Preliminary Investigation of an Area in Need of Redevelopment (Condemnation) for the

Gateway Redevelopment Study Area: Phase 3



JUNE 20, 2022

Montgomery Township, Somerset County, New Jersey

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Adopted pursuant to N.J.S.A. 40A:12A-1, <i>The New Jers and Housing Law</i> , as a Condemnation Preliminary Invested on	•
Endorsed by the Township Committee on	2022.

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A signed and sealed copy of this document is available at the municipal building.

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INTRODUCTION

The Township Committee of Montgomery directed the Planning Board, pursuant to Resolution #21-6-151 (adopted on June 17, 2021), to conduct a preliminary investigation to determine whether several properties located at and around the intersection of NJ State Highway Route 206 and County Route 518 qualified as an *area in need of redevelopment* (AINR), pursuant to the criteria established at N.J.S.A. 40A:12A-1 et seq., known as the "Local Redevelopment and Housing Law" (a.k.a "LRHL", See Appendix A). Subsequent to the Township Committee resolution, the Planning Board directed this office to undertake such a study. The study of these properties has been undertaken in three "phases":

Phase 1: The Princeton Gamma-Tech Instruments, Inc. property, consisting of Block 29002, Lots 49 and 50, was evaluated in an investigation report dated February 2, 2022 and recommended for designation as a redevelopment area by the Planning Board on February 28, 2022.

Phase 2: Phase 2 is composed of Block 28010 (formerly Block 28005), Lots 57, 58, 59, 60.01, 61, 62 and 64; Block 29002, Lots 47 and 48; and Block 34001, Lots 46.01, 56, 77, 78, 79 and 80. These properties were evaluated in an investigation report dated March 23, 2022. The Planning Board conducted public hearings on April 11, 2022 and May 9, 2022, but no recommendation has yet been made on Phase 2 by the Planning Board. The Phase 2 determination has been carried, such that the Planning Board will consider the evidence for Phase 3 prior to making any recommendations regarding Phases 2 and 3.

Phase 3: Phase 3 of the Gateway Redevelopment Study Area is composed of Block 29002, Lots 46 and 46.01; and Block 35005, Lots 1, 2, 3, 4, 5, and 9. (the "Study Area"). As with Phases 1 and 2, Phase 3 is also being considered as a "condemnation redevelopment area", such that the use of the power of eminent domain could be used within the AINR, should it be so designated.

This report, which constitutes a *Preliminary Investigation* of Phase 3 of the Gateway Redevelopment Study Area, is the statutorily-enabled vehicle by which the Planning Board may respond to the Township Committee's request to study the area in question. It provides an

examination of the existing conditions of the study area, depicted through photography,

NJ Local Redevelopment and Housing Law: Redevelopment Process

- Governing body directs the planning board to undertake a preliminary investigation to determine whether or not an identified area is in need of redevelopment.
- Planning board conducts an investigation and holds a public hearing on the proposed redevelopmentarea designation.
- Based on the planning board's recommendation, governing body may designate all or some of the study area as an "area in need of redevelopment".
- The governing body prepares a redevelopment plan for the area, or directs the planning board to prepare the plan.
- The governing body adopts the redevelopment plan
- The governing body or another public agency/ authority designated as the "redevelopment entity" that oversees the implementation of the redevelopment plan.
- The redevelopment entity selects a redeveloper(s) to undertake a project(s) that implement the plan.

written descriptions and data analysis. The information gathered is compared to the criteria contained within the LRHL and, based on that comparison, a recommendation is made as to whether it should be formally identified as an AINR.

Statutory Authority and Process

Under New Jersey's *Local Redevelopment and Housing Law*, N.J.S.A. 40A:12A-1 et seq., (LHRL) municipalities are empowered to determine whether an area is in need of rehabilitation or redevelopment, to adopt a redevelopment plan, and to implement and carry out redevelopment projects. The Township of Montgomery must follow the statutorily defined process set forth in the LHRL (see summary on previous page). This process may result in the adoption of a redevelopment plan, which is new set of development regulations, along with the ability to offer enhanced fiscal tools that may act as incentives to prospective redevelopers. Ultimately, it is a means to lay the groundwork for redevelopment that benefits, both, the public and private interests.

LOCATION AND EXISTING CONDITIONS

Phase 3 of the Gateway Redevelopment Study Area (the *Study Area*) consists of, approximately, 34.53 acres of developed land in the south-east quadrant of the Township. The properties are located to the north and to the south of the intersection of NJSH Route 206 and County Route 518, on the east side of NJSH Route 206. The properties consist of commercial, residential and public uses which are, generally, well-kept and in relatively good condition.

By far, the largest properties of the Study Area consist of two existing shopping centers: Montgomery Shipping Center and Princeton North Shopping Center. These commercial centers contain multiple buildings and active commercial uses. They are served by large common off-street parking lots and have direct access to NJSH Route 206 via signalized and signalized intersections. Approximately 95% of the commercial spaces are currently occupied, with the remaining 5% available for lease.

The remaining properties contain individual commercial and residential uses fronting on NJSH Route 206 and CR 518.

EXISTING ZONING, STATE PLAN AND OTHER DATA

Highway Commercial Zone

The entirety of the Study Area is located within Montgomery's Highway Commercial (HC) zoning district. Permitted principal uses in the HC district include retail sales of goods and services, banks including drive-in facilities, offices and office buildings, restaurants, movie theaters as an integral part of a shopping center, small animal hospitals excluding outside facilities and kennels, child care centers, shopping centers, and automobile sales through franchised new car dealerships. Conditional uses in the HC district include public utility uses, car washes, hotels, motels, and service stations.

Airport Hazard Zone

Portions of Block 35005, 5 and 9 are within the Township's Airport Hazard Area. The Airport Hazard Area was adopted in order to implement the Air Safety and Hazardous Zoning Act of 1983. Consistent with the Act, the following uses are permitted within the Airport Hazard Area so long as they are permitted in the underlying zone districts or optional development alternative:

- Residential single-family detached dwelling units which are situated on a lot at least three acres in size and not located within a Clear Zone;
- Open space;
- Farming;
- Transportation;
- Airports;
- Commercial uses not located in a Clear Zone; and
- Industrial uses not located in a Clear Zone.

The uses within the Study Area conform. There are vertical development (height) restrictions that apply buildings and other structures, which would apply to any development or redevelopment of those lots.

Delaware and Raritan Canal Commission Zone B

The "Delaware and Raritan Canal State Park Law of 1974" gives the Delaware and Raritan Canal Commission the power to review development projects within a designated "Review Zone", established by administrative regulation per N.J.A.C. 7:45, to protect the Delaware and Raritan Canal as a historic and natural resource. The Commission is delegated with

reviewing projects within the Review Zones for their impact on stormwater drainage, water quality, stream corridors, vehicular traffic, and overall visual, historic, and natural quality.

The entirety of the Phase 3 study area, is located within the Delaware and Raritan Canal Commission Review Zone B. Zone B are areas which share sub-watersheds with the Canal, where major projects may cause adverse drainage, aesthetic, or other ecological impacts on the Canal.

Smart Growth Area

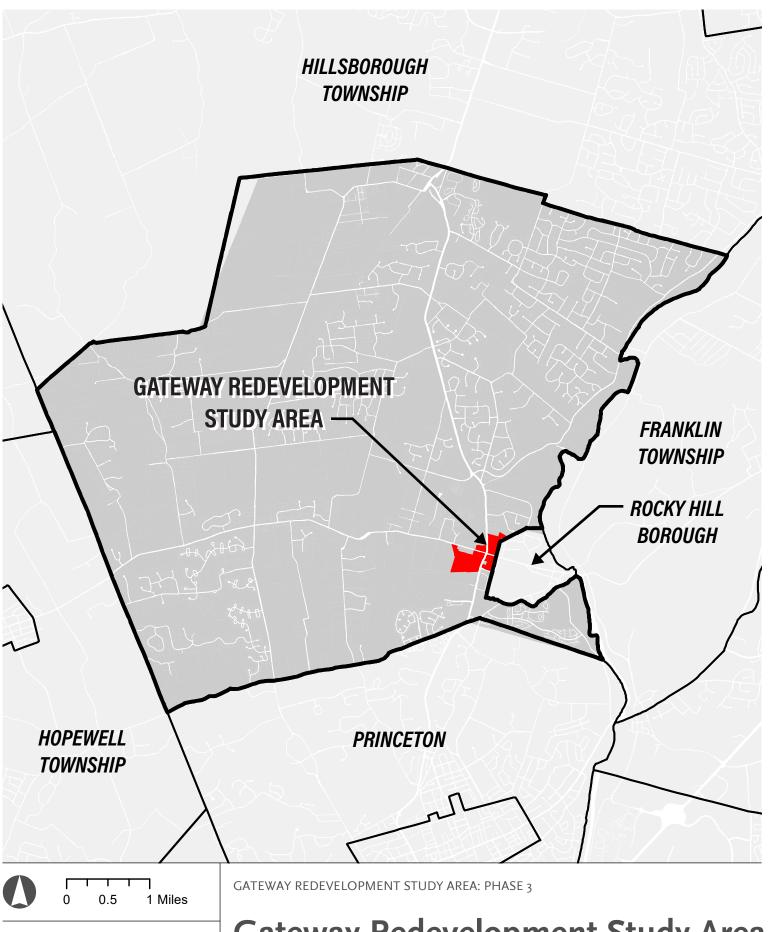
The entirety of the Study Area is within a "Smart Growth Area" as characterized by the New Jersey State Development and Redevelopment Plan ("State Plan"). The State Plan differentiates areas within the State in order to:

Coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination (N.J.S.A. 52:18A-200(f)).

The State Plan characterizes areas relative to the State's preference for development and redevelopment and where coordination and resources should be focused as different "planning areas'. Furthermore, the Office of Planning Advocacy has aggregated the most preferential areas (planning areas) for growth and development within a map depicting Smart Growth Areas:

"Smart growth area" means an area designated pursuant to P.L. 1985, c. 398 (C. 52:18A-196 et seq.) as Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), a designated center, or a designated growth center in an endorsed plan; a smart growth area and planning area designated in a master plan adopted by the New Jersey Meadowlands Commission pursuant to subsection (i) of section 6 of P.L. 1968, c. 404 (C. 13:17-6); a growth area designated in the comprehensive management plan prepared and adopted by the Pinelands Commission pursuant to section 7 of the "Pinelands Protection Act," P.L. 1979, c. 111 (C. 13:18A-8); an urban enterprise zone designated pursuant to P.L. 1983, c. 303 (C. 52:27H-60 et seq.) or P.L. 2001, c. 347 (C. 52:27H-66.2 et al.); 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) and as approved by the Department of Community Affairs; or similar areas designated by the Department of Environmental Protection.

The entirety of the Study Area is within Planning Area 2, which is considered a "Smart Growth Area" by the State Plan.



Clarke Caton Hintz

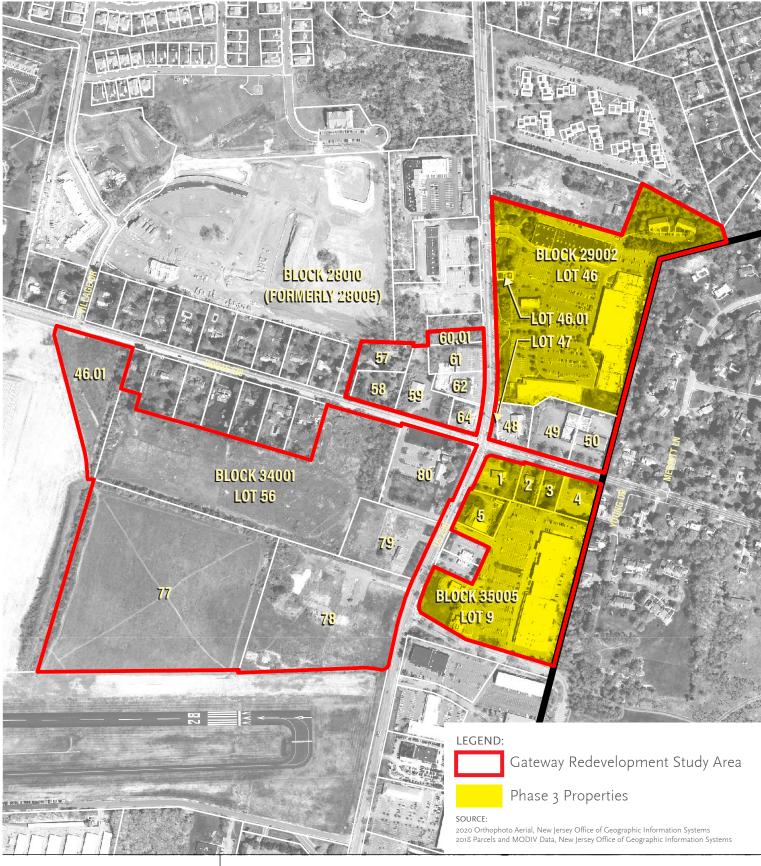
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Architecture
Planning
Landscape Architecture

Gateway Redevelopment Study Area

LOCATION:
Montgomery Township, Somerset County, New Jersey

DATE: June 2022





GATEWAY REDEVELOPMENT STUDY AREA: PHASE ${\bf 3}$

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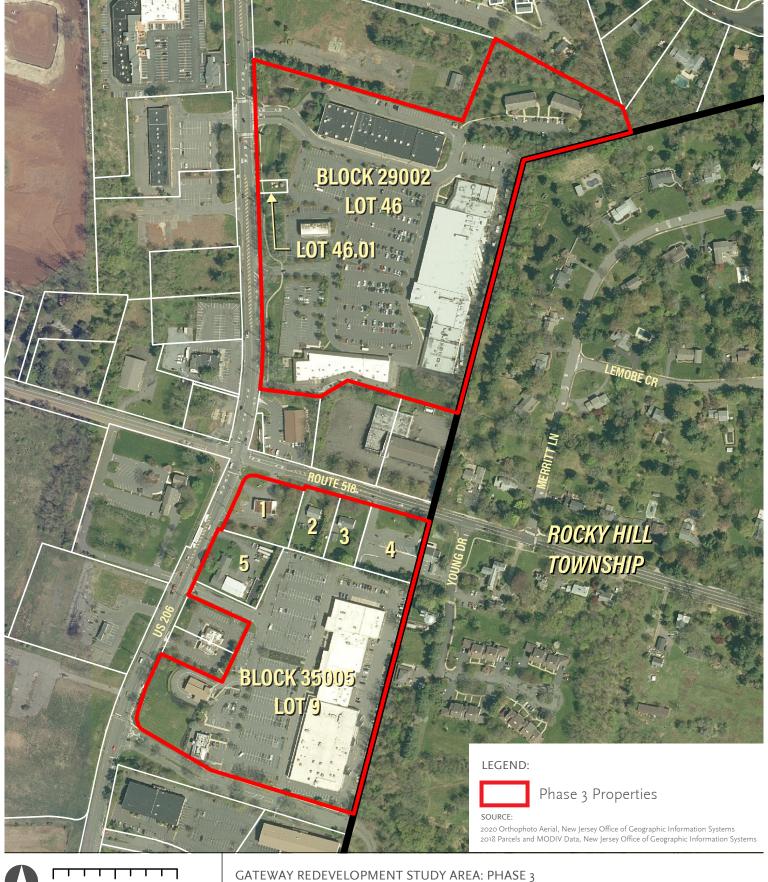
Architecture
Planning
Landscape Architecture

Phase 3 Properties

Montgomery Township, Somerset County, New Jersey

DATE

June 2022





100 200

400 Feet



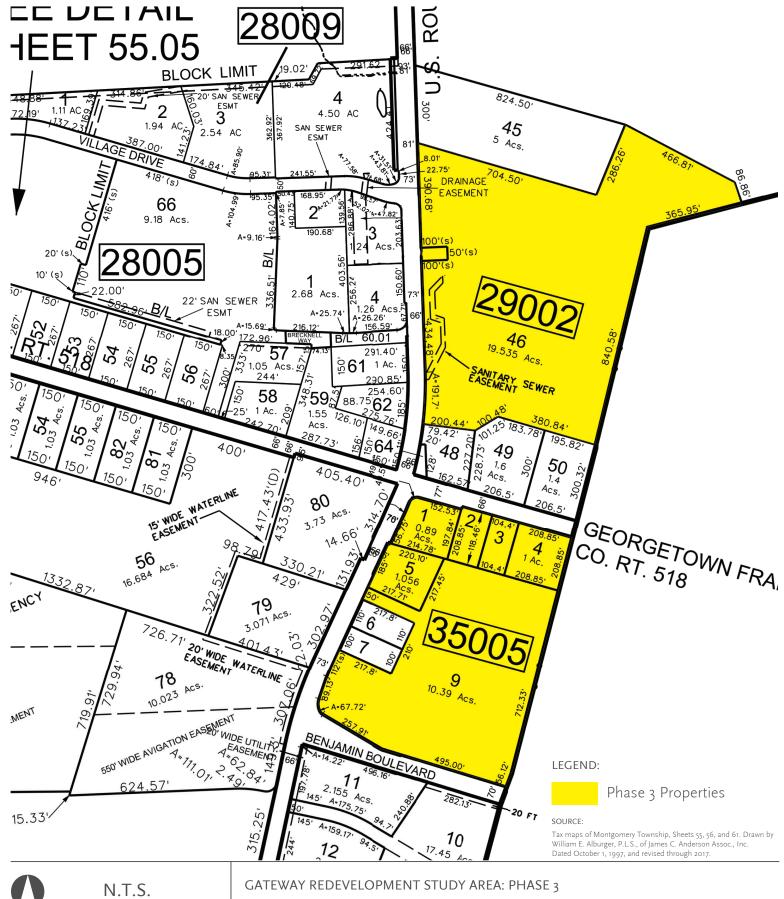
Landscape Architecture

Architecture Planning

Aerial Photo

Montgomery Township, Somerset County, New Jersey

DATE: June 2022



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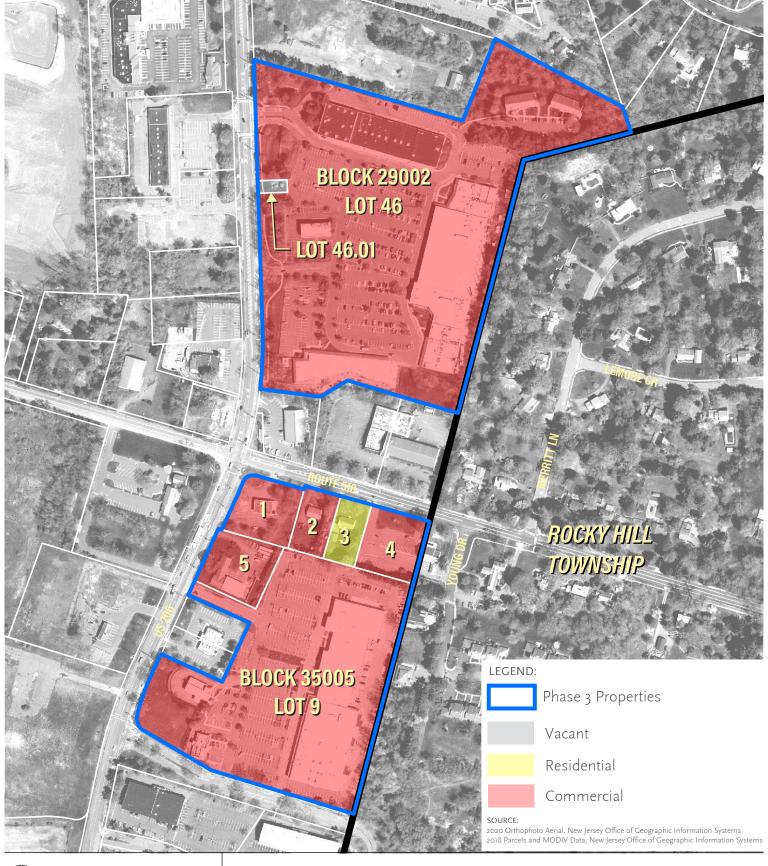


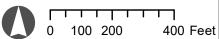
Tax Map

Architecture Planning Landscape Architecture

Montgomery Township, Somerset County, New Jersey

DATE: June 2022





GATEWAY REDEVELOPMENT STUDY AREA: PHASE 3

Clarke Caton Hintz



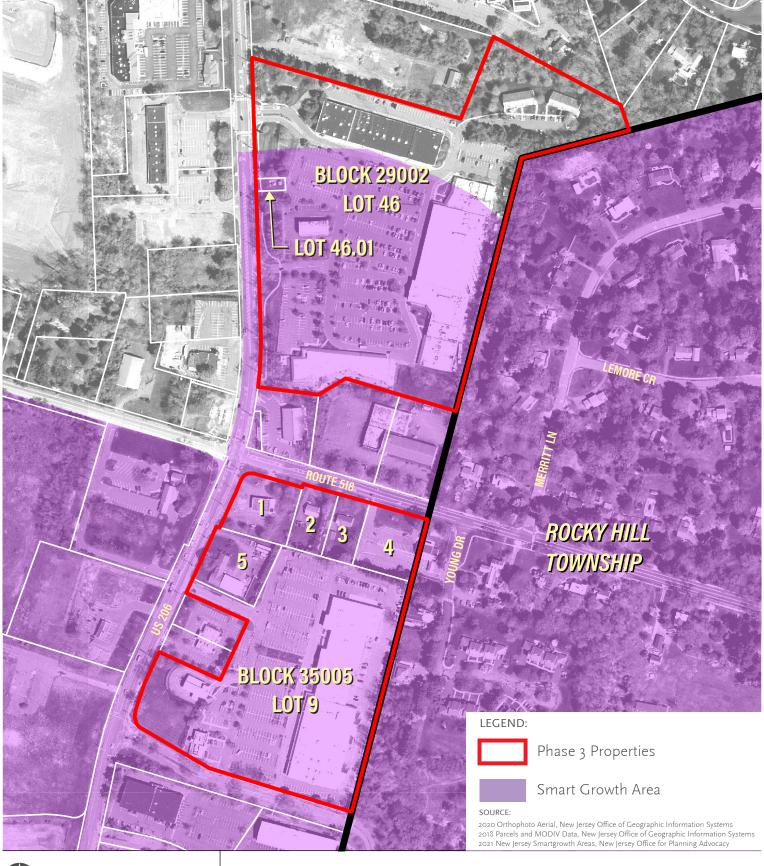
Architecture
Planning
Landscape Architecture

Existing Land Use

Montgomery Township, Somerset County, New Jersey

DATE:

June 2022





7 100 200 400 Feet

GATEWAY REDEVELOPMENT STUDY AREA: PHASE 3

Clarke Caton Hintz



Architecture Planning Landscape Architecture

Smart Growth Area

Montgomery Township, Somerset County, New Jersey

DATE

June 2022

APPLICATION OF REDEVELOPMENT CRITERIA TO THE STUDY AREA

Criteria set forth in the LRHL at N.J.S.A. 40A:12A-5 provides the basis for the determination of an area in need of redevelopment (AINR). Although there are a variety of factors that could apply to an area, an area qualifies as being in need of redevelopment if it meets at least one (1) of the eight (8) statutory criteria. These criteria are commonly identified by the letter (a-h) corresponding to the paragraphs of Section 5 of the LRHL. They relate to the impact of a particular area on public health, safety and welfare, primarily through conditions of deterioration, obsolescence, disrepair and faulty designs. The absence of use and an area's relationship to an Urban Enterprise Zone or "smart growth" area are also addressed in the criteria.

In addition to the criteria contained at N.J.S.A. 40A:12A-5, the LRHL also permits the designation of areas, or portions of study areas that are not necessarily detrimental to the public health, safety and welfare to be designated as an area in need of redevelopment when their inclusion facilitates the redevelopment of the remaining area. At N.J.S.A. 40A:12A-3, the LRHL defines a "redevelopment area" or "area in need of redevelopment" to 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."

Redevelopment Criteria "a" through "d" (N.J.S.A. 40A:12A-5)

- a. The generality of buildings is 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 untenantable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency, or redevelopment entity, or unimproved land that has remained so for a period of ten years prior to adoption of the resolution, and that be 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.

EVALUATION OF STUDY AREA PROPERTIES

Montgomery Shopping Center

Montgomery Shopping Center, (Block 29002, Lot 46) occupies 19.54 acres and contains several commercial uses, as well as a 16-unit multifamily residential complex. MontPenn SC, LLC is the current owner of the tract.

The majority of the tract consists of the Montgomery Shopping Center. The Montgomery Shopping Center consists of three single-story multi-tenant buildings facing a central parking lot. A pad site along the western boundary of the property is developed with a two-story commercial building. There are a total of 35 commercial storefronts available throughout the development, only two of which are currently unoccupied. Table I contains a listing of the current Montgomery Shopping Center tenants observed by this office. The frontage along NJSH Route 206 is composed of a large setback, containing stormwater basins, sidewalks, and mature shade trees. The site is accessed from two driveways on N.J.S.H. Route 206, including Center Drive which is signalized. A NJ Transit bus stop for Route 605 is located near the north corner of the property.

A 16-unit multifamily residential complex is situated behind the commercial center, at the northeast corner of the property. This residential development consists of two 2-story buildings, each with eight dwelling units. 20 parking spaces are available in front of the residential buildings, two of which are barrier-free.

Redevelopment Criteria "e" through "h" (N.J.S.A. 40A:12A-5)

- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of real property therein or other conditions, resulting in the stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.
- 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.) (subject to limited redevelopment powers)
- h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Location and Tenant	Occupancy	Permitted Us	
Montgomery Shopping Center - Northern Tenant Building			
Montgomery Cinemas	Occupied	Yes	
Thomas Sweet Café	Occupied	Yes	
Beniamino's Cucina & Pizza	Occupied	Yes	
Kumon Math & Learning Center	Occupied	Yes	
Skillman Wine & Liquor	Occupied	Yes	
Vacant	Available for Lease	Not Applicable	
Carbon Health; Central Jersey Urgent Care of Skillman	Occupied	Yes	
Vacant	Available for Lease	Not Applicabl	
Montgomery Shopping Center – Eastern Tenant Building			
YaYa Noodles Restaurant/Sushi John	Occupied	Yes	
Sahara Restaurant	Occupied	Yes	
Montgomery Cleaners	Occupied	Yes	
Village Shoes	Occupied	Yes	
Shop Rite	Occupied	Yes	
True Value	Occupied	Yes	
T&T Pet Supply	Occupied	Yes	
Luigi's Shoe Repair	Occupied	Yes	
Nail Boutique II	Occupied	Yes	
Massage Envy	Occupied	Yes	
Montgomery Shopping Center – Southern Tenant Building			
State Farm Insurance	Occupied	Yes	
Caring Heart Animal Hospital	Occupied	Yes	
Starglow Salon & Spa	Occupied	Yes	
Robinson's Chocolates	Occupied	Yes	
Closet Possible	Occupied	Yes	
ChillRx Cryotherapy	Occupied	Yes	
Montgomery Eye Care	Occupied	Yes	
Great Clips	Occupied	Yes	
Ahn's Taekwondo Academy	Occupied	Yes	
Garbo Jewelers	Occupied	Yes	
Halter's Cycles	Occupied	Yes	
Montgomery Shopping Center – Pad Site			
Santander Bank (First Floor)	Occupied	Yes	
Callaway Henderson Sotheby's International Realty (Second Floor)	Occupied	Yes	
Vacant (Second Floor)	Occupied	Yes	
Residential Development			
16 Multi-Family Dwelling Units	Occupied	Yes	

Montgomery Shopping Center has two freestanding signs located along the western boundary, each situated at one of the driveway entrances. A third freestanding sign with a directory of the current tenants is located where the central driveway meets the internal parking lot. Each tenant has one façade sign attached to the awning above their storefront. Aside from the signs for Shop Rite, the Shopping Center's anchor tenant, all façade signs consist of a brown background with their logo fixed in a golden font.

While the signs described above are permitted within the district, many tenants have signs in addition to the main awning signs. Shop Rite has a total of three façade signs, consisting of their round graphic logo, "Shop Rite" in a red script sign, and "World Class" in a yellow script sign. Montgomery Cinemas has six sign fixtures on their main façade, which can accommodate up to twelve movie posters for display. The majority of Skillman Wine & Liquor, Montgomery Cleaners, and True Value's storefront windows are encumbered by advertisements and signs. Sahara Restaurant & Robinson's Chocolates have printed signs hanging below the store's awnings. YaYa Noodles/Sushi John has an additional façade sign located next to their entrance to display their menu. Halter's Cycles has lime green individual letter signs displayed on their side façade facing N.J.S.H. Route 206. Sotheby's has three façade signs, one located on opposing sides of their office on the second floor, and one located at their main entrance. The Santander Bank has two façade signs, one located on the second floor of the building facing N.J.S.H. Route 206 and a second located at their main entrance and ATM machine. Several "A-frame" or "sandwich board" signs for multiple tenants are located along the internal roadways and at the front of the stores.

1980 NJDEP satellite photographs show three commercial buildings comprising the shopping center. In 1995, a fourth commercial building is visible on the north side of the center. According to Township records, A Special Exception was granted in 1966 (Buxton) and a Variance to permit supermarket and retail shops was granted on July 7, 1967.

Health and Safety Records

July 9, 2008: Montgomery Township Health Department received a complaint from the Sewer Department regarding grease in the sewer line of the Shop Rite facilities at the Montgomery Shopping Center. As of August 15, 2008 the Township of Montgomery's Health Officer enforced stricter grease trap maintenance requirements for tenants who prepare food on the property. Residual grease was escaping beyond the grease traps and into the common sewer line for the shopping center. Periodic maintenance was required to intervene before the grease reaches the sewer line in the future. No further complaints have been filed regarding this matter and it is presumed to have been rectified.

June 17, 2010: Montgomery Township Police Department filed an Investigation Report regarding a Hazmat Incident (hazardous materials) at the Montgomery Cinemas located in the Montgomery Shopping Center. A cinema employee was handling a box which contained four 12-pound containers of sodium bisulfate. The box fell and one of the containers in the box broke open, exposing some of the chemical powder. Initially, the employee swept the powder with a broom and discarded the container and remaining powder in to the dumpster. The owner of the Cinema stated that when he became aware of the situation, he reported the incident to the Police and Fire Departments. NJDEP and the Health Department advised that the Fire Company mark the dumpster as contaminated and schedule a special disposal of the contaminants. The situation has been taken care of and no further complaints have been filed.

2011-2021 Vehicle Accidents: During this period, 318 New Jersey Police Crash Investigation Reports were filed in conjunction with the Montgomery Shopping Center's location. While some incidents resulted in more severe damage than others, each crash was identified by the agency to have been caused by careless or reckless driving at the fault of one or more drivers. The design and layout of the Shopping Center was not identified as a contributing factor in any of the incidents.

Finding as to the Criteria for Designation as an Area in Need of Redevelopment

Montgomery Shopping Center does not satisfy the criteria required to be designated as an area in need of redevelopment.

Pump Station

The pump station property (Block 29002 Lot 46.01) consists of 0.11 acres and contains a sanitary sewer pump station. The site is owned by Montgomery Township. The sewer pump station is developed with a shed of approximately 13 feet by 15 feet, which is situated in front of additional utility facilities. Plantings largely surround the elements of the facility to provide a visual buffer from the N.J.S.H. Route 206 roadway and the Shopping Center parking lot. The tract is accessible via a gravel pathway from the Montgomery Shopping Center's parking lot. The use of the property is permitted within the HC Highway Commercial zone per §16-4.12a10.

Health and Safety Records

April 14, 2011: Montgomery Township Health Department received a complaint from the Public Works department, noting an equipment malfunction at the Montgomery Shopping Center. The malfunction resulted in the spillage of raw sewage into Route 206 and the stormwater basin. Subsequently, the Township's Sewer Department stopped the overflow and treated the contaminated areas. The malfunction was rectified and the area treated, no further complaints were filed on this matter.

Finding as to the Criteria for Designation as an Area in Need of Redevelopment

The pump station does not satisfy the criteria required to be designated as an area in need of redevelopment.

Shell Station

The Shell Station (Block 35005 Lot I) is approximately 0.89 acres and contains a Shell service station. The site is owned by 1251 Route 206 Princeton, LLC. The tract is located within the State Suburban Planning Area (PA2) and the Delaware and Raritan Canal Commission Zone B. The Shell station facilities include a 40-foot by 60-foot canopy, five (5) dual-sided pump islands, a one-story attendants' building and a building with an office and a public restroom available with outdoor accessibility. The station is accessed from two driveways along N.J.S.H. Route 206 and one driveway along County Route 518.

One freestanding sign, displaying the Shell logo and illuminated gas prices, is set back approximately 45 feet from the roadway and angled towards the N.J.S.H. Route 206 and County Route 518 intersection. An additional Shell logo sign is attached to the service station's canopy, fronting on County Route 518. Additional branding and wayfinding signage is located on each pumping station. All of the signs located on this property are permitted for service stations in the HC Highway Commercial zone per \$16-6.1f11.

Per the Township's Land Development Ordinance, service stations are a conditional use within the HC Highway Commercial zone (§16-4.12a14). The site does not meet all of the required development standards of sections §16-4.12d (HC standards) and §16-6.1f (Conditional Use standards), including the minimum lot size. There are no storm water management facilities on site.

NJDEP satellite photographs going back to 1980 show a service station in, largely the current condition, located on this site. According to Township records, a site plan and conditional use approval was granted for a gas station on June 6, 1981.

Health and Safety Records

2011-2021 Vehicle Accidents: 18 New Jersey Police Crash Investigation Reports were filed in conjunction with the Shell Service Station location. The cause of each crash was indicated to be careless or reckless driving at the fault of one or more drivers. The design and layout of the facility was not identified as a contributing factor in any of the incidents.

Finding as to the Criteria for Designation as an Area in Need of Redevelopment

The Shell Station does not satisfy the criteria required to be designated as an area in need of redevelopment. No obvious problems with the site function or negative effects of the site on the public thoroughfares or adjacent properties are evident. There are no outstanding code violations.

HomeCare Veterinary Clinic

The HomeCare Veterinary Clinic located on Block 35005, Lot 2, an approximately 0.5-acre property located on County Route 518. The property is owned by Home Care Properties, LLC.. The property is developed with a one-story building. The two-lane driveway is accessed from County Route 518. The driveway wraps around both sides of the veterinary building to access seven parking spaces located at the rear of the building. Three lamp posts are located around the rear parking lot. A shed is located at the southeast rear corner of the property. One freestanding sign for the veterinary clinic is located along the front property boundary. The veterinary clinic is a permitted use within the HC Highway Commercial zone, per \$16-4.12a6. The 0.5-acre property is undersized for the HC Highway Commercial zone. No obvious problems with the site function or effects of the site on the public thoroughfares or adjacent properties are evident. There are no outstanding code violations.

One freestanding sign, displaying the HomeCare Veterinary Clinic logo, is located next to the property's driveway access and set back approximately 15 feet from County Route 518. The existing sign on the property is permitted within the HC Highway Commercial Zone per §16-4.12i1.

NJDEP satellite photographs going back to 1980 show this building, although the use cannot be determined.

The Township did not have any records of accidents, health violations or zoning violations for this tract.

Finding as to the Criteria for Designation as an Area in Need of Redevelopment

HomeCare Veterinary Clinic does not satisfy the criteria required to be designated as an area in need of redevelopment. No obvious problems with the site function or negative effects of the site on the public thoroughfares or adjacent properties are evident.

1019 County Route 518

1019 CR 518 (Block 35005, Lot 3) consists of approximately 0.50 acres and is improved with a 1.5-story single-family detached dwelling. The property is owned by Douglas L. Young. The property is accessible from County Route 518 by a single-lane driveway. The paved driveway extends along the western property boundary towards a shed and a detached two-car garage located at the rear of the dwelling. The rear yard in an open lawn with wood-posted wire fencing along the rear and eastern property boundary.

NJDEP satellite photographs going back to 1980 show this building, although the use cannot be determined.

Per §16-4.12a, single-family detached dwellings are not permitted uses within the HC Highway Commercial zone. As such, the property has a non-conforming land use on an undersized lot within the HC Highway Commercial zone. No obvious problems with the site function or effects of the site on the public thoroughfares or adjacent properties are evident. There are no outstanding code violations.

Finding as to the Criteria for Designation as an Area in Need of Redevelopment

1019 CR 518 does not satisfy the criteria required to be designated as an area in need of redevelopment.

Bank of America

Bank of America (Block 35005, Lot 4) is approximately 1.0 acre in size, and is improved with a small portion of the Bank of America building, the remainder of which is located on an adjacent parcel in Rocky Hill Township. The property is owned by Bank of America, Corp Real Est.Ass. The site improvements consist of all of the parking associated with the bank use, a trash enclosure with a single dumpster, signs and site lighting. The bank facilities are accessed by two two-lane driveways located on County Route 518, in addition to rear access drive connecting to the Princeton North Shopping Center and driveway located on Young Drive in Rocky Hill Township. Twenty-two parking spaces, including one barrier-free space,

are located on the property. Per §16-4.12a2, banks, including their drive-in facilities, are permitted uses within the HC Highway Commercial zone.

One freestanding sign with the Bank of America logo is situated on the Montgomery tract of the development, located approximately 22 feet from the right-of-way along County Route 518. Additionally, four freestanding wayfinding signs are located around the drive aisles throughout the property. While the primary freestanding sign appears to meet the majority of the design requirements, it exceeds eight feet in height, in violation of the the HC Highway Commercial zone per \$16-4.1211.(a).

The property is not fully compliant with all site development requirements. However, nonconformities relate to standards addressing aesthetic or convenience elements, rather than health and safety. No obvious problems with the site function or effects of the site on the public thoroughfares or adjacent properties are evident.

NJDEP satellite photographs going back to 1980 show this building and site configuration, although the use cannot be determined.

The Township did not have any records of accidents, health violations or zoning violations for this property.

Finding as to the Criteria for Designation as an Area in Need of Redevelopment

Bank of America does not satisfy the criteria required to be designated as an area in need of redevelopment.

Nemes Lawnmower Sales and Service

The Lawnmower Sales and Service business (Block 35005, Lot 5) is approximately 1.06 acres and located on N.J.S.H. Route 206. The property is owned by Joseph J. Nemes & Sons, Inc. and is located within the State Suburban Planning Area (PA2)) and the Delaware and Raritan Canal Commission Zone B. The property is improved with a one-story retail building containing the Joseph J. Nemes & Sons Lawnmower Sales and Service store. A two-lane access driveway runs along the northern boundary of the property. The driveway wraps around to the rear of the building, leading to an attached four-car garage, off-street parking, and outdoor storage. One freestanding sign is located on the front lawn of the property, as well as attached façade signage above the main entrance to the retail store.

Retail sales and service is a permitted use in the HC Highway Commercial zone (§16-4.12a1). The sale and repair of lawnmowers could be considered a permitted use, but if there is a non-retail component then it may not be.

Individual letter signs spelling "Joseph J. Nemes & Sons" are attached to the front façade of the storefront. One freestanding sign for the commercial property is situated approximately 8 feet from the right-of-way along N.J.S.H. Route 206. A second, smaller, freestanding sign is located adjacent to the property's driveway, with the name and phone number of the business displayed on both sides. At the rear of the property, an attached façade sign for the "Mower Shop" is affixed to the business's attached garage with three additional brand signs.

The principal and accessory buildings do not meet the required side and rear yard setbacks, as required in §16-4.12d. The principal and accessory buildings are setback approximately 13 feet from the southern side yard, where 25 feet and 20 feet of setback are required respectively. The outdoor storage is not fully screened from view. Despite these nonconformities, no obvious problems with the site function or effects of the site on the public thoroughfares or adjacent properties are evident.

According to Township records, a special exception to permit this use was granted on February 8, 1966.

Health and Safety Records

2011-2021 Vehicle Accidents: Nine (9) New Jersey Police Crash Investigation Reports were filed in conjunction with the Joseph J. Nemes & Sons location. The cause of each crash was indicated to be careless or reckless driving at the fault of one or more drivers. The design and layout of the facility was not identified as a contributing factor in any of the incidents.

Finding as to the Criteria for Designation as an Area in Need of Redevelopment

Joseph J. Nemes & Sons does not satisfy the criteria required to be designated as an area in need of redevelopment. No obvious problems with the site function or negative effects of the site on the public thoroughfares or adjacent properties are evident. There are no outstanding code violations.

Princeton North Shopping Center

Princeton North Shopping Center (Block 35005, Lot 9) and consists of approximately 10.39 acres. The property is owned by Princeton North Realty Assoc, LLC and is located within the State Planning Area 2 (Suburban) and the Delaware and Raritan Canal Commission Zone B.

Princeton North Shopping Center is composed of a large multi-tenant building and two pad sites containing a bank (Bank of Princeton) and a fast-food restaurant (Burger King). There

are a total of 16 commercial storefronts available in the main shopping center, all of which are currently occupied. A listing of the current tenants can be found in Table 2.

The Shopping Center is a permitted land use in the HC Highway Commercial zone (§16-4.12a1). The multi-tenant building is predominantly single-story, with a two-story portion on the south end. The two-story commercial space is occupied by Princeton Fitness & Wellness.

The Shopping Center has a two lane driveway access from N.J.S.H. Route 206 between the Lawnmower business and Chase Bank. Two additional driveway accesses are located on Benjamin Boulevard along the southern boundary of the property. An NJ Transit bus stop for Route 605 is located north of Benjamin Boulevard on Route 206.

A paved parking lot for the shopping center is located in the center of the site. Each parking aisle has landscaped islands anchoring each end. In line with the center of the tenant building, an approximately 140-foot by 30-foot landscaped island bisects the parking lot. The central island is filled with trees, shrubs, natural grasses, and perennial flowers. An access drive wraps around the rear of the Shopping Center, where parking for tenant employees and trash enclosures are located. Along the front of the multitenant building is a generous pedestrian walkway with well-maintained plantings and seating.

One freestanding sign, which delineates the shopping center and the current tenants, is located along the N.J.S.H. Route 206 frontage. An additional freestanding wayfinding sign is located at the end of the main driveway, at the entrance to the parking lot. Princeton Shopping Center North and each tenant have one façade sign across the multi-tenant building. An additional façade sign is located on the front of the Shopping Center listing each tenant occupying the center. Per §16-4.12i2, the Shopping Center has exceeded the permitted signage allowed for shopping centers located in the HC Highway Commercial zone.

1980 NJDEP satellite photographs shows the main commercial building for the shopping center. In 1995, two additional buildings-Burger King and the bank- are visible.

Health and Safety Records

2001-2011 Vehicle Accidents: 110 New Jersey Police Crash Investigation Reports were filed in conjunction with the Princeton North Shopping Center's location. The cause of each crash was indicated to be careless or reckless driving at the fault of one or more drivers. The design and layout of the facility was not identified as a contributing factor in any of the incidents.

Finding as to the Criteria for Designation as an Area in Need of Redevelopment

Princeton North Shopping Center does not satisfy the criteria required to be designated as an area in need of redevelopment. No obvious problems with the site function or negative effects of the site on the public thoroughfares or adjacent properties are evident.

Table 2. Princeton North Shopping Center Tenants				
Location and Tenant	Occupancy	Permitted Use		
Princeton North Shopping Center – Main Center				
La Cucina	Occupied	Yes		
Mr. Tire Auto Service Center	Occupied	Yes		
Tumbles of Princeton	Occupied	Yes		
CPR Cell Phone Repair	Occupied	Yes		
Hunan Restaurant	Occupied	Yes		
Bagel Barn & Deli	Occupied	Yes		
Kickside Martial Arts	Occupied	Yes		
Elephant in the Room Design: Furniture & Home Decor	Occupied	Yes		
NJ Perfect Nails	Occupied	Yes		
Sweet Gourmet Bakery	Occupied	Yes		
Giovanni's Gourmet Bakery	Occupied	Yes		
Alfonso's Pizza	Occupied	Yes		
Nuvo Beauty Lounge	Occupied	Yes		
Kiki D's Dresses	Occupied	Yes		
Midori Sushi III	Occupied	Yes		
Princeton Fitness & Wellness	Occupied	Yes		
Princeton North Shopping Center – Pad Sites				
State Farm Insurance	Occupied	Yes		
The Bank of Princeton	Occupied	Yes		
Burger King	Occupied	Yes		

RECOMMENDATIONS

This report constitutes a preliminary investigation for determining an Area in Need of Redevelopment as directed by the Township Committee of Montgomery Township. It is the conclusion of this preliminary investigation that the Study Area does not qualify under the criteria set forth at N.J.S.A. 40A:12A-1 et seq., to be designated as an Area in Need of Redevelopment.

Criterion "h" Smart Growth Area:

Criterion "h" states that "the designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation". Smart Growth is an approach to planning that directs growth to enhance and rebuild existing communities where infrastructure and services are available, supports transit, reduces the number of vehicular trips, limits sprawl, protects the environment and reduces energy consumption. The NJ State Plan identifies "planning areas" and "centers" throughout the State that are used to identify areas by the degree to which growth should be supported and where State and other resources should be focused to support growth.

In order to clarify locations where smart growth policies should be advanced, the New Jersey Office for Planning Advocacy (NJOPA) has developed a smart growth area map. This map distills those areas, from the other areas identified in the State Plan, that are considered to be locations

Redevelopment Plan: Required Elements (N.J.S.A. 40A:12A-7.a)

- The plan's relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- Proposed land uses and building requirements in the project area.
- Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
- An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
- The relationship of the plan to the master plans of contiguous municipalities, the master plan of the county in which the municipality is located, and the State Development and Redevelopment Plan.
- Pursuant to N.J.S.A. 40A:12A-7.c., the Redevelopment Plan must also describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law", N.J.S.A. 40:55D-1 et seq.

where the State policies advocate for "smart growth". The map includes Metropolitan (PAI) and Suburban Planning (PA2) planning areas, designated centers, Meadowlands Smart Growth Areas, Pinelands Growth Areas, Villages and Towns.

The entirety of the Study Area is within the Suburban Planning Area (PA2), which is mapped by the NJOPA as a "smart growth area" and, therefore, could be determined to satisfy criterion "h" of the LRHL. However, absent any other criteria, criterion "h" is not usually sufficient evidence for a determination that a property should be designated as an area in need of redevelopment.

SUBSEQUENT PROCEDURAL STEPS

Public Hearing

Upon receipt of this preliminary investigation, the Planning Board is required to hold a public hearing. Notices for the hearing are required to be published in the newspaper of record in the municipality once each week for two (2) consecutive weeks. A copy of the notice should be mailed to the last owner of record of each property within the Study Area. The newspaper notice should be published in the official paper.

Planning Board Recommendation to Township Committee

Once the hearing has been completed, the Planning Board makes a recommendation to the Township Committee that the delineated area, or any part of such an area, should or should not be determined to be an Area in Need of Redevelopment. The Township Committee may then adopt a resolution determining that the delineated area, or portion, is a Redevelopment Area. Notice of such determination is then sent to each objector who has sent in a written protest.

Redevelopment Plan

If so designated by the Township, the next action would be the creation and adoption of a redevelopment plan for the Redevelopment Area. A Redevelopment Plan is adopted by ordinance by the Township Committee before any project is initiated. Depending on the nature of the Redevelopment Plan, it may contain some or all of the land use controls for a particular Redevelopment Area. Furthermore, a plan may be created in such a way as to provide for detailed recommendations regarding circulation, open space, housing urban design and architecture. At a minimum, pursuant to N.J.S.A. 40A:12A-7.a, a redevelopment plan is required to address a series of required elements. A Redevelopment Plan should be, either, substantially consistent with the municipal master plan or designed to effect the master plan.

APPENDIX A

Township Resolution # 21-6-151

RESOLUTION #21-6-151 - AUTHORIZING AND DIRECTING THE MONTGOMERY PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY LOCATED WITHIN THE VICINITY OF THE INTERSECTION OF STATE HIGHWAY ROUTE 206 AND COUNTY ROUTE 518 DESIGNATED AS LOTS 57, 58, 59, 60.01, 61, 62 AND 64 IN BLOCK 28005; LOTS 46, 46.01, 47, 48, 49 AND 50 IN BLOCK 29002; LOTS 46.01, 56, 77, 78, 79 AND 80 IN BLOCK 34001; AND LOTS 1, 2, 3, 4, 5 AND 9 IN BLOCK 35005 ON THE TAX MAP OF MONTGOMERY, MEETS THE CRITERIA FOR DESIGNATION AS A CONDEMNATION REDEVELOPMENT AREA

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "Redevelopment Law"), was enacted to provide an effective mechanism to empower and assist local governments in their efforts to arrest and reverse deteriorated conditions in housing and commercial and industrial installations and in public services and facilities, and to promote the advancement of community interests through programs of redevelopment, rehabilitation and incentives for the expansion and improvement of commercial, industrial, residential and civic facilities; and

WHEREAS, the Redevelopment Law authorizes a municipality to determine whether certain properties or parcels of land located within the municipality constitute an area in need of redevelopment, pursuant to the enumerated criteria set forth in the Redevelopment Law; and

WHEREAS, the Redevelopment Law sets forth a specific procedure and the specific requirements for determining and establishing an area in need of redevelopment; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, before an area of the municipality is determined to be a redevelopment area, the governing body of the municipality shall, by resolution, authorize the municipal planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5 of the Redevelopment Law; and

WHEREAS, the Redevelopment Law at N.J.S.A. 40A:12A-6 also requires the governing body to specify whether the area being investigated will be considered for determination as a "non-condemnation redevelopment area," such that the municipality shall be authorized to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain, or as a "condemnation redevelopment area," such that the municipality shall be authorized to use all of those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain; and

WHEREAS, the Montgomery Township Committee has determined that an investigation and inquiry should be made of certain property located at the intersection of State Highway Route 206 and County Route 518 to see if it qualifies under the Redevelopment Law as a condemnation area in need of redevelopment; and

WHERAS, the Township Committee hereby request and direct the Montgomery Planning Board to undertake an investigation of certain property situated in the municipality, located at and contiguous to the intersection of State Highway Route 206 and County Route 518, designated as Lots 57, 58, 59, 60.01, 61, 62 and 64 in Block 28005; Lots 46, 46.01, 47, 48, 49 and 50 in Block 29002; Lots 46.01, 56, 77, 78, 79 and 80 in Block 34001; and Lots 1, 2, 3, 4, 5 and 9 in Block 35005 on the Tax Map of Montgomery (the "Study Area"), and produce a report containing its findings as to whether the Study Area meets one or more of the criteria set forth at N.J.S.A. 40A:12A-3 and 5, and make a recommendation to the Montgomery Township Committee as to whether all or a portion of the Study Area should be designated as a condemnation redevelopment area.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery Township Committee, on this $17^{\rm th}$ day of June, 2021, as follows:

1. The preamble to this resolution is hereby incorporated as if fully restated herein.

- 2. The Montgomery Planning Board ("Board") is hereby directed to conduct a preliminary investigation of the Study Area defined hereinabove, consisting of Lots 57, 58, 59, 60.01, 61, 62 and 64 in Block 28005; Lots 46, 46.01, 47, 48, 49 and 50 in Block 29002; Lots 46.01, 56, 77, 78, 79 and 80 in Block 34001; and Lots 1, 2, 3, 4, 5 and 9 in Block 35005 on the Tax Map of Montgomery, in accordance with the requirements set forth in N.J.S.A. 40A:12A-6 of the Redevelopment Law, in order to determine whether the Study Area, or part(s) thereof, meet the requirements for designation as a condemnation redevelopment area, such that the municipality may be authorized to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain.
- 3. The Board is directed to prepare a map of the Study Area showing the boundaries of the proposed redevelopment area and locations of the various existing and/or proposed parcel(s) of property included therein, along with a statement setting forth the basis for the investigation appended to the map; to prepare a report containing the Board's findings; and to hold a duly noticed public hearing for the purpose of presenting the results of its investigation, hearing from all persons who are interested in, or would be affected by, a determination that the Study Area is a redevelopment area, and receiving into the record and considering all objections and evidence in support of such objections to a determination that the Study Area be designated as a condemnation redevelopment area.
- 4. After completing its public hearing on the matter, the Board shall make a recommendation to the Township Committee as to whether all, or any portion thereof, of the Study Area should be designated as a condemnation redevelopment area.
- 5. The Board staff and Municipal Planning/Zoning Departments, and their consultants, are hereby authorized and directed to assist the Board in conducting its investigation of the Study Area.
- 6. This resolution shall take effect immediately.
- 7. The Municipal Clerk shall cause a copy of this resolution to be transmitted forthwith to the Montgomery Planning Board.
- 8. The findings and recommendations of the Board, once completed, shall be submitted to the Township Committee for review and consideration in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

CERTIFICATION

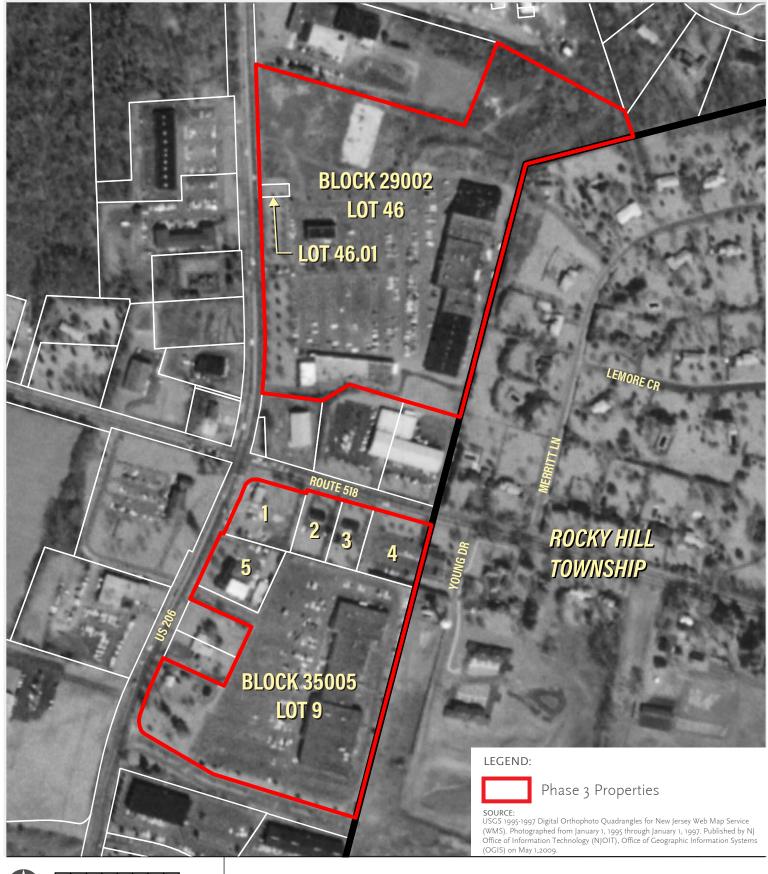
I HEREBY CERTIFY THE ABOVE TO BE A
TRUE COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
MONTGOMERY AT A MEETING HELD

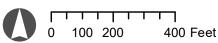
June 17, 2021

Township Clerk

APPENDIX B

State of New Jersey Aerials





GATEWAY REDEVELOPMENT STUDY AREA: PHASE 3

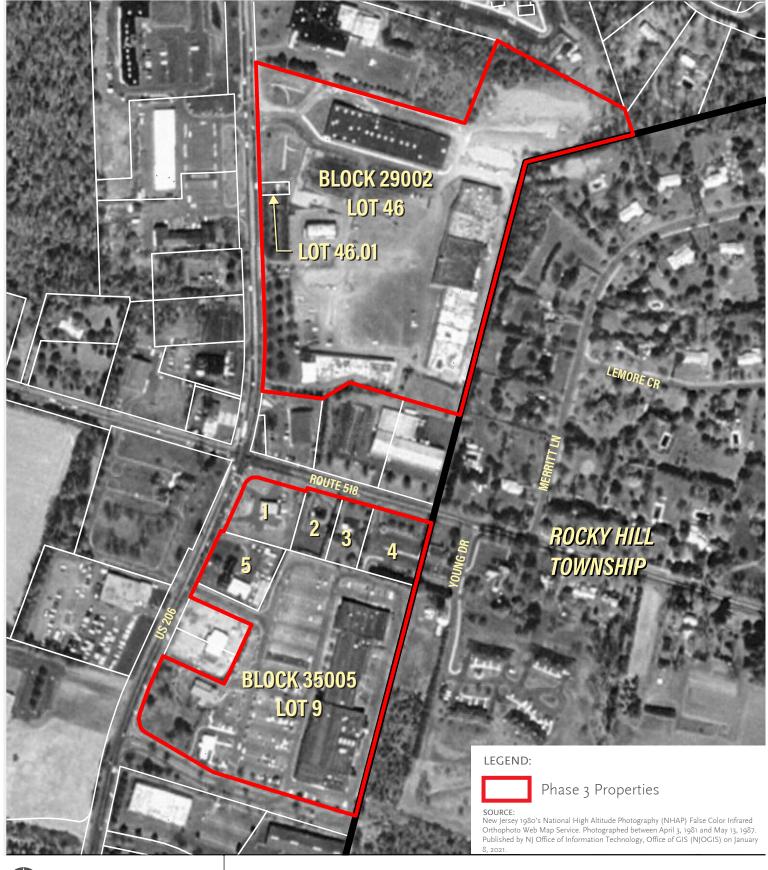
Clarke Caton Hintz

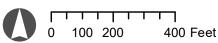
Architecture Planning Landscape Architecture

State of New Jersey 1980 Aerial

LOCATION:
Montgomery Township, Somerset County, New Jersey

June 2022





GATEWAY REDEVELOPMENT STUDY AREA: PHASE 3

Clarke Caton Hintz

Architecture
Planning
Landscape Architecture

State of New Jersey 1995 Aerial

Montgomery Township, Somerset County, New Jersey

June 2022

APPENDIX C

Montgomery Shopping Center Site Photos











Landscape Architecture

Architecture Planning



GATEWAY REDEVELOPMENT STUDY AREA: PHASE 3

Montgomery Shopping Center Site Photos Part 1

Montgomery Township, Somerset County, New Jersey

June 2022











Architecture Planning Landscape Architecture



GATEWAY REDEVELOPMENT STUDY AREA: PHASE 3

Montgomery Shopping Center Site Photos Part 2

Montgomery Township, Somerset County, New Jersey











Architecture
Planning
Landscape Architecture

GATEWAY REDEVELOPMENT STUDY AREA: PHASE 3

Montgomery Shopping Center Site Photos Part 3

LOCATION

Montgomery Township, Somerset County, New Jersey











Architecture Planning Landscape Architecture



GATEWAY REDEVELOPMENT STUDY AREA: PHASE 3

Montgomery Shopping Center Site Photos Part 4

Montgomery Township, Somerset County, New Jersey

APPENDIX D

Pump Station Site Photos





Architecture Planning Landscape Architecture GATEWAY REDEVELOPMENT STUDY AREA: PHASE 3

Pump Station Site Photos

LOCATION:
Montgomery Township, Somerset County, New Jersey

APPENDIX E

Shell Station Site Photos











Architecture Planning Landscape Architecture GATEWAY REDEVELOPMENT STUDY AREA: PHASE 3

Shell Station Site Photos

CATION:

Montgomery Township, Somerset County, New Jersey

June 2022

APPENDIX F

HomeCare Veterinary Clinic Site Photos





Architecture
Planning
Landscape Architecture

GATEWAY REDEVELOPMENT STUDY AREA: PHASE 3

HomeCare Veterinary Clinic Site Photos

CATION:

Montgomery Township, Somerset County, New Jersey

June 2022

APPENDIX G

1019 County Route 518 Site Photos





Architecture Planning Landscape Architecture GATEWAY REDEVELOPMENT STUDY AREA: PHASE 3

1019 County Route 518 Site Photos

LOCATION:
Montgomery Township, Somerset County, New Jersey

APPENDIX H

Bank of America Site Photos











Architecture Planning Landscape Architecture GATEWAY REDEVELOPMENT STUDY AREA: PHASE 3

Bank of America Site Photos

LOCATION:

Montgomery Township, Somerset County, New Jersey

June 2022

APPENDIX I

Nemes Lawnmower Sales & Services Site Photos















Architecture Planning Landscape Architecture GATEWAY REDEVELOPMENT STUDY AREA: PHASE 3

Nemes Lawnmower Sales & Services Site Photos

LOCATION

Montgomery Township, Somerset County, New Jersey

APPENDIX J

Princeton North Shopping Center Site Photos















Architecture Planning Landscape Architecture



GATEWAY REDEVELOPMENT STUDY AREA: PHASE 3

Princeton North Shopping Center Site Photos Part 1

Montgomery Township, Somerset County, New Jersey











Princeton North Princeton Fitness & Wellness Midori Sushi II: Dance Exposure II Princeton Health Food-[Bagel Barn Deli & Grill] Nuvo Beauty Lounge-Hunan Restaurant Alfonso's Pizza Digital Doc YoFresh Yogurt tumbles **Goodyear Tire** - Giovanni's Garment Care The Cucina · Elephant in the Room Design

Clarke Caton Hintz

Architecture
Planning
Landscape Architecture

GATEWAY REDEVELOPMENT STUDY AREA: PHASE 3

Princeton North Shopping Center Site Photos Part 2

LOCATION

Montgomery Township, Somerset County, New Jersey













• • •

Architecture
Planning
Landscape Architecture

GATEWAY REDEVELOPMENT STUDY AREA: PHASE 3

Princeton North Shopping Center Site Photos Part 3

LOCATION

Montgomery Township, Somerset County, New Jersey













Architecture
Planning
Landscape Architecture

GATEWAY REDEVELOPMENT STUDY AREA: PHASE 3

Princeton North Shopping Center Site Photos Part 4

LOCATION

Montgomery Township, Somerset County, New Jersey