

2021

190 Park Avenue | Block 4802 Lot 2

Area in Need of Redevelopment Study

April 7, 2021

Township of Hanover | Morris County, New Jersey



B U R G I S
A S S O C I A T E S , I N C .



Community Planning
Land Development and Design
Landscape Architecture

B U R G I S
A S S O C I A T E S , I N C .

Principals:

Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

190 Park Avenue | Block 4802 Lot 2 Area in Need of Redevelopment Study

Township of Hanover
Morris County, New Jersey

Prepared for the Township of Hanover Planning Board

BA# 3764.01

The original document was appropriately signed and sealed on April 7, 2021 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

Joseph H. Burgis, PP, AICP
Professional Planner #2450

Members of the Township of Hanover Planning Board

Peter DeNigris, Chairman
Michael Critchley, Vice Chairman
John Ferramosca, Mayor
Thomas "Ace" Gallagher, Deputy Mayor, Director of Planning
William Byrne
Robert Deehan
Russell Dobson
Phil Glawe
Howard Olsen
Charles Monzo, Alternate #1
Nadia Mian, Alternate #2

Planning Board Secretary

Kimberly Bongiorno

Planning Board Attorney

Michael Sullivan, Esq.
Stickel, Koenig, Sullivan and Drill, LLC

Township Attorney

Fred Semrau, Esq.
Dorsey & Semrau

Township Planning Consultant

Joseph H. Burgis PP, AICP
Burgis Associates, Inc.

Contents

Introduction	1
Section 1: LRHL Background	3
1.1: Redevelopment Process.....	4
1.2: Statutory Criteria.....	6
Section 2: Study Area	9
2.1: Study Area Overview	9
Section 3: Master Plan	17
3.1: Land Use Plan	17
3.2: Housing Element and Fair Share Plan (HE&FSP).....	17
Section 4: Existing Zoning	19
4.1: RM-7 Residence District.....	19
Section 5: Statutory Compliance	22
Section 6: Planning Conclusions and Recommendation.....	28
Appendix	30

Tables

Table 1: RM-7 District Principal Permitted Uses	19
Table 2: RM-7 District Bulk Requirements	20

Maps

Map 1: Site Aerial Parcel Map.....	11
Map 2: Tax Map.....	12
Map 3: Zoning Map.....	21

Introduction

On January 14, 2021, the Township of Hanover Committee authorized the Township Planning Board to conduct a preliminary investigation to determine if the property identified as Block 4802 Lot 2 in Township tax records located at 190 Park Avenue (“Study Area”) constitutes an “area in need of redevelopment” pursuant to the New Jersey Local Redevelopment and Housing Law (“LRHL”) N.J.S.A. 40A:12A-1 et seq. The Planning Board subsequently engaged Burgis Associates, Inc. to prepare the planning analysis contained herein for its review and recommendation to the Township Committee.

The Committee’s January 2021 Resolution states that the preliminary investigation shall be conducted within the context of a “non-condemnation” redevelopment process. In other words, should the Study Area be determined to meet the criteria of an area in need of redevelopment in accordance with the LRHL, the site shall be designated a “non-condemnation redevelopment area.” Such a designation would enable the Township to exercise all of the municipal powers granted by the LRHL as intended by the State Legislature to facilitate redevelopment of qualifying sites, exclusive of eminent domain powers.

Accordingly, the study contained herein examines the extent to which the Study Area qualifies as an area in need of redevelopment in accordance with the criteria set forth by the LRHL. This study is based upon: 1) an examination of the Study Area’s existing development conditions; 2) site inspection; 3) a review of historical data; 4) an assessment of the Study Area’s surrounding development pattern; 5) a review of the Township’s relevant Master Plan policies, goals, objectives and recommendations; 6) a review of the Township’s applicable zoning provisions; and 7) an evaluation of the statutory criteria for designating areas in need of redevelopment.

Ultimately, the investigation reveals that Block 4802 Lot 2 exhibits characteristics which satisfy the statutory criteria and consequently justify the Study Area’s designation as a non-condemnation redevelopment area.

This Area in Need of Redevelopment Study is organized into the following sections:

❖ [Section 1: LRHL Background](#)

The first section discusses the background of the LRHL as well as the redevelopment process and the statutory criteria for determining whether a site qualifies as an Area in Need of Redevelopment.

❖ [Section 2: Study Area](#)

The next section provides an overview of the Study Area. It includes an analysis of its existing land uses, ownership records, property tax records, and surrounding development pattern. Detailed information for each lot within the Study Area is also provided.

❖ [Section 3: Borough Master Plan](#)

Section 3 discusses the relationship of the Borough's Master Plan to the Study Area.

❖ [Section 4: Existing Zoning](#)

Section 4 discusses the existing zoning of the Study Area and how it relates to the Master Plan.

❖ [Section 5: Compliance with the Statutory Criteria](#)

Section 5 analyzes the Study Area's compliance with the LRHL statutory criteria.

❖ [Section 6: Planning Conclusions and Recommendations](#)

Finally, Section 6 offers the study's planning conclusions and recommendations.

Section 1: LRHL Background

In 1992, the New Jersey Legislature enacted a new statute which revised and consolidated the State's various redevelopment statutes. Known as the Local Redevelopment and Housing Law (LRHL), this new statute rescinded a number of prior "blight" statutes and replaced them with a single comprehensive legislation governing local redevelopment activities throughout the State.

Ultimately, the LRHL was designed by the State Legislature to assist municipalities in the processes of redevelopment and rehabilitation. As explained by the Legislature in the preamble to the LRHL:

"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 and supports of community life, and improper, or lack of proper development which result from forces which 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."

The LRHL provides the statutory authority for municipalities to engage in a number of redevelopment activities, including, designating an "area in need of redevelopment"; preparing and adopting redevelopment plans; and, implementing redevelopment projects. Essentially, the LRHL is a planning and financing tool that allows an area to be overlain with specific zoning and other incentives to stimulate its redevelopment or rehabilitation.

More specifically, a redevelopment designation allows a municipality, at its discretion, to:

1. Adopt a redevelopment plan that will identify the manner in which an area will be developed, including its use and intensity of use.
2. Issue bonds for the purpose of redevelopment.
3. Acquire property through eminent domain.
4. Lease or convey property without having to go through the public bidding process.
5. Collect revenue from a selected developer. And/or,
6. Grant tax exemptions and abatements.

1.1: Redevelopment Process

In accordance with the LRHL, the first step of the redevelopment process is for the Governing Body to direct the Planning Board (or redevelopment authority) to undertake a preliminary investigation to determine whether or not an area qualifies as being 'in need of redevelopment'. The LRHL was recently amended to require governing bodies to simultaneously indicate whether the redevelopment process would be conducted as a "non-condemnation" or "condemnation" redevelopment. The Hanover Township Committee in its Resolution dated January 14, 2021 (see Appendix) initiated this process by authorizing the Planning Board to undertake a non-condemnation preliminary redevelopment investigation.

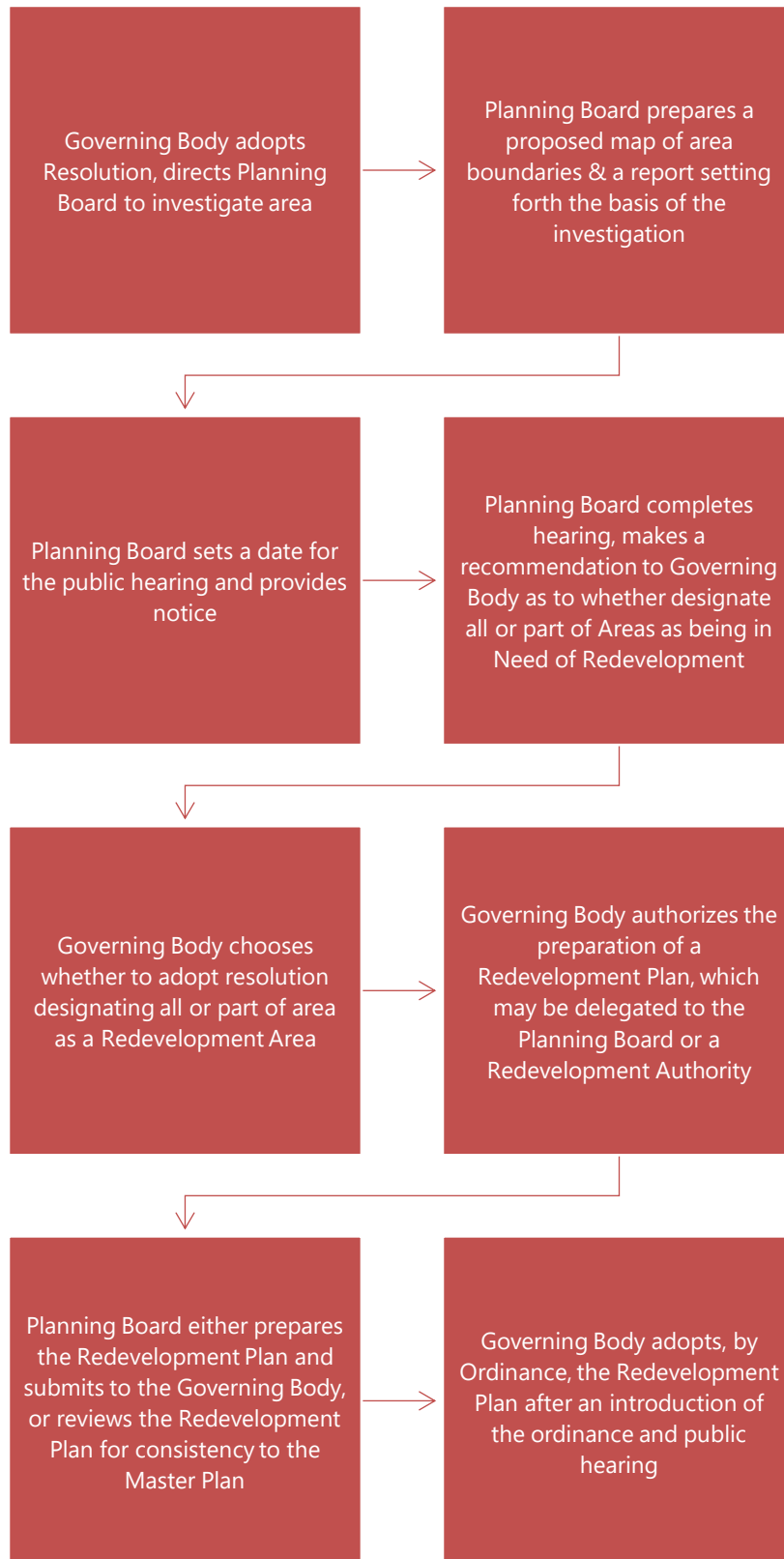
For a site to qualify as being in need of redevelopment, it must satisfy at least one (1) of the eight (8) statutory criteria listed under Section 5 of the LRHL. These criteria, which are described in greater detail herein, are the same for both non-condemnation and condemnation redevelopment areas. The statute also specifically establishes that a redevelopment area may include lands which of themselves are not detrimental to the public health, safety, or welfare, provided that the inclusion of those lands is necessary for the effective redevelopment of the area. This provision notably does not apply in this case as the Study Area in question encompasses a single land parcel.

The Planning Board, after conducting its investigation, must hold a public hearing on the proposed redevelopment area designation. Based on the Board's recommendation, the Governing Body may designate all or a portion of the Study Area as an "area in need of redevelopment." The Governing Body may then prepare a redevelopment plan for the area, or alternatively, direct the Planning Board to prepare a plan. Once prepared, and a public meeting is held on the redevelopment plan, the Governing Body may adopt the redevelopment plan which will establish the use, bulk and other pertinent development regulations for the redevelopment area, functioning as a zoning ordinance for the site.

Following the adoption of the redevelopment plan, the Governing Body or other designated public entity will oversee the implementation of the redevelopment plan. This redevelopment entity is responsible for selecting a redeveloper(s) to undertake the redevelopment project which implements the redevelopment plan.

In summary, the LRHL essentially establishes a two-fold process in which a site is designated as an area in need of redevelopment (Step 1), and a redevelopment plan is prepared based on that designation (Step 2). The accompanying chart provides a sequential overview of the redevelopment process.

Figure 1: Summary of Redevelopment Process



1.2: Statutory Criteria

The LRHL establishes eight (8) statutory criteria to determine if an area qualifies as being in need of redevelopment. The statute provides that a delineated area may be determined to be in need of redevelopment if *"after investigation, notice and hearing...the governing body of the municipality by resolution concludes that within the delineated area"* any one of the eight (8) criteria are present.

The redevelopment criteria area as follows:

a. Deterioration	The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
b. Abandoned Commercial & Industrial Buildings	The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.
c. Public & Vacant Land	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. Obsolete Layout & Design	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.
<hr/>	
e. Property Ownership & Title Issues	A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.
<hr/>	
f. Fire & Natural Disasters	Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
<hr/>	
g. Urban Enterprise Zones	In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zone Act," the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment

h. **Smart Growth
Consistency**

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

With respect to the “h” criterion, there are ten (10) principles of smart growth. These principles are established as follows:

1. Mix of land uses
2. Take advantage of compact design
3. Create a range of housing opportunities and choice
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Direct development toward existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

Section 2: Study Area

The following section provides a general overview of the Study Area, including an analysis of its existing land use(s), ownership records, property tax records, and surrounding development pattern.

2.1: Study Area Overview

The Study Area is comprised of a 3.5-acre rectangular parcel identified as Block 4802 Lot 2 in Township tax records. It is located at 190 Park Avenue and is owned by Cedar Knolls One, LLC. Lot 2 is situated in the southernmost area of the Township, south of Columbia Turnpike and west of the Route 24 junction. Its dimensions include 250 feet of frontage on Park Avenue and a depth of 575 feet. The site is impacted by a 70-foot wide easement granting access for the Algonquin and Texas Eastern Gas pipelines, which traverses the northerly portion of the property extending from Park Avenue to the rear of the parcel. This area, comprising approximately 26% of the parcel, has been cleared and is otherwise undeveloped.

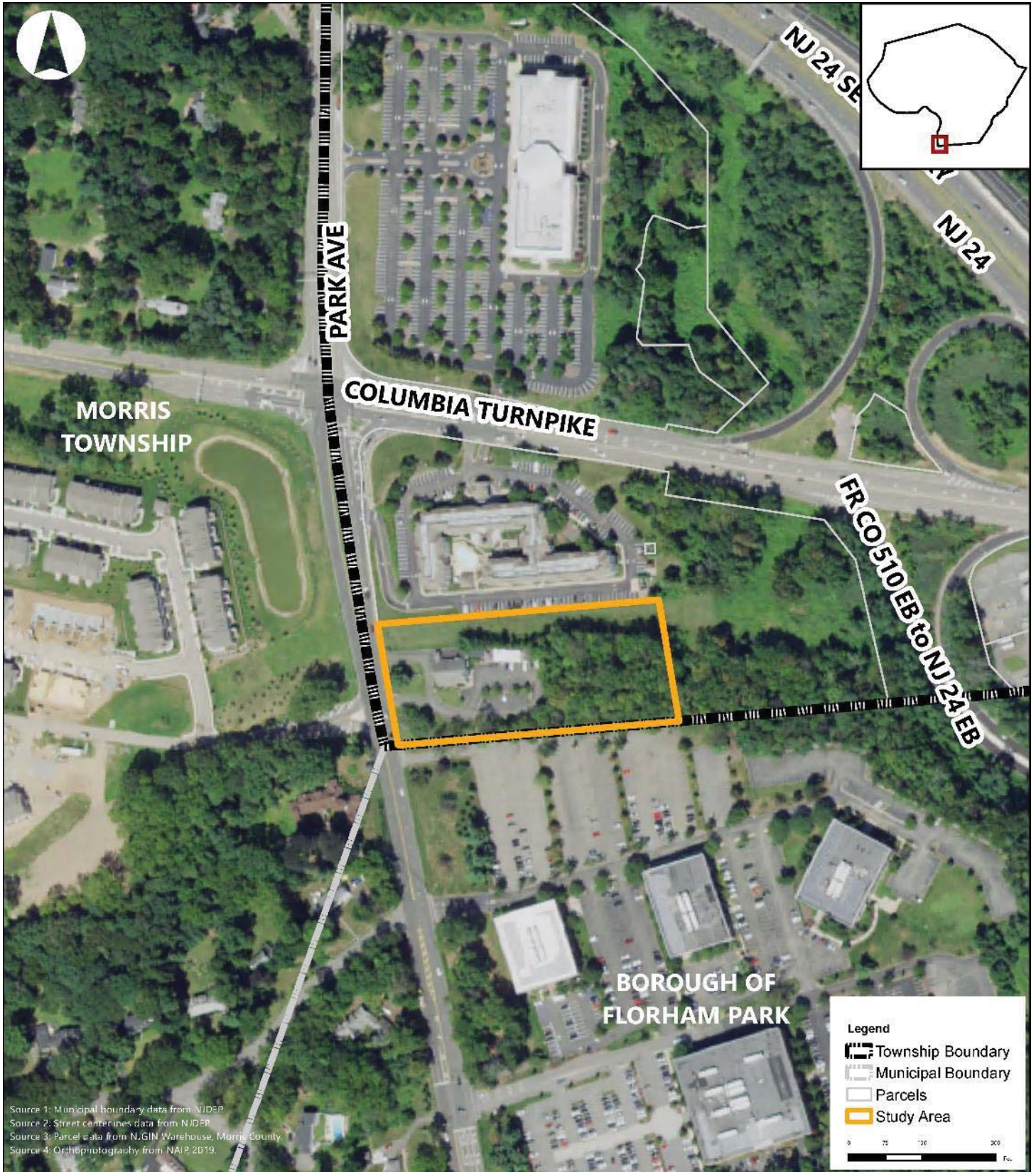
The approximate western half of the site fronting Park Avenue was previously developed with a one-story principal building, two accessory buildings in the rear yard, and paved parking in the rear yard. It was formerly occupied by Emilcott Associates, an environmental, health, and safety consulting firm. The property slopes from Park Avenue downward toward the rear of the site where the developed portion of the site is gently sloped then drops off to significant slope conditions at the rear of the property.

On August 27, 2019, the Township of Hanover Planning Board approved the application of Cedar Knolls I, LLC, which purchased the property in September 2018, to develop a 160-room AC Hotel by Marriott, an extended stay hotel. However, by the end of March 2020, the COVID-19 pandemic had reached the tri-state area and beyond, significantly impacting the hospitality industry, among others, and remains a significant global health issue as of the writing of this report. Due to the unforeseen circumstances caused by the pandemic, the approved hotel development suddenly became infeasible as the market for such uses declined significantly, and likely will be slow to recover. To accommodate prospective site development, the buildings and majority of improvements were removed from the property, excluding the two driveways on Park Avenue and portions of the foundation and footings of the aforementioned building that occupied the site.

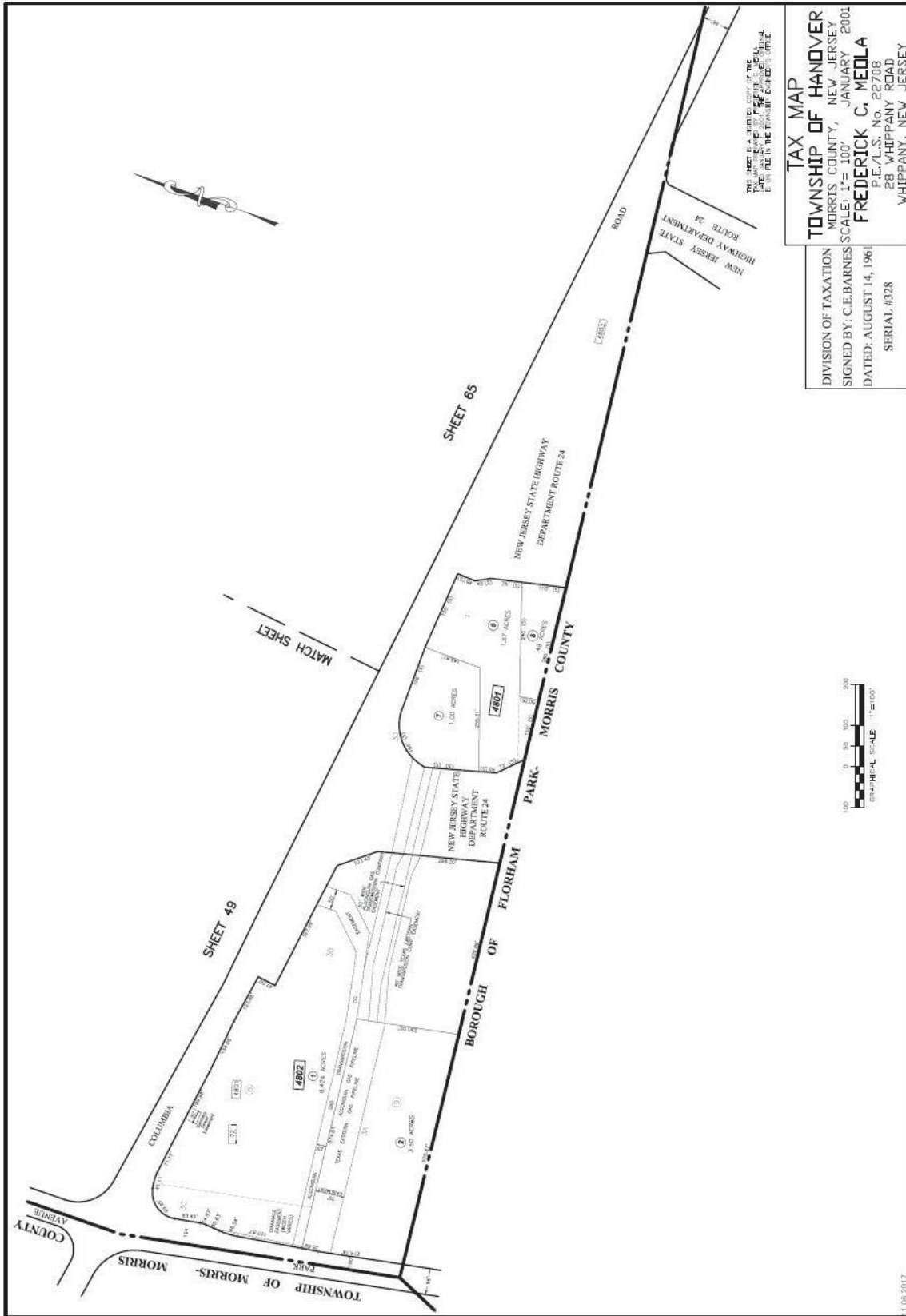
Development immediately surrounding the study area consists of a Hyatt House extended stay hotel to the north and its undeveloped land to the east, office uses to the south in the Borough of Florham Park, and the Columbia Park townhouse

development to the west across Park Avenue in Morris Township. Maps 1 and 2 below provide a general overview of the site and surrounding development. The aerial image, which predates the demolition of the buildings and rear parking area, is provided for illustrative purposes. Site photos of existing conditions as observed from ground level on March 10, 2021 are provided after Maps 1 and 2 below.

Map 1: Site Aerial Parcel Map



Map 2: Tax Map



TAX MAP
 TOWNSHIP OF MORRIS
 MORRIS COUNTY, NEW JERSEY
 SIGNED BY: C.E. BARNES
 DATED: AUGUST 14, 1961
 SCALE: 1" = 100'
 P.E./L.S. No. 22708
 28 WHIPPANY ROAD
 WHIPPANY, NEW JERSEY



Photograph 1: Study Area as observed from the west across Park Avenue.



Photograph 2: Study Area as observed from near the southeast corner of the site.



Photograph 3: Study Area as observed from near the northeast corner of the site.



Photograph 4: Study Area as observed from the northwest corner of the site.



Photograph 5: Existing principal building foundation void.



Photograph 6: Hyatt House located immediately north of the Study Area.



Photograph 7: Office development immediately south of the Study Area.



Photograph 8: Columbia Park townhouse development located west of the Study Area.

Section 3: Master Plan

This section discusses the relationship of the Township's Master Plan documents to the Study Area.

3.1: Land Use Plan

The Township's most recent Land Use Plan Element of its Master Plan, dated January 27, 2021, was adopted by the Planning Board on February 9, 2021. The Plan places the Study Area in a new RM-7 Residence District which is *"intended to promote and encourage redevelopment of the zone for inclusionary multifamily rental development in accordance with the Township's Housing Element and Fair Share Plan and the settlement agreements entered into by and between the Township and Fair Share Housing Center and JMF Acquisitions, et al...The Zone is intended to accommodate a total of 210 apartments, including 120 standard market-rate units, 30 furnished apartment units and 60 age-restricted affordable units. The affordable units are required in order to address the inclusionary set-aside for both the RM-7 district and the residential component of the redevelopment plan for the former Pine Plaza shopping center."*

3.2: Housing Element and Fair Share Plan (HE&FSP)

The Township's most recent Housing Element and Fair Share Plan ("HE&FSP"), dated January 26, 2021, was adopted by the Planning Board on February 9, 2021. The HE&FSP notes the Township has satisfied the entirety of its Prior Round affordable housing obligation of 356 units for the period 1987-1999 through a variety of completed developments. It designates this Study Area (identified as "JMF Affordable" in the HE&FSP) for a 210-unit inclusionary development, consisting of 150 market-rate family rental units (including furnished and unfurnished units) and 60 age-restricted affordable rental units to address a portion of the Township's Third Round RDP obligation of 550 units.

The HE&FSP identifies these 60 age-restricted affordable rental units as intended to address the affordable housing set-aside requirements for both the site's 150 market-rate units, as well as for the mixed commercial and market-rate residential Pine Plaza Redevelopment Plan for Block 8803 Lot 17 and Block 4001 Lots 10, 11, 12, 13, 14 and a portion of Lot 9 on Route 10 in the Whippany section of Hanover Township. In total, the 60 age-restricted affordable rental units designated to be built at the Study Area would represent a 22.2% affordable housing set-aside of the 270 total units to be built on the Pine Plaza and 190 Park Avenue sites.

The HE&FSP outlines the zoning parameters to facilitate this requirement as prescribed in the Township's new RM-7 District, which encompasses the Study Area. In addition, Court-approved phasing of the development is required to ensure completion of the affordable units in tandem with the development of both on-site and off-site market-rate units.

The site suitability analysis included in the HE&FSP for this Study Area identifies the nature of surrounding development as described above, and lack of environmental constraints and encumbrances. The analysis also identifies the presence of sewer and water lines, and the availability of sewer and water capacity, but notes that connection enhancements may be necessary.

Section 4: Existing Zoning

On February 11, 2021, the Study Area was rezoned from its prior O-S Office-Services District designation to a new RM-7 Residence District via the Township Committee's adoption of Ordinance No. 4-2021. The rezoning was intended to facilitate affordable housing settlement agreements between the Township and Fair Share Housing Center and JMF Acquisitions, et al. The O-S District located immediately north and east of the Study Area permits a range of non-residential uses including business, administrative and professional offices, data processing centers, hotels, conference centers, banquet facilities, educational services, health care and social assistance services, houses of worship and libraries. The new RM-7 Zone was designed to permit inclusionary development inclusive of up to 210 multifamily and "furnished apartment" units with an affordable housing component as further detailed below.

4.1: RM-7 Residence District

As stated in Ordinance No. 4-2021, which creates the zoning requirements for the RM-7 District, *"the purpose and intent of the RM-7 Residence District is to provide a reasonable opportunity for the development of age-restricted affordable housing units as part of an inclusionary multifamily residential development and to satisfy the terms of settlement agreements authorized by Resolution 189-2020 of the Township Committee and to assist in satisfying the Township's third-round affordable housing obligation."*

Tables 1 and 2 below summarize the principal permitted uses allowed in the RM-7 District, as well as the district's bulk standards. The accompanying Map 3 illustrates the existing zoning designation of the site and surrounding property in Hanover.

Table 1: RM-7 District Principal Permitted Uses

Principal Permitted Uses

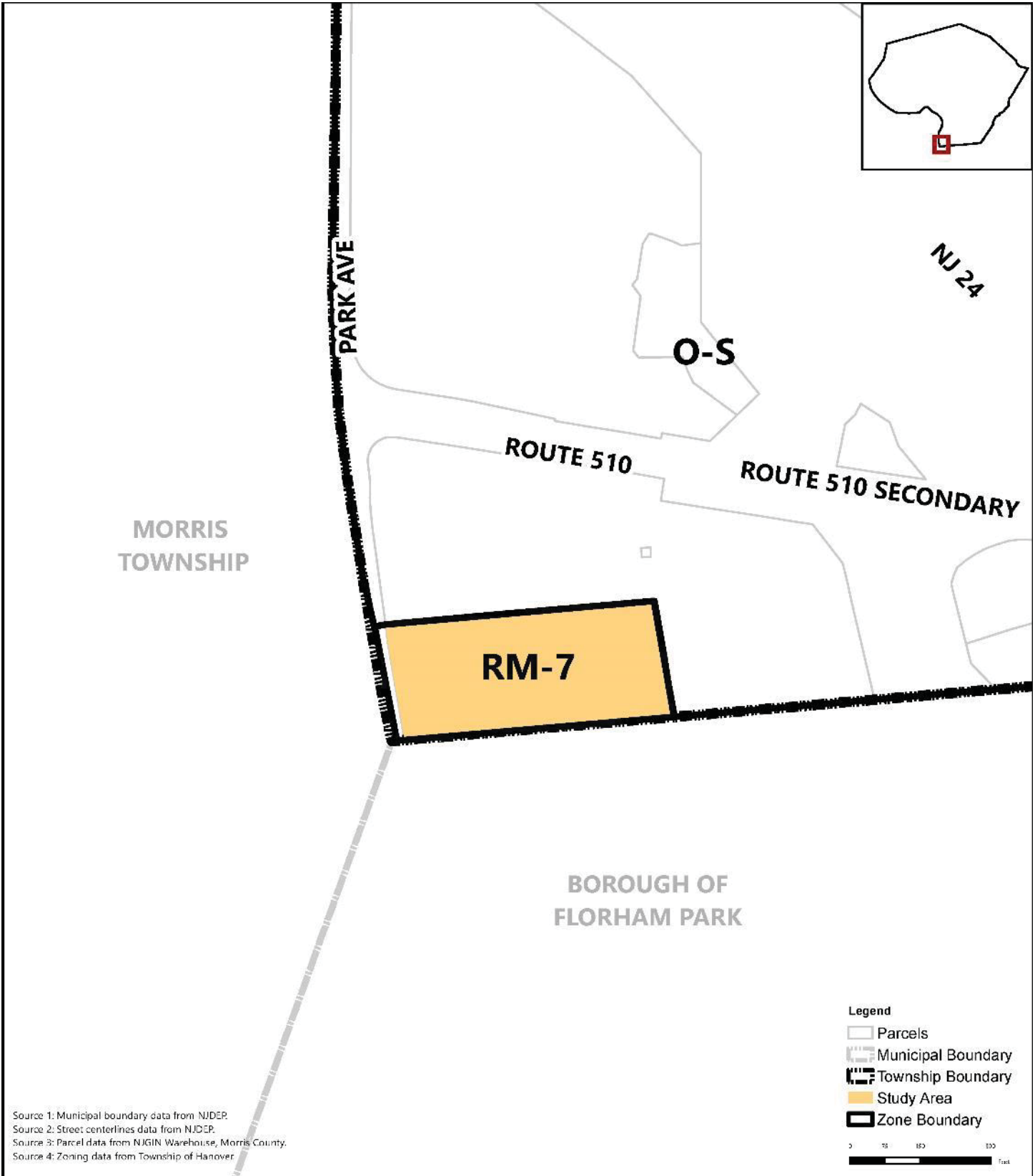
1. Multifamily residential development
2. Furnished apartment units (short-term rental units)

Table 2: RM-7 District Bulk Requirements

Requirements	RM-7 Zone
Min. Lot Area (ft)	Entirety of Block 4802 Lot 2 (3.5 ac)
Max. Density	210 units ⁽¹⁾
Min. Building Setbacks	
Front Lot Line	70 ft
All Other Lot Lines	20 ft
Min. Parking, Driveway and Recreation Setbacks	
Front Lot Line	6 ft
All Other Lot Lines	15 ft
Max. Building Coverage (%)	50%
Max. Impervious Coverage (%)	75%
Max. Building Height (ft/st)	70 ft

(1) Includes a maximum of 150 market-rate units and minimum of 60 affordable units.

Map 3: Zoning Map



Section 5: Statutory Compliance

The following section of this report provides an analysis detailing the extent to which the Study Area satisfies the eight statutory criteria ('a' through 'h') established by the Local Redevelopment and Housing Law ("LRHL") to qualify as an area in need of redevelopment:

- a. Deterioration. 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.

The majority of site improvements have been demolished including the principal and accessory buildings, the remnants of which remain on the property. The below grade foundation of the principal building remains as a void in the ground and is not suitable for reuse from both a structural and functional standpoint. The size and location of the former principal building and remaining foundation constitute an obsolete and inefficient use of the 3.5-acre parcel with frontage on Park Avenue, a major Morris County roadway. Reuse or redevelopment of the property would necessitate relocation and reconfiguration of any new building(s) that would be larger in better proportion to the site.

The development conditions before and after demolition can be rendered obsolete given the context of the property on a four lane county road, the surrounding development pattern and infeasibility of reusing the existing improvements for an appropriate use. Furthermore, the property in its current state exhibits unsafe and dilapidated conditions. Despite the above, as the buildings have been demolished, the site does not technically satisfy Criterion 'a'.

- b. Abandoned Commercial and Industrial Buildings. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.

The current property owner, Cedar Knolls One, LLC, purchased the site in September 2018. Based on available information, it appears the building had significant vacancies for a period of at least two years, the site has been vacant for a period of at least two years and the majority of site improvements associated with the former environmental, health and safety consulting firm were demolished approximately one year ago. The only remaining site improvements include the principal building foundation and driveways on Park Avenue.

The former O-S Office-Services District zoning designation of the site permits business, administrative and professional offices, data processing centers, hotels, conference centers, banquet facilities, educational school and services and health care and social services. These uses, including the hotel use for the site approved by the Planning Board in 2019, became economically infeasible development alternatives for the property as a result of the Covid-19 pandemic. The site was rezoned by the Township in 2021 to address new market realities and facilitate multifamily development with an affordable housing component in accordance with Hanover's various affordable housing settlement agreements. Based on the above, the site may meet Criterion 'b'.

- c. Public and Vacant Land. 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.

The site is currently vacant but does not meet the ten-year threshold to satisfy Criterion 'c'. However, it is noted that a portion of the site's topography presents an impediment to the development of the site, particularly the easterly, or rear half of the parcel, which is approximately 1.75 acres in area. In addition, given the current economic climate and the site's Court-approved affordable housing requirement, the property is unlikely to be developed through the instrumentality of private capital alone.

- d. Obsolete Layout and Design. 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.

The Study Area is characterized by obsolete and faulty design applicable to site conditions both prior to and post-demolition of the buildings and majority of site improvements. The one-story principal and accessory buildings that were razed constituted a combined building coverage of approximately 3.5% where the former O-S zoning designation permitted a maximum building coverage of 25% and the current RM-7 zone designation permits 50% coverage. The site's building coverage factor is also significantly less than more recent surrounding development and represents a substantial underutilization of the parcel given the context of the site on a four-lane county road with prime regional access.

Again, it is noted that only the westerly front half of the property had been developed, from which the site drops off and slopes downward toward the undeveloped rear portion of the parcel. The remaining building foundation, originally developed as a bank and most recently used as commercial office space, is not feasible for reuse in terms of size and structural integrity. In addition, in order to develop the rear portion of the site, which sits well below the Park Avenue right-of-way, structural elements will be required to accommodate for this change in grade which will generate significant development costs.

The site in its current state poses safety and functional issues attributable to the foundation void, demolition debris and sloping conditions. In addition, at present, there is no market for the previously contemplated non-residential uses for this particular parcel. The remaining site improvements represent an obsolete site design which must be reconfigured to accommodate an appropriate future use(s) of the property. Hanover, through its rezoning of the parcel for multifamily residential development, has determined this use to be suitable and economically feasible with some financial assistance as the LRHL redevelopment process provides. Based on the above, the site satisfies Criterion 'd'.

- e. Property Ownership and Title Issues. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which

condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.

The existing 70-foot wide gas pipeline easement traverses the northern portion of the parcel, impacting 0.92 acres or 26% of the lot, which limits development and represents a form of taking of this portion of the lot. The functional width of the property has therefore been reduced to 180 feet (250-foot lot width less the 70-foot wide easement), resulting in a long, relatively narrow parcel compounded with the existing slope conditions.

In addition, the Township's Court approved Housing Element and Fair Share Plan and associated settlement agreements require the inclusion of 60 units of affordable rental housing on the site, representing a 22.2% set-aside of the combined 270 units to be developed on the 190 Park Avenue and Pine Plaza sites. For comparison, the standard affordable housing set-asides in New Jersey are 15% for rental development and 20% for sale development. This affordable housing requirement places an exceptional financial burden on the prospective development of the property where the maximum permitted density is capped. Although the RM-7 zoning permitting same is already in place, the additional incentives provided by an Area In Need of Redevelopment designation are likely necessary in order to promote development of this site as contemplated.

Criterion 'e' applies to the site's existing encumbrances and resulting development constraints.

- f. Fire and Natural Disasters. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

Criterion 'f' does not apply to the Study Area.

- g. Urban Enterprise Zones. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zone Act," the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be

considered sufficient for the determination that the area is in need of redevelopment.

Criterion 'g' does not apply to the Study Area, as the site is not located in an Urban Enterprise Zone.

h. Smart Growth Consistency. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation. The ten smart growth principles enumerated in the LRHL are as follows:

1. Mix of land uses
2. Take advantage of compact design
3. Create a range of housing opportunities and choice
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Direct development toward existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

The contemplated redevelopment of the site will achieve a number of the smart growth principles listed above. These include providing for a mix of residential land uses, taking advantage of compact or cluster design, creating a range of housing opportunities and choice, direct development toward existing communities, making development decisions predictable, fair and cost effective and encouraging community and stakeholder collaboration in development decisions.

The contemplated (and currently zoned) multifamily inclusionary development is an appropriate land use for this underdeveloped site located on Park Avenue, a four lane County Road, near the intersection with Columbia Turnpike providing prime regional access for prospective residents. Multifamily development of the site is consistent with surrounding development including an extended stay hotel to the north and its property to the east, residential development to the west and office use to the south. The proposed density of 60 units per acre up to a maximum of 210 units represents a compact utilization of the land given its context in the

community and posing minimal impacts to surrounding development. The range of housing products contemplated will provide for a diversity of housing and choice for a range of household incomes. Although connection enhancements may be necessary, existing water and sewer infrastructure are located directly adjacent to the Study Area.

The redevelopment process being undertaken to study the site is a public process designed to encourage public and stakeholder engagement that will promote transparency in the decision making for the redevelopment plan for the property.

For the reasons stated above, the site satisfies Criterion 'h'.

Section 6: Planning Conclusions and Recommendation

The planning analysis contained herein concludes that the Study Area, comprised of Block 4802 Lot 2 located at 190 Park Avenue, exhibits characteristics which, at a minimum satisfy Criteria 'd,' 'e' and 'h' of the applicable statutory criteria to be designated an area in need of redevelopment in accordance with the LRHL. This redevelopment process advances the intent of the LRHL that was created to provide municipalities with tools to redevelop properties that would not otherwise redevelop through only private means. As noted herein, the site's physical characteristics, context within the community and substantial affordable housing requirement dictate that it would not likely redevelop without the tools afforded to municipalities by the LRHL.

It should be noted that a determination to designate a redevelopment area simply defines and delineates the area in which a municipality intends to pursue an active role in furthering redevelopment. The redevelopment process can include alternative approaches to upgrade and revitalize an area in need of redevelopment which may include the subsequent preparation of a redevelopment plan for the Study Area.

The following recommendations are offered for the Township's consideration:

1. The statute provides that *"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 the applicable Laws of the State of New Jersey."* Such determination shall be made after public notice and public hearing.

The Township Committee authorized the Planning Board to conduct this redevelopment investigation. This report concludes that the Study Area minimally satisfies the 'd,' 'e' and 'h' Criteria, which may serve as the basis for the Planning Board's recommendation to the Governing Body so that it may be designated a non-condemnation area in need of redevelopment.

2. Upon completion of a hearing on this matter, the Planning Board is required to forward its recommendation regarding whether the delineated area, or any part thereof, should be designated, or not designated, by the Governing Body as a redevelopment area.

3. After receipt of the Planning Board's recommendation, the Governing Body may adopt a resolution designating the delineated site as an area in need of redevelopment.
4. The Governing Body, after adopting a resolution to delineate the redevelopment area, should direct the Planning Board to prepare a redevelopment plan pursuant to the applicable redevelopment statute. The plan may be prepared by the Planning Board and then forwarded to the Governing Body for adoption. The redevelopment plan is required to include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:
 - a. The relationship to definite local objectives as to appropriate land uses, population density, traffic, public transportation, utilities, recreation and community facilities, and other public improvements;
 - b. Proposed land uses and building requirements in the study area;
 - c. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe, and sanitary dwelling units affordable to displaced residents will be available in the existing local housing market;
 - d. Identify any property within the redevelopment area that is proposed to be acquired in accordance with the redevelopment plan;
 - e. Any significant relationship of the redevelopment plan to the master plans of contiguous municipalities, County Master Plan and State Development and Redevelopment Plan.
5. Following the adoption of the Redevelopment Plan, the Governing Body may appoint a redevelopment entity to oversee the redevelopment of the area.

Appendix

RESOLUTION NO.

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER, COUNTY OF MORRIS AND STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP'S PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, WHICH INCLUDES PROPERTY DESIGNATED AS BLOCK 4802, LOT 2, QUALIFIES AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* ("Redevelopment Law"), provides a mechanism to assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the Redevelopment Law sets forth the procedures for the Township to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be deemed 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 a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the New Jersey Legislature adopted, and the Governor signed, P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, "[t]he resolution authorizing the Planning Board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non-Condemnation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a "Condemnation Redevelopment Area"); and

WHEREAS, the Township Committee finds it to be in the best interest of the Township and its residents to authorize the Township's Planning Board pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-6 to undertake such preliminary investigation of the study area which includes property designated as Block 4802, Lot 2 ("study area"); and

WHEREAS, the Township of Hanover wishes to direct the Planning Board to undertake a preliminary investigation utilizing the professional planning services of Robyn Welch and the Firm of Burgis Associates, Inc. to prepare the preliminary investigation to determine whether the proposed study area qualifies as an area in need of Non-Condemnation Redevelopment pursuant to N.J.S.A. 40A:12A-5.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover, in the County of Morris, and State of New Jersey as follows:

1. That the Planning Board is hereby authorized to undertake a preliminary investigation, utilizing the professional planning services of Robyn Welch and the Firm of Burgis Associates, Inc. to prepare the preliminary investigation, pursuant to the notice, conduct a hearing and comply with other requirements of the Redevelopment Law, N.J.S.A. 40A:12A-1 *et seq.*, as amended, in order to recommend to the Township Committee whether the area comprising the study area is an area in need of Non-Condensation Redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.
2. That, pursuant to N.J.S.A. 40A:12A-1 *et seq.*, the redevelopment area determination shall authorize the Township to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain ("Non-Condensation Redevelopment Area")
3. That the Planning Board shall submit its findings and recommendations to the Township Committee in the form of a Resolution with supporting documentation.
4. That a certified copy of this Resolution is to be forwarded to the Planning Board of the Township; and
5. That this Resolution shall take effect in accordance with law.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

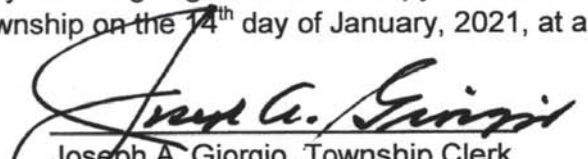
DATED: January 14, 2021


Joseph A. Giorgio, Township Clerk


John L. Ferramosca, Mayor

CERTIFICATION

I, Joseph A. Giorgio, Township Clerk of the Township of Hanover, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of a resolution adopted by the Township Committee of said Township on the 14th day of January, 2021, at a meeting duly convened, of said Body.


Joseph A. Giorgio, Township Clerk

TOWNSHIP COMMITTEE	AYE	NAY	ABSTAINED	ABSENT
CAHILL	✓			
FRANCIOLI			✓	
GALLAGHER	✓			
MIHALKO			✓	
FERRAMOSCA	✓			
TOTAL	3		2	