

RESOLUTION #_2022- 11

RESOLUTION OF THE JOINT LAND USE BOARD OF THE BOROUGH OF STRATFORD RECOMMENDING DESIGNATION OF BLOCK 52, LOTS 13, 13.01, 13.02, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24 AND 25 AS A CONDEMNATION AREA IN NEED OF REDEVELOPMENT

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*, specifically N.J.S.A. 40A:12-6, authorizes the governing body of any municipality, by resolution, to have its Joint Land Use Board conduct a preliminary investigation to determine whether any area of a municipality is a redevelopment area; and

WHEREAS, pursuant to Resolution # 2021-145, adopted by the Mayor and Council of the Borough of Stratford, the Joint Land Use Board of the Borough of Stratford (“JLUB”) conducted an investigation to determine whether Block 52, Lots 13, 13.01, 13.02, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24 and 25 (“Study Area”) should be designated as a condemnation area in need of redevelopment and considered the “Determination of Need Report as prepared by Bach Associates ,PC, dated April 2022 (“Study Area Report”); and

WHEREAS, the JLUB conducted a public hearing on April 28, 2022 concerning the potential designation of the Study Area as a condemnation redevelopment area and the meeting was open to the public and all members of the public, as well as all affected property owners, had an opportunity to address questions and comments to the JLUB Board and its professionals; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, due notice of the public hearing was provided to the property owners as mandated by the aforesaid statute and also notice was posted and published in accordance with the law; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the JLUB prepared a map showing the boundaries of the Study Area and the location of the various parcels of property included therein. Appended to the map was a statement setting forth the basis for the investigation; and

WHEREAS, the Study Area Report in part is adopted herein by reference; and

WHEREAS, all members of the JLUB Board reviewed the Study Area Report.

NOW, THEREFORE, the JLUB of the Borough of Stratford makes the following findings of fact and conclusions of law with respect to the Study Area Report for the Study Area;

1. The Mayor and Council have directed the JLUB to conduct a preliminary investigation to determine whether the Study Area is a condemnation redevelopment area in accordance with the criterion set forth in N.J.S.A. 40A:12A-1 *et seq.*
2. The Planning Board finds and recommends to the Mayor and Council that the Study Area consisting of only, Block 52, Lots 13, 13.01, 13.02, 14, 15, , satisfies criteria “a” “c”“e” ‘h” and N.J.S.A.40A:12A-3 as set forth in N.J.S.A. 40A:12A-5 as set forth in the Study Area

Report and the testimony of Steven M. Bach, PE, RA, PP, CME specifically finding that the following conditions exist:

Criterion “a”

Criterion “a” allows for a redevelopment designation of areas exhibiting the generality of buildings being substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possesses any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.

Block 52 Lots 15 & 25 fall within this criteria based upon Mr. Bach’s testimony.

Lot 15: Because of the buildings on these parcels being obsolete and substandard, this criterion applies the Lot 15. Lot 15 contains two dilapidated and obsolete structures on the property, one of which is along the frontage of Berlin Road and directly across the street from the Lindenwold transit station. The larger of the two buildings is highly visible along the sidewalk and the building is located directly adjacent to the sidewalk. It is an obsolete industrial looking building with small rectangular transom windows located along the frontage of the building. The sides of the building consists of garage doors for automotive work and are also visible from the street and adjacent sidewalk. The smaller white block structure on the interior of the parcel is obsolete as well. It is a garage building that is not as visible from the frontage of the parcel. The structures on Lot 15 satisfy the “a” criteria, exhibiting the generality of buildings being substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possesses any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.

Lot 25: Lot 25 contains two structures. The larger structure, located on the corner of New Road and White Horse Pike, is the CVS Pharmacy. The second structure, which fronts on the White Horse Pike and is also visible from Arlington Avenue, contains a check cashing business and Philadelphia Provisions Company. The check cashing structure is dated block building with limited windows and a dated awning. The building is obsolete in its design and architecture. Because of the building on these parcels being obsolete and substandard, this criterion applies the Lot 25. The smaller of the two structures on Lot 25 satisfy the “a” criteria, exhibiting the generality of buildings being substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possesses any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions

However the Board finds that only Lot 15 meets the criteria and not Lot 25.

Criterion “c”

Criterion “c” allows for a redevelopment designation of areas owned by a public entity or unimproved vacant land that has remained so for ten years.

Block 52 Lot 13.01 has been vacant for over ten years and therefore falls within this criteria. It is a wooded parcel and has been so for over ten years, according to Google Earth historical images. Trash was observed along the frontage of the parcel on New Road. This is a small parcel that is unlikely to be developed unless it is combined with other parcels and the Board concurs with Mr. Bach’s testimony.

Criterion “d”

Criterion “d” allows for a redevelopment designation of areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, 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.

Block 52 Lots 15 & 25 fall within this criteria according to testimony by Mr. Bach. These two parcels make up the largest part

of the Redevelopment Study Area, with approximately 4.5 acres of the 7-acre Study Area.

Lot 15: Because of the buildings on these parcels being obsolete and substandard, as well as having excessive land coverage, observed dilapidation, obsolescence faulty arrangement of the structures and layout of the site. The parcel has had many violations over the past two years applying to the maintenance of the site. There is a chain link fence surrounding the property is in disrepair and allows for the public to view the interior of the site, which is comprised of broken-down vehicles and cracked pavement. The curbing and sidewalk was observed to have cracks as well as weeds growing through the pavement in multiple locations. Lot 15 contains two dilapidated and obsolete structures on the property, one of which is along the frontage of Berlin Road and directly across the street from the Lindenwold transit station. The second smaller garage is located to the rear of the primary structure and provides confusing circulation throughout the site. The property is predominantly paved, with overgrown vegetation throughout. The larger of the two buildings is highly visible along the sidewalk and the building is located directly adjacent to the sidewalk. It is an obsolete industrial looking building with small rectangular transom windows located along the frontage of the building. The sides of the building consists of garage doors for automotive work and are also visible from the street and adjacent sidewalk. The smaller white block structure on the interior of the parcel is obsolete as well. It is a garage building that is not as visible from the frontage of the parcel. Both the buildings and improvements on Lot 15 satisfy the "d" criteria, which allows for a redevelopment designation of areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, 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.

Lot 25: Lot 25 contains two structures. The larger structure, located on the corner of New Road and White Horse Pike, is the CVS Pharmacy. The second structure, which fronts on the White Horse Pike and is also visible from Arlington Avenue, contains a check cashing business and Philadelphia Provisions Company. The check cashing structure is dated block building with limited windows and a dated awning. The building is obsolete in its design and architecture. In addition to the structure, the parcel has excessive impervious land coverage for the current uses. The property has been cited several times over the past two years for lack of maintenance and other code violations. The circulation of the site is unclear and the parking lot is lacking in adequate striping. Because of the structure and improvements on this parcel being obsolete and substandard, this criterion applies the Lot 25, which allows for a redevelopment designation of areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, 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.

However the Board finds that only lot 15 meets the criteria and not Lot 25.

Criterion "e"

Criterion "e" allows for a redevelopment designation of areas exhibiting 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.

Block 52, Lots 13, 13.02, 14, 15 and 25 fall within this criteria according to testimony by Mr. Bach.

Because of the makeup of the identified lots above within this Study Area being of diverse ownership, and not being utilized to the fullest extent allowed per the Commercial zoning district, this criterion applies to the above identified parcels within the Study Area. For site specific details, refer to the Matrix in Appendix A. Despite being conveniently located on the White Horse Pike commercial corridor and across from a major transit station, these parcels have been unsuccessful in becoming developed in a manner consistent with the commercial nature of the area and utilized to their full potential. The majority of the Study Area is in a commercially zoned area with positioning convenient to the White Horse Pike. However the Board finds that only Block 52 Lots 13, 13.01, 13.02, 14 and 15 meets the criteria and not Lot 25.

Criterion "h"

The 'h' criteria of Smart Growth consistency applies to all of the parcels in the Study Area, which are entirely located within Metropolitan State Planning Area (PA1). The New Jersey State Development and Redevelopment Plan policies support and encourage development and redevelopment within the PA1 area. As such, redevelopment of these properties is consistent with the Smart Growth objectives of the New Jersey State Development and Redevelopment Plan and would be useful and valuable in contributing to the social and economic benefit of Stratford Borough.

Block 52, Lots 13, 13.01, 13.02, 14, 15, meet the criteria and not lots 16, 17, 18, 19, 20, 22, 23, 24 and 25 fall.

N.J.S.A. 40A:12A-3

Further, the Local Redevelopment and Housing Law defines "redevelopment area" or "area in need of redevelopment" as follows (N.J.S.A. 40A:12A-3). This definition enables the inclusion of properties that are essential for the effective redevelopment of the area as a whole. "an area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L. 1992, c.79 (C.40A:12A-5 and 40A:12A-6) or determined here to be a "blighted area" pursuant to P.L. 1949, c.187 (C.40:55-21.1 et seq.) repealed by this act, both determinations as made pursuant to the authority of Article VIII, Section III, paragraph 1 of the Constitution. A redevelopment area may include lands, buildings, or improvements which themselves are not detrimental to the public health, safety, and 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."

Block 52, Lots 16, 17, 18, 19, 20, 22, 23, 24 fall within this criteria according to testimony by Mr. Bach. While these parcels themselves are not detrimental to the public health, safety, and welfare, the inclusion of is

found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

The redevelopment designation will enable the redeveloper to develop the land in addition to allowing the subdivision of the tax parcels that will create more viable properties, through the adoption of a Redevelopment Plan. The redevelopment plan may allow more uses that are permitted within the respective zoning districts as well as the underlying uses will remain, unless the plan determines they are better suited for another use than is currently permitted within their respective zoning district.

The Borough's intent in designating the site as a Redevelopment Area is to facilitate

positive change – to give this site a productive use that is will assist not only in economic development and overall improvement of this area, but produce viable uses that can be developed in accordance with the existing zoning designation or a specific use that is deemed to be an acceptable use and a positive addition to the surrounding neighborhood. In addition, if Borough Council opts to offer them, temporary tax incentives may assist in attracting re-investment in the site.


N.J.S.A 40A 12A-3 defines “redevelopment area” as an area that “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.”

As a result, although some portion of the properties in the Study Area may not satisfy a specific statutory criterion, they are being included because they are necessary for the effective redevelopment of the Study Area. Not including the entire Study Area within the designation will prevent it from being redeveloped in a cohesive manner. Inclusion of all parcels within the Study Area is necessary to allow for greater diversity and flexibility in designing an effective plan, including an overall circulation plan, for the redevelopment of the Study Area according to Mr. Bach’s testimony.

However the Board finds that lots 16,17,18,19,20,22,23 and 24 do not meet the criteria.

3. On Motion made and duly seconded, the JLUB voted to recommend to the Borough Council, based upon the “Determination of Need Report as prepared by Bach Associates, dated April 2022 and testimony provided by Steven M. Bach, PE, RA, PP, CME that the Study Area consisting only of lots 13,13.01, 13.02, 14 and 15 be designated as a Redevelopment Area without Condemnation and due to the ongoing existing businesses on lots 20 and 25 and the residential homes on lots 16, 17, 18, 19, 22, 23, 24, the Board is of the opinion these lots are not in need of Redevelopment.

NOW THEREFORE, BE IT RESOLVED that the JLUB Board recommends to the Mayor and Council of the Borough of Stratford that Block 52, Lots 13, 13.01,13.02, 14, 15, of the Study Area, be designated as a Redevelopment Area without Condemnation within the Borough of Stratford pursuant to N.J.S.A. 40A:12A-1 et seq.



Michael Mancini, CHAIRPERSON

ATTEST:



Sharon McCart, SECRETARY

ROLL CALL: On Motion to recommend only Lots 13, 13.01, 13.02, 14, and 15 as a Redevelopment Area without
Condemnation

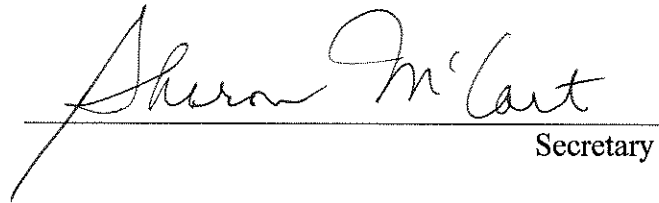
LIST NAMES

Mr. McGovern	Yes
Mr. Hall	Yes
Mr. Morello	Yes
Ms. Campbell	Yes
Mr. St. Maur	Yes
Mr. Kozeniewski	Yes
Mr. Chicalo	Yes
Mr. Mancini	Yes

ROLL CALL: On Motion to recommend the entire Study Area as in Need of Redevelopment with
Condemnation

Mr. McGovern	No
Mr. Hall	No
Mr. Morello	No
Ms. Campbell	No
Mr. St. Maur	No
Mr. Kozeniewski	No
Mr. Chicalo	No
Mr. Mancini	No

I, Sharon McCart, Secretary of the Joint Land Use Board of the Borough of Stratford, do hereby certify the foregoing Resolution is a true and accurate copy of the Resolution adopted by the Joint Land Use Board of the Borough of Stratford on the 28th day of April, 2022.


Secretary

Prepared by:
ANTHONY P. COSTA, Esquire