study area. Therefore, while the conditions in themselves on Lot 38.012 are not “detrimental to the public health, safety or welfare,” the inclusion of the parcel is necessary “for the effective redevelopment of the area in which [it] is a part.” Given the location of Lot 38.012, it is critical to the overall redevelopment, and therefore economic viability, of the study area.

SUMMARY OF REDEVELOPMENT DESIGNATIONS AND OVERALL FINDINGS

The LRHL states the basis for the use of statutory redevelopment powers as:

There exist, have existed and persist in various communities of this State conditions of deterioration in housing, commercial and industrial installations, public services and facilities and other physical components of community life, **and improper, or lack of proper**, development which results from forces that are **amenable to correction and amelioration by concerted effort of responsible public bodies**, and without this public effort are **not likely to be corrected or ameliorated by private effort.**" (emphasis added)

Based upon a comprehensive analysis of the Study Area and the application of the requisite statutory criteria pursuant to the LRHL to each parcel within the Study Area, there is sufficient evidence to conclude that the Study Area should be designated as an Area in Need of Redevelopment. The largest lot in the study area, Lot 14, is burdened by environmental contamination that requires a costly remediation. This situation has resulted in a not fully productive use of the land that would otherwise contribute to and serve the public health, safety and welfare. Also, because of the remediation expense, it is not likely that Lot 14 will be developed through the instrumentality of private capital. Lot 14 thus qualifies as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5(c) and (e). There are also two residential lots within the Study Area that are obsolescent and dilapidated and are detrimental to the health and welfare of the community. Without the impetus of a redevelopment area designation these lots are likely to continue to deteriorate, thus adversely affecting neighboring property values and eventually leading to blight conditions on the adjacent lots. These lots, therefore, qualify as an Area in Need of Redevelopment pursuant to N.J.S.A. 40A:12A-5(a) and (d). With respect to the rest of the vacant land in the Study Area, it is crucial that those lots be included in the redevelopment area pursuant to N.J.S.A. 40A:12-3 in order to provide the flexibility required to subdivide, design and layout the business park in a manner that meets current market demand.

Even though there are a number of pervasive conditions and impediments to the orderly and functional redevelopment within the Study Area, it has the potential to be fully productive and advance the general welfare of the community through the redevelopment process. The Township has long supported appropriate redevelopment opportunities in its comprehensive planning initiatives, as such actions help to generate economic activity as well as lower increasing property taxes due to ongoing residential development.

To wit, the 2007 Master Plan Reexamination cites the ongoing development of the Town Center as a substantial factor in the surge of residential development, in addition to a "single large warehouse development" as a component of the downward trend of building permits (Page 14). There is no specific mention of the

Exit 7A/PCD District. However, as applicable to the Study Area in its role that helps to encourage development in a manner that discourages sprawl, the 2007 Master Plan Reexamination cites the 2000 Master Plan goal of “discouraging sprawl type of development” as being achieved (Page 5).

The 2000 Master Plan contains a variety of goals and objectives to guide the future development of the Township. Specific to the context of the investigation area, certain goals and objectives are as follows:

Take all steps that are available to direct growth in a way that discourages sprawl type of development (Page I-1).

Encourage the development of new businesses, and the expansion of existing businesses, in appropriate areas, which result in jobs that can be filled by the residents of the Township (Page I-2).

The 2000 Master Plan recognizes the “400 +/- acres” of land within the Exit 7A/PCD District, which currently encapsulates the Study Area, accordingly:

This area is viewed as an appropriate location for future economic development, given the availability of such a large tract of undeveloped land, with well-established regional highway connections to the N.J. Turnpike and 1-195, and with the recent extension of sewer and water to the area. The absence of significant development limitations in the form of environmental features and adjacent land uses also suggests commercial suitability (Id).

The Township adopted a Periodic Reexamination of the Master Plan and Land Use Element Amendment in 2007, which reexamined all elements of the 2000 Master Plan. Among the global findings within the 2007 Master Plan Reexamination, a major need identified is to continue the need to balance residential and commercial development, since there was a growing disconnect between the uses between 2000 and 2005:

While residential development surged over the past five years, the amount of nonresidential development decreased by approximately 92% between 2000 and 2005. (Pages 13 & 14)

While the entirety of the Study Area is under control by one property owner, the lack of development activity within the parcels is indicative of an inability to spur development without the concerted effort of the Township through the redevelopment process. The current national economic conditions, as well as the expensive remediation impediment on Lot 14 due to a number of environmental impediments – namely arsenic, dieldrin, and chlordane contaminates – are hindering the type of development that the Township has specifically identified as very salient in its municipal comprehensive planning efforts. These environmental impediments also hinder the marketability of the properties to potential tenants.

This is evidenced by the presence of unimproved areas within the Study Area that are zoned for PCD type uses.

Relative to the Study Area, the overarching condition is the severe level of economic stagnancy, *which is not due to the voluntary choice of the property owner*. It is important to note that development of Block 41, Lot 14 is absolutely critical to the improvements of the remainder of the lots within the Study Area, clear evidence of which is found in the approved GDP and land development approvals for the Matrix Business Park at 7A. As noted throughout this investigation, the environmental contamination issues on Lot 14 are significant impediments to the ongoing build-out of the Study Area, chiefly due to extraordinary costs that the property owner must bear during this historic economic downturn and marketability issues. This condition is not temporary in nature and could perhaps become permanent, potentially presenting ratable generation problems for the Township. Without municipal intervention, it is unlikely that this economic engine within the Township will ever proceed, given the substantial stagnation problems within the Study Area, all of which cannot be rectified by private action.

Therefore, as detailed in the parcel-by-parcel analysis within the Study Area, as well as the preceding municipal tax assessment and real estate market conditions, LRHL criterions “a,” “c,” “d,” and “e” are applicable to this redevelopment investigation:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated or obsolescent or possess any of such characteristics, or are so lacking in light, air or space, as to be conducive to unwholesome working or living conditions.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community.
- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.

In addition, the remainder of the properties are eligible for inclusion within the redevelopment area under the Section 3 criteria, as they are necessary for the effective redevelopment of the Study Area as a whole:

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 in which they are a part.

The following table outlines the redevelopment designations that have been found within this investigation report:

BLOCK	LOT	REDEVELOPMENT DESIGNATION
41	14	c, e
41	36	Section 3
41	37.01	Section 3
41	37.02	Section 3
41	37.03	Section 3
41	38.02	Section 3
41	38.03	a, d
41	38.04	a, d
41	38.012	Section 3

As a result of the conditions and circumstances described above, there exists a sound and legitimate basis to declare the study area in its entirety as an “area in need of redevelopment” in accordance with the “a,” “c,” “d,” and “e” criteria as set forth in N.J.S.A. 40A:12A-5(a), 5(c), 5(d), and 5(e), as well as Section 3 of N.J.S.A. 40A:12A.

[FIGURE 5 – STUDY AREA REDEVELOPMENT DESIGNATIONS]

VIII. CONCLUSION

The foregoing investigation report has been prepared to determine whether properties within the southeastern portion of the Township of Robbinsville (“Study Area”) meet the statutory criteria for designating it as an “area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, P.L. 1992, Chapter 79 (“LRHL”). This study was authorized by the Township Council of the Township of Robbinsville and was prepared for the Township’s Planning Board.

Based on the analysis presented within this investigation report, the Study Area meets the statutory criteria for designation as “an area in need of redevelopment.”

IV. PLANNED COMMERCIAL DEVELOPMENT ZONE STANDARDS

142-25 PCD Planned Commercial Development Zone

Amended by Ord. No. 91-21; Ord. No. 95-26; Ord. No. 96-29; 6-18-2003 by Ord. No. 2003-17]

A. Preamble. This zone recognizes the need for large tract development for office, warehouse, light manufacturing and "flex" (office/warehouse buildings) in the Township. Also permitted are uses which are intended to provide attendant services for employees, suppliers and visitors of the primary uses. Due to the nature of these uses, the same must be situated in proximity to major arterial roads and highways. The zone also recognizes that there are several isolated residential properties physically located in the zone district, which residences are located in such a way as to preclude a separate zone district being created. The intent is to allow the existing residential properties to continue to exist as the same subject to certain bulk requirements, which shall only be applicable to properties which exist as residences at the time of the adoption of this section.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

AVERAGING

The development regulation which permits the developer the right to develop portions of the planned development at ratios greater than the overall permitted coverage ratios and floor area ratios so long as the development of the entire area of the planned development does not exceed the overall permitted coverage and floor area ratios.

COLLECTOR STREET

A street which is proposed as a collector street and which meets the standards set forth and the procedures for dedication in Subsection **G(2)(a)** for collector streets.

FLOOR AREA RATIO (FAR)

The sum of the area of all floors of buildings compared to the total area of the site.

GENERAL DEVELOPMENT PLAN

A plan containing the elements set forth in Subsection **H(2)(b)** of this section.

Editor's Note: The former definition of "improvement coverage," which immediately followed this definition, was repealed 5-10-2007 by Ord. No. 2007-26.

LIGHT MANUFACTURING AND ASSEMBLY

The manufacturing of products by the assembly or fabrication of components, including the incidental machining, painting, finishing, testing or packaging prior to wholesale or retail distribution; excluding, however, any outdoor light manufacturing or assembly.

MODULAR OFFICE-DISTRIBUTION

A multitenanted office-distribution structure with components not less than 5,000 square feet per modular unit. The office component of any module shall not be less than 10% nor greater than 50% of any module.

PLANNED COMMERCIAL DEVELOPMENT ZONE

That area designated on the Robbinsville Township Zoning Map as "PCD Zone." The PCD Zone shall include the area bounded on the west by the New Jersey Turnpike, on the north by Gordon Road, on the east by the Monmouth/Mercer County border and on the south by I-195. An applicant meeting the requirements of this section may develop its property located within the PCD Zone as a planned development pursuant to a general development plan application, or by an application for site plan approval, with or without an application for general development plan approval.

PLANNED COMMERCIAL DEVELOPMENT

A minimum tract area as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate those uses specified in this section.

SECTION 1 TRACT AREA

The gross area of land within the planned development tract area which consists of or is designated to consist of the Type 1 uses as set forth in Subsection **D** of this section.

SECTION 2 TRACT AREA

The gross area of land within the planned development tract area which consists of or is designated to consist of the Type 2 uses as set forth in Subsection **D** of this section.

TECHNICAL COORDINATING COMMITTEE

The Technical Coordinating Committee as contemplated in N.J.S.A. 40:55D-45, and shall be deemed to be the Technical Review Committee as defined and established in § **142-80**, Technical Review Committee.

TRACT AREA

The gross area of land which consists of lots having one or more common boundaries. The intent of this section is that separation of lots or portions of the tract by dedicated streets shall not be deemed to destroy the continuity of the acreage which is the subject of an application for planned development.

C. General provisions.

(1) PCD Zone criteria. Within those areas specifically designated on the Zoning Map of Robbinsville Township as within the PCD Zone, any application for development shall be made in accordance with the regulations and procedures detailed in this chapter, provided the proposal meets with all of the criteria of Type 1 or Type 2 uses as defined in Subsection **D** of this section. Development of Type 1 uses, Type 2 uses, or a combination of Type 1 and Type 2 uses, may be approved pursuant to an application for site plan approval, with or without an application for general development plan approval.

(2) PCD alternate criteria. Planned development within the PCD Zone shall be a permitted alternate form of development on tracts with a gross area of at least 350 acres. Application for this alternative shall be made in accordance with the regulations and procedures described in Subsection **H** of this section pertaining to a planned development, provided that the proposal meets all of the following minimum criteria:

(a) The area of the tract upon which planned development is proposed is 350 acres or larger.

(b) The tract is located within an existing sewer service area and is served or is capable of being served by public sewer.

(c) The tract is served or is capable of being served by public water.

(d) The tract is to be developed according to a general development plan as a single entity to accommodate nonresidential uses as permitted in Subsection **D** of this section and is proximate to regional interstate highways.

D. Permitted uses. Only the following building types or uses shall be permitted within the PCD Zone:

(1) Principal permitted uses.

(a) Type 1 principal permitted uses:

[1] General business, corporate, and professional offices, including administrative, sales, executive, research and development, high technology and other general or corporate business uses.

[2] Retail and related uses sited for the convenience of the employees within the PCD Zone in conjunction with a general development plan for a planned commercial development. Such retail uses shall be limited to:

[a] Banks and financial institutions.

[b] Restaurants, provided there is no drive-through service or service in vehicles. An employee cafeteria or lunch room whose location is within a building and whose operation is solely accessory to a permitted nonretail use shall not be construed to be a restaurant under this section.

[c] Supermarkets, delicatessens and similar food service establishments.

[d] Video rental stores.

[e] Dry-cleaning pickup/dropoff service only. Actual dry cleaning of garments shall not be conducted within the PCD.

[f] Pharmacies.

[g] Card and gift shops.

[h] Barber/beauty shops.

[i] Post offices.

[j] Florist shops.

[3] Hotel and conference centers, including professional meeting and training facilities (i.e., classrooms, auditoriums, amphitheaters), recreational and athletic facilities, dining and banquet facilities and accessory retail or other service facilities incidental to said use.

[4] Fully enclosed establishments for the sale and repair of office-related equipment.

[5] Research and development uses, including, but not limited to, computer centers and data processing facilities.

[6] Municipal facilities, including municipal garages.

[7] Day-care facilities associated with permitted uses.

[8] Public purpose recreation uses including facilities for cultural activities and associated public purpose uses.

[9] Health clubs and racquet clubs.

[10] Agricultural uses.

[11] Mixed-use building. Within a mixed-use building, retail uses shall not exceed 5% of the floor area of any individual Type 1 use building. Plan averaging of retail floor area shall also be permitted as part of a general development plan; provided, however, that the total retail floor area shall not exceed 10% of the floor area of all Type 1 uses in the plan. All retail uses shall be integrated into the overall campus style design of the PCD development. The Planning Board shall have the power to limit the extent and location of freestanding and all other retail uses.

(b) Type 2 principal permitted uses:

[1] General warehouse uses, warehouse showrooms, and retail outlets which are solely incidental to a warehouse use. This section shall not be construed so as to permit retail-warehouse or warehouse-type uses whose primary function is direct on-site retail sales to the public.

[2] Light manufacturing and assembly uses.

[3] Office uses up to 2% of the gross square footage of a permitted Type 2 use. Office uses over 2% of the gross square footage of a permitted Type 2 building shall be deemed Type 1 uses.

[4] Modular office-distribution uses.

[5] Public purpose recreation uses, including facilities for cultural activities and associated public purpose uses.

[6] Health clubs and racquet clubs.

[7] Agricultural uses.

[8] Freight forwarding warehouse.

[Added 11-13-2008 by Ord. No. 2008-37]

(2) Accessory uses.

(a) Parking decks and/or garages and loading facilities incidental to and supportive of the principal uses in this zone, not to exceed three stories.

(b) Recreational facilities for use of the tenants or employees of the principal uses.

(c) All uses which are customarily incidental to and supportive of the principal uses, or combination thereof, listed in Subsection **D(1)** above.

(d) Signs and directories.

(e) Note: Accessory uses, except for parking areas, shall not occupy a floor area greater than 30% of the floor area dedicated to the principal use or combination of principal uses to which the accessory use or uses relate. Accessory uses may be located within the same building as the principal use or in a separate accessory structure.

E. Conditional uses.

(1) Single-family residences; see § **142-63J**.

F. Development standards. Notwithstanding any provisions elsewhere in this section or in any ordinance of Robbinsville Township, planned commercial developments are subject only to the standards and provisions contained in this Subsection **F**.

(1) Bulk standards, general commercial uses.

(a) Lot dimensions, minimum required.

[1] Area:

[a] Type 1 uses: three acres; seven acres for a hotel or conference center.

[b] Type 2 uses: three acres.

[2] Width: 300 feet.

[3] Depth: 300 feet.

(b) Yard dimensions, minimum required principal building setbacks.

[1] Front yard: 80 feet.

[2] Side yard: 25 feet each.

[3] Rear yard: 25 feet.

(c) Height of buildings, maximum permitted.

[1] Three stories or 45 feet.

[2] Note: Rooftop screening of utilities shall not be included in the measurement of maximum height. The use of rooftop penthouses shall be limited to passive commercial uses such as the housing of equipment.

(d) Maximum coverage.

[1] Type 1 uses as part of the planned development with general development plan approval:
[Amended 5-10-2007 by Ord. No. 2007-26]

[a] Building coverage for principal buildings shall be permitted to a maximum of 18% of the total Section 1 tract area of the planned development. Total lot coverage shall be permitted to a

maximum of 50% of the total Section 1 tract area of the planned development. Total floor area ratio shall be permitted to a maximum of 18% of the Section 1 tract area of the planned development.

[b] Averaging of building coverage, total floor area ratio and total lot coverage over the total Section 1 tract area of a planned development shall be permitted; provided, however, that no one lot of the planned development shall exceed an FAR of 23%, a maximum building coverage of 23% and a maximum lot coverage of 55%.

[c] Building coverage for hotel or conference center uses shall be permitted to a maximum of 30% of the lot. Total lot coverage shall be permitted to a maximum of 50% of a lot used for hotel or conference center development. Total floor area ratio for a lot used for hotel or conference center shall be permitted to a maximum of 30%.

[2] Type 2 uses as part of a planned development with general development plan approval:

[a] Building coverage for principal buildings shall be permitted to a maximum of 32% of the total Section 2 tract area of the planned development. Total lot coverage shall be permitted to a maximum of 52% of the total Section 2 tract area of the planned development. Total FAR shall be permitted to a maximum of 32% percent of the total Section 2 tract area of the planned development.

[Amended 5-10-2007 by Ord. No. 2007-26]

[b] Averaging of building coverage, total lot coverage and FAR shall be permitted over the total Section 2 tract area of a planned development; provided, however, that no one lot of the planned development shall exceed an FAR of 42%, maximum building coverage of 42% and maximum total lot coverage of 62%.

[Amended 5-10-2007 by Ord. No. 2007-26]

[c] Notwithstanding the above, no more than 42% of the Section 2 tract area may be developed as modular office-distribution uses.

(e) Following are the bulk and coverage standards applicable to planned commercial developments in the PCD Zone with general development plan approval:

[Amended 5-10-2007 by Ord. No. 2007-26]

	Uses	
	Type 1	Type 2
Lot area	3 acres	3 acres
Lot width	300 feet	300 feet
Lot depth	300 feet	300 feet
Front yard setback	80 feet	80 feet
Side yard setback	25 feet each	25 feet each
Rear yard setback	25 feet	25 feet
Building height	3 stories or	3 stories or

	45 feet	45 feet	
Maximum lot coverage of tract	50%	52%	
Floor area ratio for tract	18%	32%	
Maximum FAR and building coverage of site with averaging	55%	62%	
Maximum lot coverage of site with averaging	55%	62%	
Hotel/conference center FAR	30%		
Hotel/conference center MIC	50%		(f) Bulk standards for
Hotel/conference center building height	6 stories or 80 feet	6 stories or 80 feet	Type 1 uses for non-general development

plan approval properties shall be the same as those set forth in Subsection **F(1)(a)** through **(e)**.

(g) Bulk standards, Type 2 uses for non-general development plan approval properties:

[1] Lot area: 20 acres.

[2] Lot width: 750 feet.

[3] Lot depth: 750 feet.

[4] Building setback (West Manor Way, Old York Road or Gordon Road): 175 feet.

[5] Front yard setback (interior road): 90 feet.

[6] Side yard setback: 25 feet.

[7] Rear yard setback: 25 feet.

[8] Maximum FAR: 42%.

[9] Maximum lot coverage: 62%.

(h) A building transition setback of not less than 150 feet, as specified herein, and measured from the property line shall be established adjacent to any residential zone district, except along a line that coincides with state or federal highway, the New Jersey Turnpike or an approved preservation area. No building shall be located within the transition setback. The transition setback shall include a minimum landscaped width of 80 feet between the property line and any parking area.

(i) Vehicular access points to the surrounding road system shall be limited to West Manor Way and Old York Road. All driveways and/or internal roads shall be designed to direct traffic (particularly truck traffic) to and from the I-195 interchanges.

(j) Traffic calming elements shall be installed to discourage speeding or inappropriate truck traffic along West Manor Way, Gordon Road, and Old York Road.

(k) Each site plan shall contribute its pro rata share to all traffic infrastructure improvements necessary to promote the Master Plan goals and objectives for the development of the PCD Zone District.

(l) The maximum limitation on FAR and MIC set forth in the regulations for the planned commercial development option may be increased in accordance with § 142-26.

(m) Any planned commercial development plan, with general development plan approval, or major subdivision plan that is not part of a general development plan approval, which proposes FAR, lot coverage, and building coverage averaging shall vest that authority as provided to the Planning Board by virtue of N.J.S.A. 40:55D-39c(5) to require the appropriate restrictions as to preservation of open space so as to preserve the average density reflected in the proposed plan. **[Amended 5-10-2007 by Ord. No. 2007-26]**

G. Design standards.

(1) Minimum off-street parking and loading requirements.

Nonresidential Land Uses	Required Off-Street Parking Spaces Per Indicated Area
Assembly operations	1 per 800 square feet GFA
Bar	1 per 2 seats
Bowling alley	4 per alley
Car wash	10 per washing lane
Church/synagogue	1 per 3 seats
Fiduciary institutions	1 per 300 square feet GFA
Finishing operations	1 per 800 square feet GFA
Hotel	7 per guest room plus 10 per 1,000 square feet GFA
Industrial	1 per 800 square feet GFA
Library	1 per 300 square feet GFA
Manufacturing	1 per 800 square feet GFA
Medical center	1 per 250 square feet GFA
Neighborhood convenience center:	
Under 400,000 square feet GFA	4 per 1,000 square feet GFA
Nightclub	1 per 3 seats

Offices:

Under 49,999 square feet GFA 4.5 per 1,000 square feet GFA

50,000 to 99,999 square feet GFA 4 per 1,000 square feet GFA

10,000 + square feet GFA 3.5 per 1,000 square feet GFA

Receiving 1 per 5,000 square feet GFA

Research 1 per 1,000 square feet GFA

Restaurant 1 per 3 seats

Quick-food establishment 1 per 30 square feet GFA

Retail store 1 per 200 square feet GFA

Schools:

Elementary 2 per classroom; but not less than 1 per teacher and staff

Intermediate 1.5 per classroom, but not less than 1 per teacher and staff

Secondary 2.5 per classroom, but not less than 1 per teacher and staff

Service station 4 per bay and work area

Shipping 1 per 5,000 square feet GFA

Shopping center:

Under 400,000 square feet GLA 4 per 1,000 square feet GLA

400,000 to 599,999 square feet GLA 4.5 per 1,000 square feet GLA

600,000 + square feet GLA 5 per 1,000 square feet GLA

Storage areas 1 per 5,000 square feet GLA

Theater 1 per 3 seats

In shopping center 1 per 4 seats

Warehouse 1 per 5,000 square feet GFA

(a) Site plans can include provisions for shared parking

facilities with other sites, so long as the aggregate parking provided meets the standards set out in Subsection **G(1)** above.

(b) The size of a parking space shall be nine feet by 18 feet.

(c) Areas provided for loading and unloading of delivery trucks and other vehicles, and for servicing of buildings by refuse collection, and other service vehicles shall be adequate in size, and shall be so arranged that they may be used without blockage or interference with the use of accessways or automobile parking facilities. Size, number and other criteria regarding loading and unloading areas for delivery trucks and other vehicles shall be as set forth in this chapter.

(d) All parking, loading, access and service areas shall be adequately illuminated at night. All lighting, including sign lighting, shall be arranged so as to protect the highway and adjoining property and roads from direct glare or hazardous interference of any kind. Lighting shall be designed with regard to height and illumination so as to minimize the impact on the residents of any surrounding dwelling units. Areas provided for truck parking shall be visually screened by landscaping from collector streets.

(e) The Planning Board may permit a thirty-percent reduction of the required number of parking spaces required to be constructed in connection with any individual site plan if the applicant can prove that it is unlikely that there will be a sufficient parking demand to warrant full compliance and the site plan contains an area reserved for future parking expansion if and when needed.

(f) No street side parking shall be permitted on internal roads in the area of a planned development.

(g) Parking shall be permitted in setback areas; provided, however, that any parking within a setback area shall be located no more than 40 feet from the interior building setback line. Parking setbacks shall be as follows:

[1] Interior street line: 40 feet.

[2] Side/rear lot line: 20 feet.

[3] Exterior street lines (along Gordon Road, Old York Road, West Manor Way): 80 feet.

(2) Streets.

(a) Collector streets shall be designed to accommodate through traffic in the planned development to and from surrounding areas.

(b) Minor streets shall be so planned and identified so as to discourage through traffic.

(c) The right-of-way width on all streets shall be measured from lot line to lot line and shall meet the following minimum widths:

[1] Collector streets: 66 feet.

[2] Streets other than collector streets: 60 feet.

[3] Right-of-way widths for internal roads and alleys in a planned development may be proposed at less than 60 feet, but not less than 50 feet, but shall in all cases be of sufficient width and design to safely accommodate the reasonably anticipated traffic, parking, and loading needs where applicable, as well as access for fire-fighting equipment.

- (d) All improvements which are not both proposed for dedication and accepted by Robbinsville Township shall be regarded as nonpublic improvements. The maintenance or improvement of nonpublic improvements shall be the responsibility of the developer or its successors in interest.
- (e) Street intersections shall be as nearly at right angles as is possible and in no case shall be less than 80°.
- (f) A cul-de-sac shall be no more than 2,000 feet in length.
- (g) The pavement standard for streets within a PCD shall be in accordance with the standards set forth in this chapter.
- (h) T-type intersections shall be offset a minimum of 150 feet.
- (i) Sidewalks shall be required where necessary and appropriate to provide adequate pedestrian access from parking facilities to proposed buildings, and curbing shall be required for all paved areas.
- (j) Access to minor arterial roads and collector streets identified in the Township Master Plan shall be arranged to minimize the disturbance of the traffic flow by limiting access locations.
- (3) Drainage. Storm drainage standards shall be as set forth in this chapter.
- (4) Landscaping. Landscaping standards shall be as set forth in this chapter.
- (5) Recycling. Recycling shall be provided in accordance with Chapter 220, Article I, Recycling, of the Robbinsville Township Code.
- (6) Planned commercial development tract layout. The tract shall be designed utilizing a campus style layout. The developer shall employ design techniques to create an integrated, park-like development having a desirable visual environment.
- (7) All other design standards. Any design standards or criteria other than those specifically enumerated herein shall be as set forth in this chapter.
- (8) Architectural standards.
- (a) The design of warehouse development(s) should integrate the disciplines of landscape architecture, architecture and engineering.
- (b) Strong site development identity should be unified by a consistent treatment; in particular, extensive landscape treatment should be used.
- (c) Building orientation should be consistent throughout whole site development and favor streets and the public right-of-way.
- (d) General architectural treatment of buildings should be complementary as to materials, texture and color, in particular for adjacent structures.
- (e) Building structures should follow design guidelines noted as part of these standards.
- (f) Architectural feature(s) and focal points should be easily discernible from the street and/or public right-of-way. They should not be concealed or obscured by parking or ancillary structures.

(g) Extensive parking areas, truck yards, and loading docks should be screened from view from the street/public right-of-way by use of landscape, architecture feature(s) or fence(s). Fence(s) should complement design of building and be consistent with the general architectural character.

(h) If proposed, picnic areas and other recreational facilities shall be properly integrated into the design of the site development or individual lot. Consideration should be made to locate such areas/facilities away from the main entrance(s) to the building. Roofed shelters as part of these areas shall be encouraged when appropriate.

(9) Building design standards.

(a) Main entrance and feature(s) should be placed (arranged) to create focal points oriented toward corner(s) and/or the center of street facade.

(b) Facades facing a street or public right-of-way should be segmented by offsets, reliefs, and/or features of appropriate scale to visually break long elevations into a series of favorable scaled elements in relation to a normal urban scale. These elevations should not extend beyond a maximum of 300 feet between reliefs. Blank wall segments without relief or discernible pattern treatment should be not greater than 30 feet. Specifically designed landscape treatment(s) along blank wall segments can be considered an acceptable option to a discernible pattern treatment on the wall.

(c) Each facade of the building should be designed to complement adjoining facades in close proximity. Preferred facade materials and combinations can include concrete (tilt-up/precast), brick and/or architectural textured concrete masonry units. Other exterior products may be used, assuming the composition of the design and materials create a unique facade treatment which reflect an honest expression of the use and size of the project. For example, architectural insulated metal panels may be used as a limited design treatment, but must be used carefully to create a compatible composition with the major facade material(s).

(d) Material color and texture range must be considered in the facade composition. The color and texture range (field, bands and accents) provides an opportunity to segment the facades and soften the scale of large buildings; therefore, they should be used with care and purpose. Color can be applied to the surface of the facade material or be integral to that material, but it is important that consideration should be given to the wearability of any finish(es). Color compatibility in glass, frames, doors, etc., are also an important consideration for the final design. Color can also be used to enhance the three-dimensionality and apparent depth of facade treatments. Texture treatment should be clearly discernible from curbside through its composition and shadow effect. It should add to the sculptural composition of the wall and accent its three-dimensionality. Joint treatment that is part of the architectural composition of the facade should also be clearly visible from such a distance and may need to be treated architecturally to create such an effect.

(e) Rooftop equipment should be placed away from all facades in an effort to minimize its visual impact as seen from the adjoining street or public right-of-way. Careful attention should be given to its orientation and color when locating rooftop equipment. Rooftop equipment should be considered as part of the architectural composition of the building. If inevitable, rooftop equipment located close to building facade should be screened. Such screen should completely block the equipment from the adjoining street or public right-of-way view and be consistent and integral to the architectural composition of the building.

(f) Signage and logo(s) placement should be considered in the concept phase of the project as part of the architectural composition of the building. Signage and logo(s) need to identify the

project, be subtle and provide visitor/fire department clear direction to the primary and secondary points of entry.

H. Application and review procedure.

(1) PCD Zone, general development plan.

(a) Application for development within the PCD Zone may, in accordance with N.J.S.A. 40:55D-45.3, be made as a planned commercial development in accordance with the regulations and procedures described in this chapter pertaining to general development plan.

(b) The Planning Board may require, in addition to those elements of the general development plan as enumerated in Subsection [H\(2\)\(b\)\[2\]](#) hereof, a plan or plans showing the interrelationship of the proposed general development plan to all other properties located within or adjacent to the PCD Zone taking into consideration the future development capabilities of those properties.

(2) Procedure for approval of the general development plan.

(a) Planning Board review. The Planning Board shall review an application for general development approval of a planned development within the PCD Zone in the following manner:

[1] Notice. Public notice of a hearing of an application for planned development shall be given as required by statute in accordance with N.J.S.A. 40:55D-12.

[2] Time for action. Upon submission to the administrative officer of a complete general development plan application for planned development, the Planning Board shall grant or deny general development plan approval within 95 days of the date of submission or within such further time as may be consented to by the applicant pursuant to N.J.S.A. 40:55D-45 et seq. Failure of the Board to act within the prescribed time shall constitute approval.

(b) Required submissions; complete application. An application for approval of the general development plan shall be deemed complete, as per the provisions of N.J.S.A. 40:55D-10.3, upon submission by the applicant of the following:

[1] A complete application in a form established by the Planning Board, containing the following minimum information:

[a] The name of the developer.

[b] A signed statement of the developer affirming compliance with the minimum criteria for planned development contained in this chapter.

[c] Proof that the property taxes pertaining to the subject property have been paid to date.

[d] A corporate or partnership disclosure statement, where applicable, in accordance with the provisions of N.J.S.A. 40:55D-48.1 and 40:55D-48.2.

[e] Application and escrow fees as may be established by ordinance of Robbinsville Township.

[f] The site is located within an approved sewer service area.

[g] A general development plan consisting of all items required in Subsection [H\(2\)\(b\)\[2\]](#) as set forth below.

[2] A general development plan consisting of the following:

[a] A land use plan indicating the total tract area and the general location of the land uses to be included in the planned development. A planned development shall contain a reasonable mix of Type 1 and Type 2 uses in accordance with the overall general development plan. The tract area devoted to Type 1 and Type 2 uses shall be specified in the land use plan. The amount of nonresidential floor area to be provided and proposed land area to be devoted to nonresidential use shall be set forth. In addition, the proposed types of nonresidential uses to be included in the planned development shall be set forth, and the land area to be occupied by each proposed use shall be estimated. The density and intensity of use of the entire planned development shall be set forth, and a nonresidential floor area ratio shall be provided.

[b] A development and timing plan, setting forth the amount of nonresidential floor space and the nonresidential floor area ratio for the general development plan, according to a schedule, which generally sets forth the sequencing of any sections of the development and the procedure for establishing the timing of the development. The development and timing plan shall not set forth fixed dates or specific improvements or developments since the timing of such is at the discretion of the applicant. The development and timing plan shall establish a period within which the various types of uses and subgroups thereunder and any related improvements will be developed. Approval of said time periods by the Planning Board shall be a part of the overall general development plan approval.

[c] A circulation plan, indicating the general location and types of transportation facilities within the planned development, including facilities for pedestrian access and any proposed improvements to the existing transportation system outside the planned development proposed by the applicant pursuant to a traffic impact study.

[d] A stormwater management plan, indicating the proposed method of controlling and managing stormwater on site.

[e] An open space plan, indicating the approximate major land areas to become open space, a description of the intended improvements within said area, and the allocation of responsibility for maintenance of the open space.

[f] An environmental inventory, including a general description of the vegetation, soils, topography, geology, surface hydrology, climate and cultural resources of the site, existing man-made structures or features and the probable impact of the development on the environmental attributes of the site.

[g] A utility plan, indicating the need for and showing the proposed location of sewage and water lines, any drainage facilities necessitated by the physical characteristics of the site, proposed methods for handling solid waste disposal, and a plan for the operation and maintenance of proposed utilities.

[h] A local service plan, indicating those public services which the applicant proposes to provide and which may include, but not be limited to, water, sewer, cable and solid waste disposal.

[i] A fiscal report describing the anticipated demand on municipal services to be generated by the planned development and any other financial impacts to be faced by the municipality or school districts as a result of the completion of the planned development. The fiscal report shall also include a detailed projection of property tax revenues which will accrue to the county, municipality and school district according to the timing schedule provided for under this and following the completion of the planned development in its entirety. The fiscal report shall be submitted for

informational and municipal planning purposes only; nothing in this report shall serve as a basis for the Board to delay or deny an approval.

[j] A municipal development agreement, which shall mean a written agreement between the municipality and the developer relating to the planned development.

[k] A preservation map if the applicant intends at the time of general development plan approval to qualify for application of a preservation factor pursuant to the Preservation Ordinance (§ 142-26).

[3] The general development plan may also include, if appropriate, a community facility plan indicating the scope and type of supporting community facilities which may include, but not be limited to, educational or cultural facilities, historic sites, libraries, hospitals, firehouses and police stations.

[4] The items listed in Subsection H(2)(b)[2] above shall constitute the submissions required to be enumerated on a checklist supplied to the applicant as per the provisions of N.J.S.A. 40:55D-10.3.

[5] The TCC shall be designated as the municipal agency which shall be responsible for determining completeness of an application pursuant to this section.

(c) Technical analysis. Upon submission of a complete application for general development plan approval to the Planning Board, the applicant shall submit a copy of the application to the Planning Board Secretary for review by the Technical Coordinating Committee (TCC). The TCC shall meet with the developer and the developer's experts within such reasonable time thereafter as shall be agreed upon between the Planning Board (or its subcommittee) and the developer, for the purpose of reviewing:

[1] The circulation plan;

[2] The stormwater management plan;

[3] The environmental inventory; and

[4] The utility plan.

(d) Technical report submitted to Planning Board. The TCC Subcommittee shall submit a report of its technical analysis to the full Planning Board within 30 days of submission of a complete application by the applicant. The review of the TCC shall be based upon the design standards set forth in this section and any other applicable recognized professional engineering standards.

(e) Planning Board review. The Planning Board shall schedule hearings on the application for general development plan approval at the time the application is deemed complete by the Board.

[1] The Planning Board shall begin its review with an analysis of:

[a] The land use element of the overall development plan;

[b] The development and timing plan;

[c] The open space element of the overall development plan;

[d] The fiscal report; and

[e] The preservation map.

[2] Upon receipt of the report of the Technical Coordinating Committee, the Planning Board shall review the recommendations contained in the report in connection with:

[a] The circulation plan;

[b] The stormwater management plan;

[c] The environmental inventory;

[d] The utility plan; and

[e] The preservation map.

(3) Findings of Planning Board; action by the Planning Board. The Planning Board shall, prior to approving any planned development as provided herein, make the necessary findings and conclusions pursuant to N.J.S.A. 40:55D-45.

(4) Effect of general development plan approval.

(a) General development plan approval shall confer upon the applicant the following rights and obligations until the entire planned development is fully developed:

[1] That the general terms and conditions upon which approval has been granted, including but not limited to on-site or off-site improvements requirements, shall not be changed, unless application for modification is made by the applicant and approved by the Planning Board pursuant to the terms of this section;

[2] That the provisions of this section effective on the date of approval with respect to permitted uses, permitted densities, parking requirements and layout and design standards shall not be changed.

(b) The term of the effect of any general development plan approval shall be determined by the Planning Board using the guidelines set forth in this section, except that the term of the effect of the approval shall not exceed 20 years from the date upon which the developer receives final approval of the first section of the planned development. In making its determination regarding the duration of the effect of approval of the general development plan, the Planning Board shall consider the amount of nonresidential floor area to be constructed, prevailing economic development and the likelihood of its fulfillment, the developer's capability of completing the proposed development, and the contents of the general development plan and any conditions which the Planning Board attaches to the approval thereof.

(c) Approval of preliminary and final site plan and/or subdivision applications (which may be submitted from time to time for portions of the general development plan or simultaneously with the general development plan application) shall be granted upon proof of compliance with the approved overall development plan and with the permitted uses, densities and development standards set forth in this section as of the date of approval of the planned development. No separate environmental impact statement shall be required for subsequent site plan or subdivision applications upon compliance with the standards referred to above. Notwithstanding the above, the applicant may be required by the Planning Board to post any performance or maintenance guarantees and pay any inspection fees permitted by statute in accordance with N.J.S.A. 40:55D-53 and required by ordinance.

(d) If a preservation map has been submitted showing preservation lands to be preserved within the preservation area, approval of the general development plan, subdivisions and preliminary and final site plans shall set out the preservation factor applicable to the general development plan, subdivisions and site plans and shall contain an express condition that preservation dedication shall be completed before the issuance of a building permit for development pursuant to site plan.

(e) Modification of timing schedule. In the event that the developer seeks to modify the proposed timing schedule, such modification shall require the approval of the Planning Board. The Planning Board shall, in deciding whether or not to grant approval of the modification, take into consideration prevailing economic and market conditions, anticipated and actual needs for residential units and nonresidential space within the municipality and the region, the availability and capacity of public facilities to accommodate the proposed development.

(5) General development approval revisions.

(a) Except as provided hereunder, the developer shall be required to gain the prior approval of the Planning Board if, after approval of the general development plan, the developer wishes to make any variation in the location of land uses within the planned development or the floor area ratio of nonresidential development in any section of the planned development.

(b) Except as provided hereunder, once a general development plan has been approved by the Planning Board, it may be amended or revised only upon application by the developer approved by the Planning Board.

[1] A developer, without violating the terms of the approval pursuant to this section, may, in undertaking any section of the planned development, reduce the amounts of nonresidential floor space by no more than 15% or reduce the nonresidential floor area ratio by no more than 15%.

(6) Termination of general development approval.

(a) In the event that a development which is the subject of an approved general development plan is completed before the end of the term of the approval, the approval shall terminate with the completion of the development. For the purposes of this section, a development shall be considered complete on the date upon which a certificate of occupancy has been issued for the final nonresidential structure in the last section of the development in accordance with the timing schedule set forth in the approved general development plan and the developer has fulfilled all of his obligations pursuant to the approval.

(b) Notification of completion; failure to complete; hearing.

[1] Upon the completion of each section of the development as set forth in the approved general development plan, the developer shall notify the administrative officer, by certified mail, as evidence that the developer is fulfilling his obligations under the approved plan. For the purpose of this section, "completion" of any section of the development shall mean that the developer has acquired a certificate of occupancy for every residential unit or every nonresidential structure, as set forth in the approved general development plan. If the municipality does not receive such notification at the completion of any section of the development, the municipality shall notify the developer, by certified mail, in order to determine whether or not the terms of the approved plan are being complied with.

[2] If a developer does not complete any section of the development within eight months of the date provided for in the approved plan, or if at any time the municipality has cause to believe that

the developer is not fulfilling his obligations pursuant to the approved plan, the municipality shall notify the developer, by certified mail, and the developer shall have 10 days within which to give evidence that he is fulfilling his obligations pursuant to the approved plan. The municipality thereafter shall conduct a hearing to determine whether or not the developer is in violation of the approved plan. If, after such a hearing, the municipality finds good cause to terminate the approval, it shall provide written notice of same to the developer and the approval shall be terminated 30 days thereafter.

(c) In the event that a developer who has general development plan approval does not apply for preliminary approval for the planned development which is the subject of that general development plan approval within five years of the date upon which the general development plan has been approved by the Planning Board, the municipality shall have cause to terminate the approval.

(7) The consultants to the Planning Board will conduct an annual review within the first quarter of each year of the status of the approvals and development in the PCD Zone and will prepare a report for the Planning Board.