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## Steps In Determining An Area of Redevelopment

The Redevelopment Law requires a multi-step, public process before a municipality may exercise the powers granted therein. Pursuant to N.J.S.A. 40A:12A-6:

### **Step 1: Council Authorizes the Land Use Board Perform a Preliminary Investigation**

A municipal Governing Body must direct the municipality's Planning Board (for Robbinsville, it's the Land Use Board) to undertake what the *Redevelopment Law* terms a Preliminary Investigation of an area in question (a.k.a. "Study Area") to determine whether it meets the Statutory Criteria for Redevelopment Area designation. This is accomplished by Township Resolution. This Resolution must specify whether the Investigation is in furtherance of a Condemnation Redevelopment designation or a Non-Condemnation Redevelopment Investigation.

### **Step 2: The Land Use Board Makes Public Notice of the Preliminary Investigation**

The Land Use Board must prepare and post a map with the municipal clerk showing the boundaries of the area in question and the location of the various blocks and lots therein. Said map must be accompanied by a statement setting forth the Governing Body's basis for the Investigation. Along with preparing the map, it also by resolution authorizes the Planner to conduct the investigation and report the findings.

### **Step 3: Public Hearing Held to Discuss the Findings of the Preliminary Investigation**

As part of the Investigation process, the Land Use Board must hold a duly noticed public hearing to discuss the findings of the Investigation and to hear persons who are interested in or would be affected by the contemplated action. Said meeting notice must clearly indicate if eminent domain is authorized within the Study Area. The Board's finding(s) and recommendation(s) from said hearing are then referred (in the form of a Land Use Board Resolution) to the Governing Body for formal action.

### **Step 4: Council May Adopt the Preliminary Investigation Once Received By the Land Use Board**

Upon receipt of the finding(s) and recommendation(s) from the Land Use Board, the Governing Body may adopt a resolution designating the area in question, or any part thereof, as an Area in Need of Redevelopment.

### **Step 5: Resolution of Redevelopment Determination to be Reviewed by the N.J.D.C.A.**

Upon adoption of such resolution, the municipal clerk must transmit a copy thereof to the Commissioner of the New Jersey Department of Community Affairs. Whereupon:

If the area determined to be In Need of Redevelopment is located where State policy encourages (re)development, the determination shall take effect immediately.

If the area determined to be In Need of Redevelopment is not located where State policy encourages (re)development, then the determination shall not take effect without the approval of the NJDCA Commissioner. If the Commissioner does not act within 30 calendar days, the determination is deemed to be approved.

**Step 6: Public Notification of the State’s Findings Mailed to Neighboring Property Owners**

Notice of the Redevelopment determination shall be served, within 10 days thereafter, upon all record owners of property located within the delineated area, those whose names are listed in the tax assessor's records, and upon each person who filed a written objection thereto and stated an address to which notice of determination may be sent. If the resolution stated that the Redevelopment determination is in furtherance of a Condemnation Redevelopment Area, such notice shall specifically state that a Redevelopment Area determination shall authorize the Township to exercise the power of eminent domain to acquire property in any eventual Redevelopment Area.

**Step 7: Redevelopment Plan to be Drafted By The Township Planner or Redevelopment Planner.**

Upon Redevelopment Area designation and approval by the NJDCA Commissioner (if applicable), the Township may then prepare a Redevelopment Plan for the Redevelopment Area (or any part or parts thereof), establishing the goals and objectives of the Township in designating the Area to be In Need of Redevelopment and outlining the actions to be taken to accomplish these goals and objectives.

**Step 8: Presentation of Redevelopment Plan At Land Use Board Meeting**

Once introduced by Council, the Redevelopment Plan is presented and reviewed by the Land Use Board for consistency with the Township’s Master Plan. After such review, the Land Use Board refers the draft Redevelopment Plan back to the Governing Body (in the form of a Land Use Board Resolution) with recommendation(s) regarding adoption. Once properly noticed, the Governing Body may attend the Land Use Board Meeting for the presentation of the Redevelopment Plan.

**Step 9: Public Hearing of the Redevelopment Plan Will Be Held at a Council Meeting**

Upon receipt of the Resolution and recommendation(s) from the Land Use Board, the Governing Body may adopt the Redevelopment Plan by Ordinance. The adopted Redevelopment Plan may become an explicit amendment to the municipality’s Zoning District Map and Zoning Ordinance or may be treated as an overlay to existing zoning.

*It is only after completion of this multi-step public process that a municipality is able to exercise the tools and powers available to it under the Redevelopment Law.*

**Step 10: Council to Adopt a Resolution Naming a Redeveloper for the Project/Property**

Once the Township Administration is ready to move forward with the redeveloper, the Governing Body may vote on a resolution to name the conditional redeveloper for the project/property. The Township is then empowered to negotiate a Redevelopment Agreement with the conditional redeveloper.

A Redevelopment Agreement is a contract between the Township and the Redeveloper describing the Redevelopment Project and the rights and responsibilities of both parties in effectuating the Project.

The Agreement must require that the Redeveloper construct only the uses established in the current Redevelopment Plan and include among its provision an anticipated schedule for commencement and completion of construction.

**Step 11: Development Agreement to be Drafted and Presented to Council**

The Redevelopment Project will be presented to the Governing Body at a public workshop meeting by the conditional redeveloper. At a Council meeting following the workshop, the Governing Body may vote on a resolution authorizing the mayor to execute the Redevelopment Agreement. Once the Redevelopment Agreement is executed by all parties, the Redeveloper is now authorized to submit a Site Plan application to the Land Use Board.