

AREA IN NEED OF REDEVELOPMENT STUDY

BLOCK 5701 LOTS 11 & 12



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Township of Piscataway Planning Board
Middlesex County, New Jersey

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1. INTRODUCTION

Purpose of Study

The Township Council of the Township of Piscataway adopted a Resolution directing the Township Planning Board to conduct an “Area In Need of Redevelopment” study. The Township Council Resolution No. 23-365 was adopted pursuant to N.J.S.A. 40A:12A-6, recommending a preliminary investigation analysis to be conducted to determine if the “Study Area” meets the statutory criteria necessary to declare the area as a “Non-Condemnation Area In Need of Redevelopment”. The Study Area is hereinafter defined as Block 5701 Lots 11 and 12. **Appendix A** depicts Resolution No. 23-365.

The investigation and its findings herein serve as a formal assessment of the Study Area in order to identify whether said area meets the statutory criteria of an Area in Need of Redevelopment, pursuant to N.J.S.A. 40A: 12A-5, the New Jersey Local Redevelopment and Housing Law (LRHL). A particular parcel or area qualifies for redevelopment if it meets one of the eight statutory criteria that are listed in the LRHL. These criteria and the degree to which the parcel within the Study Area in Piscataway Township meet these criteria are outlined in detail within this report. In the preparation of the study, the following records were reviewed:

- Official Tax Maps of Piscataway Township;
- Tax and Building Department records for the Study Area;
- Aerial photos of the Study Area;
- Ownership, environmental, and sales information;
- Piscataway Township Master Plan; and
- Zoning Map and Ordinance of Piscataway Township.

A formal on-site inspection was conducted on October 9th, 2023. This on-site inspection analyzed the existing lots, land configuration, and physical conditions using a photographic inventory of the Study Area in support of the Area in Need of Redevelopment determination. Photographs are included in Section 5 herein.

Recent Redevelopment Law to consider: Court Decisions

A municipality has broad discretion in designating a particular parcel or parcels as being “in need of redevelopment” pursuant to the LRHL. The recent case law does not disturb the historic and significant deference given to a municipality’s finding that a particular area is in need of redevelopment and underscores that such a finding carries great legal significance. As the New Jersey Supreme Court confirmed in the Gallenthin Realty Development case, provided that the municipality has put forth substantial evidence that a property in question is in need of redevelopment because it “has become stagnant and unproductive [due to] issues of title, ownership,” or other similar conditions, the finding that the property is “in need of redevelopment” will not be disturbed.

On September 6, 2013, Chapter 159 was signed into law, deciding that a municipality’s decision to reserve the power of eminent domain shall be moved to the very beginning of the redevelopment process. This changes the process by requiring a municipal governing body to indicate whether it is seeking a “Non-Condemnation Redevelopment Area” or a “Condemnation

Redevelopment Area” when asking the local planning board to investigate an area in need of redevelopment. The Piscataway Planning Board has decided to pursue a “Non-Condensation Redevelopment Area” process for this Area In Need of Redevelopment Study.

As of August 9, 2019, the language found within Criteria B of the LRHL was amended to include shopping malls or plazas, office parks, manufacturing, or industrial uses where the “abandonment” or “significant vacancies” of such uses for “at least two consecutive years” would constitute meeting the Criteria B and therefore be In Need of Redevelopment.

Recently, the court case Kevin Malanga v. Township of West Orange was decided on March 13, 2023 that included a change to Criteria D of the LRHL. The requirement to meet Criteria D is stricter in that proof of a current problem such as dilapidation, obsolescence, or overcrowding must be grounded in evidence. Further, a showing of actual detriment to the community or general welfare must be shown that is connected to the current problem. Finally, the fact that an older building needs repair work does not necessarily mean it is out of date or obsolete.

2. REDEVELOPMENT PROCESS

The role of the Township Council and the Planning Board: The redevelopment statute sets forth a multi-step process that must be observed by the municipal governing body and Planning Board in order to enable Piscataway Township to lawfully exercise the powers of redevelopment planning. This process is outlined below.

- The Township Council must authorize the Planning Board, by resolution, to undertake an investigation of the delineated area to determine whether it meets the criteria in section 5 of P.L.1992, c.79 (C.40A:12A-5). This was accomplished through Resolution No. 23-365.
- The Planning Board must conduct a preliminary investigation and hold a duly noticed public hearing in order to discuss the findings of the investigation and to hear persons who are interested in or would be affected by the contemplated action. The results and recommendations of the hearing are then referred to the Township Council in the form of a Planning Board resolution for formal action. Additionally, the Township Council must decide whether it is seeking a “Non-Condensation Redevelopment Area” or a “Condensation Redevelopment Area”. This report confirms this is a Non-Condensation Redevelopment Area.
- Upon receipt of the recommendation from the Planning Board, the Township Council may act to adopt a resolution designating the area in question, or any part thereof, as an area in need of redevelopment.
- Upon designation, the Planning Board is then required to prepare a Redevelopment Plan, which establishes the goals and objectives of the municipality and outlines the actions to be taken to accomplish these goals and objectives.
- The Redevelopment Plan, after review by the Planning Board, is referred to the Township Council.

- Upon receipt of the Redevelopment Plan from the Planning Board, the Township Council may act to adopt the plan by ordinance. The adopted plan will become an amendment to Piscataway's zoning district map and zoning ordinance. The amendment may be treated as an overlay that keeps existing zoning intact while offering a different development alternative or may supersede the existing zoning entirely. Only after completion of this public process is the Township Council able to exercise the powers granted under the redevelopment statute.

3. STUDY AREA DELINEATION AND DESCRIPTION

Study Area Description

The Study Area involves a site of 56.74 acres in size comprised of two tax lots. Lot 11 is the bigger of the two tax lots, with an area of approximately 42 acres. Lot 11 is owned by Fields of Corn, LLC. Lot 12 is smaller at 14.74 acres. Lot 12 is owned by DiLeo-Haszu. The Study Area has extensive frontage along South Washington Avenue and extends back to Suttie Avenue which is a part of an established residential neighborhood. Almost the entire Study Area has never been developed and is currently vacant land. Woods, shrubs, meadow, and forest are present with the exception of an existing two-story residential home on Lot 12. The vacant nature of the site was found in evidence utilizing the site visit photographs taken and through inspection of aerial photography. Aside from electric utility towers, the only structure within the Study Area is a currently occupied, two-story, single-family home found on Lot 12. The home was built in 1956 and is approximately 4,300 square feet. According to the owner of Lot 12, the current occupant is open to relocation, without Township of Piscataway assistance, if the Study Area is redeveloped.

Both Lots 11 and 12 are encumbered through their entire widths by a 100-foot-wide electric utility easement with overhead electric lines and massive support towers. In addition, Lot 12 is encumbered through its entire depth by a Texas Eastern Transmission easement.

Other than the existing single-family home, there are no previous uses within the Study Area as there has been no development on the lots. The Study Area is bound by South Washington Avenue to the east, Woodland Road to the south, and Suttie Avenue to the west. The northern border of the Study Area is another large tax lot that is currently under development. I-287 is less than a mile away if travelling on South Washington Avenue.

The two tax lots of the Study Area are both located in the SCH Senior Citizen Housing Zone. This zone district was made applicable to the Study Area. **Appendix B** depicts the Study Area.

During the study and analysis of the Study Area, the New Jersey Department of Environmental Protection's NJ-GeoWeb mapping tool was utilized to identify any environmental or other important considerations with regard to the Study Area. The Study Area was reviewed for any wetlands, known contaminated sites, natural heritage sites, open space designations, threatened or endangered species, and other environmental concerns. The environmental analysis found no contaminated sites, no endangered species habitat or species of concern, or any other issue related to contamination within the Study Area. Both lots have wetlands over an acre in area present on each respective lot. Lot 11 has 19 acres of wetlands and Lot 12 has 3.39 acres of wetlands. That is a total of 22.4 acres of wetlands within the entire Study Area. According to

DEP records, the freshwater wetlands have been verified. Any redeveloper is responsible to follow NJDEP requirements related to avoiding development in the wetlands and wetland buffer areas. The Study Area is in a sewer service area and can take advantage of existing infrastructure if redeveloped.

Surrounding Land Uses

Nearby land uses include a proposed passive recreation park and environmental preserve to the east of the site on the other side of South Washington Avenue. To the west is an existing residential neighborhood, as well as some homes along Woodland Avenue to the south close to Lake Nelson. The land use to the north is currently being developed as a warehouse use. Piscataway's primary shopping center is further north at the intersection of Centennial Avenue and South Washington Avenue.

Study Area Zoning Classification

The Study Area is within the Senior Citizen Housing Zone which permit several senior residential uses and other conditional uses. The bulk standards for the zone can be found in Piscataway's Zoning Ordinance.

Master Plan Perspective

Piscataway Township's Master Plan Re-Examination Report, adopted in December 2020, discusses the importance of redevelopment in the Township but does not specifically recommend rezoning or redeveloping the Study Area. The 2020 Master Plan Re-examination report continues the finding from the 2005 Master Plan Revision related to the importance of redevelopment in the Township, especially older developed sections of Piscataway. The Master Plan Re-Examination Report specifically addresses redevelopment in multiple sections; however, the following excerpt is most applicable to this Study Area.

- As vacant developable land diminishes in the Township, public and private redevelopment, rehabilitation, and adaptive reuse efforts will continue to increase, particularly within older sections of the Township and on older developed land parcels and buildings;

The Study Area does include vacant developable land and can benefit from redevelopment efforts. This area is an older section of the Township given that both lots have never been developed and have existed this way for many decades. Further the two residential neighborhoods adjacent to the Study Area have also been in existence since the 1950s. This Area In Need of Redevelopment study is consistent with the Master Plan Re-Examination goal that relates to redevelopment in the Township.

State Planning Area Classification

The State Plan Policy Map classifies all of Piscataway Township as Planning Area 1 (PA-1). PA-1 is known as the Metropolitan Planning Area, and is the area most targeted for future growth and redevelopment by the New Jersey State Development and Redevelopment Plan (SDRP). The primary objective of the SDRP is to guide development to areas where infrastructure is available or can be readily extended such as along existing transportation corridors, in developed

or developing suburbs, and in urban areas. The State Plan's intentions for this area are to provide for much of the state's future development, promote growth in cities, and other compact forms, protect the character of existing stable communities, protect natural resources, redesign areas of sprawl, reverse the trend toward further sprawl and revitalize cities and towns. In addition, the PA-1 designation classifies the Township of Piscataway as a Smart Growth Area. The Study Area's proximity to I-287 and availability of existing infrastructure makes redevelopment of the Study Area consistent with the goals of PA-1. Therefore, based on the goals and objectives of PA-1, the findings in this in need of redevelopment study are consistent with the SDRP and would advance the goals of the PA-1 designation.

4. STATUTORY CRITERIA

Under N.J.S.A. 40A: 12A-5, a delineated area may be declared 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 of the following conditions are found:

- 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 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 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.

- 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,” 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 exemptions within the enterprise zone district 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 designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

In addition to the criteria, the redevelopment statute states: “A redevelopment area may include lands, buildings, or improvements, which 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.”

5. ANALYSIS OF STUDY AREA CONDITIONS AND APPLICATION OF CRITERIA

The finding that an area is in need of redevelopment is an area wide determination. As such the statutory charge for a positive finding of redevelopment eligibility requires a demonstration that current conditions or improvements are dilapidated, obsolete, lacking proper utilization, or faulty in terms of arrangement, lack of ventilation, light and sanitary facilities, or in any way detrimental to the safety, health, morals or welfare of a community. An area is also eligible for declaration where it can be demonstrated that a redevelopment declaration would advance Smart Growth planning through consistency with the intent and policy objectives enumerated under the New Jersey State Development and Redevelopment Plan (SDRP) for the planning area within which the Study Area is situated.

Block 5701 Lot 11

This property is 42 acres in size and entirely comprised of vacant, undeveloped land. The following photos as well as the aerial photo in Appendix B provide visual evidence of the undeveloped nature of the property. There are no police or building records for Block 5701 Lot 11.



(View of Lot 11 looking southwest from the other side of South Washington Avenue)



(A photo showing the vacant nature of Lot 11)



(Above: Lot 11 looking south. Below: Lot 11 looking north close to the border with Lot 12)





(Forested nature of Lot 11)





(Northern border of Lot 11 where construction is taking place on the adjacent lot)



Block 5701 Lot 12

This property has one building on it which is a two-story, single-family residential home at the end of a cul-de-sac. The remainder of the property is vacant, undeveloped land. The following photographs show the existing home and the vacant nature of the lot around the home. The single-family home is not unsafe or dilapidated in any way. There are no police records for Block 5701 Lot 12 and only one building record which is for the existing residential home.



(Lot 12 looking north along the utility easement)



(Water flowing under a culvert from Lot 12 underneath South Washington Avenue)



(Street view of culvert on Lot 12)



(Forested/undeveloped nature of Lot 12)





(Photos of the home on Lot 12 – in good condition)





Photos of the interior of the home which is also in good condition – at this time, no criteria appears to apply to the single family structure)



“E” Criteria

The photographic evidence makes it clear that both lots are not developed and almost completely vacant. As mentioned, the exception is the single-family residential home on Lot 12. However, the vast majority of the land surrounding that home, about 14 acres, is vacant and unused.

Two of the primary causative factors for the “E” criteria are present with respect to each of the two lots. The first is the condition of the title which discourages the undertaking improvements. Here, each of the two lots is encumbered by a large 100-foot-wide utility easement upon which have been constructed massive support towers and overhead utility lines. The location of the easement bisects both lots creating additional development challenges with respect to the location of any potential improvements on either side of the easement, as well as totally prohibiting improvements within the easement area. In addition, the overhead lines and support structures are aesthetically displeasing and raise health and safety concerns for segments of the general public, particularly the senior citizens who are the very segment for which this property is exclusively zoned. The utility easement challenges combined with the extensive wetlands on the property have discouraged improvements and any progress to proper utilization. This accounts for the vacant nature of both lots for over the last 60 plus years, while other nearby areas saw substantial single-family residential development. This leads to the conclusion of a lack of proper utilization of these lots. It is of note that neither of these lots have either been developed by private capital. The lack of investment also leads to the lack of proper utilization.

A second causative factor is the diversity of ownership of the two lots. After the viewing of title and ownership it was ascertained there is a separate distinct owner for each lot. The diverse ownership of the respective properties is impeding land assemblage. Redevelopment would pave the way for both lots to be developed together into a more integrated and productive use with higher utilization than what exists today. Discussions with the tow owners has not yet resulted in a unified redevelopment plan. The diverse ownership not only impedes land assemblage, but also discourages the undertaking of improvements necessary for the only zoned use of senior citizen housing. This has led to the unproductive condition of no utilization of either lot.

The lack of proper utilization, improvements, and investment are currently having a negative social and economic impact on the community. These lots were fairly recently rezoned for senior citizen housing in December 2020. Other than the Sterling Village all affordable senior citizen building, there is no other land zoned anywhere in the Township of senior housing. The Township has identified a significant need and demand for senior housing and the lack of development of a senior housing project on these lots contributes to the Township’s senior citizens moving out of Piscataway to other municipalities. Many seniors wish to remain in Piscataway Township to be closer to families and/or friends, but they lack senior housing options. There is also a negative economic impact on the Township because vacant parcels without uses or improvements do not have anywhere near the same tax value to the Township as a fully productive parcel with improvements. Therefore, there is both a negative social and economic impact that can be rectified and reversed through redevelopment of these lots.

In my professional opinion, the “E” criteria of the Local Redevelopment and Housing Law applies to both Lots 11 and 12 of Block 5701 due to the conditions cited above. Designating the Study Area as an Area In Need of Redevelopment will open up more opportunities for land assemblage and redevelopment to reverse the stagnant conditions.

“H” Criteria

The entire Study Area meets the requirements consistent with smart growth planning principles, which allows the application of the H Criteria. “The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.”

The Study Area is in State Planning Area 1 (PA1), which is designated by the State Development and Redevelopment Plan as an area where redevelopment is encouraged. Implementing the goals of redevelopment in PA1 implement the principles of smart growth. Smart growth is a set of principles that encourages a concentration of growth, mixed-use, and development in existing communities.

The proximity of the Study Area to a major suburban arterial that connects to Interstate 287, should it be redeveloped, would promote development in an area of existing infrastructure while preserving the characteristics of the community. Redevelopment of the Study Area is supported by the smart growth principles and consistent with the State Development and Redevelopment Plan. Also, the existing utilities and infrastructure such as water, sewer, and a major highway can be leveraged to meet smart growth principles. Block 5701 Lot 11 and Lot 12 meet the H criteria requirements and can be designated as an Area In Need of Redevelopment.

Study Conclusions and Recommendations

It is recommended that the Piscataway Township Planning Board and the Township Council determine that the Study Area is an Area in Need of Redevelopment based on the fact that both parcels meet at least one criteria of the New Jersey Local Redevelopment and Housing Law.

The Study Area meets the E and H statutory criteria to qualify as a Non-Condemnation Area in Need of Redevelopment pursuant to N.J.S.A. 40A:12A-1 et seq. A survey and analysis of the Study Area found negative conditions that are having a negative economic impact to the Township of Piscataway due to lost productivity and improper utilization.

Currently, the site presents an opportunity to utilize Smart Growth planning principles to accommodate new development in a developed area of the Township that can utilize highway transportation access nearby to create additional economic development prospects for Piscataway Township. Creating a Redevelopment Plan will help to reinforce the Township’s goals as articulated through the Township Master Plan, as well as accommodate the State’s Smart Growth planning principles. It is the recommendation of this investigation that the Township Council of Piscataway designate the Study Area as a Non-Condemnation Area in Need of Redevelopment.

APPENDIX A: Resolution Authorizing Redevelopment Needs Study

RESOLUTION #23-365

Be It Resolved, By the Township Council of Piscataway Township,
(Seal) New Jersey, that:

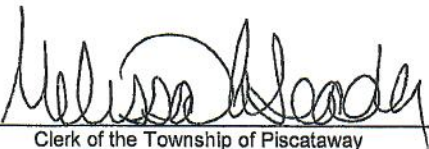
WHEREAS, the Township of Piscataway requires professional redevelopment planning services in regard to preparation of an Area in Need of Redevelopment Study and a corresponding redevelopment plan for Block 5701, Lots 11 and 12 (the "Project"); and

WHEREAS, 4Site Planning, LLC, Philadelphia, PA, has submitted a proposal for planning services related to said Project, a copy of which is attached hereto and made a part hereof ("Proposal"), with a cost not to exceed \$20,000.00; and

WHEREAS, 4Site Planning, LLC was previously qualified under the Fair and Open Process to provide professional services for Planning Services – Special Projects by the Township of Piscataway; and

WHEREAS, there is funding available pursuant to certification # R-2023-0264;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Piscataway that the Township Council does hereby authorize 4Site Planning, LLC, Philadelphia PA, to provide professional redevelopment planning services for the Project, at the rates set forth in said Proposal, with such services not to exceed \$20,000.00 in cost.


Clerk of the Township of Piscataway
MELISSA A. SEADER


President of Township Council
FRANK UHRIN

PASSED AS PART OF THE CONSENT AGENDA: November 9, 2023

MOTION MADE BY: Mrs. Lombardi

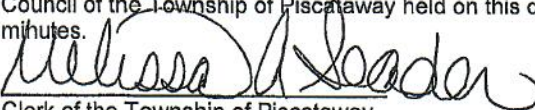
SECONDED BY: Mr. Espinosa

PASSED ON THE FOLLOWING VOTE:

YEAS: MESSRS. Carmichael, Espinosa, Lombardi, Shah & Uhrin

NAYS: ----

I certify the foregoing to be a true and correct abstract of a resolution passed at a meeting of the Township Council of the Township of Piscataway held on this date and in that respect is a true and correct copy of its minutes.


Clerk of the Township of Piscataway
Melissa A. Seader

APPENDIX B: Aerial Map of Study Area

