

PRELIMINARY INVESTIGATION
FOR DETERMINATION OF ELIGIBILITY
FOR DECLARATION AS A NON-CONDEMNATION
AREA IN NEED OF REDEVELOPMENT OR REHABILITATION

NJ ROUTE 38, ARK ROAD, AND FOSTERTOWN ROAD

Block 302.15,
Lots 4, 5, 6, 7, 8, 9, 10, 11,
12, 12.01, 12.02, 12.03, 12.04

Block 303,
Lots 1, 2, 3.01, 6, 6.01, 6.02, 7, 7.01, 8, 9, 10, 11

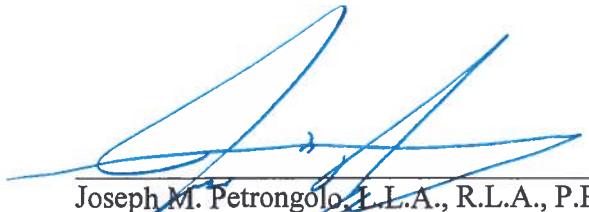
Block 308, Lot 1


Township of Mount Laurel
County of Burlington, State of New Jersey

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Preliminary Investigation for Determination of Eligibility for Declaration as a Non-Condemnation Area in Need of Redevelopment or Rehabilitation

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I. PRELIMINARY INVESTIGATION FOR DETERMINATION FOR DECLARATION AS NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT OR REHABILITATION

1. INTRODUCTION

1.1 Purpose and Background

This preliminary investigation report is based on an analysis of an area identified as Block 302.15, Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 12.01, 12.02, 12.03, 12.04; Block 303, Lots 1, 2, 3.01, 6, 6.01, 6.02, 7, 7.01, 8, 9, 10, 11; and Block 308, Lot 1 (the “Study Area”), emanating from the directive of the Township Council of the Township of Mount Laurel (*hereinafter* Township Council) to the Mount Laurel Planning Board (*hereinafter* Planning Board) to undertake a preliminary investigation to determine whether a total of 26 parcels found generally in the area bounded by NJ Route 38 to the south, Ark Road to the west, Hovtech Boulevard and County Route 537 (Marne Highway) to the north, and Fostertown Road to the east, manifest conditions that would qualify the study area for a declaration of non-condemnation area in need of redevelopment or rehabilitation, pursuant to the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et seq. Said tasking is as memorialized by the Township Council of Mount Laurel Resolution as shown in Appendix A.

A redevelopment area or “area in need of redevelopment” and a rehabilitation area or “area in need of rehabilitation” means an area determined to be in need of redevelopment or rehabilitation pursuant to sections 5 and 6 of P.L.1092, c.79 (C.40A:12A-5 and 40A:12A-6). 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. With a finding in the affirmative, the application of all redevelopment powers is permissible as provided by the Legislature; however, under this Preliminary Redevelopment Investigation the exercise of eminent domain is excluded.

With an affirmative finding that the Study Area is an area in need of redevelopment, application of the powers and benefits which accrue as a result of redevelopment planning, pursuant to the above cited redevelopment statute, is enabled. Most significantly, application of redevelopment planning, in the first instance, enables the preparation and adoption of a plan for redevelopment and, in the second, affords municipalities the opportunity to enter into public/private partnerships with re-developers, or partnerships with public agencies, so to promote realization of a mutually agreed upon future look and arrangement of development.

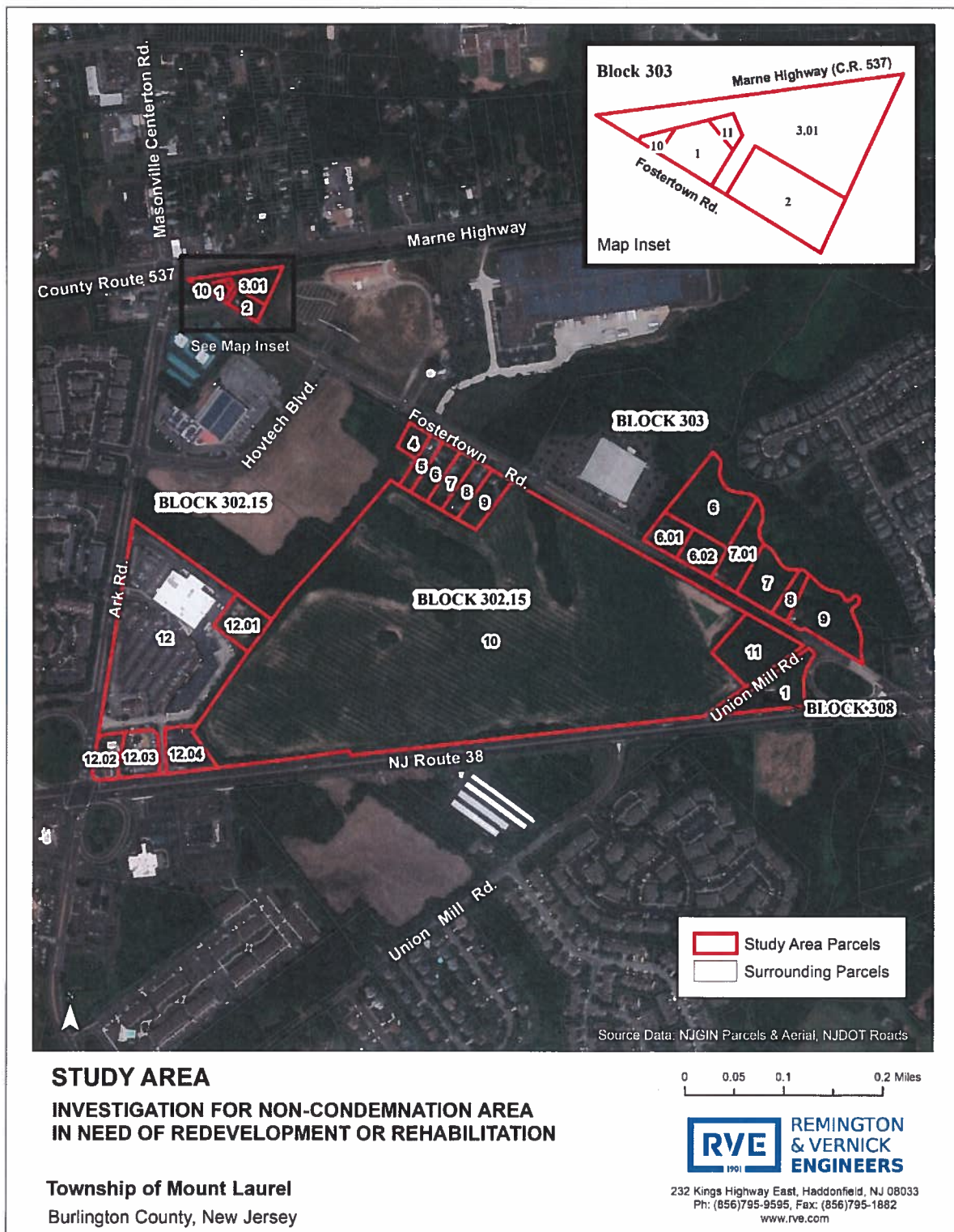
Moreover, the adoption of a redevelopment plan affords greater municipal control over development in that, once adopted, redevelopment activity must be in accord with the redevelopment plan as approved by the Township Council. Further, adoption of a redevelopment plan permits opportunity for the refinement of development regulations as may

be necessary to achieve the redevelopment vision, assuring a result that is in concert with the development vision of the municipality.

1.2 Study Area Delineation

The triangular shaped Study Area is located within the northeast portion of the Township of Mount Laurel, positioned along the eastern edge of the municipality, adjacent to the Township of Hainesport. The site encompasses Route 38, a principal arterial roadway which provides direct access to nearby I-295. More specifically, the focal area of this preliminary investigation consists of 26 parcels known as Block 302.15, Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 12.01, 12.02, 12.03, 12.04; Block 303, Lots 1, 2, 3.01, 6, 6.01, 6.02, 7, 7.01, 8, 9, 10, 11; and Block 308, Lot 1.

1.3 Map of Study Area



2. THE PLANNING SETTING

2.1 Study Area Zoning Classification

From a zoning perspective the Study Area lies within five different zoning districts, as shown below.

Table 1: Current Zoning Schedule for Study Area

Block	Lots	Zoning District
302.15	4, 5, 6, 7, 8, 9	I - Industry
302.15	10, 11	FR-MX Fostertown Road Mixed-Use District
302.15	12, 12.01	NC Neighborhood Commercial
303	1, 2, 3.01, 10, 11	O-3 Office Residential
303	6, 6.01, 6.02, 12.02, 12.03, 12.04	I - Industry
303	7, 7.01, 8, 9	R-3 Residential
308	1	R-3 Residential

Per Chapter 154 of the Township of Mount Laurel's Zoning Ordinance, the regulations of these various zoning districts anticipate the following uses:

- O-3 Office Residential - Provides for single-family detached homes, professional business and general offices, medical and legal offices, real estate and insurance offices, and banks and fiduciary institutions.
- Industry - Primarily for providing space for manufacturing, processing, fabricating, repairing, storing and wholesaling.
- FR-MX – Facilitate mixed-use development within a single tract designed to create a total of 600 residential units (not inclusive of assisted living facilities) which will include a 20% set-aside of affordable units and applied specifically to the future mixed-use development to located on Block 302.15, Lots 10 and 11.
- R-3 - Provides for single-family dwellings, public parks and facilities, golf courses and municipal facilities, and banks and fiduciary institutions, any form of agriculture or horticulture.

- NC Neighborhood Commercial - Provides for retail business and personal service establishments which are clearly of a neighborhood service character, churches, professional offices, etc.

2.2 Relationship to Urban Enterprise Zone

The Urban Enterprise Zone (UEZ) Program was enacted by the State Legislature in 1983. The UEZ designation connotes an area that has experienced economic distress and needs revitalization and the stimulation of growth “by encouraging businesses to develop and create private sector jobs through public and private investment in the designated zones.”¹ Currently, the Township of Mount Laurel does not participate in the UEZ Program and this criterion will not be considered in the subsequent analysis of applicable statutory criteria for determination for redevelopment need.

2.3 Master Plan Perspective

The Mount Laurel Township Master Plan was prepared and adopted by the Planning Board in April 2006. The document consists of the following elements: 1) Goals and Objectives, 2) Land Use, 3) Housing and Fair Share (amended March 2010 and later revised and dated April 2017), 4) Recreation and Open Space (amended May 2009), 5) Circulation, 6) Community Facilities, 7) Conservation and Open Space, 8) Energy Conservation and Recycling Plan, and 9) Stormwater Management. The Master Plan Reexamination Report was adopted in October 2017. These documents were evaluated, and generally support for the redevelopment of the Study Area is derived from the plan’s endorsement of redevelopment activity, pursuant to the Local Redevelopment and Housing Law N.J.S.A.40A:12A-1 et seq. Major objectives in the Plan include to guide future land development and community facilities to meet the needs of residents while ensuring that new development is compatible with existing developments; 2) To provide for a variety of residential, commercial, industrial, public open space, recreational and conservation uses; 3) To ensure that developments are compatible with the adjacent land uses in surrounding communities, where feasible; and 4) To provide for a balanced economic base and a source of employment through utilization of non-residential lands. Additionally, commercial operations along Route 73 and Route 38 are specifically listed in the Master Plan and noted as serving an important role within the Township, offering neighborhood retail services. Generally, the redevelopment of the Study Area is consistent with the advancement of the Township’s long-range planning goals.

³ New Jersey Department of Community Affairs (DCA), Urban Enterprise Zone Program.

2.4 State Planning Area Classification

The State Planning Act of 1985 mandated the New Jersey State Development and Redevelopment Plan (SDRP), which establishes State-level planning policy. The SDRP, adopted in 2001, outlines eight (8) broad planning goals for the State. Most related to this redevelopment effort are two statewide goals which aim to “revitalize the State’s cities and towns” and to “promote economic growth, development, and renewal.” The State Plan envisions improved liv-ability and sustainability by investing public resources, leveraging private investments and improving the natural and built environments.

The SDRP identifies several planning areas that are defined by shared characteristics, such as population density and existing infrastructure over a designated area of land. Under the New SDRP, the entirety of the Study Area for redevelopment or rehabilitation falls within the Suburban Planning Area (PA2) which the SDRP defines as a smart growth area.

Per the State Plan, the Suburban Planning Area (PA2) aims to:

- Provide for much of the State’s future redevelopment;
- Promote growth in Centers and other compact forms;
- Promote the character of existing stable communities;
- Protect natural resources;
- Redesign areas of sprawl;
- Reverse the current trend toward further sprawl; and
- Revitalize cities and towns.

3. REDEVELOPMENT PROCESS

3.1 Role of the Township Council and Planning Board

Summarized below, the redevelopment statute sets forth a multi-step process that must be observed by the Township Council and Planning Board to enable Mount Laurel to lawfully exercise the powers which accrue as a result of employment of redevelopment planning.

- a. 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 set forth in Section 5 of P.L.1992, c.79 (C.40A:12A-5).
- b. The Planning Board must then prepare and post a map showing the boundaries of the area and the location of the various parcels therein. The map must also include a statement setting forth the basis for the investigation.
- c. 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 governing body in the form of a planning board resolution for formal action. A public hearing is not necessary for a rehabilitation designation.
- d. 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.
- e. Upon designation as an area in need of redevelopment, the Planning Board or redevelopment entity 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.
- f. The redevelopment plan, after review by the Planning Board, is referred to the Council.
- g. Upon receipt of the redevelopment plan from the Planning Board, the Council may act to adopt the plan by ordinance. The adopted redevelopment plan may become an amendment to the municipality's zoning district map and zoning ordinance or may be treated as an overlay to existing zoning.
- h. After the enactment of a redevelopment plan, the Township Council has the authority to create and designate a redevelopment entity to implement the redevelopment plan.

Only after completion of this public process is the Township of Mount Laurel able to exercise the powers granted under the redevelopment statute.

4. DESCRIPTION OF EXISTING STUDY AREA CONDITIONS

4.1 Study Area

General Description

The Study Area (known as Block 302.15, Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 12.01, 12.02, 12.03, 12.04; Block 303, Lots 1, 2, 3.01, 6, 6.01, 6.02, 7, 7.01, 8, 9, 10, 11; and Block 308, Lot 1) is located in the northeast portion of the Township and situated in an area to the north of Route 38, South of County Route 537 (Marne Highway) and Ark Road to the west and Fostertown Road to the east. The entirety of the Study Area falls within the municipality's sewer service area, with some exceptions. The entirety of Block 303, Lot 6, a Township-owned vacant lot, is outside of the sewer service area. The front portion only of Block 303, Lots 7, 7.01, 8, and 9 are partially within the sewer service area. All the parcels within the Study Area have roadway frontage and are accessible from the public right-of-way, except for three landlocked parcels which are Block 302.15, Lot 12.01 and Block 303, Lots 6 and 11. As shown in Table 2, the Study Area consists of improved and unimproved lots under public and private ownership.

Table 2: Study Area Parcel Data

Block	Lot	Associated Lots	Property Type	Ownership	Acreage
302.15	4		Residential (SFD)	Private	0.46
302.15	5		Residential (SFD)	Private	0.67
302.15	6		Residential (SFD)	Private	0.84
302.15	7		Residential (SFD)	Private	0.84
302.15	8		Residential (SFD)	Private	0.78
302.15	9		Residential (SFD)	Private	1.01
302.15	10		QFARM	Private	65.44
302.15	11		Vacant Land	Private	1.51
302.15	12		Commercial	Private	12.44
302.15	12.01		Utilities - Sewage Disposal	Public	0.92
302.15	12.02		Commercial	Private	0.81
302.15	12.03		Commercial	Private	1.61
302.15	12.04		Commercial	Private	1.15
303	1	3.01,10,11	Residential (SFD)	Private	1.71
303	2		Residential (SFD)	Private	0.48
303	6		Vacant Land	Public	1.01
303	6.01		Residential (SFD)	Private	1.01
303	6.02		Residential (SFD)	Private	1.00
303	7		Residential (SFD)	Private	2.88
303	7.01		Residential (SFD)	Private	1.34
303	8		Residential (SFD)	Private	0.04
303	9		Residential (SFD)	Private	2.34
308	1		Residential (SFD)	Private	1.32
Total Acres					101.6

Source: New Jersey Tax Assessor Data, 2018
SFD – Single-Family Detached

Surrounding Area Description

The Study Area is located within the general vicinity of Masonville, an unincorporated community centered upon two major transportation routes - NJ Route 38 and County Route 537 (Marne Highway). NJ Route 38, a principal arterial roadway, is located on the south side of the Study Area and is a key corridor of the Township which is heavily travelled and characterized by commercial and business uses. The Study Area is also easily accessible to various parts of the Township based on its proximity to the NJ Turnpike and I-295 located to the northwest. To the immediate west of the Study Area, at the intersection of Route 38 and Ark Road, is Larchmont Commons Shopping Center. At Ark Road, traffic is efficiently funneled through the Route 38 corridor due to two (2) slip roads or “jug handles,” on the northwest and southeast corners, which allows motorists to change directions for turns. The southwest and southeast corners of Route 38 and Ark Road are also occupied by standalone commercial pad sites with abundant parking.

The Study Area is approximately two miles to the east of Rowan College at Burlington County - Mount Laurel Campus on Route 38 and two miles to the north of Larchmont Elementary School on Ark Road. There is a mix of residential and commercial uses surrounding the Study Area. Most of surrounding uses are residential neighborhoods made up of detached, single-family dwellings, high density apartments, and townhomes.

Five (5) parcels along Fostertown Road, not included in the Study Area, include a Municipal Utilities Authority (MUA)-owned land parcel, privately owned commercial and industrial uses, and a QFarm. Three of these five parcels are through lots with access on both Fostertown Road and County Route 537 (Marne Highway). To the north of the Study Area, along the north side of Hovtech Boulevard, is the Kennedy Fitness and Wellness. To the far east of the Study Area is the Township of Hainesport of which the municipal boundary follows Masons Creek near Fostertown Road. Some parcels within the Study Area - Block 303, Lots 6, 7, 7.01, 8, and 9 - back up to Masons Creek.

The two other major intersections of the triangularly shaped Study Area have less intense commercial development. Smaller, standalone pad sites are located at the intersection of Ark Road and County Route 537 (Marne Highway). The southeast leg of the intersection is vacant land bounded by Fostertown and Ark Roads, and CR 537. NJ Route 38 and Fostertown Road (partially within Mount Laurel and partially within Hainesport) has a single commercial use, a single residential use, and the remainder of the intersection is undeveloped.

Overall Summary

The Study Area is 101.6± acres in size. Along with a physical site visit of the Study Area and the immediate surrounding area, data was gathered from tax maps, municipal records, aerial photographs, land data, and environmental inventories.

From a transportation perspective, NJ Route 38, Ark Road, Union Mill Road, and Fostertown Road are the primary access roads that connect the lots under investigation, except for the landlocked parcels. Generally, these roadways are in fair condition and show evidence of periodic roadway patching.

In general, pedestrian circulation of the broader Study Area is deficient. The Study Area's major intersections are the exception as NJ Route 38 at Ark and Fostertown Roads, and County Route 537 (Marne Highway) and Ark Road have ADA accessible curb cuts and crosswalk striping to facilitate pedestrian safety. Nevertheless, sidewalks are lacking along NJ Route 38, Ark Road, Union Mill Road, and Fostertown Road. The frontage of Block 302.15, Lot 12 (ShopRite Shopping Center) has a stretch of sidewalk in good condition. However, the sidewalk does not extend to the adjacent properties to the north or south.

There is NJ TRANSIT bus service along NJ Route 38 and a bus stop is located in between the Exxon Gas Station (Block 302.15, Lot 12.02) and McDonald's (Block 302.15, Lot 12.03). Pedestrian access to and from the bus stop is achieved by using the nearby gas station driveway apron. The bus stops at the intersection of County Route 537 (Marne Highway) and Ark Road do benefit from sidewalks at the intersections. However, these short stretches of sidewalk do not extend beyond one or two properties or tie into a continuous sidewalk network.

From an environmental perspective, the 26 lots were observed using the New Jersey Department of Environmental Protection's (NJDEP) GIS interactive database. The Study Area is largely unaffected by environmentally sensitive areas, except for Block 302.15, Lot 10 and the smaller lots along Fostertown Road nearest to the intersection of NJ Route 38 (Block 303, Lots 6, 6.01, 6.02, 7, 7.01, 8, and 9)

According to NJDEP's soil survey data, the Study Area is composed of a mix of soils which include: 1) Freehold fine sandy loam (2 to 5 percent slopes), 2) Freehold fine sandy loam (5 to 10 percent slopes), 3) Sassafras fine sandy loam (0 to 2 percent slopes), 4) Sassafras fine sandy loam (2 to 5 percent slopes), and 5) Sassafras fine sandy loam (5 to 10 percent slopes). Freehold fine sandy loam (2 to 5 percent slopes) is classified as well drained with low runoff, whereas Freehold fine sandy loam (5 to 10 percent slopes) is classified as well drained with medium runoff. Sassafras fine sandy loam (0 to 2 percent slopes and 2 to 5 percent slopes) is classified as well drained with low runoff, whereas Sassafras fine sandy loam (5 to 10 percent slopes) is classified as well drained with medium runoff. These soil composition types do not have the characteristics for poor drainage.

To assist with this investigation for redevelopment or rehabilitation designation, the Township of Mount Laurel's MUA conducted an infrastructure assessment which comprehensively evaluated sanitary sewer manholes, sewer lateral lines, sewer gravity mains, force mains, water

hydrants, water system valves, water service lines (domestic and fire), and water mains. Associated maps of infrastructure and age can be found in Exhibit A of this report. Specifically, Lots 4-9, 12, 12.01, 12.02, 12.03, and 12.04 within block 302.15 and Lots 6.01-10 within Block 303 have infrastructure dating back to 1980. According to the Township's MUA, ductile iron piping within the Study Area is experiencing failures and there are corrosion issues due to the ductile iron pipe. The Township's ductile iron piping typically experiences failures within 20 years of installation and upgrades and maintenance improvements in the Study Area may be necessary within the next 10 years.

Subject Parcel Description and Photographs

Block 302.15, Lots 4, 5, 6, 7, 8, 9

This cluster of six (6) parcels are located along Fostertown Road (eastbound) and categorized as low-density residential with detached single-family dwellings. The dwellings are setback notably from the right-of-way. The rear portion of each parcel has some vegetative buffering from the adjacent vacant parcels.



Frontage along NJ Route 38



Private property sign posted on Lot 11

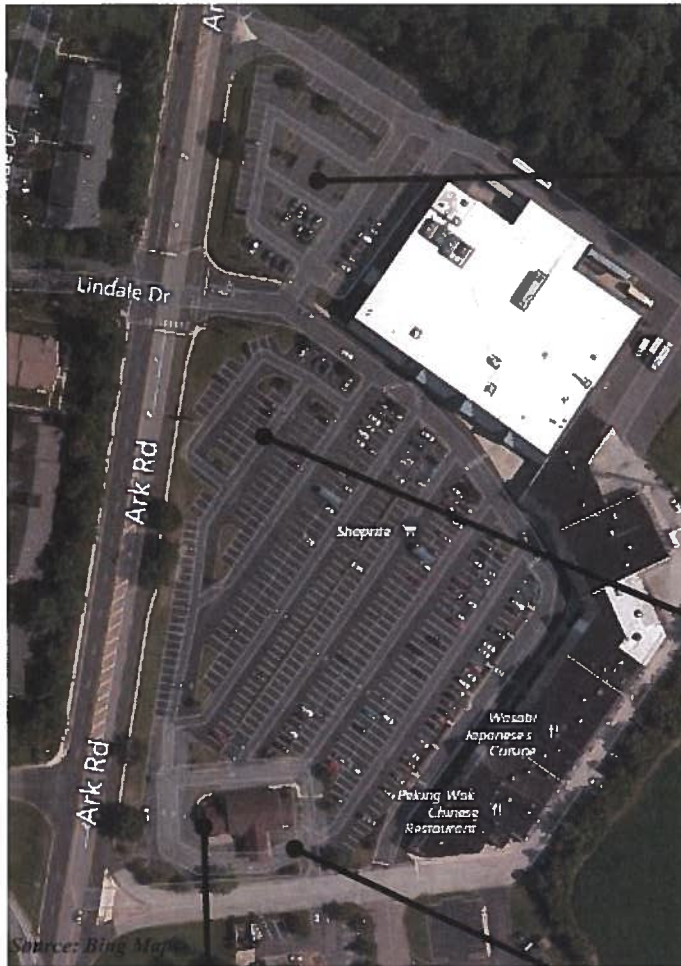
Block 302.15, Lots 10 and 11

Privately-owned Lot 10 is 64.44 acres and is the largest vacant parcel within the Study Area and is classified as agricultural land (QFarm). There are also swaths of deciduous forests on the parcel, located closest to the cluster of residential dwellings on Fostertown Road (eastbound). This parcel is also impacted by a swath of NJ DEP delineated agricultural wetlands. The parcel does not lack access but is rather well-connected to existing circulation routes via Fostertown Road, Union Mill Road, and NJ Route 38. Currently, Lot 10 is utilized for advertising mixed-use development. Adjacent to Lot 10 is Lot 11, which is also vacant, has dual frontage, and under the same private ownership. The purpose of the underlying zoning for Block 302.15, Lots 10 and 11 is to facilitate a mixed-use development with residential units

(not inclusive of assisted living facilities) which will include a 20% set-aside of affordable units.

Block 302.15, Lot 12 and 12.01

Lot 12 is the parcel for the ShopRite Shopping Center on Ark Road, where the grocery store is the anchor tenant along with a L-shaped row of strip stores and a standalone pad site to the southwest corner. The standalone commercial pad site is vacant and indicative of a prior bank with an associated drive-through teller. The surface course for the shopping center and pad site is deteriorated. The shopping center has roughly 18 tenant spaces and, at the time of the site visit, close to a half-dozen tenant spaces are vacant. Lot 12 shares a 40-foot access easement with adjacent lots 12.02, 12.03, and 12.04 within Block 302.15. Most notable of Lot 12 is its expansive parking lots, much of what appears underutilized. Some sections of the main asphalt parking area show signs of aging infrastructure due to alligator cracking and pot holes. The smaller of the two parking lots for the shopping center have recently installed electric vehicle charging stations.



*Excessive parking within the
ShopRite Shopping Center
(Block 302.15, Lot 12)*



Block 302.15, Lot 12



Vacant bank & drive through teller on southwest corner of the ShopRite Shopping Center (Block 302.15, Lot 12)

Lot 12.01 is landlocked, has a building owned by the Township's MUA, and has a PSE&G utility easement. Lot 12.01 is accessed via the drive aisle from the adjacent ShopRite.



Vacant tenant spaces in the ShopRite Shopping Center (Block 302.15, Lot 12)



Deteriorating pavement conditions within the ShopRite Shopping Center (Block 302.15, Lot 12)

Block 302.15, Lots 12.02, 12.03, and 12.04

These three (3) subject parcels together comprise the commercial pad sites at the corner of NJ Route 38 and Ark Road. All three parcels have existing businesses, owned by separate private entities. Lot 12.02 is an Exxon gas station and convenience store, Lot 12.03 is a McDonald's quick serve restaurant with a drive through lane, and Lot 12.04 is a Friendly's Restaurant with associated parking. Lot 12.02 appears to have some imperious cover, whereas the other two lots are largely paved throughout. Pedestrian circulation is difficult between these three adjacent parcels due to the lack of sidewalks. The NJ TRANSIT bus stop, which is located in-between Lots 12.02 and 12.03, does not have any transit amenities. Lot 12.02 has an ADA accessible curb ramp that ties into crosswalks across Ark Road and NJ Route 38. However, there is no sidewalk access to and from the curb ramp. The trash dumpsters located on Lots 12.03 and 12.04 are not encased in an opaque enclosure, nor are they properly screened from view. The designated parking areas for Lot 12.03 and 12.04 are in the front yard areas along

the property's frontages. Monument and pylon signs face NJ Route 38 for the business. Lot 12.04 has a pylon sign that advertises the ShopRite, which is located off-site on Lot 12.



Lack of pedestrian access between adjacent lots 12, 12.02, 12.03, and 12.04



Pavement conditions and exposed trash enclosure on Lot 12.03 (McDonald's)



Deteriorating pavement conditions (L) and exposed trash enclosure (R) on Lot 12.04 (Friendly's)



Declining pavement conditions and leaning light post on Lot 12.04 (Friendly's)

Block 303, Lots 1, 2, 3.01, 10, 11

This cluster of five (5) parcels is located at the northernmost part of the Study Area, at the five-point intersection of Ark Road, Fostertown Road, and County Route 537 (Marne Highway). An occupied single-family dwelling with detached garage exists upon Lot 1 and Lot 2, which are each under separate ownership. The remaining vacant lots - 3.01, 10, and 11 - are associated lots of Lot 1 and under the same ownership. Lot 11 is landlocked and can be accessed via its associated Lots 1 and 3.01. To the north of this cluster of parcels and parallel to County Route 537 (Marne Highway) is Conrail's Penn-Central railroad line (known as Block 5000, Lots 1-3). These lots are well buffered from the railroad tracks, along with the commercial uses to the east (outside of the Study Area).



Occupied single family dwellings on Lot 1 (L) and Lot 2 (R)

Block 303, Lots 6, 6.01, 6.02, 7, 7.01, 8, 9

A cluster of seven (7) parcels are located along Fostertown Road (westbound), closest to the intersection of NJ Route 38. Township owned Lot 6 is landlocked and primarily accessible through Lot 6.01 which fronts Fostertown Road. This cluster of parcels backs up to Masons Creek and is impacted by NJDEP delineated wetlands. Wetlands - in the various NJDEP categories of deciduous wooded wetlands, deciduous scrub/shrub wetlands, and freshwater tidal marshes - exist upon the entirety of Lot 6, within Block 303. Lots 6.01, 6.02, 7, 7.01, 8, and 9 within Block 303 are partially impacted by these wetlands. Lots 6.01 and 8 within Block 303 exhibit very minimal coverage of wetlands.

One of the detached single-family dwellings on Fostertown Road is vacant, significantly dilapidated (lacking vinyl siding, windows, overgrown vegetation, etc.) and at the time of the site visit, construction equipment was onsite indicating a pending or underway tear-down. At present, this building contributes to blight in this area. Additionally, other residential dwellings in this cluster of parcels demonstrate varying degrees of physical decline in appearance and maintenance, particularly Lot 8.



Deteriorated, vacant dwelling at 3019 Fostertown Road (Lot 7) (L); overgrown vegetation on property (R)



Single family dwelling with declining maintenance at 3015 Fostertown Road (Lot 8)

Block 308, Lot 1

The subject parcel is 1.32± acres with a rural land use classification. This triangular-shaped parcel has frontage on all sides (Union Mill Road, Fostertown Road (slip road), and Rt.38) and its driveway access is on Union Mill Road. This parcel is densely wooded which precludes a clear view and visual inspection of the single family detached dwelling. Various structures, some evidence of building maintenance issues, and refuse could be seen from the property line.



Union Mill right-of-way (L); Visible structures on property from Union Mill Road (R)

5. STATUTORY CRITERIA

5.1 Criteria Necessary for Finding of Area in Need of Redevelopment

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 is 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 buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; 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 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. c. 303 9C52:27H-60 et. seq., said designation and prescribed related action are, in and of themselves, sufficient basis for the determination that an area is in need of redevelopment for the purpose of granting tax exemption within the enterprise zone or the adoption of a tax abatement and exemption ordinance.
- 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 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.”²

² N.J.S.A. 40A:12A-3.

5.2 Criteria Necessary for Finding of Area in Need of Rehabilitation

Under N.J.S.A. 40A:12A-5, a delineated area may be declared in need of rehabilitation if, after investigation, any one of the following conditions are met, and a program of rehabilitation will prevent further deterioration and promote overall community development:

- a. A significant portion of structures therein are in a deteriorated or substandard condition;
- b. More than half of the housing stock in the delineated area is at least 50 years old;
- c. There is a pattern of vacancy, abandonment or underutilization of properties in the area;
- d. There is a persistent arrearage of property tax payments on properties in the area;
- e. Environmental contamination is discouraging improvements and investment in properties in the area; or
- f. A majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance.

Further, N.J.S.A. 40A:12A-1 et seq., the Local Redevelopment and Housing Law (LRHL) provides a municipality with the ability to declare all or a portion of a municipality as an area in need of rehabilitation. Declaring that an area is in need of rehabilitation provides all of the same benefits as redevelopment, with the following two exceptions:

- a. The use of eminent domain is not authorized and therefore a municipality would not possess the authority to exercise eminent domain to acquire property in furtherance of the rehabilitation.
- b. Long-term tax abatements (in excess of 5 years) cannot be offered in an area in need of rehabilitation.

6. APPLICATION OF STATUTORY CRITERIA

6.1 Introduction

The statutory charge for a positive finding of redevelopment eligibility requires a demonstration, on an area-wide basis, that existing conditions give evidence of substandard structures evincing unwholesome living and working conditions, or physical deterioration by the presence of improvements which are dilapidated, obsolete, faulty in terms of arrangement, or in any way deleterious to the welfare of the community; or where there are found instances of vacant or abandoned buildings, formerly used for commercial or industrial use; or where there exists a lack of proper utilization sustained by condition of title, diverse ownership or other similar conditions yielding a stagnant and unproductive condition of land, detrimental to the surrounding area or community at large.

An area is also eligible for declaration where there exists vacant land with impediments to development thwarting the likelihood of development through the instrumentality of private capital, and where it can be demonstrated that a redevelopment declaration would advance smart growth planning principles. In addition, actions necessary for designation as an Urban Enterprise Zone (UEZ) are sufficient for redevelopment declaration for the purpose of granting tax exemption within the enterprise zone or the adoption of a tax abatement and exemption ordinance.

6.2 Statutory Criteria Applicable to Study Area

6.2.1 Redevelopment Criteria

Collectively, on-site conditions of the parcel that constitutes the Study Area gives substantial evidence of an area in need for redevelopment given the faulty arrangement and its remoteness and soil composition. Criteria which support a finding of an area in need of redevelopment are as set forth below:

Criterion "c" is implicated where 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.

Of the 26 parcels that constitute the Study Area, approximately 1.93± acres are exempt and "land that is owned by the municipality" (Township and MUA). In addition, two (2) of the parcels are "unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution." There is the presence of agricultural lands and forest (mixed deciduous/coniferous brush/shrub) that have remained so for a period of at least ten years. NJDEP land inventory data was examined for 2007 and similar conditions were found. Also, NJDEP's 2007 aerial imagery was examined which reveals that the current condition of unimproved, vacant, and wooded lands was also present at least over a ten-year period and up to the time of the Township Council's adopted resolution regarding the commencement of this study.

To address the secondary prong of criterion "c", the condition of remoteness is punctuated from the perspective of individual lots within the Study Area, as well as the relationship between various lots within the Study Area. Block 303, Lot 11, Block 302.15, Lot 12, and Block 303, Lot 6 are landlocked and inaccessible as standalone parcels for future development. With the lack of frontage for roadway access, difficulty will be experienced in achieving compliance with the underlying zoning regulations. Therefore, the remoteness of these parcels within the Study Area prevents any development through the instrumentality of private capital.

In terms of environmental conditions, portions of the Study Area are impacted by NJDEP wetlands. The encroachment of the wetlands reduces the total developable area, therefore making redevelopment less attractive from a feasibility assessment standpoint and from the projected return on investment that drives private sector decisions. Due to limitations of development on lands with wetlands, without incentives portions of the Study Area is not attractive for various uses for economic productivity. Further, constraints on development may be obligatory as the formal delineation of the wetlands will further dictate the treatment of the wetlands and required buffering that complies with statewide regulatory requirements.

Criterion “d” is implicated where 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.

During a site visit in September 2018, buildings, traffic circulation, site layout, and other physical characteristics were evaluated. Overall, the Study Area consists of older commercial uses that reflect outdated site arrangements and residential structures that require necessary maintenance and rehabilitation. The developed commercial portions of the Study Area include standalone pad sites and a strip mall, whereas the ShopRite Shopping Center was constructed in 1985. Today, the existing site arrangement of these commercial areas do not meet present-day site plan principles and design standards. The faulty arrangement and obsolete layout of the Study Area has been categorized by general relationship and parcel specific, as described below.

Site Layout and Design

The southwest corner of Block 302.15, Lot 12 of the Study Area presents a condition of obsolescent layout as the existing building does not meet current standards for site layout. The existing building which has a unique design due to its three-row drive through bank teller is not adaptable to different uses without significant structural alterations or demolition. In terms of current design requirements, several Study Area parcels (Block 302.15, 12, 12.02, 12.03, and 12.04) do not comply with parking island landscape requirements which are aimed to meet the Township’s goals for an aesthetically pleasing environment as well as environmental goals to decrease impervious coverage. Several residential lots on Fostertown Road do not comply with the current zoning standards for front yard setback requirements. Also, commercial signs are not in conformance with current requirements. Lot 12.04 (Friendly’s on NJ Route 38) has a pylon sign that advertises the ShopRite on Ark Road which is located on Lot 12.

Parking and Vehicular Circulation

In terms of parking and vehicular circulation, the design of the Study Area is not efficient considering the excessive amount of parking. There are roughly 400 parking spaces within the main parking area and approximately 100 spaces within the small parkin area, much of which is underutilized. The surface course deterioration of each developed commercial lot presents an unsafe condition for traffic and vehicular circulation. Additionally, the freeze/thaw cycle will exacerbate the breakdown of the surface course, resulting in potential tripping hazards.

Pedestrian Circulation

Non-motorized infrastructure is non-existent in the Study Area, with the exception of Block 302.15, Lot 12. The ShopRite Shopping Center’s frontage along Ark Road has a limited stretch of sidewalk. However, the lack of a broader and continuous network makes the existing sidewalks ineffective. From a non-motorized perspective, the Study Area’s poor design hinders mobility and accessibility.

Combined, these factors, without an intervention for improvement, are detrimental to the safety, health, morals, or welfare of the community. For the reasons stated above, it can be demonstrated that a redevelopment declaration for this Study Area would assist in a more efficient land development and safer conditions. Due to its faulty arrangement, major capital improvements are required to transform the Study Area into more productive and cohesive uses which is an unlikely investment from private interests.

6.2.2. Rehabilitation Criteria

Collectively, on-site conditions of the parcels that constitute the Study Area gives substantial evidence of an area in need for rehabilitation based on the criteria as set forth below:

Criterion “a” is implicated where a significant portion of structures therein are in a deteriorated or substandard condition;

The Study Area consists of 26 parcels of various acreage sizes and configurations (many are non-traditional square/rectangular lots). Deterioration is defined as the process of becoming progressively worse or something once in good condition and is in now in decline. It can also be classified as the downgrading of the effectiveness or physical characteristics (i.e. efflorescence, deteriorated pavement within parking areas, or siding that has become severely faded, rotted, or warped, etc.). Some of the smaller parcels within the area have single-family detached dwellings. From a visual inspection, the residential dwellings within the Study Area are reflective of their old age (as discussed below and in Section 4.1). While the rate of deterioration is not included in this assessment, it appears that the dwellings are in various stages of deterioration due to time, lack of regular necessary maintenance, exposure to weather elements, and other unique factors. Vacant and abandoned commercial pad sites, as well as occupied sites, within the Study Area also demonstrate substandard conditions.

Criterion “b” is implicated where more than half of the housing stock in the delineated area is at least 50 years old;

Of the 26-parcel Study Area, 18 parcels are residential uses. Based on 2018 tax assessor property data, the age of the residential dwellings was reviewed. As shown in Table 3 below, 17 out of the 18 residential dwellings meet the criterion for year of construction.

Table 3 - Study Area Housing Stock - Year of Construction

Block	Lot	Associated Lots	Type	Year Constructed
302.15	4		Residential	1950
302.15	5		Residential	1955
302.15	6		Residential	1948
302.15	7		Residential	1950
302.15	8		Residential	1940
302.15	9		Residential	1920
303	1	3.01,10,11	Residential	1900
303	2		Residential	1900
303	6.01		Residential	1960
303	6.02		Residential	1960
303	7		Residential	1900
303	7.01		Residential	1979
303	8		Residential	1900
303	9		Residential	1900
308	1		Residential	1956

Source: New Jersey, Tax Assessor Data, 2018

Criterion “c” is implicated where there is a pattern of vacancy, abandonment or underutilization of properties in the area.

Of the 26 parcels within the Study Area, 2 parcels are vacant. Taken together, these vacant parcels total approximately 2.52 acres. Further, this does not account for the various tenant spaces that are vacant within the ShopRite Shopping Center. Considering the development patterns within and surrounding the Study Area, these large swaths of land demonstrate a pattern of vacancy and underutilization as they lack tax generating structures. Alongside the vacancies, several dilapidated residential properties and the abandoned bank within the ShopRite Shopping Center are also underutilized or not reaching their full use potential.

7. CONCLUSIONS AND RECOMMENDATIONS

7.1 Area in Need of Redevelopment and Rehabilitation

This preliminary investigation report concludes that the Study Area qualifies for declaration as 1) a non-condemnation area in need of redevelopment and 2) an area in need of rehabilitation as shown in Table 4.

Table 4: Recommendation for Redevelopment and Rehabilitation Designation

Block	Lot	Associated Lots	Type	Rehabilitation Criterion	Redevelopment Criterion
302.15	4		Residential	<i>b</i>	
302.15	5		Residential	<i>b</i>	
302.15	6		Residential	<i>b</i>	
302.15	7		Residential	<i>b</i>	
302.15	8		Residential	<i>b</i>	
302.15	9		Residential	<i>b</i>	
302.15	10		QFARM	<i>c</i>	
302.15	11		Vacant Land	<i>c</i>	<i>c</i>
302.15	12		Commercial	<i>a</i>	<i>d</i>
302.15	12.01		Utility - Sewage Disposal		
302.15	12.02		Commercial	<i>a</i>	<i>d</i>
302.15	12.03		Commercial	<i>a</i>	<i>d</i>
302.15	12.04		Commercial	<i>a</i>	<i>d</i>
303	1	3.01,10,11	Residential	<i>a, b</i>	
303	2		Residential	<i>b</i>	
303	6		Vacant Land	<i>c</i>	<i>c</i>
303	6.01		Residential	<i>b</i>	
303	6.02		Residential	<i>b</i>	
303	7		Residential	<i>a, b</i>	
303	7.01		Residential		
303	8		Residential	<i>a, b</i>	
303	9		Residential	<i>b</i>	
308	1		Residential	<i>b</i>	

This report recommends that the Township of Mount Laurel Council and Planning Board take the actions as prescribed by the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et seq. to declare portions of the Study Area, being known as Block 302.15, Lots 11, 12, 12.02,

12.03, 12.04 and Block 303, Lot 6 as a non-condemnation area in need of redevelopment based on criteria “c” and “d”. Respectively, the criteria are known as (i) lands owned by the municipality and where vacant more than 10 years *and* that are remote and lack of means of access and is not likely to be developed through the instrumentality of private capital; and (ii) faulty arrangement.

Additionally, this report recommends that the Township of Mount Laurel Council and Planning Board take the actions as prescribed by the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et seq. to declare the entirety of the Study Area, as an area in need of rehabilitation based on criteria “a”, “b”, “c”. Respectively, the criteria are known as (i) significant portions of structures are deteriorated or in substandard condition, (ii) more than half of the housing stock is at least 50 years old, and (iii) lands demonstrating a pattern of vacancy.

Further, per the Local Redevelopment and Housing law, 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. All 26 parcels are recommended necessary for inclusion in the designations.

In conclusion, based on the review and assessment of each standalone parcel and of the area collectively, the entirety of the Study Area is necessary for designation as in area in need of redevelopment and rehabilitation.

APPENDIX A

Township of Mount Laurel Council Resolution Authorizing a Preliminary Investigation for Determination of Area in Need of Redevelopment or Rehabilitation



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 18-R-144

REGULAR MEETING

SEPTEMBER 24, 2018

RESOLUTION AUTHORIZING AND DIRECTING THE MOUNT LAUREL TOWNSHIP PLANNING BOARD TO CAUSE A PRELIMINARY INVESTIGATION TO BE MADE PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW, AS TO WHETHER CERTAIN AREAS ALONG ROUTE 38, ARK ROAD AND FOSTERTOWN ROAD ARE "AREAS IN NEED OF REDEVELOPMENT OR REHABILITATION" WITHIN THE MEANING AND INTENDMENT OF SAID STATUTE

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., ("the Act") allows municipalities to identify certain areas within their geographical boundaries as "Areas in Need of Redevelopment", or "Areas in Need of Rehabilitation"; and

WHEREAS, one of the purposes of which, among others, is to encourage private investment in certain properties through, e.g., the demolition, clearance, or removal of buildings, the construction and rehabilitation of existing buildings, the creation of new job opportunities and ratables within municipalities, etc.; and

WHEREAS, the Act empowers municipalities to authorize and direct their Municipal Planning Boards to cause preliminary investigations to be made to determine whether areas exist within the municipality that are "in need of redevelopment" or "in need of rehabilitation", N.J.S.A. 40A:12A-6; and

WHEREAS, the Township of Mount Laurel has enjoyed significant success in the past with commercial initiatives along Route 73 and 38; and

WHEREAS, there remains areas of opportunity along Route 38, in the area of Ark and Fostertown Roads, in the Township's Industrial, Neighborhood Commercial and R-3 zoning districts, where certain parcels may benefit from the tools available to municipalities under the New Jersey Housing and Redevelopment Law; and

WHEREAS, there is a need for increased employment opportunities, tax ratables, and other benefits which communities generally derive from the redevelopment of commercial corridors; and

WHEREAS, the Township Council of the Township of Mount Laurel has determined that it is in the best interest of the Township of Mount Laurel, in order to compete with neighboring municipalities for new commercial and other opportunities which will result in increased employment opportunities, and tax ratables for the municipality, to further study this

part of the Route 38 Corridor, and Ark and Fostertown Roads, to determine if that section of the Route 38 Corridor, or portions of same, are "in need of redevelopment or in need of rehabilitation", so that this municipality can undertake various initiatives to incentivize commercial and other developers to locate their businesses with this municipality; and

WHEREAS, the Planning Board shall undertake this investigation and but shall not consider the use Eminent Domain as a power to be afforded to the municipality (and shall be referred to as a "Non-Condensation Redevelopment Area");

WHEREAS, the New Jersey Redevelopment and Housing Law empowers municipalities to authorize and direct their Municipal Planning Boards to undertake such studies and investigations.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mount Laurel, County of Burlington, State of New Jersey, that the Mount Laurel Township Planning Board be and is hereby authorized and directed to cause a preliminary investigation to be made pursuant to the New Jersey Redevelopment and Housing Law as to whether portions of this part of the Route 38 Corridor, in the general area of Ark and Fostertown Roads and surrounding and nearby areas as described above, within the Township of Mount Laurel, are in need of redevelopment or rehabilitation within the meaning and intentment of the statute; and.

BE IT FURTHER RESOLVED, that the Council directs the Planning Board to investigate the following Blocks and Lots:

Block 302.15	Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 12.01, 12.02, 12.03, and 12.04
Block 303	Lots 1, 2, 3.01, 6, 6.01, 6.02, 7, 7.01, 8, 9, 10, and 11
Block 308	Lot 1

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed with the Chairperson and Secretary of the Mount Laurel Township Planning Board, and with the Burlington County Office of Land Use Planning, within ten (10) days of adoption, and that the Planning Board be urged to complete its preliminary investigation and file its written report within the Township Council upon completion of same; and

BE IT FURTHER RESOLVED, that if the Township Planning Board determines that all or some of the properties are recommended as Areas in Need of Redevelopment or Rehabilitation, the Planning Board and its professionals are authorized to immediately proceed to develop a Redevelopment or Rehabilitation Plan and recommend such Plan to the Township Council for consideration and adoption.

A CERTIFIED COPY


 Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Bobo	1	✓				Planning Bd
Edelson		✓				
Folcher	2	✓				
Riley		✓				
Van Noord		✓				

EXHIBIT A

Township of Mount Laurel MUA Maps for Water and Sewer Facility Ages



