Redevelopment Area Investigation Report

Expansion of C-4 Redevelopment Area to include: Block 40, Lot 18

Confirmation of C-4 Redevelopment Area to include: Block 40, Lot 10

TOWNSHIP OF PLUMSTED
OCEAN COUNTY, NEW JERSEY

PREPARED FOR:
PLANNING & LAND USE BOARD
TOWNSHIP OF PLUMSTED
121 Evergreen Road, P.O. BOX 398
NEW EGYPT, NEW JERSEY 08533

PREPARED BY:

dgROBERTS
Planning & Design, LLC

September 6, 2019

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The original of this report was signed and sealed in accordance with NJSA 45-14-12

David Glynn Roberts, PP #LI 03081/ AICP#5192

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I. INTRODUCTION

A. Background

This Redevelopment Area Investigation Report (this "Report") report has been prepared to (i) determine whether Block 40, Lot 18 ("Lot 18") on the official tax maps of the Township of Plumsted, in the County of Ocean, New Jersey (the "Township") meets one or more statutory criteria as an "area in need of redevelopment" pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") and (ii) confirm the Township's prior designation of Block 40, Lot 10 ("Lot 10" and, together with Lot 18, the "Study Area") on the tax maps of the Township as an "area in need of redevelopment" pursuant to criteria "c" of Section 5 of the Redevelopment Law, as more fully set forth in Resolution 2009-112 of the Township adopted on February 2, 2009. The Township Committee of the Township directed the Township Land Use Board (the "Planning Board") to conduct this investigation by Resolution #2019-250 on September 4, 2019 (see Appendix A).

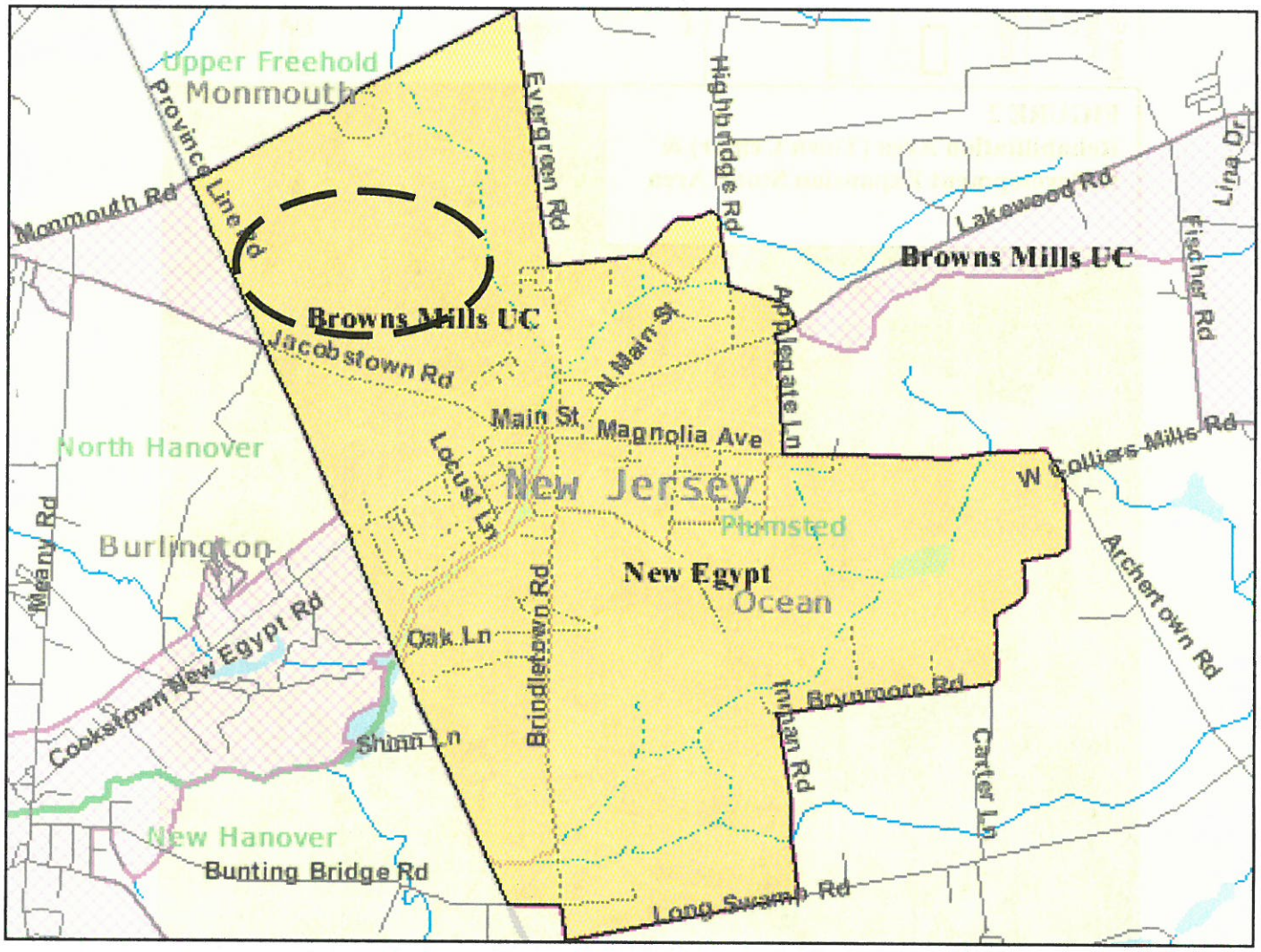
This Report discusses the statutory standards under which the Planning Board and Township Committee must apply when determining whether all or a portion of the Study Area constitutes an area in need of redevelopment pursuant to the Redevelopment Law. The second section of this Report provides these redevelopment powers and procedures. The third section of this Report provides a description of the Study Area and the fourth section describes the findings and recommendations regarding the applicability of the statutory criteria relative to the properties in the study area, as described above.

On July 7, 2003, by adoption of Resolution 2003-229, the Township designated the property delineated in Figure 2 as an "area in need of rehabilitation" pursuant to the Redevelopment Law (the "Town Center Rehabilitation Area"). Lot 10 and Lot 18 are each located within the Town Center Rehabilitation Area.

On March 8, 2004, by adoption of Resolution 2004-113, the Township designated the blocks and lots known as the "C-4 Redevelopment Area" as an "area in need of redevelopment" pursuant to the Redevelopment Law (the "Original Redevelopment Area"). On February 2, 2009, the Township adopted Resolution 2009-112, expanding the Original Redevelopment Area by declaring Lot 10 as an "area in need of redevelopment" pursuant to the Redevelopment Law (such designated Lot 10, together with the Original Redevelopment Area, the "Existing Redevelopment Area").

Figure 1 illustrates the general location of the Study Area within the Township. Figure 2 shows the context of the Study Area within the boundaries of the Town Center Rehabilitation Area. Figure 3 delineates the Existing Redevelopment Area, inclusive of Lot 10, as well as the proposed expansion of the Existing Redevelopment Area to include Lot 18. Figure 4 delineates Lot 10 and Lot 18.

FIGURE 1 Location Map
Source: US Census 2000



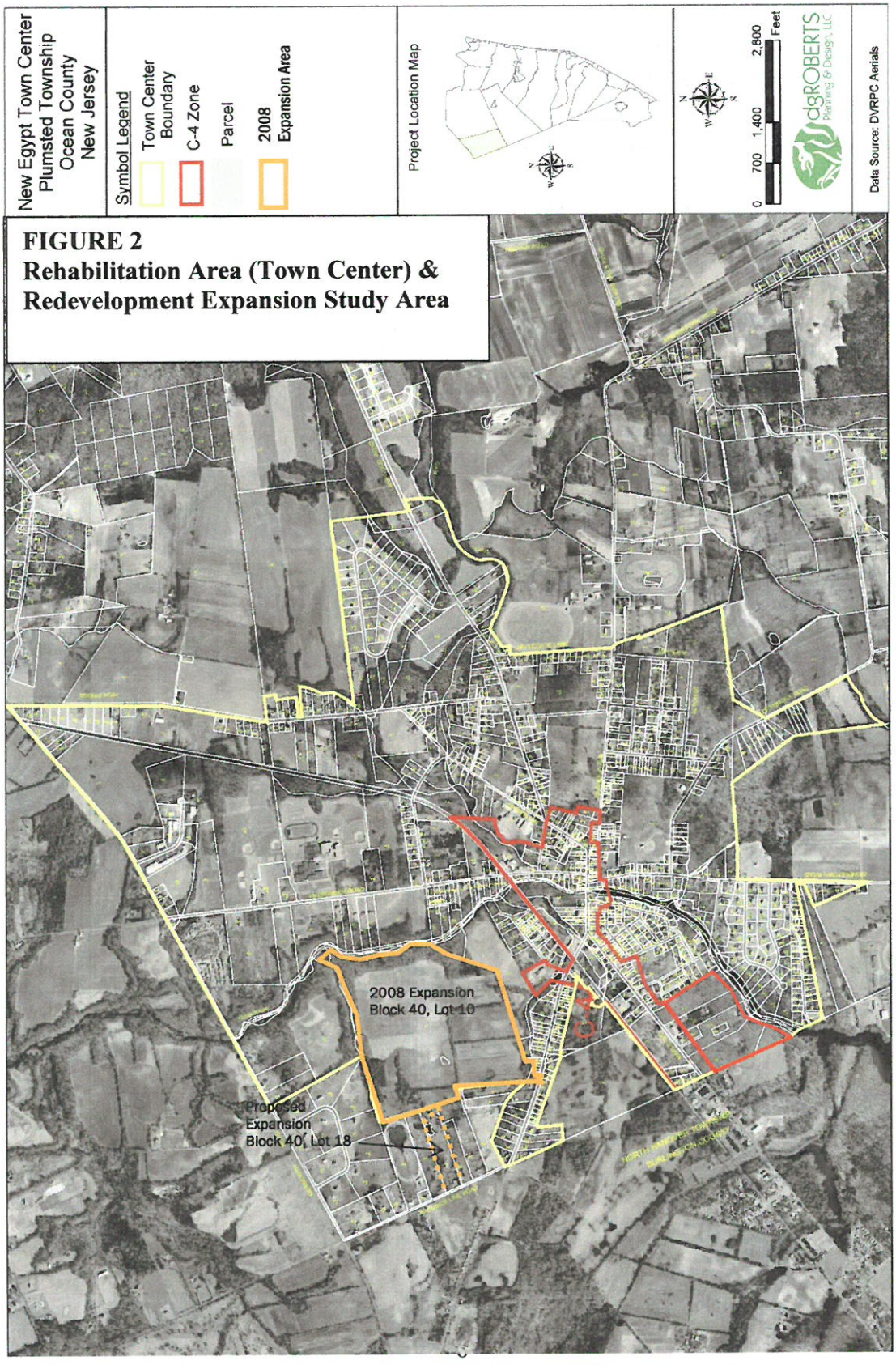
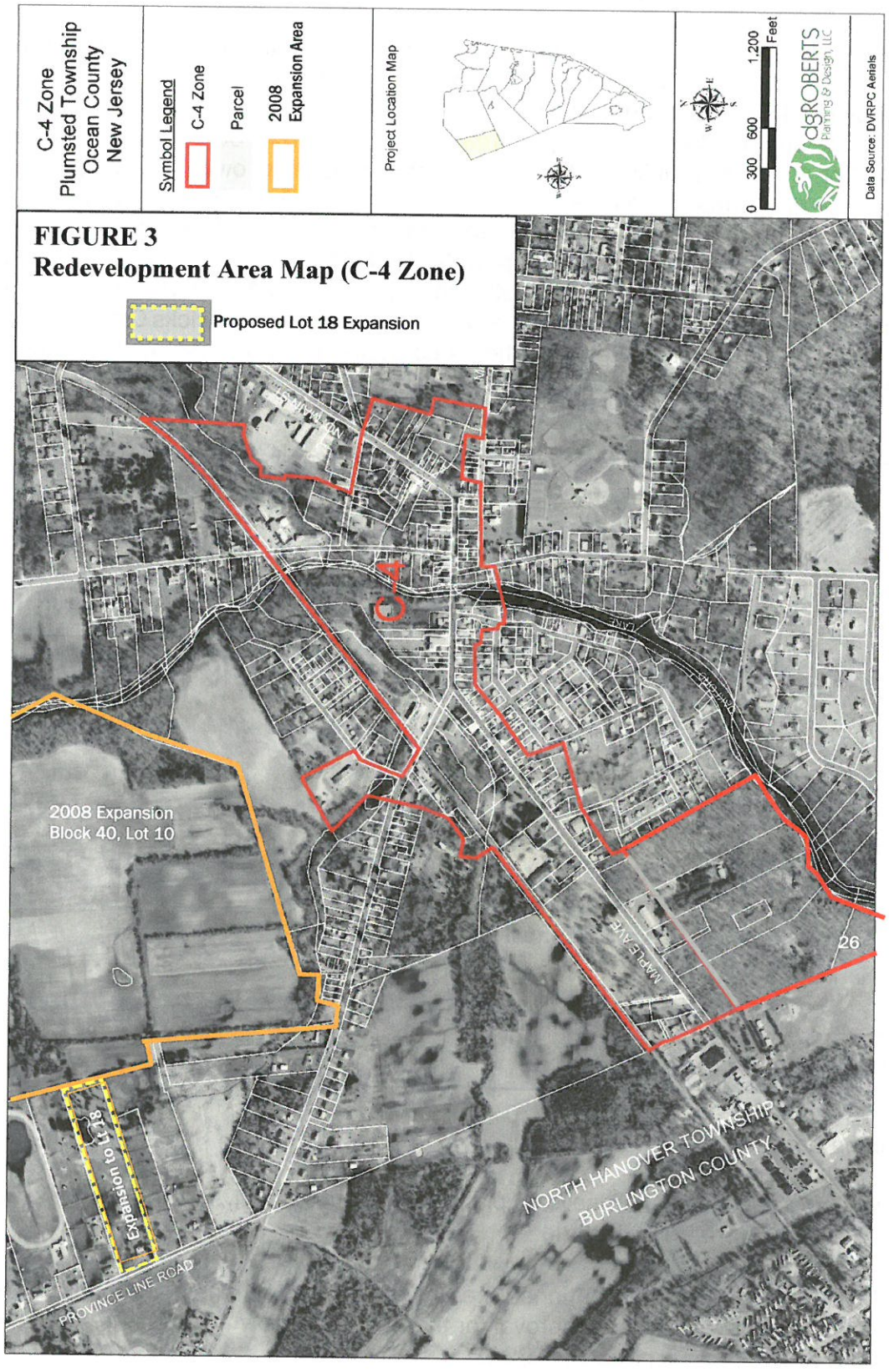


FIGURE 2
Rehabilitation Area (Town Center) & Redevelopment Expansion Study Area


C-4 Zone
Plumsted Township
Ocean County
New Jersey
Symbol Legend
C-4 Zone
Parcel
2008 Expansion Area
Project Location Map
0 300 600 1,200 Feet
dgROBERTS Planning & Design, LLC
Data Source: DVRPC Aerials
FIGURE 3
Redevelopment Area Map (C-4 Zone)
Proposed Lot 18 Expansion
C-4
2008 Expansion
Block 40, Lot 10
Expansion to Lot 18
PROVINCE LINE ROAD
NORTH HANOVER TOWNSHIP
BURLINGTON COUNTY
MAPLE AVE
26

Lot 10 is a former farm property consisting of +/- 158 acres that is located in the center of a larger area bounded by Evergreen Road to the east, County Route 537 to the North, Province Line Road and Jacobstown Road to the west, and Main Street/Maple Avenue to the south. Most of the larger area is within the Town Center Rehabilitation Area, but Lot 10 is essentially land-locked by either properties owned by others and developed for residential or commercial uses, or natural barriers. As noted, above, Lot 10 was added to the Existing Redevelopment Area in 2008. Lot 18 is adjacent to Lot 10 and is 9.89 acres in size (per tax map) with 300 feet of frontage (per tax map) on Province Line Road, with lot depths of between 1,462.39 and 1,419.18 feet. Lot 10 is separated from access to Evergreen Road to the east by the Crosswicks Creek, which cuts through the Town Center Rehabilitation Area between CR 537 (Monmouth Road) and the Township's "downtown New Egypt" (the "Downtown") to the south.

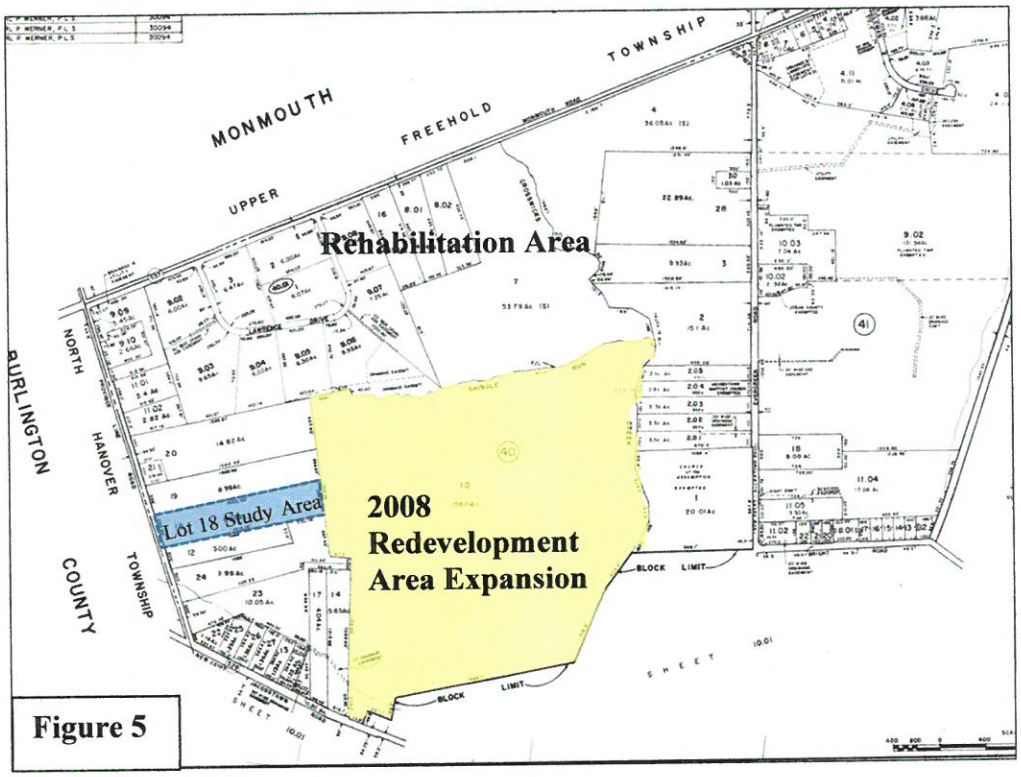


Figure 5

B. Planning Context

The Township has undertaken several planning initiatives over several decades that impact the Study Area. They include:

- In 1995, the Township petitioned the New Jersey State Planning Commission for Town Center Designation approval for the New Egypt Town Center. The Township received such designation in 1996.

- On May 19, 2003, the Planning Board adopted an amendment to the Land Use Plan Element of the Township's Master Plan (the "Amendment"). The Amendment recommended that the permitted uses in the C-4 Zone be revised to specify a list of uses rather than allow general categories of uses. The Amendment also recommended that residential apartments be permitted above commercial uses in the C-4 Zone.

- On March 8, 2004, the Township adopted Resolution 2004-113, designating the Original Redevelopment Area as an "area in need of redevelopment" pursuant to the Redevelopment Law.

- On March 22, 2004, the Township adopted the New Egypt Downtown Redevelopment Plan, and has since been amended on August 8, 2005, and September 2, 2015 (as the same may be amended and supplemented from time to time, the "Redevelopment Plan"). The Redevelopment Plan incorporated and modified the list of uses in the original C-4 Zone ordinance.

- On February 2, 2009, the Township adopted Resolution 2009-112, expanding the Original Redevelopment Area by declaring Lot 10 as an "area in need of redevelopment" pursuant to the Redevelopment Law, based largely on criterion "c" of Section 5 of the Redevelopment Law, which qualifies parcels of land that have been vacant for 10 years or more and that by reason of remoteness, lack of access, topography or soil conditions, are not likely to be developed through the instrumentality of private capital. Lot 10 is approximately 150 acres, but had constricted access that was further constrained by a stream that would need to be crossed in order to construct a connecting road.

- On April 6, 2019, the Township adopted Resolution 2011-144, designating Block 19, Lot 12 on the official tax maps of the Township as an "area in need of redevelopment" pursuant to the Redevelopment Law.

In addition, the Township has initiated the following efforts to revitalize the Downtown:

- Plumsted Township is a "Main Street New Jersey" community. Main Street is a comprehensive revitalization program that promotes historic and economic redevelopment of traditional business districts. It is a multiyear program focusing on the efforts of downtown business people, the New Jersey Department of Community Affairs (the "NJDCA") and the Township.

- The Township established an Economic Development Authority for the purpose of obtaining funding for improvements to the Downtown.

- As noted above, the Township designated the Town Center Rehabilitation Area as an "area in need of rehabilitation" under Sections 14 and 15 of the Redevelopment Law in 2003. This designation is intended to enable a redevelopment plan to be prepared that links, through the use of a redevelopment agreement, the development of the portion of the Town Center Rehabilitation Area targeted for growth with the revitalization of the Existing Redevelopment Area. The key to this linkage is the construction of a wastewater treatment facility and collection system, either within a redeveloper's development parcel or on a separate parcel in the Town Center Rehabilitation Area or the Existing Redevelopment Area, to service the Existing Redevelopment Area and most of the rest of the Town Center Rehabilitation Area. The designation of one or more redevelopment areas within the Town Center Rehabilitation Area enables the Township to collect Payments In Lieu Of Taxes ("PILOTs") and use all or a portion of such PILOTs to secure Redevelopment Area Bonds issued to finance the cost of constructing the wastewater treatment facility and collection system and other infrastructure needed to support both the buildout of the Town Center Rehabilitation Area and the revitalization and full utilization of the Downtown.

- The Township had been actively engaged with the Office of Smart Growth (now the Office of Planning Advocacy) and its affiliated agencies (NJDEP, NJDOT, NJDOA, and COAH) in pursuing Plan Endorsement. However, during the eight years that Chris Christie was governor, the Plan Endorsement process was suspended during the formation of a new State plan, which itself was suspended in the aftermath of Superstorm Sandy in October of 2012. Plan Endorsement has been reactivated over the past two years and the Township is expected to be engaged in finalizing its Petition.[1]

- The Town Center designation expired by Rule on January 7, 2008, but was extended by the Permit Extension Act of 2008 to July of 2010 and then to 2020. As part of the Plan Endorsement process, the Township conducted three public Visioning sessions in March and April of 2008, which culminated in the adoption of a Vision Statement and Community Design Guide for the Township and the Downtown. The overwhelming priority outlined by public opinion was the development of a public wastewater treatment facility and collection system for the Town Center Rehabilitation Area to address the public health threat of obsolete, shallow septic systems and cesspools on existing lots of insufficient size for effective nitrate dilution and within the flood zone of the Crosswicks Creek. This situation not only is a public health risk but has prevented or limited the full use of many existing buildings in the Downtown because of the restricted capacity of the on-site septic systems. It also has perpetuated the extent to which larger developable parcels in the Downtown remain vacant and prevents the realization of the preferred "vision" of a mixed-use center for the

[1] Is this still ongoing? Should we update?

Township, consistent with "Smart Growth" policies of the State Planning Commission.

C. Master Plan

The 1995 Master Plan contains the following goals and objectives, which relate to the Study Area:

Residential Land Use
To encourage compact, mixed use development within designated centers, where suitable wastewater disposal can be provided.

Commercial and Industrial Land Use
To encourage and promote small businesses, such as shops and restaurants, in the downtown area of New Egypt as part of an overall revitalization/redevelopment strategy for the area.

To pursue public improvements in the downtown New Egypt area to promote revitalization and private investment in the area.

Community facilities, Services and Utilities
To provide sewer service, for reasons of public health, to the Town of New Egypt.

The Land Use Plan Element of the 1995 Master Plan indicates that the "central business district of the New Egypt has historically served the surrounding community as a center of retail trade and government service."

The Utility Services Plan of the Master Plan discusses the lack of centralized wastewater treatment facilities in the Township and the fact that there are severe soil suitability limitations for wastewater disposal in many areas of the Township.

The 2001 and 2006 Reexamination Reports have carried forward the emphasis on channeling future growth into the Town Center Rehabilitation Area through the increased density made possible by public water and wastewater infrastructure investment through a public-private partnership.

In 2008, the expansion of the Original Redevelopment Area to include Lot 10 was considered critical to this effort, as it is the only parcel large enough to support a critical mass of residential development needed to generate private capital necessary for the public-private partnership to be successful and for the Downtown to survive economically.

In 2010, the Township adopted the Circulation Plan Element and Community Design Guide into the Township Master Plan and Redevelopment Plan, respectively. These two elements were funded by a Smart Future Grant from the Office of Smart Growth

and provided guidance on bicycle and pedestrian connectivity and urban design based on proximity to the downtown "core" of the historic district at the intersection of Main Street and Evergreen Road. The Circulation Plan Element proposed a "New Egypt Bikepath" that followed the right-of-way of the Union Transportation Trail (UTT) that once provided rail service in the early 20th Century. The importance of improving connectivity within the Town Center Rehabilitation Area in general and from the interior of Lot 10 to Evergreen Road, Jacobstown Road and Province Line Road in particular, was identified so that future residential development brought about by the new utility infrastructure would not be isolated.

The expansion of the Existing Redevelopment Area to include Lot 18 would allow the coordinated development of a total of 168 acres with 300 feet of frontage on Province Line Road.

II. STATUTORY REQUIREMENTS

Pursuant to the Redevelopment Law, the designation of an "area in need of redevelopment" must be based on an investigation of conditions which contribute to a decline in property values and discourage private investment, and which are not likely to improve through private market forces without the direct intervention of the governing body in the public interest. The preamble of the Redevelopment Law states:

"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." (Emphasis added)

Specifically, an " area in need of redevelopment" must contain 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 living or working conditions.*

b. *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 untenantable. (new language from A-1700, signed into law on August 9, 2019, underlined)*

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 the 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, 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 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. (new language from P.L. 2013, Chapter 159 underlined)

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

g. *In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment for the purpose of granting tax exemptions within the enterprise zone district.*

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

i. *Areas with buildings used, or previously used, as a shopping mall, shopping plaza, or professional office park, which buildings have been vacant or partially vacant with less than 50% occupancy, for a period of at least two years. (new language from A-1700, signed into law on August 9, 2019)*

Additionally, Section 3 of the Local Redevelopment and Housing Law states that:

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

III. FINDINGS AND RECOMMENDATIONS

A. Methodology

The findings in support of, and recommendations made to declare the Original Redevelopment Area as an "area in need of redevelopment" in 2004, were based on an analysis of the following information:

- The exterior conditions of all buildings, structures and land in the study area as documented by filed investigations conducted by Schoor DePalma during the summer of 2003, supplemented by property records; and

- The utilization of buildings and land based on exterior site inspections and 2002 tax records.

The conditions documented by the investigation were measured against the criteria for designation of an "area in need of redevelopment" to base a finding by the Planning Board and Township that the Original Redevelopment Area met one or more criteria as an "area in need of redevelopment" pursuant to the Redevelopment Law.

The expansion of the Original Redevelopment Area in 2008 to include Lot 10 was based on two criteria:

- Criterion "c" - Lot 10 was isolated from the developed portion (Downtown) and had both environmental and access constraints that contributed to it remaining vacant for over 10 years.

- Section 3 - The parcels along Maple Avenue that were split by the C-4 Zone Line should have been included in their entirety in 2003 and the entirety of the properties were necessary for their effective redevelopment.

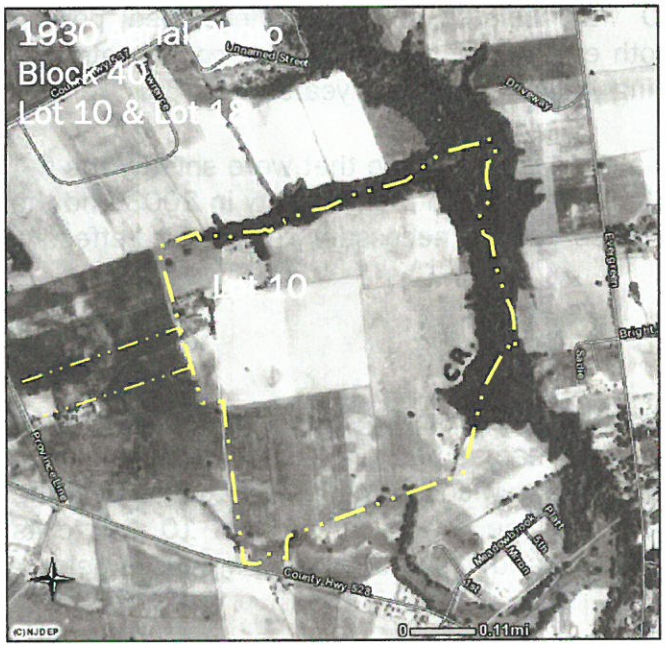
B. Investigation Results

Given the background of the prior designation of the Existing Redevelopment Area and the fact that the Town Center Rehabilitation Area had been in place for five years as of 2008 without substantial progress in terms of new construction, the expansion of the Original Redevelopment Area in 2008 to include, among others, Lot 10 due to its access, topographic and condition of soil (wetland) constraints is summarized below.

Block 40, Lot 10 and Lot 18

Lot 10 and Lot 18 were not previously included as part of the Original Redevelopment Area and, in fact, are not contiguous with the C-4 Zoning District boundary line that was used as the "study area" of the Original Redevelopment Area investigation. However, Lot 10 was determined to be critical to the success of the implementation of the Redevelopment Plan because its 158-acre size made it appropriate to support the level of development necessary to make the cost of water and wastewater infrastructure feasible. However, another 11 years have passed since the Original Redevelopment Area was expanded to include Lot 10 and the obstacle of the lack of water and sewer infrastructure has remained an impediment to advancing the Redevelopment Plan. In addition, Lot 18, while included in the PRRC Overlay in the Redevelopment Plan based on the need for access to Lot 10, was not included in the expansion of the Original Redevelopment Area to include Lot 10 in 2008, as the result of an oversight that now has caused an obstacle to advancing development of the Existing Redevelopment Area, including by providing exempting property and/or improvements, as applicable, from taxation, and imposition of a PILOT, which, in turn, is essential for the financing of the long-awaited wastewater treatment facility and collection system.

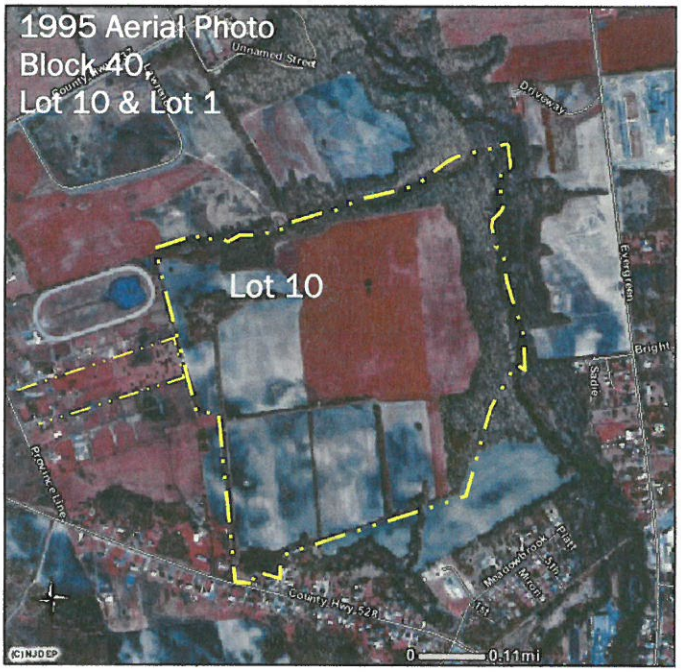
As the 1930 and 1995 Aerials show below, Lot 10 and Lot 18 have remained vacant consistently over the years despite development (predominantly single-family residential) around its perimeter.



This 1930 Aerial (left) shows the Lot 40 as a farm and most of the land around it also undeveloped, including Lot 18.

This 1995 Aerial (below, left) shows the surrounding properties now developed with conditions of Lot 10 unchanged and Lot 18 with minimal woodland coverage and an isolated wetland area.

Under the "c" Criterion in Section 5 of the Redevelopment Law, property that has remained vacant for 10 years or more can qualify as being an "area in need of redevelopment" when the vacant condition is attributed to remoteness, lack of access, topographic conditions and conditions of soil. Figure 5 below shows that the single point of access to Lot 10 on Jacobstown Road is impacted by wetlands and that a ravine with steep slopes prevents Lot 10 from being linked with the adjacent lot that fronts on County Route 537 to the north.



Other constraints shown in Figure 6 include National Heritage Priority Site, Bald Eagle Foraging, Forested Wetlands, and stream encroachment issues at the access point. These constraints inhibit the ability of private capital to effectively redevelop the site.

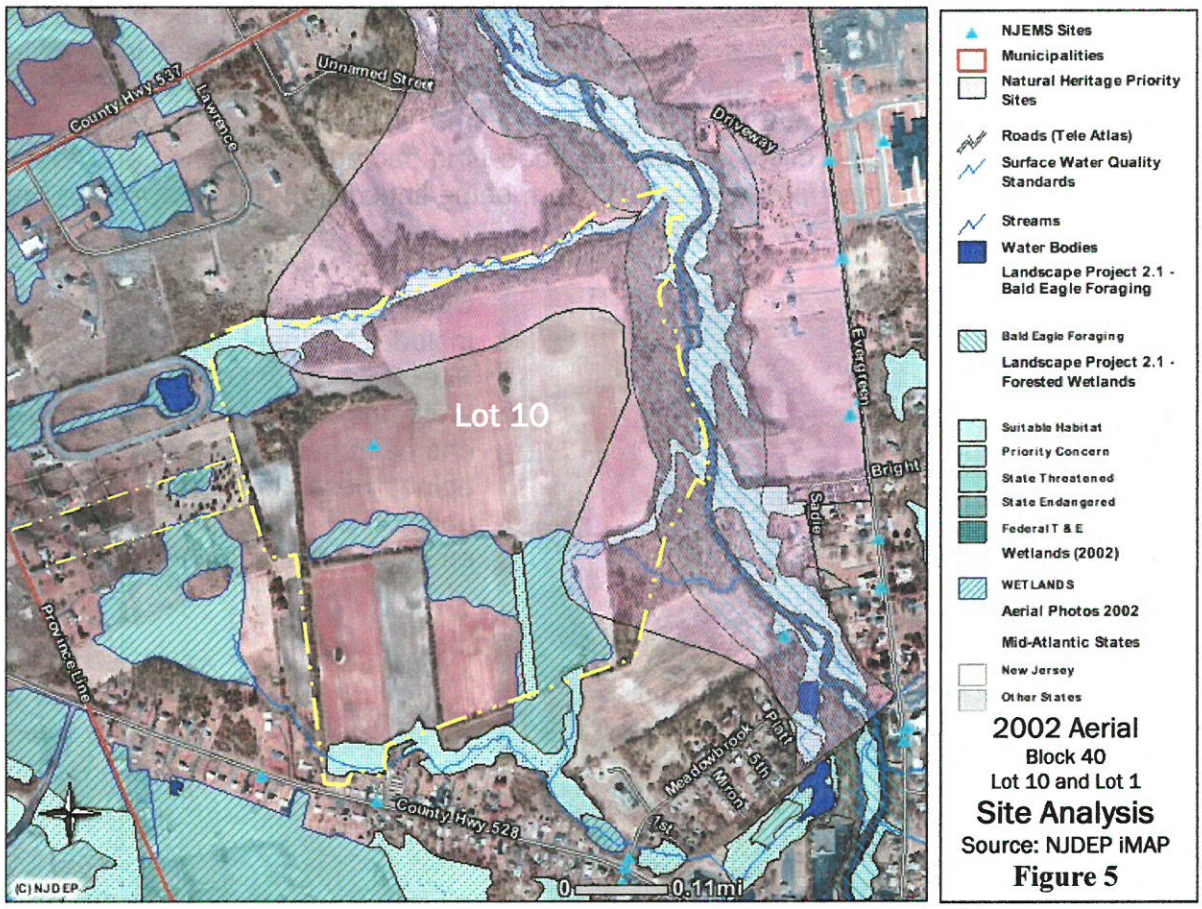


Figure 5

The NJDEP maps show Lot 10 and Lot 18 on its New Jersey Environmental Management System (NJEMS) database. The description of the NJEMS, taken from the NJDEP website is cited below as follows:

NJEMS Sites: NJEMS Sites are points representing sites regulated by NJDEP under one or more regulatory permitting or enforcement programs, or sites that are otherwise of some interest to a NJDEP program. The NJDEP New Jersey Environmental Management System (NJEMS) serves as the database that supplies coordinates and descriptive attributes from several tables used to generate this GIS layer. This layer is produced primarily for the NJDEP i-MapNJ ArcIMS interactive mapping web application and ArcGIS (ArcView, ArcInfo) users.

Program interests included in NJEMS are: Air, Communications Center, Discharge Prevention, Exams and Licensing, Fish Game and Wildlife, Green Acres, Hazardous Waste, Lab Certification, Land Use, Landscape Irrigation, Parks and Forestry, Pesticides, Pinelands, Planning, Radiation, Right-to-Know, Site Remediation, Soil Conservation, Solid Waste, TCPA, Water Quality, Water Supply, and Watershed Management. The locations derived using GPS represent main entrance or front door locations for the sites. Users should note that not every site in NJEMS presently (as of September 2004) has an established coordinate (GPS or otherwise). NJDEP is continually working to acquire these with GPS, location data submitted to permitting programs, and through address matching techniques. (Source: NJDEP iMap Program).

IV. SUMMARY & CONCLUSIONS

As originally set forth in the "Downtown New Egypt Redevelopment Investigation Report" dated December, 2003, and in the "Redevelopment Investigation Report" dated December 24, 2008 (the "Lot 10 Investigation Report"), which Lot 10 Investigation Report is incorporated herein as if set forth at length, because much of the lack of proper utilization of properties within the Existing Redevelopment Area can be attributed to the constraints posed by obsolete septic systems on small lots, a comprehensive program of redevelopment is the only way of equitably addressing this problem for such a diversity of property owners and where sufficient new development to cover the cost of needed water and sewer infrastructure can only be accommodated on a few existing large vacant parcels. A comprehensive program of redevelopment is consistent with the planning context within which the Study Area is being investigated, namely as part of a strategy to channel private sector interest in developing a significant planned community into the construction of a wastewater treatment facility and collection system needed to serve the entire Town Center Rehabilitation Area.

Sewer infrastructure is critical to the sustainable revitalization of the Downtown and the only way to effectively link the revitalization of the Downtown to the overall growth of the Town Center Rehabilitation Area was to designate the entire Original Redevelopment Area as an "area in need of redevelopment" in 2004. The designation of the Original Redevelopment Area and the subsequent adoption of the Redevelopment Plan in 2004 that addressed both the Town Center Rehabilitation Area and the Original Redevelopment Area remains the Township's best chance to effectuate a public-private partnership (redeveloper agreement) to construct both the necessary wastewater treatment facility and collection system and the ability to utilize other public financing mechanisms to fund the installation of utility lines required to enable connections throughout the sewer service area and abandonment of obsolete septic systems in the Downtown.

The extension of the Original Redevelopment Area in 2008 to include, among other, Lot 10 recognized that the 158-acre parcel remained vacant and undeveloped despite being the largest parcel within the Town Center Rehabilitation Area. The lack of access, topography, wetland conditions and other environmental constraints made it unlikely that it will be developed with the instrumentality of private capital unless its development can be linked to the construction of water and wastewater infrastructure through the redevelopment process described above. It was qualified under the "c" Criterion of Section 5 of the Redevelopment Law. Lot 10 has remained vacant despite the change in designation over ten years ago and the obstacle of advancing a development project to the point of covering the cost of water and sewer infrastructure has remained. The expansion of the Existing Redevelopment Area to include Lot 18 is therefore necessary correct an oversight in the 2008 analysis because it provides access to Lot 10 and is therefore necessary to promote the effective redevelopment of the rest of the Existing Redevelopment Area.

The planned growth within a center through the controlled use of sewer infrastructure is consistent with Smart Growth principles and the proposed expansion of the Existing Redevelopment Area to include Lot 18 would therefore qualify under the "h" criterion of Section 5 of the Redevelopment Law.

For the reasons cited herein, we recommend inclusion of Lot 18 in the previously designated Existing Redevelopment Area. We further confirm the findings in our Lot 10 Investigation Report that Lot 10 qualifies as an "area in need of redevelopment" for the reasons cited herein and in the Lot 10 Investigation Report.

APPENDIX A

Township Committee Resolution Adopted September 4, 2019

RESOLUTION NO. 2019-250

RESOLUTION OF THE TOWNSHIP OF PLUMSTED, IN THE COUNTY OF OCEAN, NEW JERSEY, DIRECTING THE PLUMSTED TOWNSHIP LAND USE BOARD TO UNDERTAKE AN INVESTIGATION TO DETERMINE WHETHER ALL OR A PORTION OF CERTAIN PROPERTY IDENTIFIED ON THE TAX MAPS OF THE TOWNSHIP AS BLOCK 40, LOT 18 CONSTITUTES A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT AND TO RE-CONFIRM THE DESIGNATION OF BLOCK 40, LOT 10 AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, *et seq.*, as amended and supplemented (the "**Redevelopment Law**"), provides a process for municipalities to participate in the redevelopment and improvement of an "area in need of redevelopment"; and

WHEREAS, to make such a determination under the Redevelopment Law, the municipal council (the "**Township Committee**") of the Township of Plumsted (the "**Township**"), must first authorize the Township Land Use Board (the "**Land Use Board**") to conduct a preliminary investigation of the area and make recommendations to the Township Committee; and

WHEREAS, on February 2, 2009, the Township Committee adopted Resolution 2009-112 accepting the Land Use Board's recommendation to designate Block 40, Lot 10 as a redevelopment area; and

WHEREAS, the Township Committee desires to re-confirm the designation of Block 40, Lot 10 as an area in need of redevelopment; and

WHEREAS, the Township Committee believes it is in the best interest of the Township that an investigation occur with respect to certain parcels within the Township and therefore authorizes and directs the Land Use Board to conduct an investigation of the properties identified on the tax maps of the Township as Block 40, Lots 10 and 18, along with all streets and rights of way appurtenant thereto (collectively, the "**Study Area**"), and to determine whether all or a portion of the Study Area meets the criteria set forth in the Redevelopment Law, *N.J.S.A.* 40A:12A-5, and whether all or a portion of said Study Area should be designated as an area in need of redevelopment; and

WHEREAS, the redevelopment area determination requested hereunder would authorize the Township and the Township Committee to use all those powers provided by the Redevelopment Law for use in a redevelopment area, **excluding** the power of eminent domain, and any redevelopment area so designated shall be referred to as a "Non-Condemnation Redevelopment Area," pursuant to *N.J.S.A.* 40A:12A-6.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Plumsted, in the County of Union, New Jersey, as follows:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Land Use Board is hereby authorized and directed to conduct an investigation, pursuant to *N.J.S.A.* 40A:12A-6, to determine whether all or a portion of the Study Area satisfies the criteria set forth in *N.J.S.A.* 40A:12A-5, and whether said Study Area should be designated a "Non-Condemnation Redevelopment Area."

Section 3. As part of its investigation, the Land Use Board shall prepare a map showing the boundaries of the Study Area and the location of the parcels contained therein and appended thereto shall be a statement setting forth the basis of the investigation.

Section 4. The Land Use Board shall conduct a public hearing in accordance with the Redevelopment Law, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area shall be an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination does not authorize the Township and the Township Committee to exercise the power of eminent domain to acquire any property in the delineated area, for the Study Area is being investigated as a possible Non-Condemnation Redevelopment Area.

Section 5. At the public hearing, the Land Use Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Land Use Board and shall be made part of the public record.

Section 6. After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the proposed designation are received and considered, the Land Use Board shall make a recommendation to the Township Committee as to whether the Township Committee should designate all or a portion of the Study Area as a Non-Condemnation Redevelopment Area.

Section 7. This resolution shall take effect immediately.

NAME	LOTITO	GRILLETTO	MARINARI	SORCHIK	TROTTA
AYES	X	X	X	X	X
ABSTAIN					
NAYS					
ABSENT					

CERTIFICATION

I, NADENE M. CICERO, Deputy Municipal Clerk of the Township of Plumsted, do hereby certify that the foregoing resolution was duly adopted by the Plumsted Township Committee at a meeting held on the **4TH** day of **SEPTEMBER, 2019**.

Nadene M. Cicero

NADENE M. CICERO
Deputy Municipal Clerk